



Recruitment and Selection Policy

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

Version History

Version No	Lead	Date Change Implemented	Reason for Change
1	Jonathan Cassidy – Senior HR Business Partner	06/12/2011	New for BCHC
1.1	Helen Ripley	08/01/2013	Minor changes to ensure NHSLA compliance

Consultation History

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

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1 Introduction

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

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

This policy aims to ensure that only the best available candidates are recruited and promoted through the use of sound recruitment and selection practices that demonstrate compliance with Equal Opportunities legislation to support our evolving organisational culture and should be read in conjunction with the Trust's Recruitment and Selection Guidelines.

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

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

2 Policy Scope

The policy and associated guidelines apply to all applicants and existing staff including Medical and Dental staff, Bank workers and temporary workers.

There are a number of key pieces of legislation that affect the Trust's recruitment and selection processes and the following list details the relevant legislation that the Trust must comply with:

- Equality Act 2010 (incorporating the following former individual pieces of legislation and additional regulations with regards to civil partnership/marriage and maternity/pregnancy)
 - Employment Equality (Age) Regulations 2006
 - Gender Recognition Act 2004

- Employment Equality (Religion or Belief) Regulations 2003
 - Employment Equality (Sexual Orientation) Regulations 2003
 - Race Relations Act 2000
 - Sex Discrimination (Gender Reassignment) Regulations 2000
 - Disability Discrimination 1995
 - Sex Discrimination Act 1975
- Safeguarding Vulnerable Groups Act 2006
 - Civil Partnership Act 2004
 - Children Act 2004
 - The Immigration (Restrictions on Employment) Order 2004
 - Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
 - Care Standards Act 2000
 - Criminal Justice and Court Services Act 2000
 - Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
 - Protection of Children Act 2004 (PoCA)
 - Protection of Vulnerable Adults Regulations 2002
 - Data Protection Act 1998
 - Human Rights Act 1998
 - Police Act 1997
 - Asylum and Immigration Act 1996
 - Rehabilitation of Offenders Act 1974
 - Rehabilitation of Offenders 1974(Exceptions) Order 1975
 - Equal Pay Act 1970
 - Health & Safety Legislation

This policy and associated Recruitment and Selection Guidelines and CRB/Rehabilitation of Ex-Offenders/Registration Authority Guidelines are in place to provide a high standard of recruitment and selection processes which are in line with best practice and employment legislation, in order to ensure an efficient and effective recruitment and employment service for the Trust.

The Trust's Recruitment and Selection processes are in line with the relevant Terms and Conditions handbooks, e.g. Agenda for Change terms and conditions, Medical and Dental terms and conditions, Whitley Councils and Very Senior Managers Pay Framework.

Recruitment is required to be carried out in line with the NHS Pre-employment Checking Standards which have been developed with key stakeholders including the Department of

Health and NHS Employers. These Pre-employment Checking Standards include those checks that are required by law, those that are Department of Health policy and those that are required for access to the NHS Care Records Service.

3 Trust Board Responsibilities

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

The Trust Board is responsible for:

- Ensuring the implementation and the requirements outlined within this policy are observed by receiving assurances with regards to compliance from Trust Management Board, which receives regular quarterly reports, audit reports and the HR Annual Report from Strategic Workforce and HR Group to the Trust's Management Board;
- Ensuring that managers within the Divisions are made aware of the policy and their responsibilities within it and that staff are appropriately trained;

Management Board

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

Strategic Workforce and HR Group

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

Human Resources Director

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

4 Human Resources Responsibilities

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

The Human Resources Department are responsible and accountable for:

- Delivering the Trust's Recruitment and Selection and interview skills training to managers;
- Providing support and guidance to managers throughout the recruitment and selection processes to ensure compliance with HR policies and procedures, standards and employment legislation;
- Supporting Divisions within the Trust to work proactively to ensure that we employ the right people with the right skills in the right place to meet service and patient needs. The Trust also has a legal and moral responsibility to ensure that all recruitment and selection practices are non-discriminatory, which means giving everyone a fair opportunity to fulfil their potential, regardless of race, ethnic origin, sex, gender reassignment, gender identity, marital/civil partnership status, pregnancy, religion, disability, age or sexual orientation;
- Monitoring and reporting on equal opportunities for all recruitment;
- Providing efficient and effective communication to all applicants, employees and managers throughout the recruitment and selection processes;

