



# Section 1 – Recruitment and Selection

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*This section currently under review.*

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# **SECTION ONE INTRODUCTION**

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## **1. INTRODUCTION**

### **1.1 Code of Practice Objectives**

The Recruitment and Selection Code of Practice ensures that there is a consistent and fair approach to managing recruitment and selection across Calderdale Council. The main objective for recruiters is to ensure that the best candidate is chosen for the role based on merit.

This Code of Practice applies to all recruitment and selection within Calderdale Council. Its contents will be reviewed regularly to ensure continued relevance.

It is crucial that everyone concerned with managing the recruitment and selection process should have a clear understanding of Calderdale Council's recruitment and selection policies, as well as the job vacancy, its requirements, and the characteristics of likely job holders in terms of skills, qualifications and experience.

### **1.2 Responsibility**

It is the responsibility of each Head of Service to ensure that the principles and procedures laid down in this Code are properly followed.

Everyone involved at any stage of the recruitment procedure is responsible for following the Code of Practice and complying with the Equality & Diversity Policy. Please refer to **Appendix 1**.

### **1.3 Training**

All members of the Selection Panel involved with the shortlisting process and interviews must have attended the Council's recruitment and selection training course which may be booked on the intranet.

Members of the selection panel who have received training in recruitment and selection procedures within another local authority or public body may ask for exemption. Previous courses attended should be comparable with the Council's training programme and be within three years of the current recruitment process. Representations about exemption can be made to HR.

In the case of Teachers and School Governors, governing bodies are recommended to follow these guidelines as a model of good practice regarding recruitment and selection procedure.

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## **SECTION TWO LEGAL REQUIREMENTS**

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## **2. LEGAL REQUIREMENTS**

### **2.1 The Importance of Equality and Diversity**

Calderdale Council has a wide range of equality obligations and an organisational commitment to ensure that we develop and maintain an inclusive workforce at all levels of the organisation. Calderdale Council believes that by being positive about equal opportunities and promoting this in our recruitment process we can work towards achieving a diverse workforce that reflects and represents the community.

To achieve this goal, employees will be treated fairly and the workplace must be free from discrimination, harassment, intimidation and bullying. Calderdale Council will employ people with the right skills for the work that has to be undertaken. Calderdale Council will utilise all the resources available and choose employees from the widest field of available candidates. All staff involved in recruitment and selection will receive Recruitment & Selection Training which will include training on how to avoid discriminatory actions (Refer to **section 1.3**).

In order to embody these principles in the workplace, employees carry a responsibility to act with integrity, to show respect and be honest with colleagues in relation to work matters. Please refer to the Equality & Diversity Policy 2008 (**Appendix 1**) for more information.

Certain aspects of the law have important implications for recruitment and selection.

### **2.2 Discrimination Legislation**

The following legislation, detailed in **Appendix 2**, must be adhered to when undertaking recruitment on behalf of Calderdale Council.

- Race Relations Act 1976 (As Amended) – makes it unlawful for a person to treat another person less favourably on the grounds of race.
- Sex Discrimination Act 1975 (As Amended) – makes it unlawful to discriminate on the grounds of sex.
- Equal Pay Act 1970 (As amended by Equal Pay (Amendment) Regulations 1983) - provides that men and women must be treated equally in matters of pay and other terms and conditions of employment.
- Disability Discrimination Act 1995 (As Amended) – makes it unlawful to discriminate unjustifiably on the ground of disability.
- Employment Equality (Sexual Orientation) Regulations 2003 – makes it unlawful to discriminate on the grounds of sexual orientation.

- Employment Equality (Religion or Belief) Regulations 2003 – makes it unlawful to discriminate on the grounds of religion or belief.
- Employment Equality (Age) Regulations 2006 – makes it unlawful to discriminate on grounds of age.

In order to meet legislative requirements and promote best practice, Calderdale Council will, therefore, not advertise a job, select, interview candidates or offer employment in a way that discriminates on the grounds of race, colour, ethnic or national origin or because of their religion, political views or membership, gender, sexual orientation, age, marital status, disability, mental health, trade union membership.

### **2.3 Genuine Occupational Requirement (GOR)**

In very limited circumstances, it will be lawful and appropriate for an employer to treat people differently if it is a genuine occupational requirement that the postholder must be of a particular age, gender, race, religion or belief, or sexual orientation. For example, advertising a job as open only to women where the post holder is required to work in a domestic violence refuge for women, is a genuine occupational requirement (refer to **section 4.6** and **Appendix 2**; and HR for further advice and guidance).

### **2.4 Discrimination Complaints**

An employee, or job applicant, who feels that s/he has been discriminated against on the grounds identified in **section 2.2**, in respect of any stage of the recruitment process, may make a complaint against the Council, to the Equality and Human Rights Commission or an Employment Tribunal, depending on the issue. It is therefore essential to keep detailed records of selection decisions, as these records may be required to be presented at the appropriate appeal/hearing (refer to **section 2.11**).

In relation to discrimination complaints, there is no upper limit in respect of compensation awarded.

### **2.5 The Asylum and Immigration Act 1996 (As Amended)**

The Act was introduced to discourage illegal working in the UK. It is an offence to employ an individual without immigration authorisation to work in the UK. Employers are required to check the 'eligibility to work' of all new employees. Refer to **section 7.1, Appendix 20, 20A, 20B** and **20C** for further information.

### **2.6 Recruitment of non EEA nationals**

The UK Border Agency has introduced a new five tier points based system that will cover all existing routes for non European Economic Area (EEA) migrants, wishing to enter the UK to work or study. Each tier has different conditions, entitlements and entry clearance checks. Calderdale Council is a registered sponsor in the Tier 2 category. Further details for managers are attached at **Appendix 21, 21A, 21B** and **21C**.

## **2.7 Employing candidates over 65**

The general policy of Calderdale Council is that all staff shall retire by the age of 65. The Equality Employment (Age) Regulation 2006, provide employees with the right to request to continue working beyond the age of 65, subject to the approval of the Head of Service. If you appoint an applicant over 65 years of age you must set a retirement date.

## **2.8 Safeguarding children, young people and vulnerable adults**

This Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults. Whilst the Council seeks to uphold the principle of equality of opportunity, it is mindful of its responsibility to protect children, young people and vulnerable adults for whom it cares and provides services. Their needs and welfare are the primary consideration. **Appendix 22 and 25** provides further guidance and procedures for the recruitment and selection of staff having substantial access to children, young people and vulnerable adults.

## **2.9 Data Protection**

Calderdale Council is fully committed to its obligations under Data Protection legislation relating to recruitment and selection. All documentation relating to the recruitment to a particular post including job description, Person Specification, advertisement, applications received, planning documents, interview notes and assessment forms, and test results will be kept safely and securely for a period of **six months** from the completion of the selection event. After six months, they will be destroyed, except where they are the subject of a legal challenge or there is a legitimate business reason to retain the information. Relevant information will be transferred to the successful candidate's employment record either to form the basis of the individual's personal file or to be added to an existing one. It is recognised that such records may be needed to justify an appointment decision in the event of a dispute or be requested as part of a subject access request under the Data Protection legislation.

All personnel involved in dealing with any part of the application form, must be aware of the need to treat the information in the strictest of confidence. Application forms and interview proceedings and other selection methods are strictly confidential. Application forms must not be left lying around and must only be read by the shortlisting/interviewing panel. Committee Agendas containing application forms should not be circulated beyond the Employment Panel.

Unauthorised disclosure of any personal information on the application form will be considered a disciplinary matter and could be deemed as gross misconduct.

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# **SECTION THREE PREPARATION AND PLANNING**

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### **3. PREPARATION AND PLANNING**

#### **3.1 Receiving a resignation and conducting the Exit Discussion**

When an employee resigns, it is essential to find out why they are leaving. The reasons may give valuable insight into employees' views about Calderdale Council. Information obtained may be used to review and improve the organisation's policies and practices. All employees who resign from their post must be asked to complete an Exit Questionnaire (**Appendix 3**), including those employees who are staying with the Council but moving to another Service or Directorate. This should be followed up by an exit discussion with the line manager. If there is a reason why it is inappropriate for the line manager to complete the exit discussion, another manager or a representative from HR may deal with the matter.

##### **3.1.1 The Purpose of the Exit Discussion**

- To examine the reasons for the employee leaving and to consider comments or issues which can be pursued constructively in terms of the post or the service, helping to attract new employees and to retain existing talent.
- To secure the employee's goodwill in order to maintain the Council's reputation.

##### **3.1.2 Planning for the Exit Discussion**

- Confirm with the employee that the line manager is the appropriate person to conduct the discussion.
- Let the employee know the purpose of the discussion.
- Check the employee's record to ensure you have all the relevant information that you need.
- Ensure that the meeting is conducted in private with no interruptions.
- Plan your questions.

##### **3.1.3 The Exit Discussion**

It is important to show consideration and empathy when conducting an exit interview. Explore and discuss the following:

- The reason for leaving.
- The management and supervision of the employee.
- Training and development opportunities.
- Working relationships with other members of the team.
- The environment in which the work is carried out.
- The way work is organised.
- Salary and grade.
- What opportunities there are in the new position which are not available in the current job.
- Any other area that the employee feels is important to be discussed.
- Thank the employee for their contribution to Calderdale Council.

### 3.2 Ethnic Monitoring of Leavers

We are obliged to record the ethnicity of leavers and include such information in the biannual employee data which is submitted to HR.

### 3.3 Reviewing the Vacancy

When a vacancy arises, consideration should be given to the structure of the team and remit of the post. The recruitment of a new employee should not be seen as an automatic next step. A job analysis should be completed.

- A discussion should take place between the person responsible for filling the vacancy and the line manager.
- Additional information should be gathered from the supervisor responsible for the post.
- The exit discussion and questionnaire should be reviewed.
- It may also be useful to talk to other staff in similar positions.

A number of questions should be considered:

- Does the vacancy need to be filled?
- Can the job be combined with others or reallocated, therefore making better use of employees?
- Is the current grade still appropriate?
- Is the current designation still appropriate?
- Have the duties and/or responsibilities changed?
- Have working patterns changed?
- Do organisational needs or technology require a different job to be defined?
- Has the relationship with other posts changed?
- Can the job be done part time or job share?
- Does the job have a high turnover? Can anything be done about it?
- Does the job involve working with children, young people or vulnerable adults and require an Enhanced Disclosure? (refer to **section 2.8**, **Appendix 22** and **Appendix 25** for further information).
- Whether to consider using Agency staff, Consultants, Casual or temporary employment (refer to **Appendix 23** and **24** for further guidance).

### 3.4 Reviewing the Job Description and the Person Specification

It is good practice to review the Job Description and Person Specification each time the role is vacated. Consider what may have changed since the last postholder was appointed. All new or revised job descriptions/ person specification should be evaluated by HR to determine the relevant grade. Allow at least 2 weeks prior to the post being advertised.

#### 3.4.1 Job Description

The job description covers the main duties, objectives and responsibilities of the role (see **Appendix 5** for a template).

- It is necessary to agree the Job Description as the first step in any recruitment process, because the duties of the role will dictate the skills, competencies, experience and knowledge that you require of the person.
- It is essential to include duties in the Job Description that reflect the Council's policies on equality, and the safeguarding of children, young people and vulnerable adults, e.g. the individual's responsibility for promoting and safeguarding the welfare of client the group they are responsible for, or come into contact with. Please refer to HR for further advice if required.
- Try not to be too prescriptive in relation to the tasks/duties
- Once the Job Description has been agreed, the Person Specification can then be drawn up.

### **3.4.2 Person Specification**

The person specification covers the attributes and competencies, i.e. the skills, knowledge and qualities that are required to perform the job effectively (see **Appendix 6** for a template).

- Include in the Person Specification the attributes that are required for the job under the following headings: Experience, Qualifications, Practical and Intellectual Skills, Training, Disposition and Circumstances. (Please note if you are specifying a significant number of years experience, this needs to be justified in order to avoid any potential claims under age discrimination).
- It is mandatory to include 'Commitment to Equality'; specific reference to suitability to work with children, young people and vulnerable adults, as an essential criterion on Person Specifications for posts where occupants work with such individuals/groups.
- If the post requires a Disclosure and Barring Service Check - Enhanced Disclosure state that this is an essential requirement.

The Person Specification should also list how the attributes will be identified during the recruitment and selection process i.e. application forms, references, interview, selection tests, proof of qualifications.

### **3.5 A decision to recruit**

Once a vacancy has been identified and a decision to recruit made, a Vacancy Management Form needs to be completed and forwarded to the Recruitment Team who will provide further advice and guidance. This will include checking if there are any suitable candidates via Redeployment or Workwise.

### **3.6 Planning the Recruitment Process**

It is good practice for Managers to establish a timetable of events as soon as the decision to recruit has been made. A timetable not only means that

recruiters can plan their time, but it also means that applicants can be told of the interview date either on the advertisement or in the application pack. An efficient recruitment process where shortlisting and interviews promptly follow the closing date also ensures that the best candidates are not lost through delay or poor handling.

Before starting the recruitment process, the arrangement of the selection panel should be determined and an agreement reached on the closing date for applications, as well as agreed dates for shortlisting and interviews. Closing dates for applications should be at least 2 weeks following the publication of the advert.

### **3.7 The Selection Panel**

The selection panel should be made up of individuals with either a direct responsibility for, or specialist knowledge of the advertised post. Members of the selection panel must have attended the Recruitment and Selection course and be designated as approved interviewers, familiar with the terms of Calderdale Council's Recruitment and Selection Code.

The panel should include a minimum of two people, including the line manager plus wherever possible the next most senior manager, or another manager of the same level and/or a Recruitment Campaign Co-ordinator. In situations where the panel is appointing to a number of posts across different work groups, it is not recommended that a manager from each work group is included on the panel as a large panel could be inhibiting to candidates.

Wherever possible and practicable, a mix of people by age, race, gender and disability should be included on the selection panel to add value to the process. Advice should be sought from HR if there are any uncertainties.

### **3.8 The Application Pack**

The information given to candidates is critical in attracting good quality applications. Application Packs should be planned and prepared prior to advertisements being placed, so that an immediate response may be provided to interested parties.

It should be made clear in the Application Pack that applications will only be considered using the Council's Application Form. CVs will not be considered. Special adjustments, however, can be made for disabled people to submit applications in an alternative format. There should be a note in the Application Pack to indicate that disabled candidates who desire to submit applications in a different format should make contact with the Council, and give contact details accordingly.

Application Packs should contain the following:

- Letter to applicants.
- Application Form. **(Appendix 7)**
- The Job Description. **(Appendix 5)**
- The Person Specification **(Appendix 6)**
- Guidance Notes for Applicants **(Appendix 8)**

- DBS Code of practice (**Appendix 4B**) which is incorporated in Guidance Notes (**Appendix 8**)
- Policy Statement on the recruitment of ex-offenders (**Appendix 4C**) which is incorporated in Guidance Notes (**Appendix 8**)
- Information about the Directorate and Service, if applicable
- If known, dates for shortlisting, interviews and any other selection events
- Any additional job specific information that will help applicants understand the range of duties.
- If the post is politically restricted enclose letter (**Appendix 8A**)

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## **SECTION FOUR ATTRACTING THE CANDIDATE**

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## 4. ATTRACTING THE CANDIDATE

### 4.1 Advertising and Media Selection

Prior to advertising the vacancy, contact the Recruitment Team who will check if there are any suitable candidates via Redeployment or Workwise.

The aim of recruitment advertising is to attract the optimum number of appropriately qualified, experienced and skilled candidates who are able to carry out the advertised job. A selection process will not be effective if, ultimately, the selection decision is between poor candidates.

The most appropriate form of attracting suitable candidates should be agreed, e.g. local or national press or professional publications etc.

- All vacancies must be advertised both internally and externally at the same time.
- All vacancies must be placed externally with Tribal via HR and will also be included on the internal Job Sheet for circulation to all Services/Directorates.
- **All** advertisements must be processed through Tribal, and should include a completed Media Request Form (**Appendix 10**). All vacancies must have a closing date of at least two weeks.
- Services/Directorates must not advertise their own vacancies (unless complying with approved ring fencing procedures) with the exception of teaching positions which maybe advertised in the School Bulletin as appropriate.
- An officer within each Service/Directorates should be identified as being responsible for ensuring that the Job Sheet is distributed promptly and circulated as widely as possible.

### 4.2 Advertisement Copy Writing

It is important to ensure that the headline draws the reader's attention. Care and thought needs to be given to the preparation of advertisements – they should convey information, but be 'readable' and not too lengthy or wordy. A well-written and targeted advert will help to reduce the number of applicants to those who genuinely have the skills required. Avoid the use of jargon or shorthand.

The tone and language should be appealing to the target applicant group. It should convey the values and ethos of Calderdale Council, in order to persuade potential applicants that Calderdale Council is an organisation they want to work for, even if they do not currently possess the skills to apply on this occasion or for other particular vacancies advertised. Recruitment advertisements are a great public relations opportunity.

Advice on the cost, layout and content of advertisements can be obtained from the Recruitment Team.

### 4.3 Advertisement Content

The advertisement should state key details about the post i.e. the location of the job, the salary, contract type, hours of work and any benefits, so that prospective applicants can make an informed decision regarding their suitability for the vacancy advertised.

An introductory paragraph should give some informative and factual information on the successes and reputation of Calderdale Council.

The advertisement should highlight the main duties and responsibilities of the role and include the qualifications and specific skills, attributes and competencies that the postholder requires (as determined in the person specification). Ensure that there is some differentiation between what is desirable and what is essential.

The advertisement must contain details on how an application pack may be obtained, (online, by email, telephone enquiry or in writing) and must specify the closing date by which applications must be received.

Consideration should be given as to whether or not to include a name and telephone number of an informal contact and, wherever possible, the dates for interviews and selection test(s) should be provided in advance.

If the post is a DBS checkable post, include the following sentence in the advert: ***The successful applicant to the post will be subject to a Disclosure and Barring Service Check (Disclosure) for the Disclosure and Barring Service before the appointment is made.***

Also, if the post is politically restricted, then the following sentence should be included in the advert: ***This is a politically restricted post under the terms of the Local Government and Housing Act 1989.***

Place the following statement at the end of the advert (in relation to posts working with children, young people and vulnerable adults: ***This Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults.***

NOTE: The above statement is in accordance with advice from DCFS.

### 4.4 Non-Discriminative Advertising

- Avoid biased language that discourages certain groups from applying for the job.
- Always place advertisements in publications that are likely to reach as many sections of the community as possible.
- Never present men and women in stereotyped roles.

Contact HR for further advice.

## 4.5 Positive Action

When recruiting, equality legislation allows you, in limited circumstances, to take Positive Action to tackle the marked levels of under representation of women/disabled people/ethnic minorities in particular occupations or professions.

It does not allow you to positively discriminate i.e. to recruit or promote people on the basis of, for example, their gender or race. It is important that no favouritism is shown or help given during the actual recruitment or promotion process. Any assistance must stop as soon as a vacancy is advertised and it is up to each individual to apply for the job on their own merit.

## 4.6 Genuine Occupational Requirements (GOR)

A genuine occupational requirement is an exclusion placed on an advertisement which limits applications to a specific group, e.g.

Applications may be limited to a particular sex on the grounds of decency or privacy, e.g. Female Toilet Attendant.

Or

Applications may be limited to a particular racial group where the job involves providing persons of a racial group with personal services promoting their welfare, e.g. Asian Social Worker.

Refer to **section 2.3** and **Appendix 2** for further information.

## 4.7 Receiving Applications

It should be noted that the Council requires an Application Form (**Appendix 7**) to be completed by each candidate. CVs will not be accepted as an application unless supported by a completed Application Form. Special adjustments, however, can be made for disabled people to submit applications in a different format.

It is important to deal with Application Forms which are received on a confidential basis. The officer receiving the Application Forms must not be involved with the interview process for that particular vacancy.

### 4.7.1 Administering Application Forms

The Equal Opportunities Monitoring Form should be separated from the Application Form as soon as possible after it is received. This will be retained for analysis, which will take place at the earliest opportunity after the closing date has passed.

### 4.7.2 Late Applications

Late applications received after the closing date are not normally accepted; However, there are certain circumstances where late applications may be accepted at the discretion of the Head of Service, for example, if there is a valid reason, or a shortage of applications has been received.

#### **4.8 Keeping Applicants Informed**

The period of time that an applicant will have to wait before knowing whether their application has been successful should be made clear; such timescales should be sent in the Application Pack.

For example, the following statement may be included in the Application Pack: “Unless applicants are contacted within four weeks of the closing date, they should consider their application unsuccessful on this occasion. In this event, may I take this opportunity of thanking you for your application”

Services/Directorates should choose a suitable time span in which to look at all the applications. Dealing with application forms promptly within the given time is of the utmost importance. (Ideally, this should be done as soon as possible and usually within four weeks.) Where possible, try to specify the interview date and include this with the information that is sent to candidates in the Application Pack.

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## **SECTION FIVE SHORTLISTING**

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## 5. SHORTLISTING

### 5.1 How to Shortlist

Shortlisting should be carried out as soon as possible after the closing date, using Part 3 of the application form, and should require the involvement of all recruiters who are to make up the interview panel. The panel should ensure the following:

- Every Application Form must be read and assessed against the essential criteria in the Person Specification and the decision recorded on the Shortlisting Matrix (**Appendix 11**). The selection criteria must be applied consistently to all applicants and on no account must any assumptions be made about the candidates' abilities.
- Ideally, all those candidates who meet the essential criteria for the job should be interviewed. However, if there are too many applicants meeting the essential criteria for the job, then the desirable criteria detailed on the Person Specification should be utilised to reduce the pool to a manageable number. In this situation, those candidates who meet the essential and highest number of desirable criteria should be shortlisted. This information should be recorded on **Appendix 11**, confirming whether candidates are to be shortlisted and if not, the reason why they have been rejected.
- All panel members should fill in a form to record their shortlisting recommendation individually on the Shortlisting Matrix (**Appendix 11**) and then discuss their results, challenging assumptions and discrepancies. The collective decision reached must be recorded on a Shortlisting Matrix.

### 5.2 Shortlisting Candidates with Disabilities

All applicants who consider themselves disabled who meet the essential criteria for the job will be shortlisted.

The fact that the workplace in question may currently be inaccessible to disabled people does not mean that Calderdale Council can discriminate against people with a disability. Calderdale Council has a duty to consider making any reasonable adjustments to accommodate a disabled applicant and this includes making special arrangements at interview. Contact HR for further advice where necessary.

### 5.3 Informing Shortlisted Candidates

At least five working days' notice of the interview or selection event should be provided to shortlisted candidates, where possible.

The letter to the candidate should include the following:

- The date and time of the interview/selection event and the approximate period of time that the candidate will be required.
- An explanation of the selection process. Please refer to **Appendix 22** for details of the selection process for shortlisted candidates in respect of posts that have substantial access to children and vulnerable adults.

- The names and job titles of the selection panel.
- The selection methods that will be used, such as interview, tests, presentations and any other information that will be required.
- Details of documentation required under the Asylum & Immigration Act 1996 (as amended). Please refer to **Appendix 20**.
- Details of how to claim interview expenses.
- Verification of original documents confirming any educational, vocational or professional qualifications that are necessary for the post (a copy must be retained)

Calderdale Council's Application Form asks applicants to state whether they consider they have a disability. It gives space for them to give details of any assistance that may be required to ensure a fair selection interview. For applicants who need assistance at the interview, any arrangements agreed should be included in the letter inviting the applicant to a selection event.

Some applicants may choose not to complete the section on the Application Form requesting information about reasonable adjustments for interview, so it is worth stating the following in all letters inviting applicants to a selection event:

***“Calderdale Council is committed to equality in employment. If you feel that you would be unfairly disadvantaged by any aspect of the selection process, or if there are any special reasonable adjustments that you will require at the interview, please let us know, so that we may make any appropriate arrangements.”***

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**SECTION SIX  
SELECTION**

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## **6. SELECTION**

### **6.1 Objectives of the Process**

It is good practice to use a mixture of selection methods (if appropriate for the level of post advertised) in order to make a fair and valid assessment of candidates and to ensure that you have as many tools as possible with which to assess applicants suitability.

### **6.2 Role of the Chair of the Selection Panel**

The role of the Chair of the Selection Panel is to co-ordinate the selection process and to ensure that the interview is conducted fairly and is free of unlawful discrimination. The role involves:

- Making the necessary introductions to candidates at interview and explaining the process.
- Ensuring that the candidate feels sufficiently at ease to be able to communicate effectively during the course of the interview.
- Making sure that the interview panel has probed sufficiently to enable a valid suitability assessment to be made regarding the candidate's ability to do the job.
- Bringing the interview to a close and telling the candidate what happens next.
- Co-ordinating the Selection Panel's assessment of shortlisted candidates.

### **6.3 Selection Methods**

The following list shows the different methods that may be used as part of the selection process:

- Application Form
- Interview
- References
- Practical Exercises
- Presentations
- Group Exercises
- Aptitude Tests
- Assessment Centres

Please seek further advice and guidance from the Recruitment Team.

### **6.4 The Interview**

The purpose of the selection interview is to collect relevant data from which future job performance may be accurately predicted and to supply the candidate with enough information to make their decision about the role. The interview should be a two way process, with a view to both parties assessing the fit of the candidate to the Council, and analysing the appropriateness of technical and behavioural skills.

### 6.4.1 Impact of Poor Interviewing

When the interview is relied upon as the main source of information gathering about applicants and the interview is ineffectively conducted, poor selection decisions can be made which potentially result in:

- high labour turnover
- high selection and training costs
- the provision of a less satisfactory service to the organisation
- lower morale among the existing workforce
- the portrayal of a poor image of Calderdale Council as an employer
- a general lowering of an organisation's effectiveness

### 6.4.2 Successful Interviews

To ensure interviews are a success, the following points should be noted:

- Interviews/selection process should only be conducted by trained individuals.
- Interviews should have a structure and follow a previously agreed set of questions which mirror the Person Specification (**Appendix 6**) to establish if candidates meet the essential attributes.
- In order to ensure uniformity and fairness, the format of the interview should be the same for each candidate. This does not mean that absolutely identical questions have to be asked of each candidate; however, the interviewer should ensure that the questions do not include any discriminatory aspects.
- A question that tests the candidate's awareness of equality issues should be posed in order to establish the candidate's commitment to equality. (This must be part of the essential criteria on all Person Specifications).
- It is inevitable that different candidates may be asked different supplementary questions whilst probing responses to the initial questions or clarifying information provided/not provided on the Application Form.

Interviews should also be:

- Two-way and allow candidates the opportunity to ask questions – the candidate should ideally speak for approximately 70% of the interview.
- Flexible with regard to timings but be aware that interviews also need to be managed.
- Free from interruptions and the layout of the room should be designed to make the candidate feel at ease. Any breaks should be timed and recorded.
- Objective, fair, consistent and valid.
- Focused on the candidate's ability to do the job, the ability to make a contribution to the organisation's effectiveness and the potential for development.



Recording information and note taking: **Appendix 11A**, refer to **section 6.7.4**

### **6.4.3 Committee Interviews**

#### **Director/Head of Service Appointments**

Elected Members (Employment Committee) are involved in the arrangements for recruiting for the Chief Executive, Deputy Chief Executive, Directors and Heads of Service. The Council has agreed that the recruitment process for these posts should include some specific requirements. These are detailed as follows:

- The Committee should have the benefit of assessment provided by an outside professional in the appropriate field.
- Traditional interviews will be complemented by the use of written tests, a group exercise and an opportunity to demonstrate presentation skills.
- Candidates will be notified, in advance of the nature of these tests.
- Written references for all candidates will be taken up before the interview.
- When considering selecting recruitment consultants the flowchart detailed in **Appendix 12** must be followed.

#### **Interviews for Headteachers, Deputy Headteachers and for other teaching/lecturing posts**

These should be conducted in accordance with the School's Personnel Guidelines.

### **6.4.4 Two-Phase Interviews**

Two-Phase interviews are particularly useful for very technical posts especially in the case of Committee interviews. For example, management can conduct the first interview dealing totally with the technical aspects of the post and Members can then conduct the second interview dealing with other aspects of the post.

## **6.5 References**

### **6.5.1 The Purpose of a Reference**

The purpose of a reference is to acquire factual information (including attendance levels) about a candidate in order to validate their employment record. The provisions of the Data Protection Act apply to references.

### 6.5.2 When asking for a Reference you should:

- Use the standard letter (**Appendix 14A**) and enclose copies of the Job Description and Person Specification, the Reference Pro-forma (**Appendix 14B** for personal referees or **Appendix 14C** for professional referees and any other relevant information relating to the vacancy. It is good practice to set a deadline for the reply.
- It is important that any reference request is marked 'private and confidential' for the attention of the named referee.
- Ask the referee to complete and return the standard form, (**Appendix 14B or Appendix 14C**).
- Ensure present or most recent employer is contacted.

### 6.5.3 Taking up References

- Two references **must** always be taken up for all shortlisted candidates, including internal applicants, **prior** to interview. (Only referees named on the application form should be contacted).
- However, if candidates express a preference on the application form for references **not** to be taken up until after the interview, this should be respected. Any offer of subsequent employment will be conditional upon the receipt of satisfactory references and permission should be sought at interview to take up references.
- The option of requesting that references not be sought until after the interview is not available to candidates applying for posts with substantial access to children, young people or vulnerable adults. The Council reserves the right to approach any previous employer for a reference. This point should be re-emphasised in the application pack sent to candidates (refer to **Appendix 22**).
- Schedule the interviews with a view to allowing receipt of references beforehand.
- References will be reviewed by panel members prior to the interview and any issues arising will be explored during the interview.
- References are strictly confidential and any questioning of candidates arising from information acquired through references should be carried out discreetly.
- Internal references should provide the prospective employing Service with the applicant's disciplinary record - to be considered for recruitment not disciplinary purposes.

### 6.5.4 Telephone References

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. (This is particularly important in relation to posts that involve working with children, young people and vulnerable adults). If all questions have not been answered adequately or the reference is unspecific, the referee should be telephoned and asked to provide written answers or further information as appropriate. A Telephone Reference Pro Forma (**Appendix 15**) is provided for this purpose.

When seeking a telephone reference, it must be appreciated that the referee may be limited in the amount of information they are prepared to give, because of recent legal judgements. Always ensure that:

- Contact is made with the appropriate person in the organisation;
- Only factual questions are asked;
- The value of the information obtained is evaluated.

## 6.6 Interview Preparation

The following tasks should be actioned prior to an interview taking place:

- Book the interview room.
- Ensure that there are reception and waiting facilities available.
- Book refreshments where appropriate.
- Ensure that expense claim forms are available.
- If required, make sure someone is available to show the candidate around the workplace. (This should not be a panel member).
- Confirm the availability of the test administrator if applicable.
- Ensure that reasonable adjustments have been made if the candidate requires them.
- Ensure there are no interruptions.
- Keep to time (allow for breaks etc).
- The following should be available for the Selection Panel:
  - Job Description (**Appendix 5**)
  - Person Specification (**Appendix 6**)
  - The other contents of the Application Pack
  - Job advertisement
  - Completed shortlisted candidate Application Forms, parts 1 and 3 (**Appendix 7**)
  - Blank Interview Notes and Assessment Forms (**Appendix 11A**)
  - References

### 6.6.1 Preparing Questions for Interview

The interview provides an opportunity to assess the candidate against the criteria on the Person Specification. Questions should be prepared which will ascertain information to assist such assessment.

You might also wish to explore in more depth information which has been given on the application form. We are only permitted to ask about health issues in very limited and specific circumstances, and questions should not be asked about the candidate's health unless it is to establish that the applicant will be able to carry out a function that is an essential or intrinsic part of the job role.

A Declaration of Health Form (refer to **section 7.2** and **Appendix 13**) must be sent to successful applicants where there is a need to ask questions regarding a person's health which is directly relevant to an essential part of the job.

Other areas that may be addressed/questioned at the interview:

- Obvious gaps in employment/reasons for history of repeated changes of employment without any clear career or salary progression.
- Information acquired from references
- Any areas highlighted from tests or exercises undertaken.
- Ask if any previous convictions (make a note of answer given)

The Selection Panel now needs to decide the following:

- The questions which will be used to explore and probe the candidate.
- The panel's agenda for conducting the interview.
- The role of the individual panel members.

The type of questions that should be avoided at interview includes the following:

- Any questions about a person's health other than limited questions based on issues intrinsic to the post.
- Any questions which refer to a person's personal circumstances which are not relevant to the employment e.g. marital status, childcare arrangements, sexual orientation or health (unless a question on health relates to an individual's ability to carry out a function which is an essential part of the job). However, appointments with substantial involvement with children, young people or vulnerable adults require a different approach due to their nature. Please refer to **Appendix 22** for advice on how to undertake recruitment and selection in respect of such positions.
- Any questions or reference to a person's colour, religion, political belief or ethnic origin. (Except where religion may be mentioned for teaching posts in schools where a particular and valid requirement of the post is to be of a particular religious persuasion.)

If a candidate volunteers any of the above, it must be disregarded in assessing their suitability for the post.

Advice regarding interview questions can be found in Questioning Techniques (**Appendix 14**).

## **6.7 Structure of the Interview**

### **6.7.1 Establish a Rapport**

At the beginning of the interview, establish a rapport with the candidate in order:

- To establish a starting point for selection decision making.
- To create mutual interest between applicant and interviewer.

Rapport should be created through the following means:

- Start the interview promptly.
- Welcome the applicant by name.
- Introduce everyone on the panel.
- Explain the purpose and what will happen during the interview.
- Give the applicant a chance to relax.
- Open the conversation gently.
- Start by asking the candidate about recent experience.

### 6.7.2 Giving and Receiving Information

Use the interview to obtain information about the candidate as follows:

- Use the agreed questions.
- Record information on the Interview Notes and Assessment Form (**Appendix 11A**)
- Use the Application Form as appropriate.
- Clarify any inconsistencies or concerns (for example that may have arisen out of the references).
- Probe and do not be afraid to pursue a point.
- Listen.

Use the interview to provide information to the candidate about the job and clarify any points raised by the candidate.