5 Management Responsibilities

Divisional Directors

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

All recruiting managers are responsible and accountable for:

- Considering alternative resources other than recruiting straight 'like for like' posts to ensure cost efficiency of services;
- Providing accurate and up to date information for each post within their team/service/department, for example job descriptions, person specifications,

Knowledge and Skills Framework (KSF) outlines (which must be provided to recruit to a post);

- Ensuring objectivity throughout all recruitment and selection processes making them fair, equitable and consistent;
- Adhering to this policy, the Recruitment and Selection Guidelines and other associated policies and procedures ensuring appropriate observation of the principles in Equal Opportunities and prevention of discriminatory practices;
- Undertaking the Trust's Recruitment and Selection training to ensure they have the knowledge and skills to competently undertake all elements of the recruitment and selection processes. As a minimum, at least the recruitment panel chair should be trained in the Trust processes;
- Recruiting managers must ensure that all pre-employment checking is carried out in a timely manner and in line with Trust Key performance indicators which link to increased efficiencies and that appropriate documentation is copied, signed and dated to confirm original documents have been seen at interview and ensure that the relevant documentation is completed to this effect;
- Implementing this policy and reading the guidelines, ensuring that they highlight responsibilities to the attention of other managers and employees as appropriate in order to ensure the continuity of staff recruitment to key posts within the Trust;
- Clarifying the required standards that all parties involved with recruitment and selection must adhere to when recruiting on behalf of the Trust;
- Ensuring that recruitment and selection of staff is undertaken in an open and transparent manner and without discrimination, ensuring that the most appropriate candidate(s) are recruited;
- Arranging role specific training for all new starters in line with their job description;
- Providing a thorough local induction and mandatory training for all new starters to aid retention of staff;
- Process Workforce Approval Forms (WAFs) and commencement (HR1) within the first week of commencement where possible, or change forms (HR2) within the appropriate timescales, giving careful consideration to Payroll 'cut off' dates;
- Keep employee personal file in the Trust's agreed format as issued by the Centralised Recruitment Team and ensure it is kept up to date including HR1/2/2a forms, PDRs, KSFs, mandatory training information, certificates of

achievement, job plans etc.

6 Applicant/Employee Responsibilities

- All applicants/employees are required to provide honest, accurate and factual information in relation to their application for employment with the Trust.
- All applicants/employees are required to provide evidence on request, relating to qualifications, professional registration (where required for the role), legal right to live and work in the UK, previous experience and salary and Criminal Records disclosure (where appropriate). Applicants/Employees are expected to provide this information without undue delay. If this information has been considered to be provided fraudulently, then the matter will be reported to the Trust's Local Counter Fraud Specialist for an investigation to be undertaken in accordance with the Trust's Counter Fraud and Corruption Policy and/or Trust's Disciplinary Policy and Procedure where appropriate.
- All employees are required to ensure the line manager has up to date information on the personal file, including PDRs, KSFs, mandatory training information, certificates of achievement, job plans etc.

7 Recruitment and Selection Guidelines

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

- Recruitment and Selection Policy
- Current Equality, Diversity and Human Rights Schemes/Strategies/Legislation
- Management of Organisational Change Policy

Applicants who feel they have been treated unfairly can pursue a complaint through the appropriate Trust processes.

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

These guidelines have undergone Equality Analysis and have been developed following consultation with Staff Side. They also incorporate NHS Employers' set of six Pre-employment Check Standards, which have been developed with the Department of Health and employers in the NHS and include those checks that are required by law, those that are Department of Health policy and those that are required for access to the NHS Care Record Service. These NHS Pre-employment checking standards can be found on the Trust intranet under the Human Resources Department and Centralised Recruitment. [Click Here](#) The Care Quality Commission and NHS Litigation Authority assess the Trust against these standards annually as part of the Annual Health Check, Care Quality Commission

Registration, Local Counter Fraud and Audit checking standards and as evidence of compliance with the standards required for the NHS Litigation Authority. The Trust will continually monitor and review the implementation of these guidelines in conjunction with the Trust's Recruitment and Selection Policy and audit its effectiveness on an ongoing basis in line with the Care Quality Commission/NHS Litigation Authority requirements.