### 6.7.3 Summarise and Close

At the end of the interview:

- Summarise the main points discussed in the interview.
- Provide further details about the role, team, and structure.
- Ask whether the candidate has any further questions about the job or the organisation.
- Ask the candidate whether there are any issues concerning them that have not been referred to, but which might influence their interest in the job.
- Ask the candidate how they feel about the position following the interview discussions.
- Thank the candidate for attending the interview.
- Let the candidate know of the next steps after the interview, including when a decision will be reached and how they will be notified about whether they have been successful.

### 6.7.4 Note Taking

It is important that all interviewers keep brief, but adequate notes to ensure that a properly reasoned judgement can be made as to whether a candidate meets the requirements of the Person Specification. This should also enable a fair comparison to be made between candidates at the end of the interview process.

Candidates should be informed that notes are being taken and that they may take notes if they wish.

The notes should be made on the appropriate Interview Notes and Assessment Form (**Appendix 11A**) which must be kept for a period of six months following the interview. Nothing should be written about the candidate that you would not wish them to see. It is best to record facts and evidence gathered only, rather than any subjective opinion. Notes should be both relevant and accurate.

## 6.8 Interviewing Candidates with Disabilities

When interviewing candidates with disabilities, each candidate should be assessed against the Person Specification in the same way as any other candidate. It is important not to make assumptions about an individual's ability to perform certain tasks. People with disabilities often develop new solutions to everyday tasks, with or without technical aids or personal support.

Information should be gathered in seeking to decide what, and whether practical/reasonable adjustments can be made to the work environment, e.g. work type, work amount, working conditions, work location etc., or whether the candidate will be able to carry out a function that is an essential part of the job.

## 6.9 The Selection Decision

- Panel members should not discuss individual interviewees' performance until the end of all the interviews.
- Panel members will have been making notes on the Interview Notes and Assessment Form in respect of each candidate during the course of the interviews. After all of the selection events including the interview have been completed, each panel member must finalise the Interview Notes and Assessment Form (**Appendix 11A**) for each candidate without discussing their views with others. Each candidate must be assessed against the criteria on the Person Specification.
- The selection criteria must be applied consistently to all candidates and all applicants should be assessed on the same basis to ensure that objective comparisons are made.
- The panel should then discuss their individual views and seek to reach a collective decision which should be recorded on an Interview Notes and Assessment Form (**Appendix 11A**). The chair of the panel's decision is final in terms of choosing a candidate for appointment.
- The selection decision must not be made until all events have been completed and all information has been considered. Results from any selection tests should be taken into account when assessing the candidates.

### 6.9.1 Assessing Candidates with a Disability

Candidates with a disability will be automatically short-listed for posts providing they meet the essential criteria, however, it should be remembered that it is Council policy to ensure that the best candidate is selected. The following circumstances may need to be considered:

- The disabled applicant has been found to be unsuitable because the **\*essential\*** ability, skills or experience, as set out in the Person Specification, were not demonstrated at interview and/or not supported by references;

- Another candidate has better or more suitable skills;
- The disabled candidate is the most appropriate candidate, however, reasonable adjustments may not be possible (for example, due to excessive cost). However, reasonable and practical adjustments must be considered before any final judgement is reached. Please refer to HR for further advice in respect of reasonable adjustments.

### **6.9.2 Possible Difficulties**

- If the panel is unable to reach a decision:
  - As a first step, continue to discuss the reasons and seek to make a decision (maybe have a break – to re-read the paperwork etc).
  - Challenge each other and ask for evidence of reasons.
  - Rank the suitable candidates against the requirements of the Person Specification.
- In the event that there is no suitable candidate, another advertisement may be necessary. Before re-advertising, consider the remit of the role, the state of the job market, the appropriateness of the Person Specification and the effectiveness of the previous advertisement.

### **6.10 Retaining Shortlisting and Selection Documentation**

Once the panel has made a decision, the Chair must record the reasons for non-selection of each unsuccessful applicant on the candidate's original application form, using the codes listed on the Shortlisting Matrix (**Appendix 11**).

All shortlisting and selection documentation relating to each candidate must be retained for a period of six months after the date of the interview. In the event of any complaint to an Employment Tribunal concerning a failure to shortlist or appoint a particular candidate, this documentation will be required as evidence to show that the recruitment process was fairly conducted.

On appointment, the successful candidate's Application Form and associated selection information should be transferred to the new employee's personnel file.

### **6.11 Notifying Unsuccessful Candidates**

Unsuccessful candidates should be informed verbally of the decision, thanking them for their interest. Confirmation of the decision, in writing should be sent within one week of the selection event, unless it was stated in the advertisement or Application Pack that only successful applicants would receive replies after the date for shortlisting.

It is vital that any information given to unsuccessful candidates should be given sensitively and carefully – the opportunity for feedback should be offered (the Council, as well as the candidate, can benefit from this). It is important that any feedback provided to unsuccessful candidate is recorded. Refer to **sections 7.7.1 and 7.7.2**.

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## **SECTION SEVEN MAKING THE APPOINTMENT**

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## 7. MAKING THE APPOINTMENT

### 7.1 Job Offer

Once a successful candidate has been identified, a verbal conditional offer of employment can be made (subject to satisfactory pre-employment checks – if still outstanding). This offer is one of the first elements of the contract of employment and usually involves a telephone call with the successful candidate to discuss the following:

- Starting salary
- Date of commencement of employment – refer to **section 7.1.2**
- Date of pre-start visit (if any)
- Relocation issues
- Details of any paperwork that will be sent to the successful candidate prior to their starting work.
- Criminal Record Check (if appropriate) – refer to **section 7.3**
- Documentation necessary to verify and confirm the successful candidate's eligibility to work in the UK – refer to **Appendix 20**  
(Note: documentation should have been verified at the interview)
- Any other outstanding paperwork e.g. proof of qualification certificates.

Where the position is subject to an Enhanced Disclosure (Disclosure and Barring Service Check) the position should be offered to the successful candidate **subject** to a satisfactory criminal record check (Disclosure) from the Disclosure and Barring Service.

**Please note: no appointments are to be confirmed until a satisfactory criminal record check is received.**

#### 7.1.2 Confirming the Appointment

Individuals must not start until all relevant documentation, including satisfactory references, Disclosure and Barring Service Checks for designated posts (**See Appendix 25**), and **\*Health Declaration Forms\*** (**See Appendix 13**), have been received and checked. An offer letter should be sent to the successful candidate offering the job subject to satisfactory pre-employment checks. Please see **Appendix 16A** which contains a standard offer letter that should be used as a template.

If there are any issues arising from the information received then these should be taken up with the candidate prior to the offer being formalised, and fully documented.

Once all checks have been satisfactorily completed then the appointment can be confirmed.

### 7.2 Health Screening

Following the offer of employment and the candidate's acceptance of the post, all successful applicants must complete a **\*Declaration of Health\*** form (**See Appendix 13**). Any concerns on receipt of the **\*Declaration of Health\*** form should be referred to the Workforce Health Team for consideration/advice and

a decision taken by management as appropriate regarding the candidate's appointment and/or reasonable and practical adjustments to the job or work environment etc. Please refer to HR for further advice and guidance.

### **7.3 Receipt of Disclosure and Barring Service (DBS) Disclosures**

Refer to Appendix 25.

#### **7.3.1 Assessing the relevance of Criminal Records in relation to positions within the Council**

Refer to Appendix 25.

#### **7.3.2 Re-Checking Employees**

Refer to Appendix 25.

#### **7.3.3 Security of Disclosure Information**

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, Calderdale Council complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

The Calderdale Council Policy on the Correct Handling and Safekeeping Disclosure Information is attached (**Appendix 4D**).

If at any stage of the recruitment process an applicant requests a copy of the Policy on the Correct Handling and Safekeeping of Disclosure Information, Directorates should ensure that a copy is supplied. (**Appendix 4D**).

Organisations registered with the DBS are required to ensure that information regarding offences is kept confidential and on a need-to-know basis – information regarding offences should be kept securely in lockable filing cabinets. Access to keys should be restricted to individuals responsible for recruitment and personnel. Disclosures should be destroyed effectively, not later than the period specified in the 'Code of Practice' – please refer to **Appendix 4B**. The name of the individual, the date, type and reference number of the Disclosure and the position applied for should be kept as a record of the recruitment decision taken and should be kept as confidential, secure information.

### **7.4 Formalising the Appointment**

HR are responsible for issuing the successful candidate with a standard letter of appointment. See **Appendix 16B**.

The letter will include a copy of the Code of Conduct and an acceptance slip, to be signed and dated by the candidate which states:

#### **Code of Conduct**

"I have read, understand and agree to observe the Council's Code of Conduct."

## **Terms and Conditions**

“I have read and agree to the terms and conditions of the post outlined.”

All employees must receive a written statement of employment particulars provided their employment lasts one month or more, within two months of their start date.

## **7.5 Continuous Local Government Service**

In the event that a successful candidate is currently in a local government position or associated service, where the employment service may count as continuous service, for the calculation of entitlements, please refer to **Appendix 19A** and **19B** and consult HR for further information.

## **7.6 Recording and Monitoring all Selection Decisions**

Once a decision has been made, the Recruitment Analysis and Monitoring Form (**Appendix 17A**) should be completed and retained by the Service. Guidance notes/codes for completion are available in **Appendix 17B**.

In order to comply with the monitoring requirements of the Race Relations (Amendment) Act 2000, a copy of the Recruitment Analysis and Monitoring Form should be forwarded to HR as requested.

## **7.7 Giving Feedback**

Increasingly, interview candidates have an expectation that feedback will be provided about their performance and decisions made by the Selection Panel. In addition to their entitlement under the Code of Practice, Data Protection legislation also states that an individual may make a “subject access request” for information held by Calderdale Council in relation to them. Copies of information held for the recruitment and selection process will have to be disclosed to the individual within 40 days of receiving the request. It is very important, therefore, to ensure that all paperwork is completed on time.

### **7.7.1 Who should give the information?**

Enquiries about interview feedback should be directed to the Chair of the Selection Panel.

### **7.7.2 What information should be given?**

It is good practice to give successful candidates feedback and to make available, if requested, the option for unsuccessful candidates. If the Code of Practice has been followed then giving feedback should be straightforward. The Chair of the Selection Panel should be able to give correct and fair answers based on the evidence gathered during the selection process.

The following general principles should be taken into account:

- Remember the equal opportunities legislation – focus the feedback on the requirements of the job - unlawful discriminative considerations are just that, unlawful, and should form no part of the selection process.
- When providing verbal feedback, encourage the individual to speak first. Ask them how they found the interview, and what they felt went well.
- Explore how they felt the interview could have been better.
- Ask them what they want to achieve from the feedback.
- Be prepared for the candidate to hold a different point of view, once you have provided the feedback.
- Be prepared to give examples.
- Give positive feedback as well as constructive criticism, but do not oversell the positives as unsuccessful individuals may wonder why you did not appoint them.
- Be honest.
- Do not go into too much detail – offer no more than 4 points with examples. Refer to your interview notes and make a note of the date and time you spoke to the individual in case the selection decision is challenged.
- If a candidate wants a written reply then this should be given.
- Be prepared to accept constructive criticism from the unsuccessful candidate they may have a point; what you are told may help you in future recruitment and selection processes.

## **7.8 Complaints Process**

Any candidate who questions the manner in which their application is received and/or the way an interview, or the selection process, is conducted should be invited to submit a written complaint direct to the Corporate Lead for HR, 3<sup>rd</sup> Floor, Westgate House, Westgate, Halifax, HX1 1PS. In this event, the Corporate Lead for HR will arrange for the circumstances to be investigated.

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# **SECTION EIGHT THE NEW RECRUIT**

**(Under Review)**

**(Refer to Appendix 18 (Probationary Periods) in this section)**



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**8. THE NEW RECRUIT (under review)**

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## **SECTION NINE APPENDICES**

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Everyone different, everyone matters

## Equality and Diversity Policy 2008

### 1. Introduction

- 1.1 The Council's Equality and Diversity Policy provides a clear commitment to equality of opportunity and explains how this will be achieved. It is a statement of the Council's ambition to make sure that Calderdale is a place where we value everyone being different and through our actions we demonstrate that everyone matters. We also want all members of Calderdale's communities to have fair and equal access to Council services and employment opportunities, and receive equal treatment in the way the Council carries out its law enforcement and regulatory functions.
- 1.2 The policy provides:
  - 1.2.1 a general policy statement explaining the Council's commitment to promoting equality of opportunity, preventing discrimination and ensuring equal access;
  - 1.2.2 the Council's ambition for equality and the principles underpinning this ambition;
  - 1.2.3 a description of the Council's objectives for equality and diversity; and
  - 1.2.4 an explanation of how the Equality and Diversity Policy will be implemented, monitored and reviewed.

### 2 Calderdale Council's commitment to equality

- 2.1 Calderdale Council fully endorses the moral, business and legal cases for addressing equality and diversity issues. We are committed to meeting all equality legislation and related codes of practice.
- 2.2 The Council is firmly committed to a policy that recognises the rights of all individuals to equality of opportunity, equality of access, and freedom from discrimination. We believe that these are fundamental rights and understand that as a major employer and service provider in the area, we have a duty to lead on and promote these rights across the Borough.
- 2.3 We believe that the Council's ambition 'to make sure that Calderdale is a place where we value everyone being different and through our actions we demonstrate that everyone matters' can only be realised if it includes all of Calderdale's citizens.

- 2.4 The Council will promote equality and seek to prevent discrimination through its role as:
- community leader;
  - service provider; and
  - employer.
- 2.5 The Council will not tolerate any form of behaviour that discriminates against individuals on the basis of their age, disability, nationality, ethnic or national origin, colour, race, religion or belief, gender, gender identity, sexual orientation, class, marital status or any other unjustifiable grounds.
- 2.6 The Council is committed to providing services that meet the diverse needs of Calderdale's citizens. We will deliver these in a way that is free from prejudice, stereotyping, harassment or any other form of discrimination.
- 2.7 The Council will seek to recruit and retain a workforce that reflects the diversity of our communities. We will also ensure that all staff have equal opportunities for development and a safe and accessible working environment in which the identity and culture of every individual is valued and respected.
- 2.8 We will provide information and support to elected members, staff, and citizens of Calderdale, partners, contractors and other stakeholders about our commitment to equality and diversity and how this will be put into practice.
- 2.9 The Council recognises that 'equal opportunities' does not mean treating everybody the same. Therefore, delivering equal opportunities may involve different treatment or adjustments for some individuals or groups of people to ensure that they have equal access to Council services and employment opportunities and are protected from discrimination.
- 2.10 The Council also recognises that good intentions alone are not enough. This policy needs to be supported by positive action so that equality of opportunity becomes a reality for everyone. Equality objectives and actions will be built into our corporate and service planning processes. We will also develop equality plans at a corporate level. Finally, we will ensure that progress to achieve these actions is regularly monitored, evaluated and reviewed.

### **3 The Council's ambition for equality & diversity**

3.1 We want to improve our services to ensure equality of access for all our diverse communities. We are committed to improve the quality of life of all Calderdale's citizens and to encourage people to be involved fully in the economic, cultural, social and community life of the Borough. We also aim to have a Council workforce that reflects the diversity of talent, experience and skill within our communities.

3.2. To ensure this ambition is achieved, Calderdale Council's commitment is to be an organisation where:

3.2.1 there is a culture that recognises and positively responds to diversity;

3.2.2 there is political and managerial leadership on equality and diversity issues at all levels of the Council, particularly at senior level;

3.2.3 consideration of equality and diversity issues are an essential part of all of the Council's functions, including planning, policy making, service delivery, employment and regulatory functions;

3.2.4 staff and elected members work in partnership and consult fully with the service users, community, the voluntary and community sector and all other stakeholders to ensure we address equality to the best of our ability; and

3.2.5 positive and practical action is taken to ensure we achieve these aims.

#### **4 Guiding principles**

4.1 The Council's ambition for equality and diversity is guided by the following principles:

4.1.1. everyone, including residents, visitors, service users and employees, has the right to their own distinctive and diverse identities;

4.1.2. everyone is entitled to a safe environment free from prejudice, harm, discrimination and harassment;

4.1.3. everyone has a responsibility to promote equality and challenge discrimination and stereotypes;

4.1.4. all Calderdale residents and service users are enabled to take part fully in the life of the community and celebrate its diversity;

4.1.5. every resident has equal access to high quality services that meet their needs;

4.1.6. where people may need support, special assistance or adjustments to help them to have equal access to services;

4.1.7. all sections of the community will be encouraged to make a contribution to improving our services and employment practices; and

4.1.8. every employee is entitled to training and development and fair opportunities to progress their careers.



## **5. The Council's equality & diversity objectives**

5.1 The Council's ambition for equality and diversity is supported by three key objectives. These reflect the Council's commitment to equality in its role as community leader, service provider and employer. Our equality and diversity objectives are:

### **5.1.1 To work closely with our partners to build tolerant, compassionate and respectful communities in which we can all live, work and visit.**

The Council recognises that it has an important community leadership role to promote and encourage tolerance, fairness and equality. We will support other service providers, employers and the voluntary and community sector to work together to build stronger and safer communities. We will:

- i) work closely with partners and stakeholders to develop a shared understanding of and commitment to equality and diversity;
- ii) work with partners to promote equality and diversity;
- iii) encourage all partners to adopt strong equality and diversity policies, including those who provide goods and services on behalf of the Council;
- iv) encourage and support all sections of the community to become actively involved in local decision making and community life; and
- v) celebrate and respect the diversity of life and people in Calderdale.

### **5.1.2 To ensure that services provided by the Council meet the diverse needs of all Calderdale's communities.**

We will:

- i) work together and consult communities and relevant organisations about their needs;
- ii) provide services that meet the needs of different individuals and communities;
- iii) ensure that all service users receive appropriate and accessible services that are free from prejudice, discrimination, harassment and victimisation;
- iv) provide clear, meaningful information to people about Council services in ways that are accessible and meet community needs;
- v) commit to a programme of improving disabled access to buildings and facilities open to the public;

- vi) listen to our customers and respond positively to comments and complaints about services so we can improve them; and
- vii) monitor and evaluate who uses services to make sure we are not discriminating or excluding anybody unfairly.

### **5.1.3 To employ a diverse workforce that reflects the communities we serve and use the full range of skills people have.**

The Council recognises that Calderdale's diversity is one of its key strengths. It is important that our workforce is representative of the people who live here. We will:

- viii) seek to employ a workforce that is representative of the diversity of people in the local labour market. We will encourage job applications from under-represented groups;
- ix) be an equal opportunities employer, committed to equal access to employment, training and development opportunities at all levels of the organisation;
- x) support staff in increasing their understanding of equalities issues through regular training and development;
- xi) seek to ensure that training policies and employee development give fair and equitable attention to under represented groups;
- xii) develop staff networks so that under represented groups are able to contribute and influence policy, procedure and development;
- xiii) provide a safe and accessible working environment that values and respects everyone. Any form of discrimination, harassment or victimisation will be dealt with quickly and effectively. Staff will be supported to challenge discrimination and harassment; and
- xiv) continually monitor and review our employment policies, procedures, and practices, to assess their impact on different groups and ensure they positively address equality and diversity issues.

## 6 Supporting our ambition and council improvement priorities

6.1 The Council's commitment to equality and diversity is reflected in the Council Improvement Plan. In particular, this commitment is supported by the Council Improvement Priorities:

6.1.1 **Economy and Enterprise:** Safeguarding Calderdale's future and fostering economic prosperity for all,

6.1.2 **Environment:** Improve the quality of our environment and promote respect for Calderdale's heritage,

6.1.3 **Safer and stronger communities:** Prosper as a place where people can feel safe and are encouraged to get involved in shaping their future,

6.1.4 **Healthier communities:** Reduce the amount of preventable ill-health across the population as a whole,

6.1.5 **Older people:** Ensure that people stay in control of their lives and play a full active role in society,

6.1.6 **Children and young people:** Flourish as a place where every child and young person thrives, is safe and happy,

6.1.7 **Narrowing the gap:** Work to ensure that the differences in health, quality of life and economic prosperity between different communities within Calderdale reduce,

6.1.8 **Use of resources:** Ensure that resources are allocated and used efficiently and effectively to meet the Council's priorities.

6.2 The commitment to equality and diversity is also reflected in the Sustainable Community Strategy (Futures Plan) and in particular the development of the Calderdale Local Area Agreement, which states:

'The Council and its partners are committed to making measurable improvements in the quality of life of people living and working across Calderdale and meeting equality and diversity responsibilities.'

## 7 Implementing, monitoring and reviewing the Equality and Diversity Policy

7.1 Our work on equality and diversity is supported by the Council's key plans which include:

- Council Improvement Plan
- Sustainable Community Strategy (Futures Plan)
- Equality & Diversity Scheme
- Calderdale Community Cohesion Strategy
- HR Strategy
- Service Improvement Plans
- Medium Term Financial Strategy
- Access Policy & Strategy
- Asset Management Plan
- Capital Strategy

7.2 All members and staff have responsibility for making the Council's Equality and Diversity Policy work. Specifically:

7.2.1 **Elected Members** are responsible for agreeing the strategic direction of the Council's equality and diversity agenda and ensuring that adequate resources are made available. They are also responsible for checking the level of progress made in implementing the policy and associated action plans. The Equality and Community Cohesion Group acts as the elected member champions for the equality and diversity agenda. The Community Services Scrutiny Panel has lead responsibility for scrutinising its implementation and impact;

7.2.2 **Corporate Management Team** is responsible for ensuring that the Council's Equality and Diversity Policy is implemented;

7.2.3 **All staff** are required to observe this policy and ensure fairness towards service users, colleagues and other members of the community when carrying out their work;

7.2.4 **The Equality and Cohesion Board** is responsible for developing the strategic direction of equality work, for corporate co-ordination of the Council's work on equality issues and for monitoring progress against equality action plans;

7.2.5 **Directorate Management Teams** are responsible for implementing the policy in their service areas. They should also make sure there are measurable targets relating to equality and diversity in their performance management plans;

7.2.6 **The Corporate Equality Team** is responsible for providing support and guidance to the Council to enable the Equality and Diversity Policy to be implemented;

7.2.7 **Human Resources** is responsible for leading on equality and diversity issues in employment throughout the Council; and

7.2.8 **Unions and staff representative groups** have responsibility for representing the views and concerns of staff on equality and diversity issues.

7.3 The impact of this policy will be subject to monitoring, evaluation and review through the Council's quarterly performance monitoring system. The policy itself will be reviewed every three years and consulted on as appropriate in the event of any legislative changes or otherwise.

## 8 Conclusion

8.1 The implementation of this Equality and Diversity Policy will support the Council to achieve its overall ambition and priorities. In particular, implementation of the plans and actions that support this policy will:

8.1.1 help to ensure that the services we provide are accessible, appropriate and meet the needs of all local people;

8.1.2 support the Council to achieve a workforce that is representative of the local population;

8.1.3 enable the Council to comply with legislation and monitor performance on equal opportunities through a range of national performance indicators; and

8.1.4 promote inclusion and community cohesion.

8.2 The commitments in this policy do not stand alone. They will form a key part of everything we do.

Under Review  
Please contact HR for Advice

## LEGISLATION RELEVANT TO RECRUITMENT AND SELECTION

### RACE RELATIONS ACT 1976 (AS AMENDED)

The Race Relations Act of 1976 (As Amended) makes it unlawful for a person to treat another person less favourably on racial grounds than s/he treats, or would treat, someone else. 'Racial grounds' means any of the following grounds: colour, race, nationality (including citizenship) or ethnic or national origins. The law covers direct and indirect discrimination against groups or individuals.

#### 1. Direct Racial Discrimination

Direct Racial Discrimination takes place when:

- (1) A person of a particular racial group is treated less favourably than a person of another racial group is (or would be); and
- (2) The reason for this treatment is the colour, race, nationality or ethnic or national origins of the person.

For example, if an Asian person was rejected for a job for no other reason than her/his colour this would constitute direct discrimination.

For the purposes of the Act segregating a person from another on racial grounds constitutes less favourable treatment on racial grounds.

#### 2. Indirect Racial Discrimination

Indirect Racial Discrimination consists of treatment which may be described as equal in a formal sense as between different racial groups but discriminatory in its effect on one particular racial group. Indirect Discrimination arises where a condition or requirement is imposed which:

- (i) is applied equally to persons of any racial group;
- (ii) is such that it can be complied with by a considerably small proportion of people from one racial group than the proportion of people able to comply who are not of that racial group;
- (iii) is to the detriment of the people of that racial group; and
- (iv) cannot be shown to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied.

For example, if an employer imposed rules about clothing which could not be complied with by one particular group and these rules could not be justified, this would constitute indirect discrimination.

## **SEX DISCRIMINATION ACT 1975 (AS AMENDED)**

The Sex Discrimination Act 1975 (As Amended), renders unlawful certain kinds of discrimination. The 1975 Act is specifically designed to work towards the elimination of discrimination in employment on grounds of sex and marital status. The Sex Discrimination Act prohibits direct and indirect sex and marital status discrimination against men and women in respect of such matters as selection for appointment, promotion, transfer or training. The Act gives individuals a right of direct access to the civil courts and employment tribunals for legal remedies for unlawful discrimination. The Act defines five kinds of behaviour which constitutes sex discrimination in the employment field.

1. Direct discrimination which arises where people treat a woman, on the grounds of her sex, less favourably than they treat, or would treat, a man, e.g. a policy to appoint only men to management, executive or senior positions.
2. Indirect sex discrimination which arises where a condition or requirement although applying to both sexes, is such that a considerably smaller proportion of one sex can comply with it and which cannot be shown to be justifiable, e.g. by unjustifiably restricting access to certain jobs to particular grades which in practice are held only by men.
3. Direct discrimination against married persons, e.g. a policy not to recruit married people for a job that involved being away from home.
4. Indirect discrimination against married persons, e.g. denying someone a job because it is open only to people without family responsibilities.
5. Victimisation, e.g. being dismissed because you have started legal proceedings about discrimination in promotion.

## **GENERAL OCCUPATIONAL REQUIREMENT**

There are categories of exceptions from both the Race Relations and Sex Discrimination Acts provisions. Selection on racial grounds is allowed in certain jobs where being of a particular racial group is a genuine occupational requirement for that job. An example is where the holder of a particular job provides persons of a racial group with personal services promoting their welfare and those services can be most effectively be provided by a person of that group. An Asian Social Worker's post would fall in to this category.

Genuine occupational requirements permit the recruitment of one particular sex only for a post if the work to be done genuinely requires someone of that sex. For example, it is legitimate to advertise for a female toilet attendant if that person is to work solely in a ladies' public convenience.

## **EQUAL PAY ACT (1970), AS AMENDED BY EQUAL PAY (AMENDMENT) REGULATIONS 1983**

The Equal Pay Act is aimed at preventing discrimination between men and women with regard to pay and other terms of their contracts of employment (e.g. overtime, bonus, output and piecework payments, holidays and sick leave entitlement).

The Act seeks to achieve this purpose by establishing the right of the individual woman to equal treatment with respect to contracts of employment in:

- (i) work of the same or broadly similar nature as that of a man;
- (ii) work of equal value in terms of the demands made on the worker.

## **THE DISABILITY DISCRIMINATION ACT 1995 (AS AMENDED)**

The Disability Discrimination Act 1995 (As Amended) (DDA) aims to reduce discrimination against disabled people in all aspects of daily life.

The Act defines a disabled person as someone with "a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities."

What does the DDA mean for employers?

- The new legislation replaces the Quota Scheme and the need to register as disabled under the 1944 and 1958 Disabled Persons (Employment) Acts.
- The DDA covers discrimination against people in the recruitment and selection process as well as in employment. Specifically, the DDA says that employers must not place disabled people at a substantial disadvantage compared to other candidates. This means for example, that if you decide to interview a deaf person, you should find out whether the interviewee requires, for example, a sign language interpreter or other communication support.
- The DDA does not say that you must interview disabled people if they are not qualified for the job.
- If, for example, a deaf person has not informed you in advance of the interview of any communication requirements, you may not be guilty of discrimination but you may have to consider making some kind of adjustment on finding the person has a disability and is at a substantial disadvantage. You will only be guilty of discrimination if you turn down an applicant because of his/her disability.
- A disabled person must not be offered employment on less favourable terms and conditions.
- A disabled applicant must not be refused employment, because of his/her disability, without justification.



- Employers should consider making reasonable changes to the workplace and to the job and working arrangements, at all stages of employment, including recruitment, so that the disabled person is not at any substantial disadvantage compared to non disabled people.

### **EMPLOYMENT EQUALITY (SEXUAL ORIENTATION) REGULATIONS 2003**

These regulations came into force in December 2003 and apply to all employment situations including recruitment. They make it unlawful to discriminate on the grounds of sexual orientation. Specifically, the Regulations outlaw the following:-

1. Direct discrimination – to treat a person less favourably than others because of their actual or perceived sexual orientation. Eg. to choose another candidate with fewer skills because a better qualified candidate has declared that they are gay would be direct discrimination;
2. Indirect discrimination – to apply a criterion, provision or practice which disadvantages people of a particular sexual orientation, unless it can be objectively justified. E.g. to advertise a job in a magazine aimed at gay men and lesbians may indirectly discriminate against heterosexual people because they are less likely to subscribe to the magazine and therefore less likely to apply;
3. Harassment due to sexual orientation – this is unwanted conduct which violates a person's dignity or leads to an intimidating, hostile environment for them, having regard to all the circumstances including the view of the victim;
4. Victimisation – victimising someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in a complaint of discrimination on grounds of sexual orientation;
5. Discrimination, in certain circumstances after the working relationship has ended.

The Regulations define sexual orientation as:

Orientation towards persons of the same sex (lesbians and gay men)

Orientation towards persons of the opposite sex

Orientation towards persons of the same sex and the opposite sex (bisexual).

### **EMPLOYMENT EQUALITY (RELIGION OR BELIEF) REGULATIONS 2003**

These Regulations came into force in December 2003 and apply to all employment situations including recruitment. They make it unlawful to discriminate on the grounds of religion or belief. Specifically, the Regulations outlaw the following:

1. Direct discrimination – to treat a person less favourably than others because of their religion or belief. For example, not to offer a candidate a job because the candidate has declared at interview that he/she is a Muslim or a Buddhist.

2. Indirect discrimination – to apply a criterion, provision or practice which disadvantages people of a particular religion or belief, unless it can be objectively justified. For example, advertise a job in a magazine aimed at a particular religious faith may indirectly discriminate against people of other religions because they are less likely to subscribe to the magazine and therefore less likely to apply;
3. Harassment due to religion or belief – this is unwanted conduct which violates a person's dignity or leads to an intimidating, hostile environment for them, having regard to all the circumstances including the view of the victim;
4. Victimisation – victimising someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in a complaint of discrimination on grounds of religion or belief;
5. Discrimination, in certain circumstances after the working relationship has ended.

There may be certain exceptions where there is a genuine occupational requirement for the worker to be of a particular religion or belief in order to fulfil the job or comply with the particular ethos of the organisation.

Religion or belief is defined as being “any religion, religious belief or similar philosophical belief”. This is not likely to include a philosophical or political belief unless it is similar to religious belief.

## **EMPLOYMENT EQUALITY (AGE) REGULATIONS 2006**

These regulations became law on 1 October 2006. This law makes it illegal to discriminate against employees, job seekers or trainees on the grounds of age. Discrimination, or treating someone less favourably, can be by using age to justify not employing, dismissing, refusing training to, or inadequate/poor conditions of employment including lack of promotion or retiring before the default age (65).

## **PUBLIC ORDER ACT 1986**

Part of this legislation states that it is an offence to publish or distribute written material (job advertisements for example) which is threatening, abusive or insulting if by doing so it is intended to stir up racial hatred, or having regard to all the circumstances, racial hatred is likely to be stirred up by doing this. "Racial hatred" means hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

## **FIXED-TERM EMPLOYEES (PREVENTION OF LESS FAVOURABLE TREATMENT) REGULATIONS (2002)**

The Regulations which came into force in 2002, state that fixed-term employees should not be treated less favourably than comparable established employees on the grounds they are fixed-term, unless this is objectively justified.

These Regulations do not apply to agency workers, but to employees on contracts that last for a specified period, or expire when a certain task has been completed or a particular event has occurred. (For example, maternity leave cover).

Fixed-term employees can compare their terms and conditions to established employees who are employed by the same employer doing the same or broadly similar work. The comparator should usually have either the same or similar qualifications and skills to the fixed-term employee. If no suitable comparator exists in the same workplace, the fixed-term employee can compare with a permanent employee working for the same employer in a different location.

Less favourable treatment is defined as either: each of the fixed-term employee's terms and conditions should not be less favourable than the equivalent comparator, or: the fixed-term employee's overall package should not be less favourable.

Using successive fixed-term contracts is now limited to four years, unless objectively justified.

### **ASYLUM AND IMMIGRATION ACT 1996 (AS AMENDED)**

Under the Asylum and Immigration Act 1996, it is a criminal offence to employ someone who does not have permission to be in – or work in – the United Kingdom.

From 1 May 2004, amended regulations came into force making some changes to the procedure organisations have to follow in order to assure themselves that new employees are eligible to work in the UK and thus avoid prosecution under the 1996 Act if an employee is subsequently discovered to be working illegally.

The Government introduced changes to the types of documents, which an employer needs to check and photocopy/record to avoid employing illegal workers. Please refer to **Appendix 20** for further information.



## Exit Interview Questionnaire



Name \_\_\_\_\_

Leaving Date \_\_\_\_\_

Directorate \_\_\_\_\_

Service \_\_\_\_\_

Job Title \_\_\_\_\_

Grade \_\_\_\_\_

Length of Service \_\_\_\_\_

### Reason for Leaving

Better career prospects ☐

To undertake further Training ☐

Dissatisfaction in present post ☐

More Responsibilities ☐

To start a family ☐

Dissatisfaction with pay ☐

More security ☐

Personal Reasons ☐

Poor relationship with management ☐

End of Contract ☐

Leaving the area ☐

Poor relationship with colleagues ☐

Lack of resources ☐

Workload / hours ☐

Not valued by management ☐

If other, please explain

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### Current Position

Please answer the following questions as fully as you can.

What did you like most / least about your job and why?

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Did your role and duties meet your expectations? Yes / No Reasons for your answer:

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What improvements could be made to your job role? (Work practice)

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Did you receive adequate support and training in your role? Yes/No

If yes, please indicate if the level you received was

Poor ☐

Average ☐

Good ☐

Excellent ☐

If no, reasons for your answer

.....

.....

Is there any funding that needs to be recouped from training support paid for by CMBC? Yes ☐ No ☐

Were your promotion/advancement prospects:

Poor ☐

Average ☐

Good ☐

Excellent ☐

Any comments

.....

.....

Was the recognition you received from your manager for work done:

Poor ☐

Average ☐

Good ☐

Excellent ☐

Any comments

.....

.....

To what level is the work allocated among the employees in your service done fairly:

Poor ☐

Average ☐

Good ☐

Excellent ☐

Any comments

.....

.....

What is your working relationship like with your colleagues?

Poor ☐

Average ☐

Good ☐

Excellent ☐

Any comments

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What is the morale like in your service?

Poor ☐

Average ☐

Good ☐

Excellent ☐

Any comments

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How would you rate your pay for the level of responsibility?

Poor ☐

Average ☐

Good ☐

Excellent ☐

Any comments

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Would additional instruction, supervision, or equipment have enabled you to perform your job duties better?

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When we advertise to fill your position, what type of skills should we seek in candidates?

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Is there anything we could do to prevent your leaving?

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Would you return to work at Calderdale Council in?

The same service

☐

A different service

☐

Not at all

☐

### New Position

Who is your new employer?

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What attracted you to your new job/company?

More interesting/satisfying work ☐

Better career prospects ☐

More convenient working hours ☐

A career change ☐

Less stress ☐

Less travel ☐

Improved benefits ☐

Improved working conditions ☐

Other ☐

If other, please explain

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Is there anything else you would like to comment on?

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# **Criminal Records Bureau (CRB)**

## **Code of Practice**

For Registered Persons and other recipients  
of Disclosure Information

**Revised April 2009**

Please note: Although the code of practice document, which is published under section 122(2) of the Police Act 1997, has not been rebranded with the DBS logo or new terminology, organisations who receive certificate information from the DBS should still comply with the obligations set out in the document.

## INTRODUCTION

This Code is established under section 122 of Part V Police Act 1997 and determines the obligations which govern initial and ongoing registration of Registered Bodies with the Criminal Records Bureau (CRB).

The Code applies to all Registered Bodies and Umbrella Bodies, hereon referred to as Registered Bodies, and their clients. The Code also applies to applications for, and handling of, both Standard and Enhanced Disclosures.

The obligations within this Code are determined by Part V Police Act 1997 and in particular the Police Act 1997 (Criminal Records) (Registration) Regulations 2006. These provisions determine the legal requirements upon persons seeking to register and maintain their registration with the CRB as Registered Bodies. They address the way in which the CRB will ensure that:

- Organisations are assessed as suitable to receive sensitive Disclosure information;
- Organisations do not breach the spirit and requirements of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 by submitting ineligible Disclosure applications;
- Registered Bodies correctly verify the identity of Disclosure applicants to ensure the integrity of all Disclosures issued by the CRB;
- Sensitive and personal data contained within the Disclosure is correctly managed and used by Registered Bodies;
- The efficiency of the Disclosure Service is maintained by the timely payment of fees and the accuracy of Disclosure application data;
- Registered Bodies treat their applicants fairly when considering sensitive Disclosure information;
- Registered Bodies who fail to comply with the obligations within this Code may be suspended or de-registered in order to maintain the overall integrity of the Disclosure service.

The CRB takes seriously its statutory duties relevant to the rehabilitation of offenders, data protection and human rights legislation. It will therefore seek to ensure strict compliance with the Code through the full range of CRB assurance management processes.

This Code applies to all Disclosure information that is information contained within the Disclosure including information provided under the Independent Safeguarding Authority (ISA) scheme when introduced as well as information provided under separate cover.

# THE OBLIGATIONS

## 1. REGISTRATION

Registered Bodies must:

- 1 Provide sufficient information to the CRB to allow registration to proceed. This includes information on the organisation's status, the suitability of proposed countersignatories and the purposes for which registration is requested;
- 2 Demonstrate that they are likely to countersign and submit applications for relevant positions and employment;
- 3 Demonstrate that they are likely to submit the minimum annual number of Disclosure applications determined by the CRB;
- 4 Provide up-to-date information to the CRB as required in respect of the registration information and countersignatories;
- 5 Provide information on their organisation and nominated Lead and countersignatories as and when required by the CRB to determine suitability for initial and ongoing registration with the CRB;
- 6 Give access to CRB officials to official premises, data and documentation as and when reasonably required by the CRB to determine suitability for ongoing registration;
- 7 Submit Registration and Disclosure applications in the prescribed format;
- 8 Ensure that Disclosure applications are completed accurately and that all mandatory data fields are completed in full;
- 9 Ensure that any electronic application system complies with CRB specifications as stipulated.

## 2. IDENTITY VERIFICATION

Registered Bodies must:

- 1 Accurately and comprehensively verify the identity of the applicant prior to the submission of a Disclosure application;
- 2 Ensure that any person undertaking identity verification checks on their behalf is suitable and trained accordingly.

### **3. MANAGEMENT AND USE OF DISCLOSURE INFORMATION**

Registered Bodies must:

- 1 Have a written policy on the secure handling of Disclosure information which, in the case of Umbrella Bodies, should be made available to their clients;
- 2 Store Disclosure information securely;
- 3 Retain Disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where CRB agreement is secured;
- 4 Ensure that no reproductions of the Disclosure or its content are made, including photocopies or scanned images, unless with the prior agreement of the CRB or as a result of a stipulated requirement relating to the e-channel service;
- 5 Only share Disclosure information with relevant persons in the course of their specific duties relevant to recruitment and vetting processes;
- 6 Dispose of Disclosure information in a secure manner;
- 7 Ensure that Additional Information, including information as to its existence, is not revealed to the Disclosure applicant and is disposed of in the appropriate manner and at the appropriate time;
- 8 Ensure that they comply with CRB guidance on the portability of Disclosures and their contents.

### **4. SUITABILITY POLICY**

Registered Bodies must:

- 1 Have a written policy on the suitability of ex-offenders that is available upon request to potential applicants and which, in the case of Umbrella Bodies, should be made available to their clients;
- 2 Ensure that all applicants for relevant positions or employment are notified in advance of the requirement for a Disclosure;
- 3 Notify all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision;
- 4 Discuss the content of the Disclosure with the applicant before withdrawing any offer of employment;
- 5 Provide a copy of the CRB Code of Practice to the applicant upon request.

## **5. PAYMENT AND FEES**

Registered Bodies must:

- 1 Pay the prescribed registration fee before registration may proceed;
- 2 Pay countersignatory fees within the prescribed period;
- 3 Pay all subsequent Disclosure fees within the prescribed period;
- 4 Pay all fees related to Disclosure applications submitted after any decision by the CRB to suspend registration or de-register the organisation;
- 5 Publish all fees associated with Disclosure applications in relevant documentation;
- 6 Notify the CRB in writing of any change to the fees associated with Disclosure applications.

## **6. ELIGIBILITY**

Registered Bodies must:

- 1 Use all reasonable endeavours to ensure that they only submit Disclosure applications in accordance with the Disclosure eligibility criteria for relevant positions or employment;
- 2 Correctly apply the CRB definition of a volunteer to assert eligibility for free-of-charge Disclosures.

## **7. ASSURANCE AND COMPLIANCE**

Registered Bodies and their clients must co-operate in full with the CRB Registration Management team enquiries, audits and investigations in seeking to:

- 1 Determine eligibility for initial registration with the Disclosure service in accordance with the prescribed processes and criteria;
- 2 Ensure ongoing compliance of Registered Bodies with the obligations under this Code by undertaking assurance audits on a regular basis in accordance with the prescribed processes and criteria;
- 3 Implement the suspension or de-registration of a Registered Body where non-compliance is established in accordance with the prescribed de-registration processes and criteria.

## 8. OFFENCES

Registered Bodies must note that it is an offence to:

- 1 Disclose information contained within a Disclosure to any person who is not a member, officer or employee of the Registered Body or, in the case of Umbrella Bodies, their client unless a relevant legal exception applies;
- 2 Disclose information to any member, officer or employee where it is not related to that employee's duties;
- 3 Knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain a Disclosure.

Persons guilty of such offences are liable to deregistration, imprisonment or a fine unless a relevant exception applies as outlined in CRB Guidance.

## GUIDANCE

Each of the obligations of this Code is supplemented by detailed Guidance available on the CRB website at [www.crb.gov.uk](http://www.crb.gov.uk)

This Guidance will be updated on a continual basis to ensure that it reflects the reality of CRB operations and the needs of Registered Bodies.

Significant changes to the Guidance will be notified to Registered Bodies as required.

## FUTURE DEVELOPMENTS

The CRB anticipates significant developments in its service delivery within the coming three year period. These will include:

- The establishment by the Department of Children, Schools and Families (DCSF) of the Independent Safeguarding Authority (ISA) which will allow for the continual monitoring of persons suitability to work within the children and vulnerable adults sectors;
- The development of e-delivery channels for access to the CRB Disclosure service, including e-applications and the extension of online tracking.

Both of these developments will impact on the role of Registered Bodies in regards to the format, content and secure handling of the information they receive as part, or associated with, the Disclosure service.

## **GLOSSARY OF TERMS**

### ***Additional Information (Enhanced Disclosures Only)***

In a very small number of circumstances (typically to protect the integrity of current police investigations), Additional Information may be sent under separate cover to the countersignatory. Please note, the applicant's copy of the Disclosure will not refer to this information. Therefore this information must not be shared with the applicant.

Where the police issue a separate letter, the countersignatory's copy of the Enhanced Disclosure will contain the following words 'Please refer to letter sent under separate cover', printed under the 'date of issue' on the Disclosure.

### ***Approved Information (Enhanced Disclosures Only)***

This is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The CRB will print this information on both the applicant's and the countersignatory's copy.

### ***Assurance Audits***

Used to determine the level of compliance of Registered Bodies focussing on ID validation and data quality. It takes the form of a self-assessment questionnaire that must be completed by Lead Signatories. Where areas of non-compliance have been identified, they are addressed in a detailed report to the Lead Signatory, and in some cases a compliance visit to the organisation may also take place for further examination of their internal processes.

### ***Countersignatory***

A person within a Registered Body who is registered with the CRB to countersign applications and receive the Disclosure.

### ***Criminal Records Registration Regulations 2006***

Conditions set by CRB which must be met in order to maintain registration status.

### ***Disclosure***

The term that is used to describe the service provided by the CRB and the document issued to the applicant and Registered Body when a CRB check has been completed.

### ***Exceptions Order 1975***

The Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 sets out those occupations and positions exempt from the provisions of the ROA. These are generally positions of trust, where there is a valid need to see a person's full criminal history in order to assess their suitability for a position. This information is intended as general guidance only. It must not be regarded as a definitive interpretation of the Act. Anyone requesting further guidance should seek legal advice.



### *Enhanced Disclosure*

Also referred to as an Enhanced check. These are for posts that involve a far greater degree of contact with children or vulnerable adults. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a Teacher, Scout or Guide leader. Enhanced checks are also issued for certain statutory purposes such as gaming and lottery licences.

This level of check involves an additional level of check to those carried out for the Standard CRB check - a check on local police records. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in an Enhanced check.

### *Exempted Question*

An exempted question is a valid request for a person to reveal their full criminal history (including spent convictions) and is made possible by virtue of the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974.

### *Independent Safeguarding Authority (ISA)*

The ISA have been created to help prevent unsuitable people from working with children and vulnerable adults by working in partnership with the Criminal Records Bureau (CRB), gathering relevant information on every person who wants to work or volunteer with vulnerable people.

### *Identity Verification Checks*

A process that Registered Bodies undertake to check and validate the information provided by the applicant on the application form.

### *Lead Signatory*

A senior figure within a Registered Body who has overall responsibility for the use of the CRB checks in their organisation.

### *Online Tracking*

Facility that can be used on the CRB website to track an application by providing the form reference number and date of birth.

### *Part V Police Act 1997*

The piece of legislation that brought about the CRB.

### *Personal Data*

Data which relates to a living individual who can be identified from that data.

### *(Sensitive) Data – Data which includes:*

- Racial or ethnic origin;
- Religious or other beliefs of a similar nature;
- Physical or mental health or condition;
- Sexual life;
- Offences (including alleged offences).

### *Portability*

Portability refers to the re-use of a CRB Disclosure, obtained for a position in one organisation and later used for another position in another organisation.



This practice is no longer endorsed by the CRB due to the risk factors involved.

### *Registered Body*

Organisations that have registered directly with the CRB to use its services.

### *Rehabilitation of Offenders Act (ROA) 1974*

The Rehabilitation of Offenders Act (ROA) 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

### *Standard Disclosure*

Also referred to as a Standard check. These are primarily for posts that involve working with children or vulnerable adults. Standard checks may also be issued for people entering certain professions, such as members of the legal and accountancy professions. The Standard check contains details of all convictions held on the PNC including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings. If a position involves working with children, the CRB check will indicate whether information is held on three government lists of those who are banned from working with children or the vulnerable.

## CALDERDALE COUNCIL

### POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicants' suitability for positions of trust, Calderdale Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. Calderdale Council undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Calderdale Council is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, colour, ethnic or national origin or religion, political views or membership, gender, age, marital status, disability, mental health, trade union membership, sexual orientation or responsibilities for dependants either by direct or indirect discrimination.

Criminal Records will be taken into account for recruitment purposes only when the conviction is relevant. Unless the nature of the work demands it, applicants for positions within the Council will not be asked to disclose convictions which are "spent" under the Rehabilitation of Offenders Act 1974. Having an unspent conviction will not necessarily bar applicants from employment. This will depend on the circumstances and background to an applicant's offence.

**Some Council posts are exempt from the Rehabilitation of Offenders Act. In applications for those posts all criminal convictions must be declared.**

Calderdale Council selects candidates for interview based on the attributes, skills and competencies relevant to the position applied for.

For those positions within the Council where an Enhanced Disclosure is required, job adverts, job descriptions/person specifications will contain a statement that the successful applicant will be subject to a criminal record check from the Disclosure and Barring Service before the appointment is confirmed.

Where a Disclosure is to form part of the recruitment process, Calderdale Council encourages all applicants to provide details of their criminal record at an early stage in the application process. Any criminal record information disclosed will be seen by only those who need to see it as part of the recruitment process.

Calderdale Council will ensure that staff involved in the recruitment process are provided with information and guidance in relation to the employment and fair treatment of ex-offenders and the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, the Council will ensure 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.

Calderdale Council provides a copy of the Criminal Records Bureau Code of Practice to all applicants who apply for a position that requires a Disclosure and Barring Check (Disclosure).

The Council will undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar a person from working with us. This will depend on the nature of the position and the circumstances and background of the offences.

Under Review  
Please contact HR for Advice

**CALDERDALE COUNCIL**

**POLICY ON THE CORRECT HANDLING AND SAFEKEEPING OF  
DISCLOSURE INFORMATION**

**STORAGE AND ACCESS**

Recipients of Disclosure information must ensure that Disclosure information is not kept on an applicants'/employees' personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

**HANDLING**

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The Council maintains a record of all those to whom Disclosures or Disclosure information has been revealed and the Council recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

**USAGE**

Disclosure information is only used for the specific purpose for which it is requested and for which the applicant's full consent has been given.

**RETENTION**

Once a recruitment (or other relevant) decision has been made, the Council will not retain Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, Calderdale Council will discuss this with the DBS and full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

**DISPOSAL**

Once the retention period has elapsed, Calderdale Council will ensure that any Disclosure information is suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information, any photocopy or image of the Disclosure will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

The Council will not keep any copy or representation of the contents of a Disclosure. However, notwithstanding the above, a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the

position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken may be kept.

Under Review  
Please contact HR for Advice

**REHABILITATION OF OFFENDERS ACT 1974 (AS AMENDED)**

Any person who has been convicted of a criminal offence in the past not involving a sentence of more than 2½ years imprisonment and who has since been of good conduct for a specified period of time (the “rehabilitation period”) relating to the severity of his/her sentence is treated for most purposes as if the offence, conviction and sentence had never occurred.

The rehabilitation periods are:

1. (a)\* For a sentence\*\* of imprisonment between 6 months and 2½ years – 10 years.  
 (b)\* For a sentence\*\* of imprisonment of 6 months or less – 7 years.  
 (c) For a sentence of borstal training – 7 years.  
 (d)\* For a fine\*\* or other sentence (e.g. a community service order) for which no other rehabilitation period is prescribed – 5 years.  
 (e) For an absolute discharge – 6 months.  
 (f) For a probation order, conditional discharge or bind over – 1 year, or until the order expires (whichever is the longer).  
 (g) For a detention centre order – 3 years.  
 (h) For a remand home order, an approved school order, or an attendance centre order – the period of the order and a further year after the order expires.  
 \* These rehabilitation periods are halved for persons who were under 17 when they were convicted.  
 \*\* It is immaterial for the purposes of calculating a rehabilitation period whether the sentence is suspended or not.
2. Offences committed whilst serving in the armed forces are treated as above. The following rehabilitation periods are for specific types of punishment (these rehabilitation periods are halved for offenders under 17 at the time of conviction).  
 (a) For cashiering, discharge with ignominy or dismissed with disgrace – 10 years.  
 (b) For simple dismissal from the service – 7 years.  
 (c) For detention – 5 years.
3. Any rehabilitation period calculated in accordance with 1 or 2 above will be extended where the convicted person was disqualified for that conviction under a statute for a longer period than that of the rehabilitation period appropriate to his/her conviction (eg a person fined £100 for dangerous driving and disqualified for 10 years would have a rehabilitation period of 10 years).
4. If a person is sentenced to more than 2½ years in prison, his/her conviction can never become spent – there is no rehabilitation period.
5. The conviction of a person who has completed a rehabilitation period is, therefore, regarded as ‘spent’, and therefore, there is no need for such a person to disclose to the Authority any information about his/her spent conviction.
6. **IMPORTANT: For certain occupations, the above provisions relating to the non disclosure of spent convictions do not apply.**

## **JOB DESCRIPTION**

The information given on this job description is intended to provide both postholder and management with an understanding and appreciation of the workload of this particular job and its role within the organisation.

The job description outlines main duties and responsibilities under broad headings only, as it is not possible to specify every item in detail.

**POST TITLE:**

**POST GRADE:**

**POST REF:**

**DIRECTORATE:**

**SERVICE:**

### **PRIME OBJECTIVES OF THE POST**

This is a brief summary of the purpose and aims of the post. (Do not list as tasks).

### **SUPERVISORY RESPONSIBILITY**

Details of the number of staff supervised by the postholder (including grades and post titles).

### **SUPERVISION RECEIVED**

Details of who the postholder reports to and the kind of supervision received.

### **RANGE OF DECISION MAKING**

The level of decisions made by the postholder. (E.g. difficult decisions in line with policy or procedure, routine decisions refer only complex issues to the manager).

## **RESPONSIBILITY FOR ASSETS**

Whether the postholder will be frequently handling large amounts of cash or has access to confidential files, plans, budgets etc (examples should be shown).

## **CONTACTS**

The range and level of the postholder's contacts, both within and outside the Council.

## **RANGE OF DUTIES**

An outline of the main duties or tasks performed by the postholder.

Also include the following statements:

To safeguard and promote the welfare of children, young people and vulnerable adults.

To carry out duties in accordance with the Council's Equality and Diversity Policy.

To carry out all responsibilities with due regard to health and safety.

## **EDUCATION/QUALIFICATIONS**

The appropriate educational qualifications required by the postholder.

## **EXPERIENCE**

The type of experience which the average postholder would require to carry out the duties of the post in addition to educational requirements.

## **CIRCUMSTANCES**

If the post requires a DBS check insert the following paragraph:

As Calderdale Council meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, the successful applicant to this post will be subject to a Disclosure and Barring check (Enhanced Disclosure) from the Disclosure and Barring Service before the appointment is confirmed. The Disclosure and Barring check will include details of both spent and unspent convictions, as well as cautions, reprimands and final warnings.



## METROPOLITAN BOROUGH OF CALDERDALE

PERSON SPECIFICATION

POST TITLE:

POST REFERENCE:

GRADE:

ATTRIBUTES	ESSENTIAL	DESIRABLE	HOW IDENTIFIED
EXPERIENCE	Job history and experience. Which job/area of work? How long? Progress displayed. Technical background, e.g. knowledge of computer systems.		e.g. application form, references, interview, selection tests, proof of qualifications
QUALIFICATIONS	Basic academic standards. Professional or technical qualifications.		
PRACTICAL AND INTELLECTUAL SKILLS (INCLUDING ANY SPECIAL KNOWLEDGE)	Decision making skills. Organisational, Communication, Literacy and Numeracy skills. Whether the applicant needs to be practically orientated. Knowledge of employment legislation, financial accounting, planning regulations, specific language ability.		
TRAINING	Specific/specialist training required to carry out the duties of the post, eg supervisory management, practical training in ICT skills, child protection		

ATTRIBUTES	ESSENTIAL	DESIRABLE	HOW IDENTIFIED
	issues.		
DISPOSITION/ ADJUSTMENTS/ ATTITUDE	<p>A list which reflects the qualities required to do the job, e.g. leadership, diplomacy, tact etc.</p> <p>Committed to the safeguarding of children, young people and vulnerable adults.</p> <p>Commitment to and an understanding of equality and diversity issues within a diverse and multicultural environment</p>		
CIRCUMSTANCES	<p>When the job involves non-standard working patterns, long training periods etc.</p> <p>Good attendance record (this will not preclude applications from disabled candidates).</p> <p>Disclosure and Barring Service Check – Enhanced Disclosure (if applicable to the post).</p> <p>Baseline Personnel Security Standard Criminal Record Declaration Form (if applicable to the post).</p>		<p>DBS (Enhanced Disclosure) Check</p> <p>FORM BPSS1</p>

**APPLICATION FORM**

# Application for Employment



**PART 1 - PERSONAL INFORMATION**

**CONFIDENTIAL**

**FOR OFFICE USE ONLY**

Post Ref No	Applicant No	Date Received

Please complete this form fully using black ink or type and read the Guidance Notes for Applicants document issued with this job application pack before completing the application form.

Post Applied for:

Service:

Job Ref N<sup>o</sup>:

**Section 1.1 Personal Details**

Title:  Date of Birth (dd/mm/yy):

Last Name:  First Name:

Previous Names: (if applicable)

Address:   
  
 Town/City:

Postcode:

Daytime Telephone N<sup>o</sup>:

Evening Telephone N<sup>o</sup>:

Mobile Telephone N<sup>o</sup>:

E-mail address:

National Insurance N<sup>o</sup>:

Are you entitled to work in the UK? Yes ☐ No ☐



*Email is our preferred method of communication and candidates will receive all communication via the email address provided. We would advise you to check your emails on a regular basis.*



## Section 1.2 References

First Reference (Employer)		Second Reference	
Name:	<input type="text"/>	Name:	<input type="text"/>
Position (job title):	<input type="text"/>	Position (job title):	<input type="text"/>
Address:	<input type="text"/>	Address:	<input type="text"/>
	<input type="text"/>		<input type="text"/>
	<input type="text"/>		<input type="text"/>
	<input type="text"/>		<input type="text"/>
Postcode:	<input type="text"/>	Postcode:	<input type="text"/>
Telephone Nº:	<input type="text"/>	Telephone Nº:	<input type="text"/>
E-mail address:	<input type="text"/>	E-mail address:	<input type="text"/>
May we contact this referee prior to the interview?	Yes <input type="checkbox"/> No <input type="checkbox"/>	May we contact this referee prior to the interview?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Employer <input type="checkbox"/>		Employer <input type="checkbox"/>
Reference Type (tick as appropriate)	Academic <input type="checkbox"/>	Reference Type (tick as appropriate)	Academic <input type="checkbox"/>
	Personal/Character <input type="checkbox"/>		Personal/Character <input type="checkbox"/>

**For posts which have substantial access to children or vulnerable adults, the Council reserves the right to approach any previous employer.**

### Section 1.3 Criminal Convictions

Have you ever been convicted or cautioned in relation to a criminal offence, have you been bound-over, or subject to formal warnings or are you at present the subject of any criminal proceedings or police investigation?

Yes ☐ No ☐

*Please specify dates of summons, charges, cautions, reprimands, final warnings or convictions, court, nature of offence and sentence or order imposed.*

of offence and sentence or order imposed.

Any information disclosed will be treated sensitively and in confidence and will only be used in deciding a candidate's suitability for the post

## Section 1.4 Positive about Disabled People

Calderdale Council is committed to the Two Ticks disability standard. This means that any applicant with a disability who meets the essential criteria for a job vacancy will be guaranteed an interview and considered on their abilities.

Do you consider yourself to have a disability? Yes ☐ No ☐

If you have answered yes to the above question, please give details of any assistance you may need at interview (e.g. sign language interpreter, wheelchair access)

## Section 1.5 Additional Information

Are you related to a Councillor, Senior Officer in the Council or Governor of the school at which you are applying for employment?

Yes ☐ No ☐

If YES please give name, position and relationship:

I understand that canvassing, directly or indirectly in connection with this appointment or knowingly failing to disclose a relationship will disqualify me.

To be completed for Social Worker positions only:

GSCC Number

To be completed for Teacher positions only:

DCSF Teacher Reference Number

Do you hold Qualified Teacher Status? Yes ☐ No ☐

Are you registered with the General Teaching Council? Yes ☐ No ☐

Do you currently work for Calderdale Council

Yes (Internal Applicant) ☐ No (External Applicant) ☐

**Advertising Media** Please state where you saw this post advertised

Council Website ☐ Council Job Sheet ☐

Job Centre ☐ Local Press (Halifax Courier) ☐

LG Jobs ☐ National Press ☐

Professional Journal ☐ Other - please state

## Section 1.6 Declaration

In submitting this application (whether signed or not) I declare that I am the person referred to on the form, I can confirm I have read the Guidance Notes for Applicants document and that the information I have provided in Part 1, 2 and 3 of this application is true, complete and correct.

I understand that if I provide incorrect information or a false statement this will lead to the withdrawal of any job offer, or if I am given the job this will result in disciplinary action which is likely to result in my dismissal from employment.

I authorise Calderdale Council to contact any current or former employers at the appropriate stage to confirm the details provided.

I understand canvassing (seeking support from) any Councillor or Senior Officer of Calderdale Council in connection with this appointment or knowingly not disclosing such a relationship will disqualify me.

In accordance with the Immigration, Asylum and Nationality Act 2006 I am entitled to work in the United Kingdom. I shall produce such original documentation as may be requested to evidence my right to work.

I agree to the information contained in this application being processed under the Data Protection Act 1998, for the purposes of recruitment monitoring and in relation to forming any contract of employment. I also agree to this information being used to monitor local employment targets in partnership with Job Centre Plus as part of the Local Employment Partnership.

Signed:

Date:

This marks the end of section 1

## PART 2 EQUAL OPPORTUNITIES MONITORING DATA

### FOR OFFICE USE ONLY

Post Ref No	Applicant No	Date Received

Application for the post of:

Job Ref N<sup>o</sup>

### Which age category do you fall into?

- 16-19 years ☐      20-24 years ☐      25-29 years ☐      30-34 years ☐
- 35-39 years ☐      40-44 years ☐      45-49 years ☐      50-54 years ☐
- 55-59 years ☐      60+ years ☐      Rather not state ☐

### What is your Ethnic Origin?

Please choose ONE section from 1 to 6, then tick the appropriate box to indicate your cultural background.

1. White	2. Mixed	3. Asian or Asian British
(a) White British <input type="checkbox"/>	(a) Mixed White & Black Caribbean <input type="checkbox"/>	(a) Asian Indian <input type="checkbox"/>
(b) White Irish <input type="checkbox"/>	(b) Mixed White & Black African <input type="checkbox"/>	(b) Asian Pakistani <input type="checkbox"/>
(c) White Other <input type="checkbox"/>	(c) Mixed White & Asian <input type="checkbox"/>	(c) Asian Bangladeshi <input type="checkbox"/>
	(d) Mixed Other <input type="checkbox"/>	(d) Asian Other <input type="checkbox"/>
4. Black or Black British	5. Chinese or Other	6. Undefined
(a) Black Caribbean <input type="checkbox"/>	(a) Chinese <input type="checkbox"/>	(a) Rather not state <input type="checkbox"/>
(b) Black African <input type="checkbox"/>	(b) Other <input type="checkbox"/>	
(c) Black Other <input type="checkbox"/>		

### Gender

Male ☐      Female ☐      Rather not state ☐

*For the purpose of this question, transgender is defined as an individual who lives, or wants to live, in the gender opposite to the one that they were assigned at birth.*

Is your gender identity the same as the gender you were assigned at birth?      Yes ☐      No ☐

Do you live and work full time in the gender role opposite to that assigned at birth?      Yes ☐      No ☐

## Disability

Do you consider yourself to have a disability?    Yes   ☐    No   ☐

## Sexual Orientation

Heterosexual	<input type="checkbox"/>	Bisexual	<input type="checkbox"/>
Gay man	<input type="checkbox"/>	Rather not state	<input type="checkbox"/>
Gay woman or lesbian	<input type="checkbox"/>		

## Religious Belief/Faith

Christian Denominations	<input type="checkbox"/>	Jewish	<input type="checkbox"/>
Buddhist	<input type="checkbox"/>	Other	<input type="checkbox"/>
Hindu	<input type="checkbox"/>	No Religion	<input type="checkbox"/>
Muslim	<input type="checkbox"/>	Rather not state	<input type="checkbox"/>
Sikh	<input type="checkbox"/>		

**This marks the end of section 2**



## PART 3 APPLICATION FOR EMPLOYMENT

### FOR OFFICE USE ONLY

Post Ref No	Applicant No	Date Received

Application for the post of:

Job Ref N<sup>o</sup>

### Section 3.1 Current or Most Recent Employment

If you are not currently employed, please give details of your most recent employment. If you have just left education or have not been employed before then please leave this section blank.

Job Title:

Grade:

Salary:

Other allowances/benefits:

Date of Appointment:

Date employment ended:  
(if applicable)

Notice period (if applicable):

Employer:

Address:

Postcode:

Tel no:

Status:

e.g. Part Time/ Full Time/ Casual/ Temp:

Responsible to:

Nature of business:

Brief description of duties:

Reason for leaving  
(if no longer employed):

### Section 3.2 Previous Employment

Previous Employment (Please put your most recent employer first).

Name and Address of Employer	Job Title	Salary	Date From (dd/mm/yy)	Date To (dd/mm/yy)	Reason for Leaving

Please give reasons for any gaps between jobs, e.g. unemployment, study, childcare etc. (specify dates and reasons):

If you are successful will this be your only job?      Yes ☐      No ☐

If no, please state the weekly hours and nature of the additional work?

--

### Section 3.3      Education and Qualifications

Type e.g. school, college, university, workplace	Qualifications gained (state level and grade)	Date

### Section 3.4      Personal Development & Additional Learning

Learning & Development Activity/Course Details	Date

### Section 3.5      Professional Membership

Relevant Institute/Body	Class of Membership e.g. Associate, Member, Student, Fellow etc.	Expiry Date	State if Examination

### Section 3.6 Driving Licence Details

*Note: This section should only be completed if driving is an essential requirement of the post for which you are applying*

Do you hold a full, current driving licence valid in the UK?    Yes   ☐    No   ☐

If YES, state class: e.g. Full UK  
Car, HGV, PSV, LGV etc.

### Section 3.7 Personal Statement

Details of experience, knowledge, skills, abilities and other relevant information – please refer to the person specification/job profile and guidance notes for completing this section.

**You have now completed your application.  
Please turn to page 12 for information on returning your application and applying online**

## Returning your application

### School Vacancies Only

Vacancy advertisements relating to positions in Schools will provide details of the return address for applications. This will usually be directly to the school as they administer their own recruitment processes

### Council Vacancies Only



#### By Hand or Post:

The Recruitment Team  
Human Resources  
Calderdale MBC  
3<sup>rd</sup> Floor, G Mill,  
Dean Clough Mills  
Halifax  
HX3 5AX

#### By E-Mail:

[recruitment@calderdale.gov.uk](mailto:recruitment@calderdale.gov.uk)

#### Enquiries:

Telephone: 08451 206091  
Fax: 01422 288433

## Did you know you can apply for jobs online?

Applying for jobs at Calderdale Council couldn't be easier with our online recruitment website, allowing you to apply online and register for email alerts. The website is designed with you in mind and helps to make the application process more convenient, efficient and easy to do.

#### By visiting our website you can:

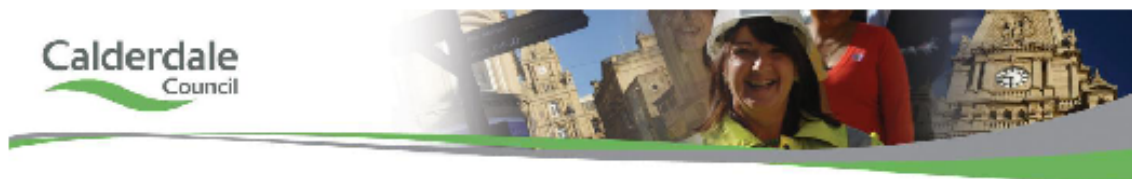
- Access all of our current vacancies, including job descriptions and information on how to apply
- Find information on living and working in Calderdale
- Find information about our learning & development opportunities
- See what staff benefits we have to offer

#### As an applicant you will be able to:

- Register on our site and create your own account area
- Fill in a template application form which you can adapt for any post you wish to apply for, instead of having to start from scratch with each new application form
- Save your application to return to at a later date
- Send your completed application at the click of a button
- Have the kind of jobs you're interested in emailed directly to you
- Sign up to receive our weekly jobs bulletin by email

To benefit from all this please visit our website at  
[www.calderdale.gov.uk](http://www.calderdale.gov.uk)

## **GUIDANCE NOTES FOR APPLICANTS**



## **Calderdale. A great place to work.**

### **Information for applicants about the Calderdale application process for Council and Schools**

This booklet is designed to provide applicants with all the necessary information needed to help you successfully complete your job application.