In addition to this guide, there are training courses available for all individuals who undertake Recruitment and Selection to attend:

- Recruitment & Selection workshop (1 day). This is a requirement for all staff with recruitment responsibilities.
- It is a requirement that at least one panel member, preferably the chair of the panel must have completed the Trust's Recruitment & Selection training.

In addition the following optional courses are available:

- Recruitment Interviewing Skills (1 day) as part of the Business Development Consultancy Trust Leadership Development Programme
- Equality & Diversity and Human Rights training (available on request from the Equality Diversity and Human Rights team 0121 466 7288)

This training will be recorded on the organisation's Oracle Learning Management System (OLM) and is reflected in the Recruitment and Selection Policy.

8. Vacancy Review and Planning

A flowchart outlining the Recruitment and Selection process at a high level is available on page 28 of this document. Before a job description and person specification can be drawn up, managers should liaise with Finance and HR colleagues to assess the overall establishment for the department, review staffing levels, budgets, skill mix and working patterns in their department to ensure resources are effectively deployed and that there are not other ways of staffing the service. [Click Here for Link](#)

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

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

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

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

Having obtained the relevant approvals, the Recruiting Manager will complete and email the Finance Tools/Workforce Authorisation Form (WAF) to the Recruitment Team before 12 noon on the Friday of the week before the vacancy is to be posted. It is the Recruiting Manager's responsibility to ensure that they maintain ownership of those WAFs for which they have responsibility. [Click Here for Link](#)

9. Writing & Reviewing A Job Description

A Job Description describes the key areas of work the post holder would be expected to undertake. This also ensures that the interview panel is clear about what the job entails, enabling them to undertake the selection process in an objective way. It also acts as a marketing tool; attracting and informing prospective candidates to the post. The Trust's template format for constructing a Job Description can be found on the Trust intranet [Click Here for Link](#). For medical and Dental posts, the Trust template should be used in conjunction with the relevant Royal College template.

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

10. Writing and Reviewing a Person Specification

The Person Specification describes the knowledge, qualifications and experience the ideal candidate would have. The Trust's template format for constructing a Person Specification can be found on the Trust intranet [Click Here for Link](#). For medical and Dental posts, the Trust template should be used in conjunction with the relevant Royal College template.

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

If the post is **new** or has been **reviewed**, the amended Job Description, Person Specification, Effort Factor Questionnaire (short questionnaire outlining the mental, physical and emotional effort required of the post holder), organisation chart as well as the sign off banding request form should be forwarded to Human Resources for Agenda for Change job matching/evaluation. [Click Here for Link](#)

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

11. Knowledge and Skills Framework (KSF) Outline

A full KSF outline defines and describes the knowledge and skills which staff need to apply in their work. The post outline gives an individual the opportunity to see the level of knowledge and skills required within a post.

Outlines will need to be reviewed on a regular basis (the same as job descriptions and person specifications) in order to reflect any change in the role and responsibilities.

A job cannot be advertised without a job description, person specification, KSF outline and Workforce Approval Form (WAF) documentation.

Please note that a KSF outline is not required for Medical and Dental posts, however all posts should have Royal College approval prior to advertisement.

12 Advertising and Attracting Candidates

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

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

All posts must be advertised on the Trust intranet and NHS Jobs website and the requirements outlined in any Local and Regional Redeployment Pool frameworks should be followed.

Should the advertisement need to be placed in a publication, the recruiting manager must inform the Centralised Recruitment Team who will organise for this to be advertised and advise accordingly once the advert has been costed. If required, advice on legal requirements, wording, costing and publication is available from the Human Resources Department or more specifically, the Centralised Recruitment Department.

13. Short Listing and Scoring

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

The Centralised Recruitment Team will long-list all ineligible applicants by removing any candidates from the interview process, who do not have the right to live and work within the UK. Only once vacancies have been advertised for a total of 28 days can candidates from outside of the EEA be considered as the organisation would need to sponsor the candidate's application to work in the UK.

The Centralised Recruitment team via NHS Jobs will then email the recruiting manager indicating that short listing needs to take place this must be completed within 7 days of the closing date.