We are looking for the best person for every role, so we can provide the best possible service to our customers. Calderdale is a great place to live and work and the Council is at the heart of community life. To ensure we meet the needs of our communities and make Calderdale a place where we value everyone being different and through our actions demonstrate that everyone matters, it is essential that we have a skilled and committed workforce to support what we are trying to achieve.

### **Applying for jobs online?**

Applying for jobs at Calderdale Council couldn't be easier with our online recruitment website, allowing you to apply online and register for email alerts. The website is designed with you in mind and helps to make the application process more convenient, efficient and easy to do.

As an applicant you will be able to:

- Register on the site and create your own account
- Fill in a template application form which you can adapt for any post you wish to apply for, instead of having to start from scratch with each new application form
- Save your applications in your own account area
- Send your completed application at the click of a button
- Choose to have relevant jobs emailed directly to you
- Choose to receive our weekly jobs bulletin by email

## **Guidance Notes for Applicants**

Taking time to read through the following guidance notes will help you to understand our application and recruitment process, and the reasons behind why certain information is required. We rigorously check all our applicants; we have a duty of care to all Calderdale residents want to make ensure they are always in safe hands.

### **Submitting CV's**

CV's are not accepted either in place of or in support of job applications; the reason for this is to ensure we comply with Equal Opportunities (see below). CV's contain personal information which would enable us to identify certain information about candidates, such as gender, age, ethnicity etc. This information is held separately to the application section of your application.

### **Equal Opportunities**

Calderdale Council is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, colour, ethnic or national origin or religion, political views or membership, gender, age, marital status, disability, mental health, trade union membership or sexual orientation either by direct or indirect discrimination.

We recognise our responsibility to remove barriers in our recruitment, retention and development processes. We take a holistic approach to equality and diversity to ensure that people from all sections of the community we serve have fair and transparent opportunities within the Council.

Where groups are under-represented within the Council's workforce, we will take appropriate action by monitoring our progress and consulting under-represented groups to help us to review our advertising campaigns and monitor our processes to identify where barriers may exist

### **Data Protection**

Calderdale Council is the Data Controller and will process any information you submit in accordance with the Data Protection Act 1998.

Personal data is held by the Council about applicants who register and submit an online application form. It uses this data to process your application and will use it for any subsequent employment purposes and to enable recruitment monitoring. On occasions, it may contact third parties to verify information you have provided and other facts relating to you and your application, for example, current or former employers and referees.

There is a duty to process personal data fairly and lawfully and the Council will not process your personal data unless you have given your consent to the processing or there is a legitimate ground for processing. The Data Protection Act imposes further restrictions on the processing of sensitive personal data, which include information about racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sex life, criminal allegations, proceedings or convictions. The Council will handle any sensitive personal data that you provide in accordance with this principle.

Personal data may only be used or disclosed for specified purposes allowed by law and will not be further processed in any manner incompatible with those purposes. The Council needs to protect



the public funds which it handles and may use the information you provide on your Application Form to prevent and detect fraud.

The Council will take appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. The Council has internet security measures in place to safeguard against information interception. It is important that you ensure that the computer you are using to send the information also has adequate safeguards.

The Council will not give personal information that you provide to third parties, without your consent unless the law allows it to do so.

The Council would like to pass on your personal data to:

- Job Centre Plus which uses this information to monitor local employment targets.

Data subjects have rights under the Data Protection Act to be provided with a copy of any personal data held about them by a data controller and to apply for inaccurate personal data to be rectified.

If you wish to access your personal data or require more information about how the Council use this personal data please contact the following:

The Recruitment Team  
Human Resources  
3<sup>rd</sup> Floor, G Mill,  
Dean Clough Mills  
Halifax  
HX3 5AX

Email: [recruitment@calderdale.gov.uk](mailto:recruitment@calderdale.gov.uk)

### **Working in the UK**

In accordance with the Asylum and Immigration Act 1996 it is an offence to employ a person with no entitlement to live or work in the United Kingdom. If you are invited to interview we will check your documents against two lists as defined by the Secretary of State to ensure eligibility to work and to verify identity.

### **Politically Restricted Positions**

If the post you are applying for is graded at SCP 44 or equivalent, or involves giving advice on a regular basis to a committee, sub-committee or joint committee of the Council, or involves speaking on behalf of the authority on a regular basis to journalists or broadcasters, then the position is politically restricted. This post will have duties which are designated as being politically sensitive (under the Local Government and Housing Act 1989) and restrict your political activities. You may apply for exemption from this restriction, subject to criteria as laid out in legislation and regulations.

## **Government Connect**

The duties of some posts within the Council will require access to the Government Connect Secure Extranet, and will be noted in the person specification. If this applies to the post for which you are submitting an application, you will be asked to complete a Criminal Record Declaration Form – BPSS 1.

Please note, the BPSS 1 form is a confidential document and will only be available to managers/staff involved with the recruitment process.

## **Calderdale Council is a two Ticks Employer**

Calderdale Council wants to ensure that we do everything we possibly can to make employment opportunities available to people with disabilities. By telling us about any disability you may have, we can ensure that we meet your needs both at the recruitment stage and if you are successfully recruited to the post.



Calderdale Council is a 'Two Ticks' employer – this demonstrates we are positive about employing disabled people and that we make the most of disabled people's abilities. As part of our commitment we will guarantee a job interview to all applicants with a disability who meet the essential criteria of the position as defined on the person specification/job profile and ensure applicants are considered solely on their ability to do the job.

We endeavor to provide a recruitment process that is fair for everyone. If you have a disability and need an adjustment made to any part of the process, please do let us know. We make adjustments on an individual basis to ensure all applicants have equal opportunity to perform to the best of their ability.

Some examples of types of adjustments we can make:

- If you have dyslexia we can let you have extra time during assessments
- If you use sign language we will make an interpreter available for your interview
- If you use a wheelchair or have limited mobility we can ensure your interview takes place in an accessible room
- If you have back pain and need to stretch we can provide breaks in an interview

We work in partnership with Workwise who provide advice, support and guidance if you are returning to work after a period of ill-health, are disabled or have mental ill health. You can contact Workwise on 01422 364092 or visit their website at [www.workwisecalderdale.org](http://www.workwisecalderdale.org)

## **Criminal Records Bureau (CRB) Disclosures and Policy statement on the recruitment of ex-offenders**

For any post that requires a Criminal Record Check (Enhanced Disclosure) the job advertisement and the job description/person specification will indicate that this is required.

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Calderdale Council complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. Calderdale Council undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Calderdale Council is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, colour, ethnic or national origin or religion, political views or membership, gender, age, marital status, disability, mental health, trade union membership, sexual orientation or responsibilities for dependants either by direct or indirect discrimination.

Criminal Records will be taken into account for recruitment purposes only when the conviction is relevant. Unless the nature of the work demands it, applicants for positions within the Council will not be asked to disclose convictions which are "spent" under the Rehabilitation of Offenders Act 1974. Having an unspent conviction will not necessarily bar applicants from employment. This will depend on the circumstances and background to an applicant's offence.

***Some Council posts are exempt from the Rehabilitation of Offenders Act. In applications for those posts all criminal convictions must be declared.***

Calderdale Council selects candidates for interview based on the attributes, skills and competencies relevant to the position applied for.

For those positions within the Council where an Enhanced Disclosure is required, job adverts, job descriptions/person specifications will contain a statement that the successful applicant will be subject to a criminal record check from the Criminal Records Bureau before the appointment is confirmed.

Where a Disclosure is to form part of the recruitment process, Calderdale Council encourages all applicants to provide details of their criminal record at an early stage in the application process. Any criminal record information disclosed will be available only to those who need to see it as part of the recruitment process.

Calderdale Council will ensure that staff involved in the recruitment process are provided with information and guidance in relation to the employment and fair treatment of ex-offenders and the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, the Council will ensure 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.

Calderdale Council provides a copy of the Criminal Records Bureau Code of Practice to all applicants who apply for a position that requires a Criminal Record Check (Disclosure), which is enclosed with your application pack.



The Council will undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar a person from working with us. This will depend on the nature of the position and the circumstances and background of the offences.

## **Completing the Application Form**

The Calderdale Council application form is split into three sections. Part 1 (Personal information) is only made available to the panel when shortlisting has taken place. Part 2 (Equal Opportunities Monitoring Data) is retained by Human Resources and Part 3 (Application for Employment Details) forms the basis of any shortlisting decisions. It is important you complete your application as clearly as possible using black ink or type.

### ***Supporting information/continuation sheets***

If you provide any additional/continuation sheets in support of your application, please remember to clearly mark your National Insurance number and Post Reference number at the top of the sheet. We also ask that you mark which section of the application form the additional sheet relates to, e.g. Section 3.2 Previous Employment.

Remember to securely attach any additional sheets to your application form

## **PART 1 – PERSONAL INFORMATION**

### ***1.1 Personal Details***

The personal information provided in Part 1 of this application will not be made available to the selection panel until after the shortlisting process has taken place. This is to ensure our recruitment processes reflect fair and transparent practice. The personal information provided will only be used to contact you in relation to your application or for employment contract purposes should you be successful. Please ensure you include your email address where possible as this is our preferred method of contact.

### ***1.2 References***

Please provide details of two referees who know you well enough to comment on your suitability for the post. One of these must be your present or most recent employer. If you have not been previously employed, please give details of a responsible person who knows you well, but is not a relative. If you are in, or have just finished full time education, one referee should be from your school, college or careers advisor. It is good practice for you to ask your referee(s) for permission before you give their details.

For posts which have substantial access to children or vulnerable adults, the Council/school reserves the right to approach any previous employer. If you do not currently work with children or vulnerable adults but have done so in the past, you must provide referee details from your most recent employer who employed you to work in that capacity.

Please ensure any email addresses provided are recognised employer/organisation accounts as we do not accept email references from personal email accounts.

A formal offer of employment will not be made until satisfactory pre-employment checks, including references have been received.

### **1.3 Criminal Convictions**

#### ***Convictions Not Spent***

Have you ever been convicted or cautioned in relation to a criminal offence, have you been bound-over, or subject to formal warnings or are you at present the subject of any criminal proceedings or police investigation?

Criminal convictions do not necessarily preclude applicants from employment. However, for certain jobs it is unlawful for Local Authorities to recruit people with certain convictions and in other circumstances the employer needs to assess whether people with a criminal record can safely undertake the job role. You are required to list any convictions that are still current under the Rehabilitation of Offenders Act (1974). These will not be taken into consideration unless they are relevant to the post.

#### ***Spent Convictions***

If the post you are applying for involves regular and/or unsupervised access to children under eighteen or vulnerable adults, you are required to inform us about **ALL** convictions and cautions, even from a long time ago. If this is the case, the advertisement and person specification will indicate that a Criminal Records Bureau disclosure is required.

For posts that are subject to a Criminal Records Bureau (CRB) disclosure, please note that a criminal record will not necessarily bar you from employment. This will depend on the nature of the position and the circumstances and background of the offence.

If the post you are applying for is subject to an enhanced CRB disclosure you must provide details of all convictions including those spent, bind-overs, cautions, reprimands, warnings, investigations or prosecutions pending.

For posts which are not exempt from the Rehabilitation of Offenders Act (1974) you do not have to declare spent convictions.

### **1.4 Positive about Disabled People**

Calderdale Council is committed to the Two Ticks disability standard. This means that any applicant with a disability who meets the essential criteria for a job vacancy will be guaranteed an interview and considered on their abilities.

### **1.5 Additional Information**

#### ***Declaring Relationships with Elected Members***

Any candidate who is a relative or partner of an existing Councillor, Elected Member or Governor of the school for which they are applying must declare so in their application. This information is required to ensure no candidate receives preferential treatment during the application process.

Failing to declare such a relationship or canvassing (either directly or indirectly) will result in disqualification.

***Social Worker or Teacher Positions*** – this additional information is required for Social Worker positions and Teacher positions only.

***Internal/External Applicant*** – we are committed to providing career development opportunities for all our employees and to enable us to monitor our success we ask that you indicate whether or not you are an internal applicant (i.e. existing employee of Calderdale Council/school) or an external applicant.

***Media Analysis*** - Advertising job vacancies is expensive. To ensure we obtain value for money, we monitor our recruitment campaigns and media selection to ensure we use the most effective methods in the future. It is therefore important for us to know how our applicants became aware of the vacancy and tick the appropriate box.

## **PART 2 - EQUAL OPPORTUNITIES MONITORING DATA**

We are committed to employing a workforce that reflects the community we serve. Please help us to monitor our progress by fully completing the equal opportunities information in Part 2. All equal opportunities data is collected to enable us to effectively monitor our recruitment and selection processes and ensure equality of opportunity for all candidates. All information is used for applicant and recruitment monitoring and reporting purposes only.

*\* Please note: Part 2 of the form will be separated from your application and will not be available to anyone involved in short-listing or selection for appointment for the position for which you are applying. We ask you to complete this section as fully as possible.*

## **PART 3 APPLICATION FOR EMPLOYMENT**

### **3.1 Current or Most Recent Employment**

Please complete the information requested about your current or most recent job role.

### **3.2 Previous Employment**

Please provide a complete record of previous employment, stating the full date format (dd/mm/yy) and starting with the most recent first. Please also account for any period between leaving full time education and commencing employment, and also periods of unemployment or study which may have occurred between previous appointments. Please feel free to attach an additional sheet with extra information if required.

We also ask for information about any additional employment which you may intend to continue even if your application is successful. This is to ensure we are aware of any other work commitments or any conflict of interest.



### **3.3 Education and Qualifications**

Please provide details of any educational qualifications you have obtained from school, college, university or gained within the workplace by listing your highest qualification first. For teaching posts please specify the subject area you qualified in, and give details of your course of training, e.g. Nursery, Primary, Middle, Secondary, Special, Further Education, Adult, Youth work.

*Please note: If you are shortlisted for interview, you will be required to provide evidence of your qualifications.*

### **3.4 Personal Development and Additional Learning**

Please provide information relating to all relevant learning and development programmes you have undertaken which demonstrate how you have gained skills and knowledge relevant to the position for which you are applying. These may include in-house training, commercial training, specialist training courses, evening classes and adult education programmes which demonstrate how you have gained skills and knowledge relevant to the position for which you are applying.

### **3.5 Professional Membership**

Some roles may require you to hold professional membership status; this will usually have been gained from qualification/examination and ongoing demonstration of continued professional development. Please include any information here which may be required to support your application. If you are not a member of any professional bodies please leave this section blank.

### **3.6 Driving Licence Details**

This information is only required if the person specification or job advert stipulates this requirement. You are asked to state whether you possess a valid driving licence and also specify the type.

### **3.7 Personal Statement**

Please read the job description and person specification carefully before completing this section. Your application will be assessed against the criteria specified in the person specification and you should focus on the knowledge, skills and abilities which are specified as essential for the job for which you are applying. Explain how you meet each requirement by providing clear examples. These may have been acquired through voluntary work, education, special interests and home life as well as work.

Remember – CV's with details of previous employment and skills are not accepted as part of this personal statement.

### **Closing Date for Applications**

Applications received after the closing date will not be considered –please remember to get your application form in on time.

## Returning the Application Form

### **Council Vacancies Only**

**By Hand or Post:**  
Human Resources  
Calderdale MBC  
3<sup>rd</sup> Floor, G Mill,  
Dean Clough Mills  
Halifax  
HX3 5AX

**By E-Mail:**  
[recruitment@calderdale.gov.uk](mailto:recruitment@calderdale.gov.uk)

**Enquiries:**  
Telephone: 08451 206091  
Fax: 01422 288433

### **School Vacancies Only**

Vacancies advertisements relating to positions in Schools will provide details of the return address for applications. This will usually be directly to the school as they administer their own recruitment processes.

## Communication

Email is our preferred method of communication. Candidates will receive all communication via the email address provided and we would advise you to check your emails on a regular basis.

### **Acknowledgement of receipt of applications (online and paper copies)**

We do not acknowledge receipt of paper applications, however applications submitted online will receive an automated reply which will acknowledge successful receipt of your application.

### **Shortlisted Candidates**

Shortlisted candidates will be contacted after the closing date. If you do not hear from us within 4-6 weeks, please assume that on this occasion that your application has been unsuccessful. However, please do not let this deter you from applying for other vacancies in future.

### **Application/Recruitment Checks**

Calderdale Council takes its duty of care to the people of Calderdale very seriously. To ensure all reasonable care is taken, references will always be requested from your current employer and we reserve the right to take up references from any previous employers, or places where you have carried out voluntary work.

It is therefore very important that you give exact names and current addresses of previous employers/voluntary work areas. Please also advise us of any changes to your name relevant to previous employment, i.e. if you were known by your maiden name. Failure to provide this information may result in an offer of appointment being delayed.



Please be aware that you may be offered the post subject to Criminal Records Bureau or other checks, however you may not be able to commence employment until these checks have been received.

This intensive procedure can take some time (up to four weeks in some instances) and we ask you are both patient and understanding whilst they are completed.

### **Probationary Period**

All new entrants to local government are subject to a six month probationary period. For school positions please contact the school directly.

### **Complaints Procedure**

Calderdale Council applies best practice to our recruitment procedures and processes to ensure that successful candidates are appointed purely on merit of their ability to do the job. Occasionally however, candidates may consider that their application has not been dealt with in a fair and equal manner. Candidates are encouraged to ask for feedback about any decision made during the recruitment process. If you remain unsatisfied with the explanation for non-selection, or any other aspect of the recruitment process, then complaints should be made in writing and addressed to:

The Head of HR  
HR and Change  
3<sup>rd</sup> Floor, G Mill,  
Dean Clough Mills  
Halifax  
HX3 5AX

For school vacancies please address your complaint to the Chair of Governors of the particular school to which you have applied.

**Good luck with your application!**

## LOCAL GOVERNMENT AND HOUSING ACT 1989 – POLITICALLY RESTRICTED POSTS

Dear

### LOCAL GOVERNMENT AND HOUSING ACT 1989 - POLITICALLY RESTRICTED POSTS

Please note that the post that you are applying for is a politically restricted post under the provisions of the Local Government and Housing Act 1989.

The politically restricted posts are as follows:

- Specified posts such as the head of paid service and the monitoring officer; chief officers and their deputies; officers exercising delegated powers and council managers. For these post-holders no rights of appeal or exemption apply.
- All posts that meet the duties-related criteria for determining a "sensitive" post, irrespective of remuneration level, unless the post-holder appeals successfully against the determination. These posts are defined as those that give advice (excluding purely factual information) on a regular basis to the employing authority, any committee or sub-committee of the authority or any joint committee on which the authority is represented, or speak on behalf of the authority on a regular basis to journalists and broadcasters.
- Political assistants.

This means that if you were appointed to this post you would be disqualified from holding elected office (other than membership of a parish or community council) either as a councillor, Member of Parliament MP or a member of the European Partnership MEP and from membership of the Scottish Parliament or Welsh Assembly. These restrictions would restrict the successful applicant from undertaking the following political activities:-

1. writing or speaking publicly in a way which appears to be designed to effect public support for a political party;
2. canvassing at an election on behalf of a political party, or at elections for councillors, MPs or MEPs;
3. holding office in a political party;
4. declaring yourself as a candidate for public elected office (other than a parish or community council);
5. acting as an election agent or sub-agent for a candidate for election as a councillor, MP or MEP.

These restrictions would be deemed to be part of the contract of employment for this post.

In the event of you being appointed to this post, you can apply for exemption from political restrictions and further details will be given to the successful applicant when they join the Council.

Yours sincerely

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Under Review  
Please Contact HR for Advice

**To: TRIBAL RESOURCING**

Tribal House, Hawthorn Park, Coal Road, Leeds LS14 1PQ  
 Tel: 0113 306 0105 Fax: 0113 306 0101  
 Email: [jane.darnell@tribalresourcing.com](mailto:jane.darnell@tribalresourcing.com)

**ADVERTISING REQUEST FORM**

From:		Department to be billed:	
Organisation:		Any reference code to be quoted on the invoice:	
Job/ Advert Title:			
Publication	Insert date	Classification	Post Reference
Style of advert required: (use 'X' in box)	Creative: (Contact your Account Manager at Tribal)	House-style (display with logo)	Paper Set (notices)
Type of ad: (use 'X' in box)	Recruitment	Notice	Entertainment
			Tender
Special Instructions (e.g. composite request or unusual logos)			

**return advert proof  
and media details  
to:**

**Full advert copy to appear in press:**

*Cut and paste copy here:*

Under Review  
Please contact HR for Advice

## SHORTLISTING MATRIX

### Using the Shortlisting Matrix

- List the criteria taken from the Person Specification under the categories 'essential' and 'desirable'. Only list the criteria which can be assessed by using information taken from the application form.
- Fill in the 'application number' at the top of the column.
- Compare the criteria against information supplied on the application form on a yes/no basis (i.e. use ✓ for yes and x for no).
- Total the columns maintaining a clear differential between the two categories of criteria.
- Use the 'essential' scores to determine who will be shortlisted. If a candidate does not meet all the essential criteria he/she must not be shortlisted.
- Use the 'desirable' scores as a further indicator of suitability.

The following is a list of the Reasons for Rejection.

### REASONS FOR NON SELECTION OF APPLICANTS

1. Poorly completed application form
2. Lack of appropriate experience
3. Lack of relevant qualifications
4. Inability to demonstrate professional and/or technical ability
5. Poor interview performance
6. Withdrawn application
7. Unsatisfactory references
8. Genuine occupational qualification
9. Satisfactory, but better candidate selected at interview
10. Any other reasons (please specify)

## SHORTLISTING MATRIX

**The criteria to be used should be taken from the Person Specification.**

[illegible]

<b>Name of Candidate</b>	
<b>Position applied for</b>	
<b>Name of Panel member</b>	
<b>Date</b>	

**Interview assessment scores allocated on a scale of 1-10, i.e. 5 average, 10 very good**

Job Criteria (from Person Specification)	Evidence supplied by candidate	Score	Interviewer's Comments
	<b>TOTAL</b>		

<p><b>Check proof of all qualifications relevant to position applied for: (including driving licence)</b></p>
---

<b>Check proof of eligibility to work in the UK</b>
---

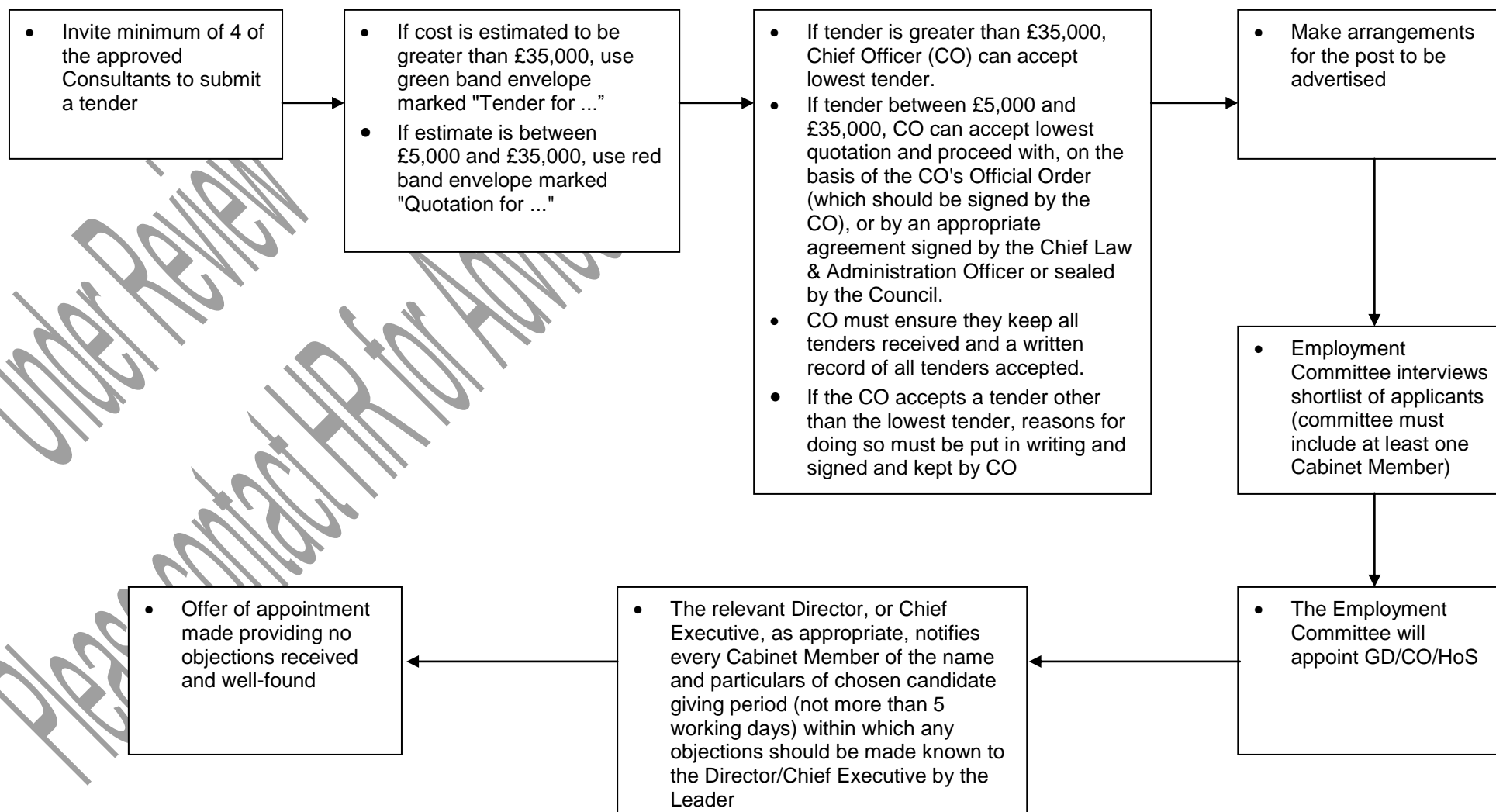
<b>Overall Comments:</b>
--------------------------

**Signature panel member:** \_\_\_\_\_

Date: \_\_\_\_\_



## Calderdale MBC – Contracts Procedure Rules in respect of the recruitment process for appointing Directors/Chief Officers/Heads of Service



**Human Resources**  
3<sup>rd</sup> Floor, Westgate House  
Halifax HX1 1PS

**DECLARATION OF HEALTH FORM**



**Please note that this form should not be issued to the candidate until a conditional job offer is made**

**Section 1: To be completed by recruiting HR prior to issuing form for completion to candidate.** (Please **PRINT** all details)

Name of Manager:	
Candidates surname:	Forename(s):
Mr/Mrs/Ms/Miss/Title:	
Previous name(s) (if applicable):	Date of birth:
Home address:	Directorate:
	Proposed place of work:
	Job title:
	Hours of work:
Home Tel no:	Proposed start date:
Mobile Tel no:	Email address:

**Section 2: - Job & Task Analysis to be completed by HR for ratification by the line manager.**  
**Please tick any of the boxes relevant to the normal duties of the proposed role:**

Moving and handling		Working with hazardous substances	
Working at heights		Working with vibratory tools	
Working in confined spaces		Working in a noisy environment	
Working with display screen equipment for most or part of day		Preparing/handling of food	
Driving duties eg: FLT, LGV/PCV vehicles		Working Shifts / Nights	

**Section 3: - To be completed by candidate - Work related health history**

	Please circle	
1. Have you had a medical condition, either physical or mental, in the last 5 years, including any current ones? <b>Please list and give as much detail as possible</b> (continue on a separate sheet if necessary): ..... .....	YES	NO
2. Are you currently taking any medication or have you taken any medication in the last 5 years? <b>Please list and give details</b> (continue on a separate sheet if necessary): ..... .....	YES	NO
3. Is there any factor in your current health status or medical history which may affect your ability to give regular and effective service in the role for which you have applied? <b>Please list and give details</b> (continue on a separate sheet if necessary): ..... .....	YES	NO

	Please circle	
4. Have you ever had any health problems which you believe may have been caused or made worse by work? <b>Please list and give details</b> (continue on a separate sheet if necessary): ..... .....	YES	NO
5. Do you need any special aids/adaptations to assist you at work, whether or not you have a disability? <b>Please list and give details</b> (continue on a separate sheet if necessary): ..... .....	YES	NO
6. Have you ever been denied, left or retired from a job for health reasons? <b>Please list and give details</b> (continue on a separate sheet if necessary): ..... .....	YES	NO
7. Do you have / have you had a medical condition either physical or mental (or a condition that would affect your ability to learn/write or understand eg dyslexia) that may affect your ability to perform the proposed job? <b>Please list and give details</b> (continue on a separate sheet if necessary): ..... .....	YES	NO

If you answered 'yes' to any of the above questions this document will be passed to the Occupational Health Team. You will be contacted by one of the Occupational Health Team, and your answers will be held in **strictest confidence** and retained by the Occupational Health Team, in accordance with the provisions of the Data Protection Act 1998. No medical details will be released to a third party without your informed consent.

<b>Please can you provide details of the number of days of absence from work over the last two years including the number of occasions and reasons for absence (continue on a separate sheet if necessary)</b>

#### Section 4: Declaration by Candidate

<b>I declare that all the information given above is true and correct to the best of my knowledge. I understand that if I knowingly withhold or give inaccurate information, this may constitute grounds for termination of employment. I acknowledge and understand that I may be expected to attend for an Occupational Health assessment if required.</b>
Name:(Print)
Signature: ..... Date: .....

#### FOR OFFICE USE ONLY

Comments:
This is to confirm that the person named above is fit to commence duty.
Name: (Print)
Signature: ..... Date: .....



## DECLARATION OF HEALTH – DRIVING AT WORK

Complete this Declaration of Health as fully as possible. Any deliberate false statement or omission may prejudice your entitlement to drive on Council business.

The form should be returned to the recruiting manager. If there are any health issues identified, the form will be forwarded to our Occupational Health Team for further intervention which may/may not include a health assessment.

### 1. Personal Details

(PLEASE USE CAPITAL LETTERS)

Mr/Mrs/Miss/Ms\* FIRST NAME: ..... SURNAME: .....  
(\*delete as appropriate)

JOB TITLE (& place of work) .....

DATE OF BIRTH: .....

ADDRESS: .....

MANAGER: .....

CONTACT TEL NO: ..... E-MAIL: .....

### 2. Medical Details

	YES	NO
1. Do you have a condition that causes seizures/fits and for which you take medication? .....	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you have a condition affecting your heart for which you do or do not require treatment? ...	<input type="checkbox"/>	<input type="checkbox"/>
3. Do you have high blood pressure? .....	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you have diabetes? .....	<input type="checkbox"/>	<input type="checkbox"/>
5. If you have answered Yes to Q4, have you experienced a hypoglycaemic (low blood sugar) attack within the last 12 months?	<input type="checkbox"/>	<input type="checkbox"/>
6. Are you currently experiencing any symptoms associated with mental health, i.e. severe depression /anxiety/hyper-mania/schizophrenia? .....	<input type="checkbox"/>	<input type="checkbox"/>
7. Do you have or have you suffered with a behavioural /addiction problem in connection with drugs or alcohol? .....	<input type="checkbox"/>	<input type="checkbox"/>
8. Do you consider that you have good vision, with or without the assistance of glasses? .....	<input type="checkbox"/>	<input type="checkbox"/>
9. Do you have a sleep disorder causing excessive sleepiness/loss of concentration? .....	<input type="checkbox"/>	<input type="checkbox"/>
10. Any condition that causes fainting/giddiness/loss of concentration not mentioned in Qs1-9? ..	<input type="checkbox"/>	<input type="checkbox"/>

### DECLARATION:

I declare that the details above are true in my belief. I consent to my General Practitioner and any other medical practitioner who has cared for me giving, at this time and in confidence, such information as may be required to the occupational health service of the Calderdale Council.

I agree, if considered necessary, to a medical examination by a doctor designated by the Occupational Health Adviser to Calderdale Council.

Signed: .....

Dated: .....

## QUESTIONING TECHNIQUES

Before conducting interviews, the interview panel should agree a list of questions that will be asked to all interviewees. All questions must be relevant to the job description and person specification.

The questions should be structured in such a way so as to be able to ascertain to what extent each applicant meets each of the essential criteria for the job.

All question areas must be designed to encourage each applicant to demonstrate their ability to meet the criteria for the job.

All initial questions should relate and refer to the person specification. Supplementary questions should be used to probe for further information relating to details highlighted on the application form. The purpose of the questions should be to provide evidence for your decision about the suitability of the applicant, against each of the criteria on the person specification.

Asking open ended questions will get the candidate talking more.  
Open ended questions should be asked to encourage candidates to talk more .e.g.

- WHEN
- WHERE
- HOW
- WHAT
- TELL ME ABOUT

Asking closed questions will only provide yes/no answers, eg Did you

Probing questions will enable you to gain specific examples and concentrate on the detail. Don't be afraid to probe if you have not got sufficient evidence.

There are a number of areas that you must not ask about as they can lead to discriminatory accusations. For example:

- Age
- Marital status
- Family i.e. children
- Ethnic origin
- Domestic Circumstances

Further Points to Avoid:

- Grilling the candidate by asking difficult questions at the start
- Talking yourself for more than quarter of the time
- Making assumptions about the candidate
- Asking multiple, leading or ambiguous questions
- Restating candidates' evidence in your own words

There are certain types of interview where it is appropriate to probe for information normally avoided. This is particularly relevant when recruiting for posts that work with vulnerable groups. Please refer to **Appendix 22** for further details.

STANDARD LETTER REQUEST FOR REFERENCE

Our Ref: HRADM/RT  
Please Contact: Recruitment Team  
Telephone: 0845 1206091  
Fax: 01422 288306  
Email: recruitment@calderdale.gov.uk  
Date:



[www.calderdale.gov.uk](http://www.calderdale.gov.uk)

**Communities & Service Support**

**PRIVATE AND CONFIDENTIAL**

Human Resources  
Calderdale MBC  
3<sup>rd</sup> Floor  
Westgate House  
Halifax  
HX1 1PS

Dear

**Reference Request  
Application for the Post**

\* has applied for the above position and has indicated that I may approach you to supply a reference on their behalf. I should be obliged if you would complete the attached pro forma and return this to us as a matter of urgency. I have also enclosed the job description and personnel specification for the post in question.

It would be helpful to me if you could complete all sections of the pro forma as appropriate, commenting with particular reference on the essential and desirable requirements of the post as shown in the personnel specification.

Thank you for taking the time to complete the form.

Yours faithfully

For The Recruitment Team  
Human Resources

## CALDERDALE METROPOLITAN BOROUGH COUNCIL

**POST INTERVIEW REFERENCE FORM**

FOR COMPLETION BY PERSONS OTHER THAN EMPLOYERS

Please note that by completing this reference form you are giving consent for this information to be held on the employee's personnel file, which is available to them once employed, in accordance with the Data Protection Act.

Applicants Name: \_\_\_\_\_

Position applied for: \_\_\_\_\_

Ref. No: \_\_\_\_\_

**Personal Qualities**

**Please comment on the applicant's character and personality (Including honesty, trustworthiness & reliability.**

**From your knowledge of the person, and the job description enclosed, please give your views of their suitability for the position.**

**Please make any other comments that you feel are applicable.**

Referee Details	
Name:	Signature:
Address:	
Position & Relationship:	How long have you known the Applicant :
Telephone No:	Date:

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS REFERENCE

## CALDERDALE METROPOLITAN BOROUGH COUNCIL

**POST INTERVIEW REFERENCE FORM**

FOR COMPLETION BY EMPLOYERS

Please note that by completing this reference form you are giving consent for this information to be held on the employee's personnel file, which is available to them once employed, in accordance with the Data Protection Act.

Applicants Name: \_\_\_\_\_

Position applied for & Reference: \_\_\_\_\_

Period in your employment: \_\_\_\_\_

Current Grade/Salary when leaving you: \_\_\_\_\_

**1. JOB DETAILS**

**What is the applicant's current/most recent position with you?**

**In what capacity do you know the person?**

**Please summarise main duties and key responsibilities of current or previous post where applicable**

**What are/were the applicant's reason for leaving? (if applicable)**



## 2. PERSONAL ATTRIBUTES

How do you rate the applicant with regard to:

	Poor	Below Average	Good	Excellent
a. Reliability and trustworthiness				
b. Relationships with colleagues				

**Comments in support of your ratings:**

## 3. JOB PERFORMANCE

How do you rate the applicant with regard to:

	Poor	Below Average	Good	Excellent
a. Work Quality				
b. Work Output				
c. Accuracy				
d. Initiative				

**Comments in support of your ratings:**

#### 4. VACANCY APPLIED FOR

How do you rate the suitability of the applicant for the position applied for  
(please refer to Job Description and Personal Specification)

	Poor	Below Average	Good	Excellent
a. Relevant Skills				
b. Relevant/similar experience				
c. Relevant Knowledge				

**Comments in support of your ratings:**

#### 5. GENERAL

##### Timekeeping

Do you regard the applicant's time keeping as satisfactory? Please tick appropriate:

Yes ☐ No ☐

**If no, please give details**

##### Discipline

Has the applicant had any previous disciplinary action taken against them?

Yes ☐ No ☐

**If yes, please give details:-**

Are there any current disciplinary issues outstanding or being investigated?

Yes

No

If yes, please give details:-

### Re-employment

Would you re-employ this person?

Yes

No

If no, please give details

**Vulnerable Groups - children, young people, vulnerable adults.**

**Do you know of any reason why the applicant should not work with any vulnerable groups?**

Yes

No

If yes, please give specific details of your concerns.

**Please provide details of any disciplinary issues involving the applicant that related to the safety and welfare of children, young people or vulnerable adults.**

Name of Referee:

Signature:

Organisation:

Date:

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS REFERENCE

# TELEPHONE REFERENCE CHECKLIST

SERVICE .....

POST APPLIED FOR .....

POST REFERENCE NO .....

NAME OF CANDIDATE .....

NAME OF PERSON MAKING TELEPHONE CALL AND POST HELD BY THAT PERSON

.....

NAME OF PERSON TELEPHONED, POST HELD AND ORGANISATION EMPLOYED BY

.....

DATE OF TELEPHONE CALL .....

QUESTIONS ASKED (Write these down beforehand as appropriate) AND ANSWERS  
GIVEN

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(Continue on separate sheets as necessary)

OFFER OF EMPLOYMENT – HOLDING REPLY

Our Ref:  
Your Ref:  
Please Contact:  
Telephone: 01422 288  
Fax: 01422 288306  
Email: @calderdale.gov.uk  
Date:



[www.calderdale.gov.uk](http://www.calderdale.gov.uk)

**Communities & Service Support**

**Private & Confidential**

Human Resources  
Calderdale MBC  
3<sup>rd</sup> Floor  
Westgate House  
Halifax  
HX1 1PS

Dear

**Re: Offer of Employment – Post Title**

Further to your recent interview, I am writing to offer you the post of \*\*\*\*\*. This offer of employment is subject to satisfactory pre-employment checks including receipt of proof of identification, to ensure compliance with the Asylum and Immigration Act 1996 (as amended), \*and a satisfactory Disclosure from the Disclosure and Barring Service (where applicable).

Please also complete the enclosed Declaration of Health form and return as soon as possible in the freepost envelope.

On receipt of satisfactory pre-employment checks, you will receive a formal letter of appointment which sets out the terms and conditions of the post.

**Please do not resign from your current post until you receive a formal letter of appointment.**

Should you wish to discuss any details regarding the post, please do not hesitate to contact me on the above number.

Yours sincerely

xxxxxxx

HR Recruitment Assistant

**\* For posts with substantial access to children, young people and vulnerable adults, please refer to Appendix 22.**



INVESTOR IN PEOPLE



**John Walsh**  
Head of Human Resources



## APPOINTMENT LETTER

(This letter is provided as an example – amend accordingly)

Dear x

Appointment of ..... *Insert Post Title* .....

Further to your recent interview, I am very pleased to offer you the above mentioned position within my Service, with effect from..... **(If known)**..... You will be based at

....., but you may be called upon to serve in any other work location within the Council as appropriate. .

The salary grade of the post is **Scale** ....., **Spinal Column Points** ..... to..... (£..... - £ .....), **at a commencing salary of £..... i.e. Spinal Column Point..... and is subject to job evaluation (if applicable)**

Your terms and conditions of service will be in accordance with the National Joint Council for Local Government Services as amended and supplemented, where appropriate by Local and/or Regional Conditions of Service/Agreements.

Your hours of work are 37 per week **(insert if a rota or days/times etc)**. It must be clearly understood that a degree of flexibility will be required to meet the needs of the service. The Council's system of Flexible Working Hours scheme is applicable to this post (if applicable).

Your annual leave entitlement will be ..... **days (pro rata)**. There are currently 10 public/locally agreed holidays.

**If applicable** \*The post attracts an **Delete one of the following** "Essential or Casual Car User Allowance, please complete the enclosed **Delete one of the following** CA1 Form (Essential) or CA1A Form (Casual) and return with copies of your vehicle registration document. The local scheme of which recognises the first two bands for repayment purposes. This can be reviewed at any time.

It is a condition of this Authority that Officers in receipt of any car user allowance should have their cars insured for business purposes. I shall be grateful, therefore, if you will provide me with a copy of your Insurance Certificate for our records.\*

Your employment is terminable by you with **one/two or three months'** notice in writing **(depending on the grade of the post)** and by the Authority in accordance with the

provision of the Employment Rights Act 1996. The appointment is subject to a six-month probationary period, during which you are expected to establish your suitability for the post. During your probationary period your appointment is subject to one week's notice. *If the employee has continuous Local Government Service, probationary period not applicable.*

You will automatically become a member of the Local Government Pension Scheme, unless you positively elect not to join. The scheme is run by the West Yorkshire Pension Fund who will contact you shortly after commencement of the post.

Your salary is paid monthly on or before the 15<sup>th</sup> of each month (fortnight in advance and a fortnight in arrears). It will be paid direct to your bank/building society. I enclose the appropriate form for completion and return.

**Please forward your P45 as soon as possible or contact HR on ..... to request and complete a P46 if your P45 is not available.**

May I take this opportunity to welcome you to Calderdale Metropolitan Borough Council and I hope you enjoy working with us.

Please confirm your acceptance of the post in accordance with the terms and conditions outlined in this letter by signing and returning the enclosed copy of this letter to **Line Manager Name**, together with your completed forms at **insert address details**.

If you require any further information regarding your appointment, please contact .....**insert post contact or line manager** ..... **on**..... **and his/her telephone number**.....

Yours sincerely

Name of Head of Service  
Title of appropriate Head of Service

Enc/s

**Please sign and return the copy of this letter as soon as possible.**

#### **Code of Conduct**

I have read, understand and agree to observe the Council's Code of Conduct.

#### **Terms and Conditions**

I have read and agree to the terms and conditions of the post outlined.

Signed: ..... Date: .....

SERVICE: ..... DIRECTORATE .....

POST TITLE: ..... POST REFERENCE: .....

GRADE: ..... INTERVIEW DATE: ..... CHAIR OF PANEL: .....

INTERVIEW PANEL MEMBERS: .....

[illegible]



[illegible]

**CALDERDALE COUNCIL**  
**RECRUITMENT ANALYSIS AND MONITORING FORM**  
**GUIDANCE NOTES AND CODES**

All sections of the form must be completed indicating:

Media Source: Online, **Courier**, **Job Sheet**, etc

Gender: **M** for Male or **F** for Female

Ethnicity: Ethnic Origin Codes **1a – 5b** listed in table below

Disabled: **Y or ✓** if candidate has indicated yes and **N or ✗** if candidate has confirmed not

Internal or External: **I or ✓** for internal applicant or **E or ✗** for external applicant

Shortlisted Record: **Y or ✓** if shortlisted or **N or ✗** if not shortlisted

Interviewed Record: **Y or ✓** if interviewed or **N or ✗** if not interviewed

Rejected Code: Reasons for Non-Selection Code **1-10** listed in table below. The code applied to each application should also be noted on the candidates' application forms in case of any query.

ETHNIC ORIGIN CODES			REASONS FOR NON-SELECTION CODES	
WHITE	BRITISH	1a	1	Poorly completed application form
	IRISH	1b	2	Lack of appropriate experience
			3	Lack of relevant qualifications
MIXED	OTHER	1c	4	Inability to demonstrate professional and/or technical ability
	WHITE & BLACK CARIBBEAN	2a	5	Poor interview performance
			6	Withdrawn application
	WHITE & BLACK AFRICAN	2b	7	Unsatisfactory references
			8	Genuine occupational qualification
	WHITE & ASIAN	2c	9	Satisfactory, but better candidate selected at interview
			10	Any other reasons (please specify)
ASIAN OR ASIAN BRITISH	OTHER	2d		
	INDIAN	3a		
	PAKISTANI	3b		
	BANGLADESHI	3c		
BLACK OR BLACK BRITISH	OTHER	3d		
	CARIBBEAN	4a		
	AFRICAN	4b		
CHINESE OR OTHER ETHNIC GROUP	OTHER	4c		
	CHINESE	5a		
	OTHER	5b		

**Retain completed form and include in relevant employment data analysis which is submitted to HR bi-annually**

## **PROBATIONARY PERIODS FOR NEW EMPLOYEES NOT IN CONTINUOUS LOCAL GOVERNMENT SERVICE**

All new employees will go through an induction process (see Section 7 on New Recruit).

### **Staff Appointments**

All new entrants to Local Government Service will be subject to a six months' probationary period.

### **Personnel Sub Committee – 14 May 1975**

All new entrants to Local Government Service will be subject to an initial probationary period of six months. The probationary period does not apply to employees in continuous local government service transferring from other local authorities.

The purpose of the probationary period is to establish an employee's suitability for a given post and that the employee possesses the necessary capabilities to perform the duties and responsibilities entailed by that post.

It is imperative that Services ensure that appropriate procedures and mechanisms are in operation to deal with probationary periods efficiently and effectively. To this extent it is recommended that new employees are reviewed on a monthly basis to monitor progress being made.

### **Assessing Capability – Dealing with Probationary Periods Effectively**

- Appropriate steps and courses of action need to be taken when it is apparent that an employee is performing his/her duties below an acceptable standard. When an employee's lack of capability is in question, then the following procedure should be applied:
- Draw the employee's attention to the ways in which his/her performance is deficient, and assist them through appropriate training and advice to bridge the gap between management's expectation and actual performance.
- If there is no subsequent improvement in performance he/she should be advised that failure to improve to the standard required could lead to dismissal.
- At the beginning of the fourth month of employment of people whose performance was initially unsatisfactory, consideration should be given to terminating employment, extending the probationary period beyond six

months, or confirming the appointment. It is recommended that a brief report is compiled on the employee's capability.

#### Extending a Probationary Period – An Alternative to Dismissal

- An alternative to dismissal is to extend a probationary period from six months to nine months. To achieve this it is necessary to notify the individual in the first instance before the initial probationary period is due to expire. To do this you will need to contact the relevant Staff Side Secretary giving details of the proposed extension. Refer to HR for further advice, guidance and template letters.

#### **NOTE:**

**Employees who are given notice of termination before the expiry of their probationary period are not covered by the Council's Disciplinary Procedure. In exceptional circumstances such employees can make representations to the Corporate Lead for HR whose decision will be final.**

**All new entrants to local government should be advised in their letters of appointment that their appointments are subject to the satisfactory completion of six months' probationary service.**

**The employers period of notice to terminate employment within the 6 or 9 month probationary period is subject to one (1) week's notice only.**

## CONTINUOUS LOCAL GOVERNMENT SERVICE

### National Agreement - Green Book Provision

For the purposes of entitlements regarding Annual Leave, ***Notice of Termination of Employment (this condition is a local agreement)***, the Occupational Sickness Scheme and the Occupational Maternity Scheme continuous service will include continuous previous service with any public authority to which the Redundancy Payments Modification Order (Local Government) 1983 (as amended) applies.

Where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants he or she will be entitled to have previous service taken into account in respect of the sickness and maternity schemes provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened. For the purpose of the calculation of entitlement to annual leave the eight years time limit does not apply provided that no permanent full time employment has intervened.

Where an employee is transferred to an organisation not covered by the Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, (Appendix 19B), continuity of service is protected under the TUPE Regulations where there is a TUPE transfer. However, if that employee returns voluntarily to local government service continuity is broken. Where an employee returns in such circumstances, without a break between employments, all previous continuous service will be recognised for the purposes of calculation of entitlements to annual leave, occupational maternity leave/pay and occupational sick pay. This is subject to the return to service being within five years of the original transfer.

**Note:** This agreement applies to all employees who have returned to local government service since 1 April 1997 however the calculation of the resulting benefits, such as additional leave, will only take effect as from 1 April 2002.

### **Bodies listed under the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

The Modification Order originated in 1983. It has been amended on numerous occasions and was reorganised and re-issued in 1999 as The *Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999*. This has also been amended a number of times since by amending regulations and by selective primary legislation. This appendix lists bodies covered by the Order as at 15 April 2010.

This list is split into two parts. Part I (Schedule I of the Modification Order) lists bodies which in the main continue to exist. Part II (Schedule 2, Part II of the Modification Order) includes all of the bodies in Part I (see section 1) plus a number of further bodies (sections 2-9) which are no longer in existence.

Bodies listed in Part I must take into account continuous service with bodies listed in Part II when calculating entitlement to redundancy payments.

The bodies listed in sections 2-9 of Part II which still exist are not bound by the Modification Order.

Various acts of parliament are referred to throughout the lists. These are as follows:

<b><u>Reference</u></b>	<b><u>Meaning</u></b>
'the 1972 Act'	<i>Local Government Act 1972</i>
'the 1980 Act'	<i>Education (Scotland) Act 1980</i>
'the 1985 Act'	<i>Local Government Act 1985</i>
'the 1988 Act'	<i>Education Reform Act 1988</i>
'the 1992 Act'	<i>Further and Higher Education Act 1992</i>
'the 1994 Act'	<i>Local Government (Scotland) Act 1994</i>
'the 1998 Act'	<i>School Standards and Framework Act 1998</i>
'the Education Act'	<i>Education Act 1996</i>

### **Part I**

#### **Section 1 – Local government**

1. In relation to England, a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly; in relation to Wales, a county council or a county borough council, established under section 20 of the 1972 Act.
2. A council constituted under section 2 of the 1994 Act.
3. In relation to England, a parish council, a common parish council, a parish meeting; in relation to Wales, a community council, a common community council.

4. Any authority established by an order under section 10 of the 1985 Act.
  5. A joint board or joint body constituted by or under any enactment for the purposes of exercising the functions of two or more bodies described in any of paragraphs 1 to 4 above.
  6. Any other authority or body, not specified in any of paragraphs 1 to 4 above, established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies specified in paragraphs 1 to 4 above.
- 6A. The Greater London Authority.
- 6B. Transport for London.
- 6C. A functional body as defined in section 424 of the Greater London Authority Act 1999 other than Transport for London (i.e. London Development Agency, Metropolitan Police Authority, London Fire Emergency Planning Authority).
- 6D. The London Transport Users' Committee established under section 247 of the Greater London Authority Act 1999.
- 6E. The Cultural Strategy Group for London established under section 375 of the Greater London Authority Act 1999.
7. Any committee (including a joint committee) established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies specified in any of paragraphs 1 to 6 above.
  8. Any two or more bodies described in any of paragraphs 1 to 7 above acting jointly or as a combined authority.
  9. Any association which is representative of any two or more authorities described in any of paragraphs 1 to 4 above.
  10. Any committee established by one or more of the associations described in paragraph 9 above for the purpose of exercising the functions of, or advising, one or more of such associations.
  11. An association which is representative of one or more of the associations described in paragraph 9 above and of another body or other bodies, and included in whose objects is the assembling and dissemination of information and advising with regard to conditions of service in local government service and generally.
  12. An organisation which is representative of an association or associations described in paragraph 9 above and employees' organisations and among whose objects is the negotiation of pay and conditions of service in local government service.

13. A National Park Authority established under section 63 of the *Environment Act 1995*.
- 13A A National Park Authority established under sections 6 to 8 of the National Parks (Scotland) Act 2000.
14. A residuary body established by section 57(1)(b) of the 1985 Act.
15. The Residuary Body for Wales (Corff Gweddilliol Cymru).
16. Audit Scotland.
17. The Commission for the Local Administration in England.
18. The Commission for the Local Administration in Wales.
19. The Commission for Local Administration in Scotland.
20. The Local Government Management Board.
21. Employers Organisation for Local Government.
22. Improvement and Development Agency for Local Government.
23. Improvement Service Company

## **Section 2 – Planning and development**

1. One North East.
2. Yorkshire Forward.
3. North West Development Agency (NWDA).
4. Advantage West Midlands.
- 4A. Dewsbury Partnership Ltd.
5. East Midlands Development Agency (EMDA).
6. East of England Development Agency (EEDA).
7. South East of England Development Agency (SEEDA).
- 7A. SEERA Limited.
8. South West of England Development Agency (SWERDA).
9. A development corporation within the meaning of the *New Towns Act 1981*.



10. An Urban Development Corporation established under section 135 of the *Local Government Planning and Land Act 1980*.
11. A housing action trust established under Part III of the Housing Act 1988.
12. The Broads Authority, established under the *Norfolk and Suffolk Broads Act 1988*.
13. The Commission for the New Towns.
14. The Countryside Commission for Scotland.
15. The Development Board for Rural Wales.
16. The Edinburgh New Town Conservation Committee.
17. The Housing Corporation.
18. Huddersfield Pride Limited.
19. Scottish Enterprise, established under the *Enterprise and New Towns (Scotland) Act 1990*.
20. Scottish Homes, established under the *Housing (Scotland) Act 1988*.
21. Springfield Horseshoe Housing Management Co-operative Limited.
22. Housing for Wales (Tai Cymru).
23. ....
24. Batley Action Limited.
25. Bethnal Green City Challenge Company Limited.
26. The Blackburn City Challenge Partnership Board.
27. Bolton City Challenge Partnership Limited.
28. Bradford City Challenge Limited.
29. Brixton Challenge Company Limited.
30. Community North (Sunderland) Limited.
31. Dalston City Partnership Limited.
32. Deptford City Challenge Limited.

33. Derby Pride Limited.
34. Douglas Valley Partnership Limited.
35. Harlesden City Challenge Limited.
36. Hulme Regeneration Limited.
37. Leicester City Challenge Limited.
- 37A. Manchester Investment and Development Agency Service Ltd (MIDAS).
38. Newcastle West End Partnership Limited.
39. Newtown South Aston City Challenge Limited.
40. North Kensington City Challenge Company Limited.
41. North Tyneside City Challenge Partnership Limited.
- 41A. Olympic Park Legacy Company Limited.
42. Stratford Development Partnership Limited.
43. Wolverhampton City Challenge Limited.
44. The Urban Regeneration Agency established under Part III of *the Leasehold Reform, Housing and Urban Development Act 1993*.
45. Pennine Housing 2000 Limited.
46. Twin Valley Homes Limited.
47. Urban Futures London Limited.
48. Aire-Wharfe Community Housing Trust Limited.
49. Bradford Building Services Limited.
50. Bradford Community Housing Trust Limited.
51. Bradford West City Community Housing Trust Limited.
- 51A. City Building (Glasgow) LLP.
52. Coast & County Housing Limited.
53. Dumfries and Galloway Housing Partnership Limited.
54. East Bradford Community Housing Trust Ltd.

55. Knowsley Housing Trust.
56. North Bradford Community Housing Trust Limited.
57. Northern Housing Consortium Limited.
58. Shipley Community Housing Trust Limited.
59. South Bradford Community Housing Trust Limited.
60. Sunderland Housing Group.

### **Section 3 – Education**

1. The governing body of a further education establishment for the time being mainly dependent for its maintenance on assistance from local education authorities, or grants under section 485 of the *Education Act* or on such assistance and grants taken together.
2. The governing body of an aided school within the meaning of the *Education Act*.
3. The governing body of a foundation school, voluntary aided school or foundation special school within the meaning of the 1998 Act.
4. The managers of a grant-aided school as defined in section 135(1) of the 1980 Act.
5. The governing body of a central institution as defined in section 135(1) of the 1980 Act other than a college of agriculture.
6. The governing body of a College of Education as defined in section 135(1) of the 1980 Act.
7. The managers, other than a local authority, of a school which before any direction made by the Secretary of State under paragraph 2(1) of Schedule 7 to the *Social Work (Scotland) Act 1968* was a school which immediately before the commencement of Part III of that Act was approved under section 83 of the *Children and Young Persons (Scotland) Act 1937* if the employee was employed by those managers at the date the direction became effective.
8. A person carrying on a city technology college, a city college for the technology of the arts or an Academy established under an agreement with the Secretary of State under section 482 of the *Education Act*.
9. A company formed to manage a college of further education by virtue of section 65(1) of the *Self-Governing Schools etc. (Scotland) Act 1989*.
10. The board of management of a self-governing school as defined in section 80(1) of the *Self-Governing Schools etc. (Scotland) Act 1989*.

11. A further education corporation established under section 15 or 16 of the 1992 Act or in respect of which an order has been made under section 47 of that Act.
12. The governing body of an institution which is a designated institution for the purposes of Part 1 of the 1992 Act or, in the case of such an institution conducted by a company, that company.
13. The board of management of a college of further education, established under Part 1 of the *Further and Higher Education (Scotland) Act 1992*.
14. The governing body of a designated institution within the meaning of section 44(2) of the *Further and Higher Education (Scotland) Act 1992*.
15. A higher education corporation established under section 121 or 122 of the 1988 Act or in respect of which an order has been made under section 122A of that Act.
16. The governing body of an institution designated under section 129 of the 1988 Act or, in the case of such an institution conducted by a company, that company.
17. An Education Action Forum established under sections 10 and 11 of the 1998 Act.
18. The governing body of a grant-maintained school.
19. The governing body of a grant-maintained special school.
20. The Central Council for Education and Training in Social Work.
21. The Centre for Information on Language Teaching and Research.
- 21A. The Centre for Literacy in Primary Education.
- 21B. Connexions Lancashire Limited.
22. Cwmni Cynnal.
23. The General Teaching Council for Scotland, established under the *Teaching Council (Scotland) Act 1965*.
24. The National Institute of Adult Continuing Education (England and Wales).
25. Newbattle Abbey College.
26. The Scottish Community Education Council.
27. Scottish Consultative Council on the Curriculum.
28. The Scottish Council for Educational Technology.

29. The Scottish Council for Research in Education.
30. The Scottish Examination Board.
31. The Scottish Vocational Education Council.
32. Shetland Arts Development Agency.
33. VT Four S Limited.

#### **Section 4 – Careers guidance**

1. Argyll & Bute Careers Partnership Limited.
2. Calderdale and Kirklees Careers Service Partnership Limited.
3. Cambridgeshire Careers Guidance Limited.
4. Capital Careers Limited.
5. Career Connections Limited.
6. Career Decisions Limited.
7. Career Development Edinburgh and Lothians.
8. Career Path (Northamptonshire) Limited.
9. Careerpaths (Cardiff and Vale) Limited.
10. Careers and Education Business Partnership.
11. Careers Central Limited.
- 11A. Careers Enterprise (Futures) Limited.
12. Careers Partnership Limited.
13. Careers Service Lancashire Area West Limited.
14. Central Careers Limited.
15. Cornwall and Devon Careers Limited.
- 15A. Coventry, Solihull and Warwickshire Partnership Limited.
16. Derbyshire Careers Service Limited.
17. East Lancashire Careers Services Limited.

18. Education Business Partnership (Wigan) Limited.
19. Essex Careers and Business Partnership Limited.
20. Future Steps Limited.
21. Future Careers Limited.
22. Grampian Careers.
23. Guidance Enterprises Group Limited.
24. GuideLine Career Services Limited.
25. Gwent Careers Service Partnership Limited.
26. Hereford and Worcester Careers Service Limited.
27. Hertfordshire Careers Service Limited.
28. Highland Careers Services Limited.
29. The Humberside Partnership.
30. Learning Partnership West.
31. Leeds Careers Guidance.
32. Leicestershire Careers and Guidance Services Limited.
33. Lifetime Careers Barnsley, Doncaster and Rotherham Limited.
34. Lifetime Careers Bolton, Bury and Rochdale Limited.
35. Lifetime Careers Brent and Harrow Limited.
36. Lifetime Careers Stockport and High Peak Limited.
37. Lifetime Careers Wiltshire Limited.
38. Lincolnshire Careers and Guidance Services Limited.
- 38A. London South Bank Careers.
39. Mid Glamorgan Careers Limited.
40. Norfolk Careers Services Limited.
41. North East Wales Careers Service Company Limited.

- 41A. Oldham Education Business and Guidance Services.
- 42. Orkney Opportunities Centre.
- 43. Prospects Careers Services Limited.
- 44. Quality Careers Services Limited.
- 45. St Helens Careers Service Limited.
- 46. Sheffield Careers Guidance Services.
- 47. Shropshire Careers Service Limited.
- 48. Suffolk Careers Limited.
- 49. Tayside Careers Limited.
- 50. West Glamorgan Careers and Education Business Company Limited.

#### **Section 5 – Public transport**

- 1. A Passenger Transport Executive established under section 9(1) of the *Transport Act 1968*.
- 2. A metropolitan county passenger transport authority established by section 28 of the 1985 Act.
- 3. The Forth Road Bridge Joint Board.
- 4. The Tay Road Bridge Joint Board.

#### **Section 6 – Police, fire and civil defence**

- 1. A fire authority constituted by a combination scheme made under the *Fire Services Act 1947*.
- 1A. A fire and rescue authority constituted by a scheme under section 2 of the *Fire and Rescue Services Act 2004* or a scheme to which section 4 of that Act applies.
- 2. A police authority within the meaning of the *Police Act 1996*.
- 3. A metropolitan county fire and rescue authority established by section 26 of the 1985 Act.
- 4. A company the members of which comprise fire and rescue authorities in England and whose objects include the operation of a regional fire control centre.

## **Section 7 – Sports Councils**

1. The English Sports Council.
2. The Scottish Sports Council.
3. The Sports Council for Wales.
4. The United Kingdom Sports Council.

## **Section 8 – Social services**

1. Coverage Care Limited.
- 1ZA Essex Cares Limited.
- 1ZB Essex Community Support Limited.
- 1ZC Essex Employment and Inclusion Limited.
- 1ZD Essex Equipment Services Limited.
- 1A. Forfarshire Society for the Blind.
- 1B. Harlow Welfare Rights & Advice.
2. The Humberside Independent Care Association.
- 2A. New Charter Building Company Limited.
- 2B. New Charter Housing Trust Limited.
3. Quantum Care Limited.
4. Sandwell Community Caring Trust Limited.
- 4ZA. The Scottish Commission for the Regulation of Care.
- 4ZB. The Scottish Social Services Council.
- 4ZC. Shetland Council of Social Services.
- 4A. Shetland Welfare Trust.
- 4AA. Tynedale Housing Company Limited.
5. Waltham Forest Specialist Housing Consortium Limited.



6. The Wrekin Housing Trust Limited.

## **Section 9 – Museums**

1. The Board of Governors of the Museum of London.
2. The Board of Trustees of The National Museums and Galleries on Merseyside.
3. Coventry Museum of British Road Transport.
4. The Geffrye Museum Trust.
5. The Horniman Public Museum and Public Park Trust.
6. National Coal Mining Museum for England Trust Limited.
7. The Scottish Museums Council.
8. Woodhorn Charitable Trust.

## **Section 10 – Miscellaneous bodies**

1. A valuation tribunal in Wales established under the *Local Government Finance Act 1988*.
2. ....
3. An area tourist board established by virtue of an order made under section 172, 173 or 174 of the 1994 Act.
4. A probation committee within the meaning of the *Probation Service Act 1993*.
- 4A. A local probation board within the meaning of the *Criminal Justice and Court Services Act 2000*.
- 4B. A probation trust.
5. A magistrates' courts committee or the Committee of Magistrates for the Inner London Area, within the meaning of the *Justices of the Peace Act 1979*.
- 5A. A body designated as a Care Trust under section 45 of the *Health and Social Care Act 2001*.
- 5B. A community justice authority under section 3 of the Management of Offenders (Scotland) Act 2005.
- 5C. Active Stirling Limited.
- 5D. Ardroy Outdoor Learning Trust.

5E. Arts and Theatres Trust Fife Limited.

6. Blyth Valley Arts and Leisure Limited.

6A. The Business Shop – Angus Limited.

6AA. The Care Quality Commission.

6B. The Care Standards Inspectorate for Wales.

6C. The Children and Family Court Advisory and Support Service.

6D. City markets (Glasgow) LLP.

6E. City parking (Glasgow) LLP.

6F. City Property Glasgow LLP.

7. C.I.P. (Hounslow) Limited.

7A. Clackmannanshire Leisure.

8. Community Initiative Partnerships.

8A. Coventry Sports Trust Limited.

8B. CV One Limited.

8C. Culture and Sport Glasgow.

8D. Culture and Sport Glasgow (Trading) C.I.C.

9. Derwentside Leisure Limited.

9ZA. East End Partnership Limited.

9A. Edinburgh Leisure.

9AA. Enfield Leisure Centres Limited.

9B. Enjoy East Lothian Limited.

10. The Environment Agency.

10A. Fife Coast and Countryside Trust.

10B. Fife Sports and Leisure Trust Limited.

10C. Forth Valley GIS Limited.

10D. Glasgow Community and Safety Services Limited.

11. Greenwich Leisure Limited.

11A. Herefordshire Community Leisure Trust.

12. Hounslow Cultural and Community Services.

13. Hounslow Sports and Recreation Services.

13A. The Islesburgh Trust.

13B. Kirklees Active Leisure Trust.

14. The Land Authority for Wales.

15. Leisure Tynedale.

16. The Lee Valley Regional Park Authority.

17. The London Pensions Fund Authority.

17A. The National Care Standards Commission.

17B. ....

17C. ....

18. National Mobility Services Trust Limited.

19. New Park Village TMC Limited.

19ZA. North Lanarkshire Leisure Limited.

19ZB. Nuneaton and Bedworth Leisure Trust.

19A. Oldham Community Leisure Limited.

19AA. Pendle Leisure Limited.

19B. Renfrewshire Leisure Ltd.

19C. Salford Community Leisure Limited.

19CA. Sandwell Arts Trust.

19D. Sandwell Sport and Leisure Trust.

- 20. The Scottish Children's Reporter Administration established under section 128 of the 1994 Act.
- 21. The Scottish Environment Protection Agency.
- 22. Scottish Water.
- 22A. Shetland Recreational Trust.
- 22B. Somerset Leisure Limited.
- 23. The South Yorkshire Pensions Authority.
- 23A. Sport Aberdeen
- 24. Strathclyde European Partnerships Limited.
- 24A. Tameside Sports Trust.
- 24B. Tees Active Limited.
- 24C. The Valuation Tribunal Service.
- 24D. The Water Industry Commissioner for Scotland.
- 25. West Lothian Leisure Limited.
- 26. Wigan Leisure and Culture Trust.

## **Part II**

### **Section 1**

Any employer specified in Schedule I whether or not in existence at the time of the relevant event, (i.e. the redundancy).

### **Section 2 – Local government**

- 1. The Greater London Council.
- 2. The London Residuary Body established by section 57(1)(a) of the 1985 Act.
- 3. The council of an administrative county, county borough (other than one established under section 20 of the 1972 Act), metropolitan borough or county district.
- 4. A regional council, islands council or district council established by or under the *Local Government (Scotland) Act 1973*.