Any paper applications received (Part B only) will be scanned and also emailed via the Centralised Recruitment Team to the recruiting manager.

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

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

The Centralised Recruitment Team will inform the recruiting manager if a candidate has declared themselves to have a disability since these candidates must be interviewed if they fulfil all essential criteria in line with the Trust's Commitment to equality of opportunity and the 'Two Ticks' Positive about Disability Commitment the Trust is signed up to.

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

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

14. Interview Panel Members' packs

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

15. The Interview

Before the Interview

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

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

- supervision for testing.
- Panel members have received training in the selection process.

The Role of the Chair in the Interview Process

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

Additional responsibilities of the Chair include:

- Verification of identity is now required at the interview stage prior to the candidate being offered the post. The request to attend interview letter sent out by the Centralised Recruitment Department will instruct the candidate to bring suitable identification and address verification with them. The recruiting manager/ administrator is then required to check the candidates' identity at the interview. The Centralised Recruitment Team will provide recruiting managers with a detailed list of acceptable identification.
- Where professional registration or formal qualifications are required for any post, ensure original proofs are seen and copied
- Ensuring each candidate is asked the same questions which are appropriate to the requirements of the job, although follow-up and/or probing questions may vary. All candidates should also be given the same time and opportunity to respond. Please note that following the introduction of the Equality Act 2010, it is no longer permissible to enquire about candidate's sickness absence during the interview process or prior to a job offer being made.
- Identify and investigate, with the appropriate level of sensitivity, the needs of any disabled candidate in the context of the requirements of the job
- Interview assessment sheets are completed by each panel member for each candidate
- Managers must not agree to any changes to terms and conditions during the interview or any subsequent discussions with the candidate. In the event of queries arising regarding terms and conditions of employment, managers are advised to speak to their Divisional HR teams who will be able to offer advice or signpost the manager as appropriate
- Ensuring unsuccessful candidates receive constructive feedback by a member of the interview panel. Please refer to section 7.1 for further details
- Please note that it is the panel Chair or nominated panel member and not the Recruitment Department that should provide feedback to candidates.

16. Assessment

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

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

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

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

Having decided upon the preferred candidate/s, only is it then appropriate for the panel to read the references (if received) to confirm the suitability of the successful candidate after a decision has been made.

The reasons for rejection of unsuccessful candidates will also need to be recorded by the chair/recruiting manager to enable feedback. A panel member should be nominated to undertake this feedback. This information may also be used for monitoring purposes.

Job Offer

Once the preferred candidate(s) has/have been chosen, a nominated panel member should take responsibility for contacting all candidates to confirm whether or not the candidate(s) has/have been successful at interview (no later than the next working day).

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

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

Starting Salaries

It is essential that managers refer to the Guidance for Managers – Agenda for Change Starting Salaries and Medical & Dental Terms & Conditions if they are unsure how to set the appropriate level of pay as this offer also becomes “binding”, therefore managers should be clear as to the basis and accuracy of any offer. This guidance is available via the Intranet. A

salary variation form should be completed and signed if appropriate, with relevant evidence of salary variance or work experience at the requisite level and returned to the Centralised Recruitment team.

Challenges to Decisions

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

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

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

Successful Candidates

All copied identification, address confirmation, qualifications and other relevant interview documentation should be returned immediately to the Centralised Recruitment Department. The Centralised Recruitment department will then ensure that a conditional offer is issued, references are obtained, employment history is checked and Occupational Health Clearance is received.

Conditional offers can only be made at this point subject to Occupational Health clearance and two satisfactory references. In the case of some medical and dental appointments, three satisfactory references must be obtained. Once all of these are received the Centralised Recruitment Department will inform the recruiting manager who can then advise a starting date for applicants. At this point, an unconditional offer letter will be sent by the Centralised Recruitment Department including all details of their start date.

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

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

17. Pre Employment Check List

In March 2008, NHS Employer published a set of six NHS Employment Check Standards, which are mandatory for all applicants for NHS positions (prospective employees) and staff in ongoing NHS employment, further information can be found on each of these checks on the intranet, please see [Click Here for Link](#) for further information.