5. The council of a county, county of a city, large borough, small borough or district ceasing to exist after 15 May 1975.
6. Any joint board or joint body constituted by or under any enactment for the purpose of exercising the functions of two or more of the bodies described in any of paragraphs 1 to 5 above, and any special planning board within the meaning of paragraph 3 of Schedule 17 to the 1972 Act.
7. Any other body, not specified in any of paragraphs 1 to 6 above, established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies specified in any of paragraphs 1 to 6 above.
8. Any committee (including a joint committee) established by or under any enactment for the purpose of exercising the functions of, or advising, one or more of the bodies described in any of paragraphs 1 to 6 above.
9. Any two or more bodies described in any of paragraphs 1 to 8 above acting jointly or as a combined authority.
10. Any association which was representative of any two or more bodies described in any of paragraphs 1 to 5 above.
11. Any committee established by one or more of the associations described in paragraph 10 above for the purpose of exercising the functions of, or advising, one or more of such associations.
12. Any organisation which was representative of an association or associations described in paragraph 10 above and employees' organisations and among whose objects was to negotiate pay and conditions of service in local government service.
13. The council of a county or district in Wales ceasing to exist after 31 March 1996.
14. The Local Government Training Board.
15. The Accounts Commission for Scotland.

### **Section 3 – Planning and development**

1. A development corporation within the meaning of the *New Towns Act 1946* or the *New Towns Act 1965*.
2. A development corporation established under section 2 of the *New Towns (Scotland) Act 1968*.
3. The Scottish Development Agency.
4. The Scottish Special Housing Association.

5. The English Industrial Estates Corporation established by the *Local Employment Act 1960*.

#### **Section 4 – Education**

1. The governing body of an aided school within the meaning of the Education Act.
2. The governing body of a grant-maintained school.
3. The governing body of a grant-maintained special school.
4. The proprietor (within the meaning of section 579(1) of the *Education Act*) of a school for the time being recognised as a grammar school for the purposes of regulation 4(1) of the *Direct Grant Schools Regulations 1959*, being a school in relation to which, before 1 January 1976, the Secretary of State was satisfied as mentioned in regulation 3(1) of the *Direct Grant Grammar Schools (Cessation of Grant) Regulations 1975*.
5. The proprietor (within the meaning of section 114(1) of the *Education Act 1944* of a school not falling within paragraph 1 of this section which throughout the period of employment was recognised as a grammar school or, as the case may be, as a direct grant grammar school for the purposes of regulation 4(1) of the *Direct Grant Schools Regulations 1959*, of Part IV of the *Schools Grant Regulations 1951* or of Part IV of the *Primary and Secondary Schools (Grant Conditions) Regulations 1945*.
6. The managers of a school which during the period of employment was approved under section 83 of the *Children and Young Persons (Scotland) Act 1937*.
7. The managers of a school which during the period of employment was a grant-aided school within the meaning of section 143(1) of the *Education (Scotland) Act 1946*, section 145(22) of the *Education (Scotland) Act 1962* or section 135(1) of the 1980 Act.
8. The managers of a school which during the period of employment was a school which, immediately before the commencement of Part III of the *Social Work (Scotland) Act 1968*, was approved under section 83 of the *Children and Young Persons (Scotland) Act 1937*.
9. An institution within the PCFC funding sector, within the meaning of section 132(6) of the 1988 Act.
10. The Further Education Staff College.
11. The Inner London Education Authority, known as the Inner London Interim Education Authority for a period prior to the abolition date as defined in section 1(2) of the 1985 Act.
12. The National Advisory Body for Public Sector Higher Education.

13. The Polytechnics and College Funding Council as established by section 132 of the 1988 Act.
14. The Scottish Association for National Certificates and Diplomas.
15. The Scottish Business Education Council.
16. The Scottish Council for Commercial, Administrative and Professional Education.
17. The Scottish Technical Education Council.
18. The Secretary of State for Defence in relation only to employees in schools administered by the Service Children's Education Authority.
19. The Secretary of State for Education and Employment [or the Secretary of State for Education and Skills], in relation only to teachers employed under contract in the European School established under Article 1 of the Statute of the European School and in schools designated as European Schools under Article 1 of the Protocol to that Statute.
- 19A. Shetland Arts Trust.
20. A person, who during the period of employment, performed a function of a local education authority pursuant to a direction given by the Secretary of State under s.497A(4) of the *Education Act 1996*.

## **Section 5 – Careers guidance**

1. Black Country Careers Services Limited.
2. Buckinghamshire Careers Services Limited.
3. Kent Careers and Guidance Service Limited.

## **Section 6 – Police, fire and civil defence**

1. A previous police authority in relation to which Schedule 11 to the *Police Act 1964* had effect or which was the police authority for an area or district which was before 1 April 1947 or after 31 March 1946 a separate police area or, in Scotland, a previous police authority for an area which was before 16 May 1975 a separate or combined police area.
2. The London Fire and Civil Defence Authority.

## **Section 7 – Sports Councils**

The Sports Council.

## **Section 8 – Social services**

A person or body of persons responsible for the management of an assisted community home within the meaning of section 36 of the *Children and Young Persons Act 1969* or of an approved institution within the meaning of section 46 of that Act.

## **Section 9 – Miscellaneous**

1. A regional water board established under section 5 of the *Water (Scotland) Act 1967*.
2. A river purification board established under section 2 of the *Rivers (Prevention of Pollution) (Scotland) Act 1951*.
3. A river purification board established under section 135 of the *Local Government (Scotland) Act 1973*.
4. A local valuation panel constituted under the *Local Government Act 1948* or established under the *General Rate Act 1967*.
- 4A. A valuation tribunal in England established under the *Local Government Finance Act 1988*.
5. The Central Scotland Water Development Board.
6. The Scottish Industrial Estates Corporation (formerly the Industrial Estates Management Corporation for Scotland) established by section 8 of the *Local Employment Act 1960*.
7. The Small Industries Council for Rural Areas of Scotland, being a company which was dissolved by section 15(5) of the Scottish Development Agency Act 1975 and was until then registered under the Companies Acts from time to time in force.
- 7A. The Traffic Director for London.
8. The Welsh Industrial Estates Corporation (formerly the Industrial Estates Management Corporation for Wales) established by section 8 of the *Local Employment Act 1960*.





## Eligibility to Work in the UK - Guidance for Managers

This guidance will help you understand which documents you must ask your prospective employees to produce to ensure that they can work for you lawfully and so that the Council can establish a statutory excuse against the payment of a civil penalty if an employee is found to be undertaking work they are not permitted to do.

It explains what steps you should take to satisfy yourself that any documents produced by a prospective employee demonstrate an entitlement to work in the UK. It also explains when you should repeat these checks on those who have limits on their time in the UK.

The Immigration, Asylum and Nationality Act 2006 strengthened the law on the prevention of illegal working by replacing the previous controls under Section 8 of the Asylum and Immigration Act 1996.

With effect from 29 February 2008, Section 15 of the Act imposed new civil penalties up to a maximum of £10,000 on employers of illegal workers. In addition, where employers are found to have knowingly hired illegal workers they may be liable for prosecution under Section 21 of the Act, for which there is a maximum prison sentence of 12 months and/or an unlimited fine.

Although employers may establish a statutory excuse in relation to Section 15 of the Act, there is no such excuse in relation to Section 21 if the employer knew at any time that the employment was not permissible.

Employers may establish a statutory excuse against liability for a civil penalty in relation to Section 15 if they can prove that they have seen documents from two lists, List A or List B attached (Appendix 3), and have placed a copy on the employee's personnel file.

List A documents demonstrate an ongoing right to work and List B documents demonstrate a right to work for a limited period. **Where the entitlement to work is temporary, identification documents must be checked every 12 months to ensure continued eligibility and to retain the statutory excuse.**

- The employer will be deemed to have conducted a **full check** where the relevant photocopied documents from either List A or List B are available and all appropriate steps were taken to check the validity of these documents.
- The employer will be deemed to have conducted a **partial check** where managers have only copied one of a specified combination of two original documents or have failed to conduct a follow-up check on a worker with temporary immigration status.
- The employer will be deemed to have conducted **no check** if the relevant documents have been seen, but not copied and placed on the employees file, or a document has been accepted which does not belong to the employee, or

it is reasonably apparent that the document is false or shows that the person does not have a current entitlement to work in this country.

Managers should read the attached guidance notes (Appendix 1) regarding the status of overseas workers and the documents to be verified and copied as part of the pre-recruitment checking process (Appendix 3). The attached letter template (Appendix 2) and the list of documents (Appendix 3) should be sent out to **all** shortlisted candidates with their invitation to interview, to ensure that the Council complies with its legal obligation under Sections 15 and 21 of the Act in a way that does not result in unlawful race discrimination.

Where employees are transferred in under TUPE arrangements, managers must request, check and copy relevant documentation within 28 days of the transfer date.

Further changes to immigration control were introduced under the Asylum, Immigration and Nationality Act 2006 including:

- The introduction of a points-based five tier immigration system for workers from outside the EEA or Switzerland that replaced all existing routes for those wishing to enter the UK to work, study or train.
- An employer led system of sponsorship for the employment of workers from outside the EEA or Switzerland, of which the Council is a registered Tier 2 sponsor.

All forms and guidance notes referred to in the attached documents are available from: [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

For further advice and guidance please contact Human Resources.

### The Immigration, Asylum and Nationality Act 2006 Managers Guidance Notes

In order to comply with the Immigration, Asylum and Nationality Act 2006, in a way that does not result in unlawful race discrimination, **all** prospective employees will be required to provide one or more documents to enable verification of identity and to demonstrate eligibility to work in the United Kingdom.

**Where eligibility to work is temporary, identification documents must be checked every 12 months to ensure continued eligibility.**

When invited for interview **every** applicant must be asked to bring proof of identity/their right to work in the United Kingdom (Appendix 3). At interview this documentation should be checked for every interviewee and should comprise of:

- A single or a specified combination of original documents as included in List A **or**
- A single or a specified combination of original documents as included in List B
- **Combinations cannot be made across the two lists.**

Managers must satisfy themselves that the applicant is the rightful holder of any of the documents they have presented and that they are permitted to undertake the type of work on offer. To do this, managers should:

- check any photographs where available contained in the documentation to ensure that they are consistent with the appearance of the applicant; **and**
- check the dates of birth listed where available to ensure that these are consistent across documents and with the appearance of the applicant; **and**
- check that the expiry dates of any limited leave to enter or remain in the United Kingdom have not passed; **and**
- check any United Kingdom Government endorsements, stamps, visas, etc to see if the applicant is able to do the type of work on offer; **and**
- if the applicant produces two documents which have different names ask for a further document to explain the reason for this, e.g. a marriage certificate, divorce document, adoption certificate etc; **and**
- satisfy yourself that the documents are genuine and have not been tampered with and belong to the holder.

Managers must make a copy of the relevant page(s) of the document in a format which cannot subsequently be altered such as a photocopy or scanned copy. In the case of a passport or other travel document, the following parts **must** be photocopied or scanned:

- the front cover and any page containing the holder's personal details including nationality, photograph, date of birth, signature, any biometric details, the date of expiry or biometric details;

- any page containing UK Government endorsements, noting the date of expiry and any relevant UK immigration endorsement which allows the applicant to do the sort of work you are offering.

All other documents should be copied in their entirety; this includes copying both sides of a Biometric Residence Permit (BRP).

All photocopied documentation should be sent with the Recruitment file when it is returned to Human Resources. The successful applicant's photocopied documents should be attached to the Notification of Appointment form to be placed on their personnel file. The unsuccessful applicant's photocopied documents will be held on the Recruitment file until it is destroyed.

On each occasion that a follow up document check is undertaken, copies should be taken again and the date of the recheck should be recorded.

Where employees are transferred in under TUPE arrangements, managers must undertake the appropriate document checks within 28 days of the commencement date.

### **Employing nationals from the European Economic Area (EEA)**

Nationals from European Economic Area (EEA) countries and Switzerland (EEA nationals) can enter the UK without any restrictions. You should not, however, employ any individual purely on the basis of their claim to be an EEA national. You should also be aware that not all EEA nationals can work in the UK without restrictions.

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

Nationals from these EEA countries can enter and work freely in the UK without restriction. Whilst they are residing lawfully, their immediate family members are also able to reside and work freely in the UK. However, you should still check their documents and photocopy to demonstrate this entitlement. Since 1 June 2002, nationals from Switzerland and their family members have also had the same free movement and employment rights as EEA nationals.

### **If the applicant is a national of the following EEA countries (A2 countries):**

**Bulgaria                      Romania**

The steps below must be followed:

- Check whether the worker needs an accession worker card. A Bulgarian or Romanian national must obtain an accession worker card before they can start work unless they are in an exemption category. Further guidance and information is available at [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk) or from Human Resources;
- If a Bulgarian or Romanian national is currently in employment with another employer, the applicant must apply for another accession worker card, as each approval and accession worker card relate to one employment only.

Only on receipt of the accession worker card can the applicant commence work. The letter of approval (where appropriate) and the accession worker card should be copied and sent to Human Resources with the Notification of Appointment form for inclusion on the personnel file.

### **Employing asylum seekers and refugees**

The term asylum seeker is used to describe those who have made an application to be recognised as a refugee under the Geneva Convention. An asylum seeker cannot be removed from the UK until their asylum application has been considered. Asylum seekers do not usually have the right to work and may only be lawfully employed if the UKBA has lifted restrictions on their taking employment.

An asylum seeker whose application is successful is granted refugee status. Refugees and those who have been recognised as requiring humanitarian protection will have no restrictions on the type of work they can do in the UK as long as they continue to hold this qualifying status. These individuals do not have to meet the tests of the points based system.

### **Employing any other non EEA worker**

All other non EEA overseas workers not covered in the categories above will require a Certificate of Sponsorship under Tier 2 of the Points Based System for Immigration.

A Certificate of Sponsorship will only be issued for posts where there is a national skills shortage, or where there is no suitable resident worker available. Further guidance with regard to the recruitment of non EEA nationals is available from Human Resources.

Dear Applicant

### Right to work in the UK

Before anyone starts work with Calderdale Council we have a legal obligation to confirm a person's right to live and/or work in the United Kingdom.

All shortlisted candidates must bring with them to interview either one **original** document or a combination of **original** documents as included in either List A or in List B attached. Combinations of documents cannot be made across the two Lists.

If you are invited to attend an interview, a nominated person will take copies of your documents and verify that you have produced the required evidence of your eligibility to work in the UK and that all your documents are valid and original. Please do not bring photocopies as they are not an acceptable form of evidence.

If you are successful at interview the verified copies will be filed for the duration of your employment with Calderdale Council.

If you forget to bring your documents to interview you will be asked to produce the originals before an offer of employment can be made.

Further information about working in the UK may be obtained online from [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk) or for general advice and guidance contact the Customer Contact Centre, UK Border Agency, PO Box 3468, Sheffield, S3 8WA. Telephone: 0114 207 4074.

Yours sincerely

**List A – Documents which show an ongoing right to work in the UK**

Any **one** of the following **original** documents will satisfy the requirements of the Act:

- A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.
- 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 an EEA country or Switzerland.
- A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to a national of an EEA country or Switzerland.
- A permanent residence card issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the family member of a national of an EEA country or Switzerland.
- A passport or other travel document endorsed to show that the holder is exempt from immigration control and is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom or has no time limit on their stay in the United Kingdom.

**Or**

An official document giving the applicant's permanent National Insurance Number and name issued by a Government Agency or a previous employer e.g. P45, P60, National Insurance card.

**Plus one of the documents listed below**

- An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom.
- A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents. Short birth certificates which do not contain details of either of the holder's parents are not acceptable.
- A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents.
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland.
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland.
- A certificate of registration or naturalisation as a British Citizen.
- A letter issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom.



## List B – Documents which show a right to work for up to 12 months

Any of the specified documents or a combination of documents as detailed from List B can demonstrate that a person is entitled to work in the United Kingdom for a limited period.

You must note the date on which the check is undertaken and carry out a follow up check at least once every 12 months to ensure continued eligibility. If the employee is able to provide a document or a combination of documents from List A at the follow up check, no further checks will be required.

- A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question.
- A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.
- A residence card or document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to a family member of a national of an EEA country or Switzerland.
- A work permit or other approval to take employment issued by the Home Office, the Border and Immigration Agency or the UK Border Agency **when produced in combination with** either a passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, the Border and immigration Agency or the UK Border Agency to the holder, employer or prospective employer confirming the same.
- A certificate of application issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to or for a family member of a national of an EEA country or Switzerland, stating that the holder is permitted to take employment, which is less than 6 months old, **when produced in combination with** evidence of verification of this document by the UK Border Agency Employer Checking Service.
- An Application Registration Card (ARC) issued by the Home Office, the Border and Immigration Agency or the UK Border Agency stating that the holder is 'ALLOWED TO WORK' or 'EMPLOYMENT PERMITTED' **when produced in combination with** evidence of verification by the UK Border Agency Employer Checking Service.
- An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question, **when produced in combination with** a document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, DWP, Jobcentre Plus which contains the National Insurance Number and name of the holder.
- A letter issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question, **when produced in combination with** a document issued by a previous employer or Government agency, e.g. HM Revenue and Customs, DWP, Jobcentre Plus which contains the National Insurance Number and name of the holder.

## List of documents that do not provide the statutory excuse

The following documents **will not** provide a statutory excuse under Section 15 of the 2006 Act:

- A Home Office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the United Kingdom. If you are presented with these documents then you should advise the applicant to call the UK Border Agency on 0151 237 6375 for information about how they can apply for an Application Registration Card.
- A passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar.
- A short (abbreviated) birth certificate issued in the United Kingdom which does not have details of at least one of the holder's parents.
- A temporary National Insurance number beginning with TN, or any number which ends with the letters from E to Z inclusive.
- A National Insurance number when presented in isolation.
- A licence provided by the Security Industry Authority.
- A document check by the Disclosure and Barring Service.
- A bill issued by a financial institution or a utility company.
- A full or provisional driving licence issued by the Driver and Vehicle Licensing Agency
- A card or certificate issued by the Inland Revenue under the Construction Industry Scheme.
- You may also see some passports which contain the word 'British' but will not provide an excuse against liability to pay a civil penalty unless it contains a certificate of entitlement or a relevant endorsement. These are a British Visitor's Passport **or** a passport that describes the holder as:
  - A British National (Overseas)
  - A British Dependent Territories citizen
  - A British Overseas Territories citizen
  - A British Overseas citizen
  - A British subject
  - A British protected person

## Working in the UK – the Points Based System for employing migrant workers

### What is the Points Based System?

The UK Border Agency (UKBA) is introducing a new five tier points based system that will cover all existing routes for non European Economic Area (EEA) migrants, wishing to enter the UK to work or study. Each tier has different conditions, entitlements and entry clearance checks.

Under the points based system applicants will have to show that they have enough points to qualify to enter the UK, extend a stay in the UK (where permitted) or switch between tiers in the UK (where permitted). Points can be earned against three sets of criteria: qualifications, competence in English language, and maintenance or funds.

In all cases other than those applying under Tier 1, the migrant will also require a sponsor, a business or educational institution within the UK that is licensed by the UKBA.

- **Tier 1 – Highly Skilled Individuals** - includes four categories: **General, Investors, Entrepreneurs** and **Post Study Work** for foreign students who have graduated from a United Kingdom university.

Migrants entering the UK under Tier 1 do not require a specific job offer or sponsorship from a body licensed by the UKBA, but will be required to pass a tier specific points based assessment to be eligible for entry.

Tier 1 provides a potential route to settlement in the UK, and successful applicants may bring their dependants. This Tier was implemented in February and June 2008.

- **Tier 2 – Skilled Workers with a Job Offer** - includes four categories: **General, Intra-Company Transfers, Ministers of Religion** and **Sports People**, and requires employers to become licensed sponsors.

This Tier replaces the existing Work Permit Scheme and is the only means of general labour recruitment from outside the EEA. Tier 2 is aimed at enabling UK employers to employ nationals from outside the resident workforce to fill a vacancy that cannot be filled by a settled worker (See Appendix 21A).

Posts to be filled under Tier 2 must be on the National Occupation Shortage List, published and updated on the UKBA website at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/workingintheuk/shortageoccupationlist.pdf> or if not, they must be at skill level NVQ 3 or above and the criteria for the resident labour market test must also have been satisfied.

All migrants seeking to enter the UK under Tier 2 must be able to pass a Tier specific points based assessment, have a job offer and a certificate of sponsorship from a licensed employer before they can apply for permission to enter or stay in the UK.

Tier 2 provides a potential route to settlement in the UK and successful applicants may bring their dependants. This Tier was implemented on 27 November 2008.

- **Tier 3 – Low Skilled Workers** – to fill specific temporary labour shortages, e.g. construction workers employed on a building project. When this tier is operational it will require employers to become licensed sponsors.

Tier 3 provides no settlement rights, no right to switch between tiers and no right to bring dependants into the UK. This Tier is currently suspended.

- **Tier 4 – Students** – includes two categories, **Child Student**, aged 4-16 to allow children to enter the UK to be educated in private independent schools, and **General Student** for post 16 overseas students.

Tier 4 requires educational institutions to become licensed sponsors. Most of those in the General Student category will be able to bring their dependants and work part time. To be implemented in March 2009.

- **Tier 5 – Youth Mobility and Temporary Workers** - includes two categories **Youth Mobility Scheme** and **Temporary Workers**. Within the Temporary Worker category five sub-categories will operate: Creative and Sporting, Voluntary Charity Workers, Non-pastoral Religious Workers, Government Authorised Exchange Schemes for sharing knowledge and experience and International Agreement for the provision of services, such as employees of overseas governments.

This Tier requires employers to become licensed sponsors and is primarily for non EEA migrants wishing to enter the UK for a short time for temporary work, or to satisfy primarily non-economic objectives.

Tier 5 is not expected to be a route to settlement, there will be no opportunity to switch between tiers and no right to bring dependants into the UK. This Tier was implemented on 27 November 2008.

### **Is Calderdale Council a sponsor?**

Calderdale Council been licensed by the UKBA as a Tier 2 sponsor (Skilled Workers). This licence will cover recruitment within the Directorates and also within the Community and Voluntary Controlled schools. Foundation and Voluntary Aided schools may apply to become sponsors in their own right.

Further guidance regarding the implications of the points based system for schools and the support available from the DCSF has been published on <http://www.education.gov.uk/schools> and can be found attached at Appendix D.

## **How are points allocated under Tier 2?**

Under Tier 2 (Skilled Workers) an applicant must score the following points:

- At least 50 points for attributes, and
- 10 points for English Language\*, and
- 10 points for maintenance (funds)

\* If an applicant is applying to extend their permission to stay, they do not have to meet the English Language requirement if the extension does not take the length of their stay to more than 3 years.

The UKBA website has a points based calculator that enables applicants to self assess whether they are likely to score enough points for their application to succeed. The results of the points based calculator show the possible points an applicant might score and does not guarantee the application will be successful. UKBA will make their decision after receiving the full application and supporting evidence.

The points based calculator is available at: [www.ukba.homeoffice.gov.uk/pointscalculator](http://www.ukba.homeoffice.gov.uk/pointscalculator)

## **What is a certificate of sponsorship?**

The certificate of sponsorship is not an actual certificate or paper document but is a virtual document similar to a database record. The certificate of sponsorship acts as an assurance that the applicant is able to undertake a particular job and intends to do so. Each certificate of sponsorship has a unique reference number and contains information about the job for which the certificate is being issued, as well as the applicant's personal details. The fact that a certificate of sponsorship has been issued does not guarantee that the applicant will succeed in obtaining entry clearance, or leave to remain. The applicant must meet the conditions for the Tier and category and apply for entry clearance or leave to remain.

## **Who will pay the Certificate of Sponsorship fees?**

Each certificate of sponsorship issued will cost £170, which is non-refundable whether prior entry clearance is granted by the UKBA or not. In the case of schools based staff employed in community or VC schools the Department for Children Schools and Families (DCSF) will make the payment on behalf of the school directly to the UKBA through the sponsorship management system using the deferred payment option.

## **Is a visa still needed where a Certificate of Sponsorship has been issued?**

Yes. All applicants wanting to travel to the United Kingdom under Tier 2 will still need prior entry clearance. They will then be able to enter the United Kingdom up to 14 days before the start date for the job given on the certificate of sponsorship.

An applicant making an application from outside the UK for entry clearance should go to: [www.ukvisas.gov.uk](http://www.ukvisas.gov.uk) for the appropriate forms and guidance on how to fill them in.

An applicant making an application from inside the UK for initial leave to remain, an extension of existing leave to remain, or a change of employment should go to: <http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/>

## **What are the periods of leave that can be granted?**

- Entry clearance and leave to remain where previous grant of leave was not as a Tier 2 migrant: For a maximum period of 3 years and 1 month, or the period given in the certificate of sponsorship plus 1 month, whichever is shorter.
- Leave to remain where previous grant of leave as a Tier 2 migrant and the application is because of a change of employment: For a maximum period of 3 years, or the period given in the Certificate of Sponsorship plus 14 days, whichever is shorter.
- Leave to remain (Extension) where previous grant of leave was as a Tier 2 migrant: For a maximum period of 2 years or the period given in the certificate of sponsorship plus 14 days, whichever is shorter.
- Leave to remain (Extension) where the application is being made under the transitional arrangements: For the period of time the migrant needs to get to settlement, or the period given in the certificate of sponsorship, whichever is shorter.

## **What are the conditions of leave?**

The conditions of leave for Tier 2 applicants are:

- They must be at least 16 years old;
- They must have no recourse to public funds;
- Where required they will have to register with the police;
- Employment is limited to working for the sponsor that the Certificate of Sponsorship lists, other than in cases of supplementary employment and/or voluntary work (see relevant sections below).

## **What is the Sponsorship Management System?**

The Sponsorship Management System is an online system that enables a sponsor to issue certificates of sponsorship. The sponsorship process will be managed through four roles, the Authorising Officer, the Key Contact, the Level 1 User, and the Level 2 User.

**The Authorising Officer** role will be undertaken by Chris Yates, Assistant Head of HR, who will be responsible for the activities of all users of the Sponsorship Management System, but will not have personal access to the system.

**The Key Contact** role will be undertaken by the Recruitment Team, who will be the main point of contact between the UKBA and the Council.

**The Level 1 and Level 2 User** roles will also be undertaken by the Recruitment Team who will be responsible for the day to day running of the Sponsorship Management System. The team will act as – the system administrator and will be involved in a number of duties including assigning certificates of sponsorship to migrants, notifying the UKBA of changes to the sponsor's details and reporting migrant activity to the UKBA.

## How can I Sponsor a Skilled Worker under Tier 2?

Where a manager is considering offering a post to a non EEA applicant under Tier 2, they must have ensured that:

- The post to be filled is on the National Shortage Occupation List available at: <http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/shortageoccupationlist/> or is at skill level S/NVQ 3 or above, as determined by the UKBA in their published occupation codes of practice;
- The post will be paid at an appropriate salary rate as determined by the occupation code of practice;
- The applicant is likely to meet all other requirements of Tier 2 entry, including competence in English language and the maintenance test, i.e. that the applicant has sufficient funds to be able to support themselves and any dependants, for the main applicant this is £800 and a further £533 for each dependant. Sponsors must also be satisfied that the person is likely to comply with their conditions of leave to remain in the UK.
- Where the post is not on the national occupation shortage list and is at S/NVQ level 3 and above, the resident labour market test must also be undertaken.

## What are the Occupation Codes of Practice under Tier 2?

The UKBA have published occupation codes of practice which are available at [www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/). Where a post does not meet the conditions of the code of practice a certificate of sponsorship cannot be issued.

Each code of practice includes the following:

- The skilled jobs at S/NVQ level 3 or above in each occupation that sponsors are allowed to issue a certificate of sponsorship for under Tier 2;
- The minimum appropriate salary rates;
- The acceptable media and methods for meeting the resident labour market test.

## What is the Resident Labour market Test?

A non EEA applicant can only be recruited to a post that is not on the list of shortage occupations if the conditions of the resident labour market test have been met. The resident labour market test requires the sponsor to show that there is a genuine vacancy that cannot be filled by a settled worker, and that the sponsor has conducted a recruitment process in accordance with the UKBA's guidelines.

The post must have been advertised according to the code of practice specific to the type of sector or post.

Where the vacancy is for a post with a salary of £40,000 or less per annum the post must be advertised for a minimum of 2 weeks. Where the salary for the post is at £40,000 or more per



annum the post must be advertised for a minimum of one week. **This period of advertising starts from the date the advertisement first appears.**

When meeting the resident labour market test, all requirements in the code of practice must be adhered to. The advert must include all of the following:

- The job title;
- The main duties and responsibilities of the job in the job description;
- The location of the job;
- An indication of the salary package or range, and the terms on offer;
- Skills, qualifications and experience needed;
- The closing date for applications, unless it is part of the organisation's rolling recruitment programme.

Employers do not have to meet the resident labour market test if the post to be filled is on the National Occupation Shortage list or if the applicant to be sponsored:

- Has permission to stay as a post-study worker under tier 1;
- Wants to switch in to Tier 2;
- Has been employed in the United Kingdom for a continuous period of at least six months with the same sponsor;
- Has been working in the same job before they apply.

When a sponsor issues a certificate of sponsorship they will be required to confirm that they have undertaken a resident labour market test and cannot fill the post with a settled worker or that the test does not apply to the job as it is on the national occupation shortage list.

### **What documents does an applicant need?**

Managers should satisfy themselves that an applicant is likely to meet all requirements of Tier 2 entry and also comply with the Immigration, Asylum and Nationality Act 2006 before offering the job. They should refer to The Immigration, Asylum and Nationality Act 2006, Manager's Guidelines when checking documents. Managers should also request that the applicant bring evidence of qualifications, proof of an English Language qualification, where a first degree does not come from a mainly English speaking country and evidence of the availability of funds. Any evidence provided by the applicant must be an original not a copy.

For further information regarding the documents required by the UKBA for entry clearance, applicants should read the guidance on the UKBA website at:

<http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/>

### **Is there a right of appeal if entry clearance is refused?**

Outside the UK a refusal of entry clearance under the Points Based System does not attract a full right of appeal. An applicant can only appeal on one or more of the following grounds referred to in Section 84(1) (b) and (c) of the Nationality, Immigration and Asylum Act 2002:

- That the decision is unlawful by virtue of Section 19B of the Race Relations Act 1976 (c.74) (discrimination by public authorities), **and/or**
- That the decision is unlawful under Section 6 of the Human rights Act 1998 (c.42) (public authority not to act contrary to Human Rights Convention) as being incompatible with the appellant's Convention rights.



However, all applicants can apply for an Administrative Review, which is a mechanism for reviewing refusal decisions.

### **What is an Administrative Review?**

Where an application for entry clearance is refused and an applicant thinks that an error has been made, they can ask for an Administrative Review.

The Administrative Review is free of charge, and an applicant must ask for an Administrative Review within 28 days from the date they receive the refusal notice. They will receive an Administrative Review Request Notice with the Refusal Notice.

If an applicant is already in the UK they cannot apply for an Administrative Review. The Administrative Review will be completed within 28 days and the applicant will be notified of the result in writing.

Where an application for leave to remain is refused and the applicant thinks a mistake has been made, they may be able to appeal. Details on if and how an appeal can be made will be included in the reasons for refusal letter.

### **Can a sponsored worker under Tier 2 undertake any other work?**

Migrants under tiers 2 and 5 will also be allowed to undertake other supplementary and/or secondary employment in addition to the work for which their Certificate of Sponsorship was issued. **Supplementary employment** will not have to meet the resident labour market test and the employer will not have to be a sponsor. Supplementary employment must:

- Be in the same profession and at the same professional level as the main employment;
- Be no more than 20 hours per week;
- Be outside of the applicant's normal working hours for which their certificate of sponsorship was issued.

Migrants can also apply to undertake work that does not meet the supplementary employment criteria and is effectively **secondary employment**. An example here would be further employment which is over 20 hours per week or in an unrelated profession. This work however will need to be with a licensed sponsor and the applicant will need a new certificate of sponsorship.

The applicant cannot apply for this secondary employment until after starting work with their first employer. The applicant will have to meet the points threshold and criteria relevant to the category.

### **Can a sponsored worker change employment?**

A sponsored worker who has previously received permission to enter or remain in the UK under Tier 2 can apply to change employment, either within the Council or with a new organisation. The application will be treated as an initial application, and the work must be with a licensed sponsor. The applicant must have a new certificate of sponsorship and must meet all the points requirements.

An applicant will not need to resubmit evidence of meeting qualifications or the English language or maintenance requirements where they have already provided evidence that these requirements have been met.

## **What are the duties of a licensed sponsor?**

The system of sponsorship requires those who most directly benefit from migration, i.e. the sponsors, to play their part in ensuring that the system is not abused. All licensed sponsors will be required to fulfil generic duties such as record keeping, reporting, compliance with the law and co-operation with the UKBA. The objectives of these duties are to:

- Prevent abuse of the assessment procedures;
- Capture early any patterns of migrant behaviour that may cause concern;
- Address possible weaknesses in process which can cause those patterns;
- Monitor compliance with immigration rules.

These duties include, for example, informing the UKBA if the worker does not turn up for their job, if they resign, if they change personal details or if they are absent without permission for a significant period. Sponsors must maintain thorough records of the workers they have sponsored and supply these records to the UKBA when requested.

It is a sponsor's duty to inform the applicant that they cannot claim benefits. If they do claim benefits during their employment and the sponsor is aware of it, the UKBA may take action which could result in the sponsor licence being downgraded or removed.

## **What are the transitional arrangements for current on work permit holders?**

For current holders of work permits, transitional arrangements have been put in place. Where an individual has a valid work permit as a result of an application made before 27 November 2008, they can still apply for leave to enter or remain under the immigration rules relating to work permits. New applications for work permits are restricted to Bulgarian or Romanian nationals.