The six NHS Employment Check Standards are:

1. Verification of Identity Checks

The Centre for the Protection of National Infrastructure (CPNI) sees identity verification as the most fundamental of all pre-employment checks. It should be the first check performed and the interview should not progress until the employer is satisfied that a person's identity is evidenced and proved. This check should be done at interview stage by the recruiting manager and the recruiting manager should counter sign all copies to evidence that original documents have been viewed **(See Appendix 1 for a flowchart which explains the process)**.

2. Occupational Health Checks

All NHS staff must have a pre-appointment health check which adheres to equal opportunities legislation ensuring that prospective staff are physically and psychologically capable of doing the work proposed, taking into account any current or previous illness, identify anyone likely to be at excess risk of developing work related diseases and that the prospective employee does not represent a risk to the patients. **(See Appendix 2 for a flowchart which explains the process)**

New Employees

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

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

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

Existing Employees

There is **no** requirement for staff to be Occupational Health (OH) screened if they have been through Occupational Health screening in the **last 5 years** unless:

- there is a significant change to their duties;
- there is a perception by either the manager or the member of staff of an increased risk;
- there is a change in the health of the member of staff;

Employees are reminded that Occupational Health is a confidential service.

3. Employment History and Reference Checks

Previous employment history for a minimum of three years must be checked before an unconditional offer of employment is made to any preferred applicant(s) and any gaps

in employment accounted for. NHS Employers suggest that references should only be sought for the preferred candidate. These, along with the application form, will be cross-checked as part of this process. **(See Appendix 3 for a flowchart which explains the process)**

4. Registration and Qualification Checks

The purpose of registration and qualification checks is to ensure that a prospective employee is recognised by the appropriate regulatory body and that they have the right qualification to do the job without restriction. It is essential that managers refer to the Professional Registration Policy for further in depth knowledge and the responsibilities of both the employer and employee. **(See Appendix 4 for a flowchart which explains the process)**

Dentists employed within the Combined Community Dental Service and Birmingham Dental Hospital are subject to additional pre-employment checks as a requirement of their terms and conditions of employment:

Pre-employment checks for these staff must include confirmation that the dentists are either:

- a) On a PCT Performer List (it does not need to be a Birmingham PCT). In this case they are required to give you their Performer Number and this will be verified with the relevant PCT
- or**
- b) Eligible to go on a Performer List. The dentist should be given the contact number of Birmingham SSA Performer List Office (0121 465 1038) and asked to contact them immediately to start the process of applying to go on the Performer List. The dentist is not required to wait until an unconditional offer letter is sent as this process may take up to 6 weeks. An unconditional offer letter will not however be sent until the dentist confirms they have been given a Performer Number and this has been checked.

5. Right to Work Checks

Changes to the Immigration, Asylum and Nationality Act (2006) came into effect on 29 February 2008 and introduced a new criminal offence for employers who knowingly employ illegal migrant workers and a continuing responsibility for employers of migrant worker to check their ongoing entitlement to work in the UK. **(See Appendix 5 for a flowchart which explains the process)**

6. Criminal Record Bureau (CRB) Checks

Information obtained through disclosures can help employers to make an informed decision on whether or not to appoint a prospective employee.

These standards apply to permanent staff, staff on fixed-term contracts, temporary staff, volunteers, students, trainees, contractors and highly mobile staff employed through an agency. Organisations appointing locums and agency staff will need to ensure that their providers comply with these standards.

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

In the event that an unsatisfactory CRB clearance is found, the appointing manager is expected to formally meet with individual and be accompanied by a member of Human Resources staff to ascertain risk to patients, staff and the Trust. Depending on the outcome of the meeting the conditional offer may be withdrawn.

Clinical staff employed to work in the Children's and Families Division must not be allowed to commence employment without a newly undertaken and clear CRB on file including full clearance to work with children. **(See Appendix 6 for a flowchart which explains the process)**

Posts Not Likely to Require a Disclosure

Please note: All pre-employment checks, other than the Verification of Identity Checks, qualifications, address confirmation etc, will be carried out by the Centralised Recruitment Team.

Where a post does not meet the criteria for a CRB check, it is illegal to carry out such a check and to do so could render an employer liable for legal action as well as sanctions from the CRB, including deregistration. Applicants for such posts may be asked only about unspent convictions. Further information around spent and unspent convictions is detailed in NHS Employers Criminal Record Checks on the intranet.

The Independent Safeguarding Authority (ISA) and the Disclosure and Barring Service (DBS)

The government is committed to ensuring that appropriate measures are in place to safeguard and protect all vulnerable groups (including children) from people who work or volunteer with them and who may pose a risk of harm, while operating in a way that reduced the burden on employers and better respects the civil liberties of individuals. With effect from September 2012, these changes include:

1. The abolishment of registration and monitoring requirements;
2. The redefinition of the scope of 'regulated activities' – activities which involve close work with vulnerable groups including children, which a barred person must not do
3. The abolishment of 'controlled activities'

In line with the above definition of 'regulated activities', posts that are not likely to be eligible for a CRB check include:

- administrative staff who normally work in a separate administrative area

- maintenance staff whose normal duties do not take them onto wards or into other situations where they have access to patients
- scientific and technical staff such as laboratory technicians
- laundry staff
- catering staff who do not deliver food to patients
- staff with access not to patients but only to confidential information
- staff whose only access to patients, including children, is by phone
- finance staff without access to patients in the course of their normal duties

Failure to comply with these standards could potentially put the safety and even the lives of patients, staff and public at risk. .

The Trust has a working group that meets regularly to consider which posts should be included under the scope of 'regulated activities' and to ensure consistency when making considerations about referrals to the Disclosure and Barring Service. This group is a multi-disciplinary group and includes membership from the Divisions, Human Resources and Nursing and Therapies (Safeguarding)

Please note that if a person has a criminal record it does not necessarily exclude them from working with vulnerable persons and advice should be sought from the Human Resources Department where an appropriate risk assessment can be undertaken.

The NHS is exempt under the Rehabilitation of Offenders Act 1974.

18. Acceptance of Post

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

The removal expenses policy for the organisation can be found on the Intranet. If the successful candidate has negotiated Removal Expenses as well, the cost of these will be funded from within the department's own budget.

19. Temporary / Bank Staff / Volunteers and Locum Staff

Any individual applying for a temporary, locum or Bank post will be required to undertake the same pre-employment checks as a permanent member of staff as quoted in section 8. The same is true of volunteers and honorary contract holders. They are subject to CRB checks, health clearance and pre-employment reference uptake as well as compulsory attendance at induction and completion of mandatory training.

All staff provided to the organisation through employment agencies must be obtained through agencies approved under the Government Procurement Service Framework and obtained centrally through the trust's Bank and Agency Staffing Department

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

Arrangements for checking that agencies complete checks to the required standards include regular audits. The Trust recommends that individuals only work with Government Procurement Service approved agencies.

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

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

Government Procurement Service supply non medical, non clinical and AHP staff under a national framework agreement) - weekly monitoring of the Buying Solutions Agency management information site by BCHC's Bank and Agency Staffing Manager for emerging issues.

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

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

20. Issue and Registration of Smartcards

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

Once the evidence has been checked, the RA01 document should be completed and forwarded to a nominated sponsor who will agree and identify the correct level of access required.

21. Unsatisfactory Employment Checks Post Employment

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

22. Withdrawal of Offer

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

If you are considering withdrawing an offer of employment, advice from the Human Resources Department **must** be gained in the first instance.

Examples of the reasons why offers may be withdrawn are:

- As a result of an adverse check from, for instance, the CRB or Occupational Health;
- As a result of incomplete documentation, i.e. CRB form and supporting paperwork;
- Failure to commence employment;

23 Candidate Withdrawal

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

At this stage, it is worth re-assessing the job description and person specification prior to advertising again, as certain elements within these documents may have been the cause for the candidate to withdraw.

24. Unsuccessful Applicants

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

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

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

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

25. Reasonable Adjustments and Equipment Provision

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

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

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

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

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

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

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

27. Induction

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

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

28. Employment Legislation

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

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

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

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

30. Monitoring

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

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

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

- either do not apply for employment or promotion or do so in fewer numbers than might be expected;
- are not recruited or promoted or are in lower proportion to their rate of application;
- are under-represented in jobs within the organisation which are more highly paid, of higher status or higher authority;
- are concentrated in certain jobs, sections, shifts or departments within the organisation.