Guidance on the transitional arrangements is available at:

<http://www.ukba.homeoffice.gov.uk/visas-immigration/working/transitionalarrangements/>

## Appendix 21A

For the purposes of the points based system a **settled** worker is a person who is a national of the European Economic Area or who is legally settled in the UK with permission to work here:

- A national of the United Kingdom **or**
- A national of Austria, Belgium, Bulgaria\*, Cyprus, the Czech Republic\*, Denmark, Estonia\*, Finland, France, Germany, Greece, Hungary\*, Iceland, Republic of Ireland, Italy, Latvia\*, Liechtenstein, Lithuania\*, Luxembourg, Malta, the Netherlands, Norway, Poland\*, Portugal, Romania\*, Slovakia\*, Slovenia\*, Spain, Sweden or Switzerland who is exercising an EC Treaty Right in the UK **or**
- A British overseas territories citizen, from Anguilla, Bermuda, British Antarctic Territory, British Virgin Islands, British Indian Ocean Islands, Cayman Islands, Falkland Islands and dependencies, Gibraltar, Montserrat, Pitcairn Islands, St Helena and Dependencies and Turks and Caicos Islands **or**
- A commonwealth citizen who was allowed to enter or to remain in the UK on the basis that a grandparent was born here **or**
- A migrant who has settled status in the UK within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002
- Although not requiring sponsorship, workers from the A8 states and the A2 states, unless exempt from worker authorisation, must be registered for the worker registration scheme (A8 states) or obtain an Accession Worker Card (A2 states). See the Guidance for Managers, the Immigration, Asylum and Nationality Act 2006, available on the Intranet as part of the Recruitment Policy, Section 1 of the HR Policies, Procedures and Conditions of Service.

## Retaining Documents

## Appendix 21B

The following documents can either be kept as paper copies or in an electronic format.  
They must be made available to the UKBA on request.

Document	Duration that document must be kept
<b>For Sponsorship</b>	
All documents submitted as part of the sponsor's application to become a licensed sponsor.	Duration of the sponsors licence.
Detailed job description outlining the duties and responsibilities of the post including the skills, qualifications and experience required for the post.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	Duration of the sponsors licence or for the duration the migrant is sponsored.
<b>For each migrant employed</b>	
Copy of the migrant's passport, including page(s) showing leave stamps, or immigration status document. This must show the migrants entitlement to work for you as a sponsor.	For two years after migrant is no longer sponsored.
Copy of the migrants United Kingdom Biometric Card.	For two years after migrant is no longer sponsored.
Copy of the migrants National Insurance Number, unless the migrant is exempt from requiring one. For example, where applicable, copy of the migrants NI card, wage slip, P45, P46, P60, P11 (employers declaration to HMRC), P14 (employers return to HMRC), P35 (employers annual return to HMRC).	For two years after migrant is no longer sponsored.
A history of the migrant's contact details (United Kingdom residential address, telephone number, mobile telephone number). This must be updated regularly.	For the duration the migrant is sponsored.
Record of the migrant's absence (tiers 2 & 5). This may be kept either electronically or manually.	For the duration the migrant is sponsored.
Copy of any contract of employment between the sponsor and the migrant.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	For the duration the migrant is sponsored.

<b>Resident Labour Market Test (Tier 2 and Tier 5)</b>	
Where the vacancy was advertised in the national newspaper or professional journal, the sponsor must keep a copy of the job advertisement as it appeared in the given medium, the copy should clearly show the title of the publication and the date(s) and/or where applicable a copy of the letter or invoice to prove an advertisement was placed. (Invoice is only required where the advertisement does not show the name of the organisation).	For the duration the migrant is sponsored.
Where the vacancy was advertised on the web, the sponsor should keep 1 or 2 weeks of screen prints clearly showing where the job was advertised, the contents of the advert, the date and the URL and/or where applicable copy of the letter or invoice to prove an advertisement was placed.	For the duration the migrant is sponsored.
Where the vacancy was advertised on the company's own website the sponsor should keep 1 or 2 weeks of screen prints clearly showing where job was advertised, the contents of the advert, the date and the URL.	For the duration the migrant is sponsored.
Where a job has been advertised in Jobcentre Plus, a copy of the Jobcentre Plus letter confirming details of the contents of the advertisement, dates placed and the vacancy reference number.	For the duration the migrant is sponsored.
Where head-hunters were used for the recruitment, a copy of the contract between the head-hunter and sponsoring organisation and/or a copy of the brief and/or or copy of the report produced, copy of the invoice, copies of any adverts placed - the copy should clearly show the title of the publication and the date(s) and a copy of the advert as it appeared.	For the duration the migrant is sponsored.
For milk-rounds a letter from each university on their headed paper confirming the milk round, dates it was conducted and method used, for example, presentation and/or interview method.	For the duration the migrant is sponsored.
If the recruitment was done using a recruitment agency, a copy of the contract between the recruitment agency and sponsoring organisation, copy of the invoice, copies of any adverts placed - the copy should clearly show the title of the publication and the date(s) and a copy of the advert as it appeared.	For the duration the migrant is sponsored.
Where the migrant is switching from the Tier 1 Post study category, the sponsor will be asked to provide evidence that the migrant had been working at the company for at least the last 6 months prior to application. For example, copy payslips or company accounts that clearly show a wage being paid to that specific migrant. Accounts that	For the duration the migrant is sponsored.

show only 'wages for personnel' but not specifically that migrant by name or other unique identifier are not considered acceptable. Payslips must be formal payslips or on company-headed paper. If the payslips are not on headed company paper, or the company only uses online payslips, the company must provide a signature and stamp on a print-out to authenticate the evidence.	
If a sponsor is recruiting a named researcher under Tier 2 (General), they will need to keep a copy of the peer reviewed funding agreement as evidence of the resident labour market test.	For the duration the migrant is sponsored.
For sponsors recruiting under Tier 2 (Sport) they will need to keep a copy of the peer reviewed funding agreement as evidence of the resident labour market test.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	For the duration the migrant is sponsored.
<b>All sponsors must retain the documents from the recruitment process, this must include:</b>	
<ul style="list-style-type: none"> <li>• All expressions of interest received, all applications received, in the medium they were received. For example, e-mails, CV's, application form etc. This should include the applicants name, address, etc; and</li> <li>• The names and number of people who applied; and</li> <li>• The names and number of applicants short-listed for interview; and</li> <li>• Notes from the interviews conducted; and</li> <li>• For each EEA national who applied reasons why they have not been employed.</li> </ul>	For the duration the migrant is sponsored.
<b>Skill Level</b>	
Copies of any qualifications the migrant holds to confirm skill level. For example, degree certificate, HND etc.	For the duration the migrant is sponsored.
Copies of any registration and/or professional accreditation documents and/or confirmation letter the migrant is required to have in order to do their job. For example where the migrant is a doctor, proof of registration with the General Medical Council.	For the duration the migrant is sponsored.
Where appropriate a copy of the Governing Body Endorsement specific to the migrant.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	For the duration the migrant is sponsored.

<b>Appropriate Rate</b>	
Copies of the migrant's payslips, clearly showing the name, NI number, tax code, any allowances paid and deductions made. Payslips must be formal payslips or on company-headed paper. If the payslips are not on headed company paper, or the sponsor only uses online payslips, the sponsor must provide a signature and stamp on a print-out to authenticate the evidence. Where the sponsor wishes to rely on other account records, we must be able to clearly identify the specific migrants wage in order to assess whether the migrants actual wage is the same as that originally stated on the certificate of sponsorship for that migrant.	For the duration the migrant is sponsored.
A clearly marked copy of wage information based on SOC code for the migrant's job, used on the certificate of sponsorship from the appropriate source.	For the duration the migrant is sponsored.
Any other document specified in the relevant code of practice.	For the duration the migrant is sponsored.

## HR Systems Suitability Assessment – Public Version V1.0

The suitability criteria will dictate whether the sponsor will be rated A or B or be refused/have their licence revoked and part of the suitability criteria is that the sponsor must demonstrate that it has the Human Resources (HR) systems in place to ensure that it will be able to carry out its sponsorship duties. The UK Border Agency will rate the sponsor's HR systems with a 1 to 3 marking;

1. Meeting all of the criteria
2. Only meeting some of the criteria
3. Not meeting any of the criteria

The UK Border Agency will assess 5 individual areas of the sponsor's HR systems and the sponsor must predominantly achieve a rating of 1 in each of the 5 areas to be awarded the top rating for their HR systems overall.

### Area 1 - Monitoring Immigration Status and Preventing Illegal Employment

#### Relevant Sponsorship Duties:

- All sponsors must keep the following records or documents, and make them available to the UK Border Agency on request:

A photocopy or electronic copy of each sponsored migrant's passport or UK immigration status document (and, in time, his or her ID card), showing evidence of his or her entitlement to work or study. For employers this is in line with their responsibilities under regulations issued under section 15 of the Immigration Asylum and Nationality Act 2006.

- Sponsors must not to employ a migrant if the conditions on the migrant's leave (or the migrant's lack of leave) mean that he or she is not allowed to undertake the work in question, and sponsors must stop employing any migrant who ceases, for any reason, to be entitled to undertake the work.

#### Checklist

In order to meet the sponsorship duties the sponsor should:

1. Retain a photocopy or electronic copy of their employees' passports, showing evidence of entitlement to work when appropriate;
2. Establish a method of monitoring any Leave to Remain dates to ensure that they are extended as appropriate;
3. Establish a full statutory defence against liability to pay a Civil Penalty by following the procedures outlined in the [Comprehensive Guidance for Employers on Preventing Illegal Working, February 2008](#) document.

#### Ratings

1. The prospective sponsor retains photocopies or electronic copies of their employees' passports or immigration status documents (and, in time, his or her ID card) and has in place a procedure which is appropriate to the size, type and structure of the organisation to monitor any Leave to Remain expiry dates to ensure that they are extended appropriately. The sponsor should also have the procedures in place to establish a full statutory excuse against liability to pay a Civil Penalty as outlined in the [Comprehensive Guidance for Employers on Preventing Illegal Working document, February 2008](#) document. Copies of



these documents are available to the UK Border Agency on request and in a timely manner.

**For example** – A large organisation retains photocopies of their employees' passports and uses an electronic HR system which can record the immigration status and any Leave to Remain expiry dates for their migrant employees. The electronic system alerts HR staff when one of their migrant's leave to remain is due to expire or if they are due a 12-monthly check on their status.

**For example** – A small company employing several migrants retains photocopies of their employees' passports and records any Leave to Remain expiry dates or if they are due a 12-monthly check on their status in the HR Team's diary.

2. The prospective sponsor retains photocopies or electronic copies of their employees' passports or immigration status documents (and, in time, his or her ID card). However, the sponsor does not have in place a system which is appropriate to the size, type and structure of the organisation to monitor any Leave to Remain expiry dates and/or to establish a full statutory excuse against liability to pay a Civil Penalty. Copies of these documents are available to the UK Border Agency on request and in a timely manner.

**For example** – A large organisation employing over a hundred migrants retains copies of their employees' passports but does not retain a record of their migrants' leave to remain expiry dates which can be checked on a regular basis or used to ensure that 12-monthly checks are completed on those who hold Limited Leave to Remain.

**For example** – An organisation with branches throughout the UK retains copies of their employees' passports at the branch where they are employed. However, no written instructions or formal policy on monitoring the immigration status of their migrants have been issued to individual branches and therefore the organisation is unable to offer assurances that every branch can establish a full statutory excuse against liability to pay a Civil Penalty.

3. The sponsor does not retain photocopies or electronic copies of their employees' passports or immigration status documents (and, in time, his or her ID card) or the sponsor's checks are not sufficient to provide adequate protection against illegal working.

**For example** – The employer requests that prospective employees' bring their passport to the interview but they do not retain a copy as evidence or record their immigration status.

## Area 2 - Maintaining Migrant Contact Details

### Relevant Sponsorship Duties

All sponsors must keep the following records or documents, and make them available to the UK Border Agency on request:

- Each sponsored migrant's contact details (address, telephone number, mobile telephone number).

### Checklist

In order to meet the sponsorship duties the sponsor should:

1. Retain full contact details for their sponsored migrants (address, telephone number, mobile telephone number);
2. Establish a method of keeping their contact details up to date e.g. an electronic self-service system, conducting a regular audit, ensuring that their employees are aware that they should notify HR of any changes and the procedure which should be followed.

### Ratings

1. The sponsor retains full contact details (address, telephone number and mobile telephone number) and has a suitable procedure in place for the size, type and structure of the organisation to keep these up-to-date. These contact details are available to the UK Border Agency on request and in a timely manner.

**For example** – Full contact details are held either manually or on an electronic database and an email is sent to staff on a periodic basis requesting details of any changes.

**For example** – A large sponsor has an employee self-service system which allows employees to update their own contact details.

**For example** – An employer retains full contact details and there are instructions in the staff handbook to notify the HR Team of any changes to their contact details.

2. The sponsor retains partial contact details e.g. address only, but does have a suitable procedure in place for the size, type and structure of the organisation to ensure that the contact details held are kept up to date. Alternatively the sponsor retains full contact details (address, telephone number and mobile telephone number) but the system in place to ensure that these are updated is not suitable for the size, type or structure of the organisation. These contact details are available to the UK Border Agency on request and in a timely manner.

**For example** – A sponsor retains the contact details which were originally provided by the migrant during the recruitment process but the organisation is unable to offer sufficient evidence that their employees are aware they should inform the sponsor of any changes or the procedure which should be followed.

**For example** – A large fast food chain has a company policy that contact details for all their employees are held by the appropriate branch. However, it is left to individual branches to decide which contact details are held and how these are recorded and updated and therefore the sponsor is unable to offer a suitable level of assurance that they meet the sponsorship duty.

3. The sponsor is unlikely to be able to provide reliable contact details for their current or recently sponsored migrants to the UK Border Agency upon request and/or in a timely manner.

**For example** – The sponsor does not retain any contact details for their staff.

### Area 3 - Record Keeping

#### Relevant Sponsorship Duties

- All sponsors must provide such documents relating to sponsored migrants as the UK Border Agency consider relevant. The UK Border Agency might, for example, ask for details of the sponsor's recruitment practices to ensure that the Resident Labour Market Test is being applied where appropriate;

#### Checklist

In order to meet the sponsorship duties the sponsor should:

1. Retain records in-line with HR good practice relating to the recruitment and employment of migrants.

#### Ratings

1. The sponsor currently retains comprehensive employment records for each migrant in line with HR good practice and they are stored in such a way that the sponsor will be able to provide copies of any documents held to the UK Border Agency on request and in a timely manner.

**For example** – The sponsor keeps a comprehensive personnel file for each migrant in-line with HR good practice. These files contain documents such as employment references from previous employers, copies of qualifications, accreditations and the original advertisement and copies of these documents are easily attainable via the Authorising Officer.

2. The sponsor currently retains comprehensive employment records for each migrant in-line with HR good practice but the storage of these records may cause problems in providing copies of any documents held to the UK Border Agency on request and in a timely manner. Alternatively the sponsor currently retains only limited employment records but they stored in such a way that the sponsor will be able to provide copies of any documents held to the UK Border Agency on request and in a timely manner.

**For example** – The sponsor retains comprehensive documents such as employment references from previous employers, copies of qualifications, accreditations and the original advertisement but various documents are kept at various locations and the central HR Team does not have a reliable record of which documents are kept where for each migrant making it difficult for the UK Border Agency to obtain copies of any documents held in a timely manner.

**For example** – The sponsor currently retains only a limited number of documents. However, they are kept in a central location and copies of any documents held are easily attainable via the Authorising Officer.

3. The sponsor does not currently retain employment records or retains only limited records which are also stored in such a way that it may cause problems in providing copies of any documents held to the UK Border Agency on request and in a timely manner.

**For example** – A sponsor with branches throughout the UK only retains a limited number of documents at the branch which conducted the original recruitment and this file does not follow the employee if they transfer to another branch. As the central HR Team do not hold a record of which migrant was originally recruited at which branch the UK Border Agency may not be able to access the required information in a timely manner.

#### **Area 4 - Migrant Tracking and Monitoring Relevant Sponsorship Duties**

- All sponsors must report the following information or events to the UK Border Agency, within any time limit specified. Information about migrants' non-attendance, non-compliance or disappearance will be used to inform enforcement action against them:

If a sponsored migrant does not turn up for his or her first day of work, or does not enrol on his or her course at the expected time. The report must be provided within 10 working days and must include any reason given by the migrant for his or her non-attendance/non-enrolment (e.g. missed flight);

If a sponsored migrant is absent for work or study for more than 10 working days, without the Sponsor's reasonably granted permission. In this case, the report must be provided within 10 working days of the tenth day of absence;

If a sponsored migrant discontinues his or her studies, or if the migrant's contract of employment or registration is terminated (including where the migrant resigns or is dismissed). Such a report must be given within 10 working days of the event in question, and should include the name and address of any new employer or institution that the migrant has joined, if the Sponsor knows it;

If the Sponsor stops sponsoring the migrant for any other reason (e.g. if the migrant moves into an immigration route that does not require a Sponsor);

If there are any significant changes in the migrant's circumstances, for example a change of job or salary (but not job title or annual pay rise) or if the duration of a course of study shortens;

Any suspicions it may have that a migrant is breaching the conditions of his or her leave;

If there are any significant changes in the Sponsor's circumstances - for example if the Sponsor ceases trading or becomes insolvent, substantially changes the nature of its business, is involved in a merger or is taken over;

Details of any third party or intermediary, whether in the UK or abroad, that has assisted it in the recruitment of migrant employees or students.

## Checklist

In order to meet the sponsorship duties the sponsor should:

1. Ensure that migrants are monitored sufficiently e.g. is there regular contact if the migrant works at client sites or from home;
2. Establish a suitable procedure for the size, type and structure of the organisation to ensure that the sponsor's designated responsible person and subsequently the UK Border Agency, are informed of any circumstances which should be reported.

## Ratings

1. Migrants are monitored sufficiently to ensure that any of the circumstances listed in the sponsorship duties will come to the sponsor's attention within a suitable period of time and the sponsor has procedures/systems in place which are appropriate to the size, type and structure of the organisation to enable them to report any such circumstance to the UK Border Agency within any time period specified by the sponsorship duties.

**For example** – All employees swipe in and out at the beginning and end of each day and the HR Team receive regular reports on who has reported for work. The reason for any unauthorised absence is then checked with the relevant line manager and/or the employee in question. There is a designated member of staff within the HR Team who is responsible for ensuring that the UK Border Agency is informed of any circumstances specified in the sponsorship duties.

**For example** – The sponsor has a formal procedure in place that the employee's line manager will notify HR when one of their staff is absent from work. The HR Team monitors attendance on a regular basis and will contact the employee if the absence is unauthorised. There is a designated member of staff within the HR Team who is responsible for ensuring that the UK Border Agency is informed of any circumstances.

2. Migrants are monitored sufficiently to ensure that any of the circumstances listed in the sponsorship duties will come to the sponsor's attention. However, minor issues exist relating to the monitoring of sponsored migrants or the procedure to notify the UK Border Agency of any such circumstances which could potentially result in the UK Border Agency not being notified within any time period specified by the sponsorship duties.

**For example** – Branch managers in a large organisation manage recruitment and attendance locally and submit a fortnightly report to the central HR Team. As the sponsor's designated responsible person(s) are based within the central HR Team it may result in some unauthorised absences not being reported to the UK Border Agency within 10 working days.

**For example** – The sponsor's migrants are monitored sufficiently to ensure that any of the circumstances listed in the sponsorship duties will come to the sponsor's attention within a suitable period of time. However, it is not clear as to which member of staff is responsible for notifying the UK Border Agency which could result in delays.

3. Migrants are not monitored sufficiently and/or the procedure in place to notify the UK Border Agency of any of the circumstances listed in the sponsorship duties is not suitable for the size, type and structure of the organisation which could frequently result in the UK Border Agency not being notified within any time period specified by the sponsorship duties and/or could potentially result in the UK Border Agency not being notified at all.

**For example** – During a visit by the UK Border Agency the sponsor was unable to provide any evidence that they monitor and record attendance.

## **Area 5 - Recruitment Practices and Professional Accreditations**

### **Relevant Sponsorship Duties**

- To ensure that they are complying with our immigration laws, sponsors must also fulfil the following duties:

Ensure that a migrant who is coming to work is legally entitled to do the job in question and has the appropriate registration or professional accreditation where this is legally required. For example, if the migrant is coming to work as a doctor, the sponsor will need to ensure that he or she has the correct registration to entitle him or her to practice as such in the UK. The sponsor must keep a copy of any appropriate registration document or certificate, and supply it to the UK Border Agency on request.

### **Checklist**

In order to meet the sponsorship duties the sponsor should:

1. Ensure any professional accreditations are checked before the migrant commences employment;
2. Retain copies of professional accreditations;
3. Monitor any expiry dates and complete subsequent checks to ensure that any accreditations have been renewed as appropriate.
4. Ensure that copies of these documents are readily available to the UK Border Agency.

## Ratings

1. The prospective sponsor retains photocopies or electronic copies of all registrations and professional accreditations where they are legally required and procedures are in place to ensure that they are renewed and updated as and when required. Copies of these documents are available to the UK Border Agency on request and in a timely manner.

**For example** – Copies of registrations and accreditations are kept on personnel files and verified by the relevant body. The sponsor sets diary actions to ensure that the migrant has extended their registration at the appropriate time. The documents are kept at a central HR unit and copies are readily available to the UK Border Agency.

2. The prospective sponsor retains photocopies or electronic copies of all registrations and professional accreditations where they are legally required but does not have a procedure in place to ensure that they are renewed and updated as and when required. Alternatively the sponsor checks and records the details of the registration or professional accreditation and has a procedure in place to ensure that they are renewed and updated as and when required but they do not retain copies of these documents. These details/copies of documents are available to the UK Border Agency on request and in a timely manner.

**For example** – The sponsor retains photocopies of any professional accreditations at the time of appointment but subsequently relies upon the migrant to inform them of any changes. Copies of these documents are available to the UK Border Agency on request and in a timely manner.

**For example** – The sponsor records the name of the accrediting body, the migrant's registration number and the expiry date but they do not retain a copy of the original document. The sponsor then sets diary actions to ensure that the migrant has extended their registration at the appropriate time. These details are available to the UK Border Agency on request and in a timely manner.

3. The sponsor cannot provide evidence that its employees hold the appropriate registrations or professional accreditations where they are legally required.

## **New UK Border Agency requirements for bringing overseas trained teachers to the UK**

### **What are the immigration changes for employing overseas trained teachers (OTTs)?**

The UK Border Agency (UKBA) has introduced a new points-based system based on sponsorship of overseas workers which replaces the existing work permit scheme. Workers enter the UK under one of five tiers. Teachers in schools will enter under Tier 2 for skilled workers with a job offer from an employer.

### **When will the changes begin?**

The existing work permit scheme ended on 26 November 2008. Tier 2 opened on 27 November 2008 and from this date licensed sponsors will issue certificates of sponsorship to enable specific migrant workers to apply for entry clearance to the UK.

Work permit applications with a postmark date of 26 November 2008 or earlier will be processed as work permits. Work permit applications with a later postmark will not be processed.

### **How does the new system work?**

Schools or local authorities (LAs) wishing to bring teachers from outside the EEA to the UK will first need to be licensed as the sponsor of a worker. Once a school or LA has obtained a sponsor licence, instead of applying for a work permit they issue an on-line certificate of sponsorship to the OTT they wish to employ. Unless the post is for a secondary school teacher of maths or science, a certificate of sponsorship can only be issued if a resident labour market test (see section below on resident labour market tests) establishes there are no suitable teachers resident in the UK to fill the post. A further requirement for issuing a certificate of sponsorship is that the individual teacher has scored enough points under the points-based system. An overseas national can only apply for entry clearance to the UK if they have been issued a certificate of sponsorship by a licensed sponsor.

### **What is a resident labour market test (RLMT)?**

From 27 November 2008, with the exception of secondary maths and science posts, schools and local authorities must first conduct a RLMT demonstrating a post cannot be filled by UK resident teachers before they issue a certificate of sponsorship. A RLMT is required if the post has not been advertised within the previous 6 months and involves advertising the vacancy for two weeks.

Secondary maths and science teaching posts only are exempted from the RLMT as they are still recognised as skills shortage occupations but sponsors still need to issue a certificate of sponsorship so that these teachers can apply for entry clearance to the UK.

### **Why are these changes being made?**

The new point-based system is part of the Government's strategy to enable us better to manage economic migration and which sets out the criteria for people from outside of the



European Economic Area to work in the UK. Applicants will find the rules for entry clearer and more consistently applied as there will be more certainty about whether prospective migrants are able to come to the UK. It will also ensure those employing migrant workers are clear about their responsibilities and also have the support to carry them out.

### **What is the role of a sponsor?**

A sponsor is responsible for:

1. making checks to ensure the teacher is capable of undertaking the work and also meets the criteria for Tier 2 prior to issuing a certificate of sponsorship;
2. issuing a certificate of sponsorship which allows the teacher to apply for entry clearance to the UK;
3. informing UKBA if a teacher does not turn up for his first day of work or if the teacher's contract is terminated (either because he or she resigns or is dismissed); and
4. informing UKBA of any unauthorised absence from work by the overseas trained teacher.

### **Do all schools and LAs need to apply for a sponsor licence?**

No. You should only need to apply for a sponsor licence if you need to fill posts with teachers in countries outside of the EEA and Switzerland. You also need a sponsor licence if you wish to retain a teacher when their existing work permit expires.

### **What are the fees under the New Points-Based System?**

Sponsors will pay a licence fee once every four years. The fee will be £300 for organisations with fewer than 50 employees or £1000 for organisations with 50 or more employees.

There is also a certificate of sponsorship fee of £170 payable for each worker applying for entry to the UK.

### **Who is going to pay the new fees incurred by schools and local authorities?**

The Department for Children Schools and Families (DCSF) will pay for the certificate of sponsorship fees on behalf of all LAs and state maintained schools, including academies.

LAs and schools will pay for their own sponsor licence. However, the Academies Group within DCSF will act as the sponsor for academies.

### **How will the DCSF pay the certificate of sponsorship fees on behalf of schools and local authorities?**

There is a deferred payment process similar to that used under the work permit scheme. DCSF will make payments directly to the UKBA in respect of on-line certificates of sponsorship issued by local authorities and state maintained schools. The Sponsorship Management System presents 'deferred' as a payment option when assigning a certificate of sponsorship. Sponsors who are LAs or state maintained schools should select 'deferred' so that certificates of sponsorship are charged to DCSF.

N.B. To activate the deferred payment option, LAs and state maintained schools **must** complete the following fields when applying for their sponsor licence:

1. **Organisation Type:** University or Educational Institution
2. **Educational Institution Type:** *Either* LA (Local Authority) – England  
Or State Maintained School – England

If the fields are not completed as above, the online system will not allow payment to be deferred, and the fee of £170 per certificate will be charged.

If you have already applied for a sponsor licence without indicating points 1 and 2 above, your Level 1 user should use the Sponsor Management System (SMS) to request a change of circumstances as indicated below:

'In order to be able to select the 'deferred payment' option for Certificate of Sponsorship payment, could you amend the licence details as follows':

**Type of Organisation-** University or Educational Establishment

**Educational Category-** LA (local Authority)

**Publicly Funded-** Yes

**Inspected/audited-** OFSTED

**Accreditation Body-** OFSTED

The UK Border Agency (UKBA) will write to the LA Authorising Officer confirming the changes when they have been made.

### **Who will be the sponsor of overseas trained teachers?**

The sponsor within Tier 2 is normally the employer but there is a provision in place for community schools to register as sponsors if they wish even if the LA is the employer.

If teachers are employed in schools where the Governing Body is the employer but they are paid by the LA, the LA could act as the sponsor provided they are able and willing to take to accept the sponsor responsibilities.

Further advice in becoming a sponsor is contained in paragraph 120 of UKBA's 'Guidance for sponsor applications' at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/>

**Why is the Department for Children Schools and Families not paying the new sponsor licence fee on behalf of schools and local authorities?**

The fee for a sponsor licence is either £300 or £1000 paid once every four years. It does not represent best use of public money for us to pay for sponsors' licence fees on behalf of thousands of schools. We would encourage schools and LAs to consider whether there is potential for a LA to pay one sponsorship licence fee on behalf of all the schools within its authority who wish to bring in OTTs. We realise that it may not always be practical for a LA to meet the sponsor responsibilities for all of its schools. However, LAs who act as sponsors must accept the sponsor obligations on behalf of their schools.

### **When should I apply to become a licensed sponsor?**

You will need to be a licensed sponsor before you can issue certificates of sponsorship. UKBA aim to process applications for sponsor licences within 6 weeks so you should make your application as early as possible if you need to bring overseas teachers to the UK or wish to retain existing teachers when their current permission expires.

### **What is the duration of certificates of sponsorship?**

The duration of the certificate of sponsorship should match the contract of employment but only up to a maximum of three years. After three years, the sponsor will need to issue a second certificate of sponsorship and the overseas trained teacher apply for a further one year to remain in the UK if they have not obtained qualified teacher status (QTS) at this point or apply for two years leave to remain if they have obtained QTS after three years. After five years, overseas workers become eligible to apply for indefinite leave to remain in the UK.

### **What happens to OTTs who already hold work permits?**

The work permit will continue to be valid until its expiry date providing the OTT still remains in the employment for which the permit was issued. If a work permit expires after the new scheme opened, a registered sponsor will need to use the new system.

### **Are schools and LAs required to conduct a resident labour test when a work permit expires if they wish to continue employing the teacher?**

There is no need to conduct a resident labour market test as an OTT is automatically awarded 50 points if the teacher's previous permission was granted when teaching was a skills shortage occupation. However, they will need to score another 10 points for command of the English language and 10 points for having enough funds for maintenance before a certificate of sponsorship can be issued.

### **Does the four year rule still apply to OTTs?**

Yes. As well as complying with immigration laws, sponsors must ensure the teacher is legally entitled to do the job in question. Unless an OTT is eligible for an extension to their four year period because they have taken statutory maternity, paternity, adoption or parental leave or taken absence leave for pregnancy related reasons, sponsors must ensure that certificates of sponsorship do not allow OTTs without QTS to teach after four years.

## Contacts

For questions and further information for sponsors and on the new points-based system, the UKBA has a Sponsor and Employer Helpline (0845 010 6677) or email [sponsorshipPBSenquiries@ukba.gsi.gov.uk](mailto:sponsorshipPBSenquiries@ukba.gsi.gov.uk)

Further guidance on Tier 2 is available on the UK Border Agency website is at: <http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/>

The UK Border Agency Code of Practice (see section P on education) on the resident labour market tests is at: <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/>

Under Review  
Please contact HR for Advice

## **EMPLOYMENT OF STAFF HAVING SUBSTANTIAL ACCESS TO CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS**

### **1. INTRODUCTION**

- 1.1.1 The Council is committed to ensure equality of opportunity for all people and to reduce disadvantage and eliminate unlawful discrimination in employment. The Council has a legal duty and a moral obligation to recruit and select staff in a fair, systematic manner without discriminating against any section of the community.

The Recruitment and Selection Code of Practice exists to provide practical guidance to help recruiters to understand the Council's Policy on Recruitment and Selection.

- 1.1.2 Whilst the Council seeks to uphold these principles, it is mindful of its responsibility to protect children, young people and vulnerable adults for whom it cares and provides services. Their needs and welfare are the primary consideration. Consequently, this Appendix has been devised to assist in the recruitment and selection of staff having substantial access to children, young people and vulnerable adults. This Appendix should be used in conjunction with the Council-wide Recruitment and Selection Code of Practice.
- 1.1.3 This Appendix is intended specifically for recruiting and selecting staff having substantial access to children, young people and vulnerable adults. The use of the Appendix is strongly recommended for consideration by Headteachers and Governors of Schools. It will be necessary for a Senior Manager to determine whether any post falls within the scope of the Appendix. Managers will need to exercise great care in selecting staff to work with children, young people and vulnerable adults.
- 1.1.4 The designated Recruiting Officer(s) will ensure that the provisions of this special Appendix are applied in their entirety.

### **1.2 Managing the Process**

- 1.2.1 The designated "Recruiting Officer" has overall responsibility for the recruitment process. This will be a Senior Manager.
- 1.2.2 A Recruitment Panel shall be established for each vacant post (or group of similar posts) to be advertised, and this Panel will have oversight of the recruitment process from the beginning to the end. The Panel will be, as far as possible, appropriately composed in terms of race and gender, and will consist of three people. Members of the Panel will normally comprise the Line Manager of the vacant post, that person's Line Manager and a person independent of Line Management, either from another section or Service, or a HR Advisor. Everyone involved should have a clear role in the process.
- 1.2.3 It is the responsibility of the Recruiting Officer to convene meetings of the Panel, maintain written records of the recruitment process, avoid any unnecessary delays

and to ensure compliance with the Council's policies and any other legislative requirements.

## 2. **PRE-SELECTION**

### 2.1 **Shortlisting**

Shortlisted candidates will need to be informed as soon as possible of details of the selection process which will include the fact that their sexual attitudes towards children and young people will be explored at the preliminary interview, eg a question posed in relation to whether the candidate has an inclination to form sexual relationships with children and young people.

### 2.2 **The Preliminary Interview**

2.2.1 Before any visit to a particular establishment (as discussed in the next section) can be allowed, it is necessary that a preliminary interview is carried out. It is important that this interview does not take place at, for example a children's home, or similar establishment, until some preliminary screening of the applicant has taken place. The preliminary interview will take place at a venue convenient for the establishment in question.

In order to ensure that the process is conducted fairly and consistently, it is necessary for at least two staff to be involved at this stage, one of whom is a member of the Selection Panel.

2.2.2 The preliminary interview is intended to explore the candidates' background and attitudes in working with children, and to ensure that shortlisted candidates have a full understanding of the requirements of the job and its difficulties. This is of particular value for candidates who are new to the work, and who need to discuss the demands of the job and the qualities required. It is essential to explore sensitive personal issues. The topics at interview need to focus on motivation, attitudes to power, authority, punishment, control and attitudes to sexuality.

2.2.3 Care and attention is required at this interview. Some issues are difficult for both parties and – candidates must be informed that they will be questioned on areas that they may perhaps find embarrassing. Candidates must be given the opportunity to withdraw from the interview – and the application process – if they find it too difficult to handle.

2.2.4 Whilst the interview must be conducted fairly and in a manner consistent with equality of opportunity, the Council is concerned to protect children and vulnerable adults. **Interviewers should take seriously any misgivings and explore them further in the interview. Any concern must be shared with colleagues as part of the decision making process.**

2.2.5 The panel members conducting the preliminary interview have the absolute right to put a temporary block on an applicant proceeding any further, if concerns are expressed as to a candidate's suitability so that further checks can be undertaken.

### 2.3 Visits/Informal Interviews

- 2.3.1 The visit and formal interview is a valuable part of the process. It allows candidates an opportunity to find out more about the job and the workplace. It also enables information to be gathered about the candidates' reactions to the establishment, the staff they meet and the children, young people and vulnerable adults, and their reaction to the candidates. Visits must be conducted in a planned and structured manner.
- 2.3.2 All candidates who successfully complete the preliminary interview will be invited to attend for the formal interview and visit.

### 2.4 The Visit to the Establishment

- 2.4.1 One person needs to act as "host" for the visit/informal interviews, and that person should be a member of the interview panel. They will be responsible for providing the same introductory information and gathering information for all candidates (including internal applicants). A standard format will be used for recording information gathered on the candidates' reactions to the visit, and may be found in **Appendix 22A**. The information gathered will be shared with panel members. Additional information for clarification might be sought.
- 2.4.2 Staff, children, young people and vulnerable adults in the establishment should be informed and prepared in advance for the visits. They should be briefed about what is expected of them. Such people will be asked to contribute information to the person convening the visits, but will not be part of the decision making process.

### 2.5 References

- 2.5.1 References will be taken up for all candidates who are shortlisted prior to interview.

If a candidate has indicated on the application form that they do not wish their present employer to be contacted prior to the interview then Management will have to advise that this option is not available for posts having substantial access to children, young people and vulnerable adults.

- 2.5.2 Two references are required, one of whom should be the current (or most recent employer). The Authority reserves the right to approach **any** previous employer. This point should be re-emphasised in the application pack sent to candidates. The seeking of additional references is a decision to be considered by the Interview Panel, particularly where the applicant is new to their current post, or there is no recent work record, or where an earlier job appears to be especially relevant, or when a referee refuses to provide a reference, e.g. the candidate is not currently working with children but has done so in the past, then that previous employer will be asked about those issues. Please refer to **Section 6.5.2, Appendix 14A** – Letter requesting reference, **Appendix 14C** Reference Pro-forma in respect of recruitment procedures to posts that involve substantial access to children, young people and vulnerable adults.

- 2.5.3 References provided should indicate a direct demonstrable link between the referee and the candidate – please refer to **Appendix 14C**.

## 2.6 **Documenting References**

- 2.6.1 Pro-formas will be used for references, and these can be found at **Appendix 14A** and **Appendix 14C**. Where a reference is insufficient or unclear, a member of the Interview Panel should telephone (please refer to **Section 6.5.4 – Telephone References**) the referee for further information, and the conversation summarised, recorded and shared with other panel members on the appropriate documentation, as detailed in **Appendix 15**.
- 2.6.2 If a member of the appointing panel has been put forward as a referee, then a third and independent referee should be sought.
- 2.6.3 References are provided on a confidential basis and any questioning of candidates arising from information acquired through references should be carried out discreetly. Reference Pro Forms remind referees that any relevant factual content of their reference may be discussed with the applicant. **Appointments should not be made subject to references.**

## 3 **SELECTING THE CANDIDATE**

### 3.1 **The Interview Panel**

The interviewing panel will have feedback from the preliminary interview, reports from the exercises undertaken and two references, including one from the latest employer.

- 3.2 The areas covered by the questions during the interview will be agreed in advance, and will cover the key skills, knowledge and experience required for the job, as set out in the person specification. Other aspects will include the candidate's employment history, including gaps and unexplained elements, the candidate's reasons for applying and their feelings about the job, what they have to offer and any issues raised in the selection process.

## 4. **CHECKING AND MONITORING**

### 4.1 **Verification**

Appointments cannot be confirmed until the results of the various checks are confirmed as satisfactory. It is not permitted for new appointees to start pending completion of Disclosure and Barring Service Checks/receipt of satisfactory references.

### 4.2 **Qualifications**

At or before the formal interview applicants will be required to produce evidence of their having obtained any relevant qualifications claimed in their application. The



interviewing panel must verify professional or vocational qualifications. Failure to produce proof must be noted and rectified. HR will check the veracity or relevance of a qualification claimed if there is any doubt about its validity.

### **4.3 Disclosure and Barring Service Checks**

- 4.3.1 Applicants must be requested to provide verification of proof of identity by producing an original document such as a birth certificate or passport, including proof of address.
- 4.3.2 All applicants for posts which will involve substantial contact with children and vulnerable adults on a regular basis are exempted from the provisions of the Rehabilitation of Offenders Act 1974. The Disclosure and Barring Service (DBS) acts as a 'one-stop-shop' for organizations, checking police records, lists (Children's List and Vulnerable Adult List) of those who are barred from working with Children and/or Vulnerable adults (held by the Independent safeguarding Authority (ISA). Posts are eligible for an Enhanced Disclosures if the person is working in a regulated position.

Regulated activity is:

- any activity of a specified nature that involves contact with children and vulnerable adults, frequently, intensively and/or overnight.
- Any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively e.g. in schools or care homes.
- Fostering and Childminding
- Any activity that involves people in certain defined positions of responsibility e.g. School Governor, Director of Children services, Director of Adult Social services,

Regulated activity is when the activity is frequent (once a month or more) 'intensive' (takes place on three or more days in a 30 day period) or overnight.

- 4.3.3 Please note that having an unspent conviction will not necessarily bar persons from employment with the Council. This will depend on the circumstances and background to the offence(s).
- 4.3.4 Applicants should note that any criminal convictions disclosed on the Council's application form will be discussed at the interview in order to assess any job related risks.
- 4.3.5 The Enhanced check will be processed by HR, who will notify, in confidence, the chair person of the Recruiting Panel of the result of the Disclosure and Barring Service check.

## **5. THE NEW MEMBER OF STAFF**

### **5.1 Introduction**

- 5.1.1 The introduction of a new member of staff is a critically important phase, and requires careful planning, and the involvement of a range of people and resources.

## 5.2 **Induction of New Appointee**

- 5.2.1 All new appointees should receive a proper induction to the Council, the Service and the job, regardless of their seniority (see Section 7 in the Recruitment and Selection Code of Practice).
- 5.2.2 The induction of new starters is primarily the responsibility of the Line Manager, but needs to involve others in the Service and the Council. The Line Manager will act as the coordinator of the planned programme, and has certain key responsibilities that cannot be delegated.

## 5.3 **Systems for Support, Supervision and Development**

- 5.3.1 Induction is the first stage of an integrated staff development programme. All staff should have regular supervision, in which their development needs will be addressed.

## 5.4 **Assessment and Appraisal**

- 5.4.1 Effective systems must be in place to assess whether the new employee meets the standards required to discharge their duties properly. Every member of staff has a need and a right to know how well they are performing, against agreed standards.
- 5.4.2 The probationary period is a means of testing the suitability of staff for the work once they are in post. This is particularly crucial when dealing with posts which involve substantial access to children, young people and vulnerable adults. Council Policy (derived from National Conditions of Service) stipulates that all new entrants to Local Government Service, or those returning after a break in service, will be subject to a probationary period of 3 months, which can be extended for a further period of 3 months. In the case of many posts which require complex inter-personal skills, it is likely that new entrants may not be able to demonstrate that they meet these requirements in a short time, (e.g. within the 3 month probationary period). Managers will need to ensure that the necessary arrangements are put into place to monitor progression within the probationary period.
- 5.4.3 Please ensure that a new employee's progress is properly monitored during the probationary period, having due regard to the nature of the job and what would constitute proper trigger points in terms of timescales and in terms of considering speaking to an employee about his/her work. Directorates/Services should also be clear who is responsible for monitoring an employee during the probationary period.

**VISIT TO ESTABLISHMENT FORM**

(To be completed by the 'host' for the visit)

SERVICE .....

POST APPLIED FOR .....

POST REFERENCE NO .....

NAME OF CANDIDATE .....

ESTABLISHMENT VISITED .....

DATE OF VISIT .....

'HOST' FOR VISIT .....

**REACTIONS OF CANDIDATE TO VISIT:**

1. ATTITUDE TOWARDS CLIENT GROUPS

2. ATTITUDE TOWARDS OTHER EMPLOYEES

3. GENERAL COMMUNICATION

**4. APPARENT LEVEL OF INTEREST/COMMITMENT**

**5. GENERAL**

**NAME OF OTHER SELECTION PANEL MEMBERS PRESENT AT VISIT**

.....

.....

**DATE THIS INFORMATION DISCUSSED BY SELECTION PANEL MEMBERS**

.....

## **CRITERIA FOR THE USE OF AGENCY STAFF, CONSULTANTS AND CASUALS**

### **1. Criteria for the use of agency staff**

Agency staff are employed by external agencies to deliver services which would normally be provided by Council employees; they are generally used because of staff shortages, or because services would otherwise suffer in circumstances where staff resources cannot deliver the required service at the appropriate time.

With effect from 1 October 2011 agency workers gained rights to more equal treatment in the workplace. Please refer to Appendix 23A for further details.

Monitoring reports regarding expenditure on agency staff are required to be submitted to the Use of Resources Scrutiny Committee.

Requests for the use of agency staff should be assessed against the following criteria:

- There must be severe or urgent time constraints in getting a particular job done;
- The appointment of temporary staff is not appropriate;
- Existing staff cannot do a particular job because of severe shortages of time or because of skill constraints amongst existing employees. It must be stressed that the use of agency staff is very much a last resort. To this extent it must always be shown that it would not be possible or practical to have the work done by existing staff, including those on the redeployment list;
- There are significant numbers of vacant posts amongst those Council employees who would normally do the job(s);
- Service delivery, clients, members of the public, property or equipment are likely to be at risk if use is not made of agency staff;
- The use of agency staff is a one off temporary arrangement;
- The use of agency staff must be contained within existing Service budget provisions;
- Agency staff must be procured using the Corporate contract.

Please refer to the Council's Procurement guidance and procedures for further details about hiring agency staff. Click the following link: [Council's Procurement Guidance and Procedures](#)

2. **Criteria for the use of consultants**

From time to time consultants' advice is sought under powers delegated to Chief Officers/Head of Service on a wide range of service issues in delivering Council services to the public.

Consultants may be used to offer specialist advice on new legislation, regulations and/or the provision or review of services where such expertise/knowledge are not available in the Council because of time constraints or lack of available staff or appropriate expertise.

3. **Criteria for the use of casual workers**

Casual work means occasional work and is work done on an irregular or unpredictable basis, because of the nature of the work, such staff are not covered by the Council's policy on the use of temporary employees.

Casual staff should only be used to provide immediate, short term assistance in emergency situations or on occasions where there has been a very significant, but temporary increase in workload, which could not have been predicted and where it is not practical to utilise established or temporary employees.

Under Review  
Please contact HR for Advice

## **Agency Workers Regulations 2010**

With effect from 1 October 2011, agency workers will for the first time gain rights to more equal treatment. Upon completion of a qualifying period of 12 weeks in the same job with the same hirer their basic terms and conditions of employment must not be less favourable than the terms and conditions they would have been entitled to had they been recruited directly by the Council/school.

### **1. Who is covered by the Regulations?**

#### **Temporary work agencies (TWA) and agency workers**

The Regulations apply to individuals who have a contract of employment or an agreement to provide services personally with a temporary work agency and who are supplied by that agency to work temporarily under the supervision and direction of the Council/school.

#### **Umbrella companies, master and neutral vendors**

Workers may be engaged or employed not directly by an agency, but by an 'umbrella' company. Sometimes the supply of agency workers is managed on behalf of the employer by a 'master' or 'neutral vendor' that may or may not engage workers directly itself. These intermediaries fall within the definition of a temporary work agency and will in effect share responsibility for compliance with the Regulations.

#### **Exemptions**

Those working genuinely as self-employed are excluded. For example: contractors, consultants and freelancers.

### **2. What entitlements are agency workers entitled to?**

#### **2.1 Entitlements from day one of an assignment**

From day one of an assignment all agency workers will be entitled to the same access to certain facilities provided by the hirer that would be available to a comparable employee or worker. For example:

- canteen facilities
- childcare facilities
- information about job vacancies
- transport services/transport vouchers
- childcare vouchers (although operated by salary sacrifice may otherwise be included)
- car parking facilities
- prayer room

This is a non-exhaustive list and acts as an indication of which kind of facilities should be included. (The hirer will be able to deny access where an objective justification exists).

The Council/school could either provide agency workers with information about the facilities, for example as part of an induction pack, or provide information to agencies to pass to agency workers as part of the information about the assignment.

## **2.2 Access to information on job vacancies**

All agency workers will have the right to be provided with information about any job vacancies within the Council/school that would be available to a comparable employee or worker. This right will not apply in the context of a genuine headcount freeze where posts are ring fenced for redeployment purposes. It only applies to actual vacancies and any internal moves in this case are a matter of restructuring and redeploying existing internal staff, in order to prevent a redundancy situation.

## **2.3 Entitlements after 12 weeks in the same job role**

After a twelve week qualifying period (see **3** below), an agency worker will be entitled to the same basic working conditions and employment conditions, including pay, if the agency worker had been directly employed as a worker, by the hirer on day one of the assignment.

## **2.4 Working time and holiday entitlements** - The right to equal treatment will extend to terms and conditions related to:

- Pay (related to work undertaken on assignment – refer to **2.5 Pay** below)
- Duration of working time
- Night work
- Rest periods
- Rest breaks
- Annual leave

## **2.5 Pay**

The definition of pay for the purposes of these Regulations is defined as basic pay plus other contractual entitlements that are directly linked to the work done by the agency worker whilst on assignment.

### **‘Pay’ included:**

- **basic pay:** based on the annual salary an agency worker would have received if recruited directly by the Council
- **overtime:** in accordance with existing Council provisions
- **shift/unsocial allowances**
- **additional discretionary payments** referable to the assignment (contractual or otherwise)
- **payment for annual leave**



**‘Pay’ not included:**

- **redundancy pay** (statutory and contractual)
- **occupational sick pay** (the regulations do not affect an agency worker’s statutory entitlement to sick pay)
- **pension** (agency workers will be covered by new automatic pension enrolment which will be phased in from October 2012)
- **notice pay** (statutory and contractual)
- **occupational maternity, paternity and adoption pay** (the regulations do not affect an agency worker’s statutory entitlements)
- **expenses, loans** (accommodation and travel)
- **paid time off** (for trade union duties and other paid time off rights)
- **any payments** that require an eligibility period of employment/service
- **any payment** for time off work made in accordance with certain statutory rights
- **any payment** by way of an advance under a loan agreement

This is a non-exhaustive list; please contact HR for further advice.

**3. What is the qualifying period for equal treatment?**

The qualifying period is triggered by working in the same job role with the same hirer for **12 continuous calendar weeks**. Calendar weeks will be accrued regardless of how many hours the agency worker does on a daily/weekly basis.

An agency worker can qualify for equal treatment after 12 weeks in the same job role with the same hirer, regardless of whether they have been supplied by more than one agency for part of that period of time.

**3.1 Meaning of ‘the same hirer’**

In the majority of cases it will be straightforward to ascertain whether the agency worker is placed with the same hirer or not. Where a hirer has multiple sites, such as the Council, and the agency worker is moved around between these sites to carry out the same role, they will still be performing the same role for the same hirer.

Where schools are all maintained by the local authority (LA), then the LA is the hirer and moving between schools should not re-start the clock. Likewise, the same would apply where the schools are all within the same chain of academies. However, moving between an LA School and an academy will mean that the clock does re-start.

**3.2 Meaning of ‘the same job role’ and ‘substantively different’**

The Regulations state that the whole or the main part of the new role must be ‘substantively different’ from the previous role. A further requirement is that the agency must have notified the worker in writing of the type of work they will be required to carry out in the new role.

The key factors that will determine whether a job is substantively different relate to changes in the skill set required to carry out a job and in the nature of the work and duties carried out.

It is not enough to simply change a line manager but not the job requirements or to transfer the agency worker between similar administrative functions or move them within a single, relatively small business unit or just give a different pay rate. There has to be a genuine and real difference to the job role.

### **3.3 Breaks between assignments**

A new qualifying period will only begin if a new assignment with the hirer is substantively different and/or there has been a minimum of six weeks break between assignments.

The general rule under the Regulations is that any break between assignments of six weeks or less shall not break 'continuity' for qualifications purposes. This means that if an agency worker returns to a job role with the hirer within six weeks of their previous assignment, the previous assignment will count towards qualification.

### **3.4 Breaks during which continuity is paused**

Some breaks during or between assignments will not trigger a new qualifying. The reasons that will cause the qualifying clock to pause are:

- Sickness or injury up to a maximum of 28 weeks (subject to medical evidence if requested)
- A temporary cessation of work provided it affects all the hirer's relevant employees and accords with the hirer's established practice, (e.g. seasonal shutdowns)(this would also cover supply teachers during school holidays)
- Time off that relates to a statutory or contractual entitlement, e.g. annual leave
- School holidays or other school closures
- Jury service for up to 28 weeks
- Industrial action, e.g. a strike or lock-out

The different types of absence can run consecutively. So, a worker who has a five-week break between assignments and who is then absent for two weeks due to sickness will not be subject to a new qualifying period. All together, the agency worker is taking a break in excess of six weeks, but continuity is not broken if the agency worker returns to the same job role.

### **3.5 Breaks during which continuity keeps ticking**

There are certain absences from work during which the agency worker will be deemed to be working, and accrue time towards the qualifying period, even though he or she is unable to continue working in the job role.

This exception applies where the absence is for a certain reason (e.g. health & safety) connected to pregnancy, childbirth or maternity. Absence in connection to statutory or contractual maternity, paternity and adoption leave are also included.

#### **4. Anti-avoidance**

The hirer can obviously decide not to engage agency workers beyond the 12 week qualifying period and there is nothing in the regulations to prevent an agency worker being released after 11 weeks or for assignments of 11 weeks to be the usual practice of the hirer. However, the hirer and TWA's should be aware of anti-avoidance provisions which address any situation where a pattern of assignments emerge that are designed to deliberately deprive an agency worker of their entitlements.

For example, an agency worker completes 2 or more assignments with the Council/school, where they have already worked for 11 weeks with a 6 week break and then a further 11 weeks with another 6 week break. If the agency worker is then taken on for a third assignment, this could be considered an attempt to avoid equal treatment but it would need to be clear that there was a deliberate and regular pattern designed to avoid the Regulations.

#### **5. Penalties**

If a worker presents a claim to an employment tribunal, it will be for the tribunal to decide whether the most likely explanation for the particular pattern of assignments is that it was a deliberate attempt on the part of the agency and/or the hirer to prevent the worker from qualifying for equal treatment.

If the tribunal finds that there was a deliberate attempt to frustrate or prevent qualification, it can award compensation up to £5000, which can be apportioned as appropriate between the hirer and agency. The worker will also be deemed to have qualified for equal treatment despite the attempt to prevent them so doing.

#### **6. Time limits**

As with most individual employment rights, claims under the Regulations will need to be presented within three months of the act complained of.

#### **7. Information requests**

An agency worker who believes their equal treatment rights may have been infringed will have a right to request information for the purposes of identifying whether they may have a claim under the Regulations.

#### **8. Transitional arrangements**

Agency workers who are carrying out an assignment when the Regulations come into effect will begin their qualifying period on 1 October 2011. There is no retrospection even if the assignment started before 1 October 2011. This means that the earliest date for qualification will be the week commencing 25 December 2011.

## **TEMPORARY EMPLOYMENT**

Chief Officers/Heads of Service have delegated authority to appoint temporary staff subject to the availability of funds within existing resources, and in accordance with the Authority's Policy detailed later in this section.

The use of temporary employees is widespread and in order to ensure consistency and fairness, the Council needs a policy governing the use of temporary employees.

Experience has shown that the use of temporary employees generally falls into one of the following categories:

- (i) to cover for maternity leave; long term sickness; absence or attendance on training courses;
- (ii) to provide short term assistance during circumstances where a temporary increase in work cannot be managed effectively by existing employees;
- (iii) to undertake seasonal work, eg grass cutting, summer games attendant;
- (iv) to provide occasional help at peak periods, eg occasional staff on catering and bar functions;
- (v) to provide cover for short term emergency situations where the health and safety of members of the public may otherwise be at risk;
- (vi) to provide facilities for apprenticeship training;
- (vii) to provide work experience for students; or
- (viii) to perform a specific task over a defined period, such tasks would normally fall outside the competence or capability of existing employees.

The number of employees in each of the respective categories will inevitably vary from week to week.

The Authority needs to be consistent in its approach to temporary employment. Furthermore, a distinction needs to be made between temporary and casual employment. Casual employees are those employees who work on an intermittent basis as and when required (refer to Appendix 23).

## **POLICY STATEMENT ON TEMPORARY EMPLOYMENT**

1. Calderdale Metropolitan Borough Council is committed to the recruitment and retention of a permanent, efficient and effective workforce.
2. It has to be recognised that there may be occasions on which it is deemed appropriate to appoint temporary employees.
3. The use of temporary employees will normally be confined to the following circumstances:

### **Criteria for the Appointment of Temporary Employees**

- (1) To undertake the duties and responsibilities of a post that is temporarily vacant, the costs of the long term or regular absence of permanent employee. Such absences will include maternity leave, long term sickness or attendance on a training course.
  - (2) To provide short term assistance during circumstances where temporary increases in workload cannot be managed effectively by existing employees.
  - (3) To undertake season work, eg grass cutting, summer games, attendance;
  - (4) To provide occasional help at peak periods, eg occasional staff on catering functions.
  - (5) To provide cover for short term emergency situations where the health and safety of members of the public may otherwise be at risk.
  - (6) To provide facilities for apprenticeship training.
  - (7) To provide work experience for students.
  - (8) To perform specific professional/technical task over a defined period. Such tasks would normally fall outside the competence or capability of existing employees or relate to significant functions that have to be carried out on a one-off basis over and above normal workloads.
  - (9) To fill vacant posts where a review of establishment is imminent and variations to that establishment are anticipated.
  - (10) To provide sessional teaching and youth work resources in the Education Department.
4. The rate of pay and other terms and conditions of employment of temporary employees will be determined in accordance with the provisions of the appropriate scheme or conditions of service.

5. Recruitment to temporary posts will be in accordance with the Council's Code of Practice on Recruitment and Selection.
6. All temporary employees will be issued with a Statement of Particulars that will include the usual information and be supplemented by clauses stating:
  - The employment is temporary.
  - Why it is temporary?
  - How long it is likely to last?
  - What event will bring the contract to an end?

In the case of fixed term contracts it will be also necessary to express the date on which the contract will expire.

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Please contact HR for Advice

## **Disclosure and Barring Service (DBS) Policy**

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## 1. BACKGROUND

The **Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk.** Whilst the Council seeks to uphold the principle of equality of opportunity, it is mindful of its responsibility to protect children, young people and adults at risk for whom it cares and provides services. Their needs and welfare are the primary consideration.

This policy statement provides guidance on the effective use of the DBS Disclosure process to safeguard the children and adults who access our services.

The guidance set out in this DBS Policy relates to employees, volunteers, agency staff and contractors/sub contractors.

This policy should be read in conjunction with CMBC's policy statement on the Recruitment of ex-offenders, the policy on the correct handling and safekeeping of DBS Disclosure information, DBS Code of Practice and the Policy on Recruitment and Selection.

## 2. TYPES OF DBS DISCLOSURE AND BARRED LISTS CHECKS

With the merging of the CRB (Criminal Records Bureau) and ISA to form the Disclosure and Barring Service there has been a change in the terminology which will now appear throughout this policy, these are:-

Previous Term	New Term
Criminal Records Bureau (CRB), Independent Safeguarding Authority (ISA)	Disclosure and Barring Service (DBS)
Enhanced CRB check	Enhanced DBS check
Enhanced CRB check with Barred List Check	An Enhanced DBS check with barred list check
ISA Adult First	DBS Adult First
List 99 / POCA list	Barred list (children)
POVA list	Barred list (adults)
Vulnerable Adults	Adults at Risk

## 3. DEFINITION OF REGULATED ACTIVITY

The Protection of Freedoms Act 2012 has resulted in a differentiation between those posts which can legally have an Enhanced DBS check and those posts for which there is also a legal duty to check the children or adults barred lists (an Enhanced check for regulated activity). The definition of regulated activity has been changed from 10<sup>th</sup> September 2012.

### 3.1 Regulated activities relating to Adults

- Providing healthcare – provision by a healthcare professional or under the direction or supervision of one including counselling and psychotherapy.
- Providing personal care – physical assistance with personal activities i.e., eating, drinking, going to the toilet, washing, bathing, dressing etc, because of the adult's



age, illness or disability. It also includes anyone who trains, instructs or advises on the provision of personal care.

- Providing social work.
- Assisting with general household matters – assisting an individual manage their cash, paying bills or shopping on their behalf due to the adults age, illness or disability
- Assisting in the conduct of people's own affairs.
- Conveying adults to, from or between places where they receive healthcare, personal care or social work because of their age, illness or disability. This does not include taxi or licensed private hire drivers.

A regulated activity only needs to be engaged in once to class the individual as carrying out regulated activity.

### **3.2 Regulated activity relating to Children**

- Unsupervised activities – teach, train, instruct, care for or supervise children, or provide advice/guidance on wellbeing, or driving a vehicle solely for children carried out on a frequent, intensive or overnight basis.
- Work within a limited range of establishments – including schools, nursery schools, childcare premises, children's homes and children's centres – with the opportunity for contact with children on a frequent, intensive or overnight basis. Any individual being paid for these services is undertaking regulated activity even if they are supervised by another individual also undertaking regulated activity.
- Providing healthcare – provision by a healthcare professional or under the direction or supervision of one including counselling and psychotherapy.
- Providing personal care – physical assistance with eating or drinking because of illness or disability, physical assistance with going to the toilet, washing, bathing or dressing because of age, illness or disability, or teaching someone to do one of these tasks.
- Registered childminders and foster carers.
- Day to day management of supervision of individuals carrying out regulated activity relating to children.

The following are no longer classed as regulated activity and therefore do not require a barred list check:

- Activities by a contracted or volunteering person to provide occasional or temporary services (which are not teaching, training or supervising children) are no longer

regulated activities i.e., an electrician coming in to a school for a limited period of time to check the schools electrics.

- A volunteer carrying out supervised activities under reasonable day to day supervision by another person also undertaking regulated activity is not themselves undertaking regulated activity.

#### **4. DBS CHECKS AND WHEN TO USE THEM**

It is best practice to determine the type of DBS disclosure that is required by way of a risk assessment which should be undertaken by the manager responsible for the activity that the individual will be undertaking. Managers should conduct the risk assessment before the activity commences and in the case of recruitment to a vacant post, this should take place prior to the recruitment process. Managers are also responsible for the ongoing reassessment of the post/work to ascertain if the level and type of contact the individual has with children and/or adults has changed and, if necessary, to initiate a new DBS check.

The checks that are available are:-

- Enhanced check for Regulated Activity (Children) – used when someone is undertaking regulated activity relating to children. This check involves a check of the police national computer, police information and the children's barred list.
- Enhanced check for Regulated Activity (Adults) – used when someone is undertaking regulated activity relating to adults. This check involves a check of the police national computer, police information and the adults barred list.
- Enhanced check for Regulated Activity (Children and Adults) – used when someone is undertaking regulated activity relating to both children and adults. This check involves a check of the police national computer, police information and the children's and adults barred list.
- Enhanced DBS check without barred list check– used when someone meets the pre September 2012 definition of [regulated activity](#). This level of check involves a check of the police national computer and police information.
- Standard DBS check – used primarily for people entering certain professions such as: members of the legal and accountancy professions. Standard DBS checks just involve a check of the police national computer and do not include a check of police information or the children's or adults barred lists.

Please note: -

- You cannot apply for a DBS check for someone who is under 16 years old.
- From 10<sup>th</sup> September 2012 we cannot obtain a DBS check for anyone undertaking "controlled activity" (i.e., roles that are not regulated but that allow holders the opportunity to have contact with vulnerable groups or have access to certain records relating to vulnerable groups). This means there is no longer eligibility for people with access to sensitive data to be DBS checked.

If there are concerns about an existing worker's suitability to continue working with children and/or adults then there is the discretion to undertake a new enhanced DBS check. Due to the requirements of the DBS disclosure process the individual concerned must give their consent for the DBS check to be obtained. Please contact your Principal HR Advisor for further advice.

## **5. VALIDITY OF DBS DISCLOSURES**

There is no period of validity for a DBS check. A DBS certificate is technically out of date on the day it is issued as a new or further criminal conviction, caution etc may be recorded against the individual at any time after the issue date.

Calderdale's Code of Conduct for Council employees states that an employee who is charged with a criminal offence of any nature must declare the fact of any such charge to their Chief Officer/Head of Service immediately. Failure to disclose such information may lead to disciplinary action being taken.

## **6. PORTABILITY OF DBS DISCLOSURES**

Portability refers to the re-use of a DBS check, obtained for a position in one organisation and later used for a position in a new organisation.

Calderdale MBC does not accept portability for any positions, with the exception, in some circumstances, of those individuals registered with the DBS update service (paragraph 10. below).

In relation to contractors or agency staff, the "employer" is responsible for obtaining the DBS check. This check can then be used within any organisation that the agency or contractor provides staff to work within.

## **7. DBS DISCLOSURE REQUIREMENTS FOR THOSE MOVING POSITIONS WITHIN CMBC**

Where an individual has undertaken a DBS check for a position within CMBC and they move to another position within CMBC, the DBS Disclosure will be acceptable in the following circumstances:-

- The type of DBS disclosure (i.e., Enhanced, Enhanced + relevant barred list check) is the same for the old and new post and
- The individual has not had a break in service of more than three months, and
- The new work does not represent a significant increase in responsibility for, and contact with, children and/or adults.
- The DBS disclosure is for the same workforce ie, you cannot use a disclosure which has only searched on Adults for a post within Children.

NB: if the new work is regulated activity, CMBC is required by law to check the relevant DBS barred list even if the enhanced DBS check is considered acceptable.

## 8. FREQUENCY OF DBS DISCLOSURE CHECKING

Where DBS disclosure is required, the individual will complete an enhanced DBS check as part of a recruitment and selection process to ascertain their suitability for the post.

CMBC have taken a policy decision which means that a new DBS check will be required every 5 years with the exception of where management have carried out a risk assessment which indicates that an earlier recheck is necessary. The 5 year renewal decision may be reviewed in the light of future national guidance.

HR Administration will monitor and initiate the DBS Disclosures rechecking process.

## 9. COMMENCEMENT OF WORK PRIOR TO RECEIPT OF A DBS DISCLOSURE

In all circumstances every effort must be made to ensure the enhanced DBS check is obtained prior to the individual commencing work with CMBC. Only in exceptional circumstances can an individual commence work without the full results of the DBS disclosure being known and this can be authorised by the Head of Service. Prior to approaching the Head of Service for approval the following must have taken place:-

- HR Administration are in receipt of all of the other pre employment checks and these have been confirmed as being satisfactory, and
- A correctly completed DBS disclosure application form has been submitted to HR Administration and this has been sent off to the DBS, and
- HR Administration have checked and cleared the individual **against the relevant barred list** (if the post will be regulated activity), and
- The line manager has undertaken a risk assessment to determine and ensure that sufficient safeguards are in place to ensure the individual has no unsupervised access to children and adults.

## 10. RECEIPT OF A DBS CERTIFICATE

The DBS no longer issue a copy of the applicant's DBS certificate to the Registered Body i.e., the employer who countersigned the DBS application form. The DBS now only sends a copy of the certificate to the applicant.

The manager will need to ask the applicant to see their certificate and update HR Administration with the relevant details so that the HR administration system can be updated with certificate number, date of issue and outcome.

Where criminal information has been disclosed on the certificate, which has not been disclosed at application or interview stage, or which doesn't match what was disclosed by the applicant, the manager should follow the steps below in line with CMBC Safer Recruitment policy:

- Applicant is invited to attend a meeting to discuss the disclosed information.
- Determination made by manager as to whether disclosed information makes applicant unsuitable for the role.

- Consider whether it would be appropriate to withdraw the offer of employment based on failure to disclose during application process.

## **11. RECRUITING FROM OVERSEAS**

DBS Disclosures do not usually record convictions that were committed abroad. When recruiting candidates who have spent a period of time living or working abroad, a DBS check must be obtained in the normal way and a police check or 'certificate of good conduct' or equivalent from the country(s) concerned may be required as well. In general, this applies to any individual arriving from another country – or having been employed in another country – in the last two years. In the case of a country that is not able to provide these checks, a risk assessment should be undertaken to consider any other suitability checks that may be available, e.g. at least one reference from that country.

## **12. DBS UPDATE SERVICE/SERVICE CHECK**

For a small annual fee (payable by the individual) applicants can have their DBS certificate kept up to date and take it with them from role to role, employer to employer, as long as the roles are within the same workforce, where the same type and level of check is required. It is the responsibility of the individual to register with the update service via the DBS website.

Recruiting managers should ask applicants if they are a member of the update service. If they are, with their permission, HR can carry out a free, instant, online check to see if any new information has come to light since the certificate's issue. To do this, the manager must see the original certificate and check the person's identity very closely.

If the original certificate contains criminal information, the manager should follow the steps described in paragraph 10 above.

If the update service produces a result that the certificate is no longer current then this means that either the person has not paid their annual fee, the data on the certificate is incorrect or new information has since come to light. In all cases, a new DBS application will be required.

NB In cases where the individual is registered with the update service and the online check has indicated the certificate is current, the barred list must still be checked if the person is to work in a regulated activity.

## **13. DBS DISCLOSURES FOR AGENCY WORKERS/CONTRACTORS/SUB CONTRACTORS/VOLUNTEERS**

Agency workers, contractors, sub-contractors and volunteers must be assessed against the same criteria as those working directly for CMBC to see if a DBS disclosure is required and, if so, at what level. If the work is regulated activity, a barred list check must also be undertaken.

This policy does not form part of any employee's contract of employment and it may be amended by the Council at any time.