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

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

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

Significant breaches of these guidelines will be reported to the Director of Human Resources.

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

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

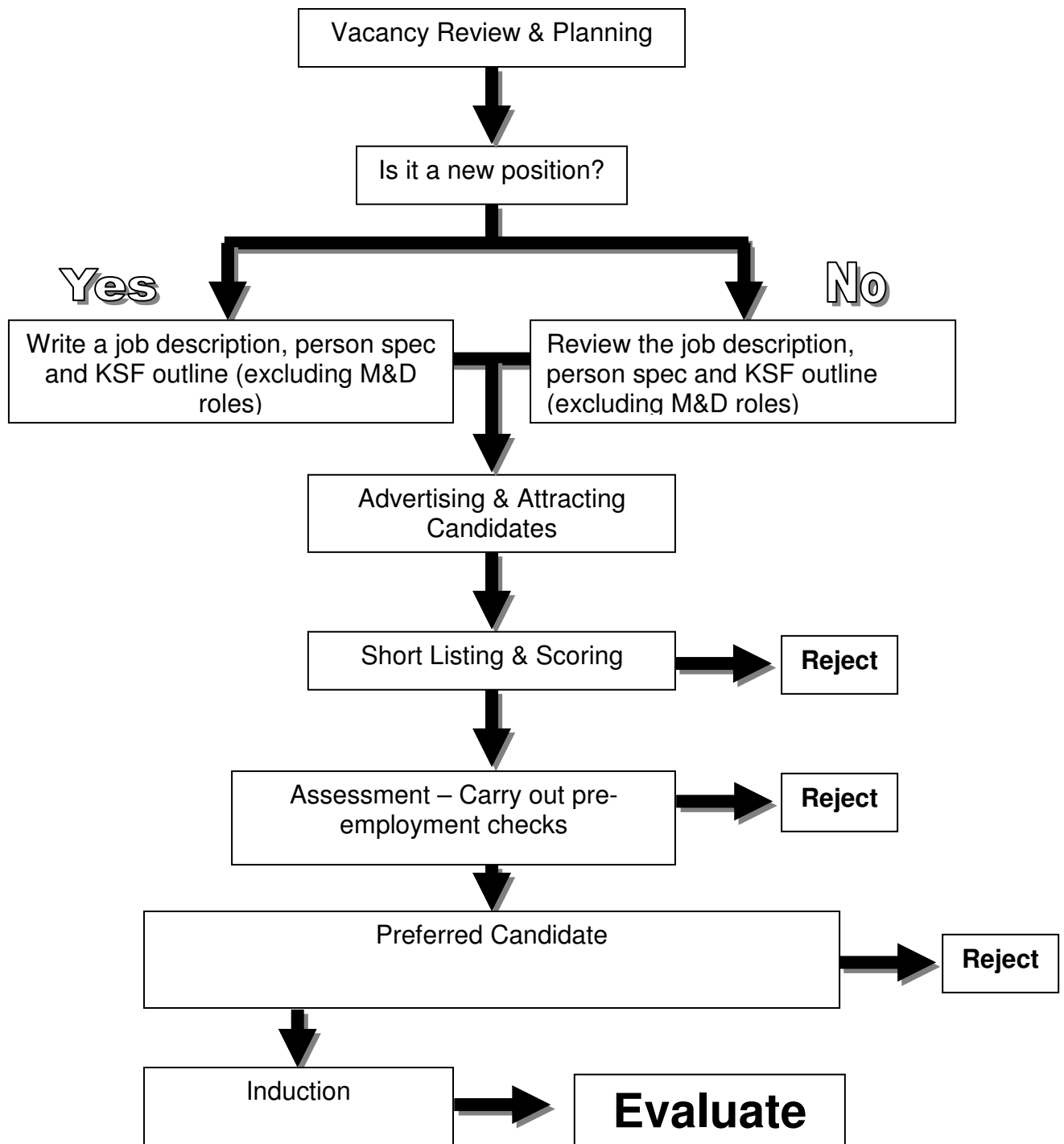
Please see the Monitoring Table at Section 32.

31. Preservation, Retention and Destruction of Records

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

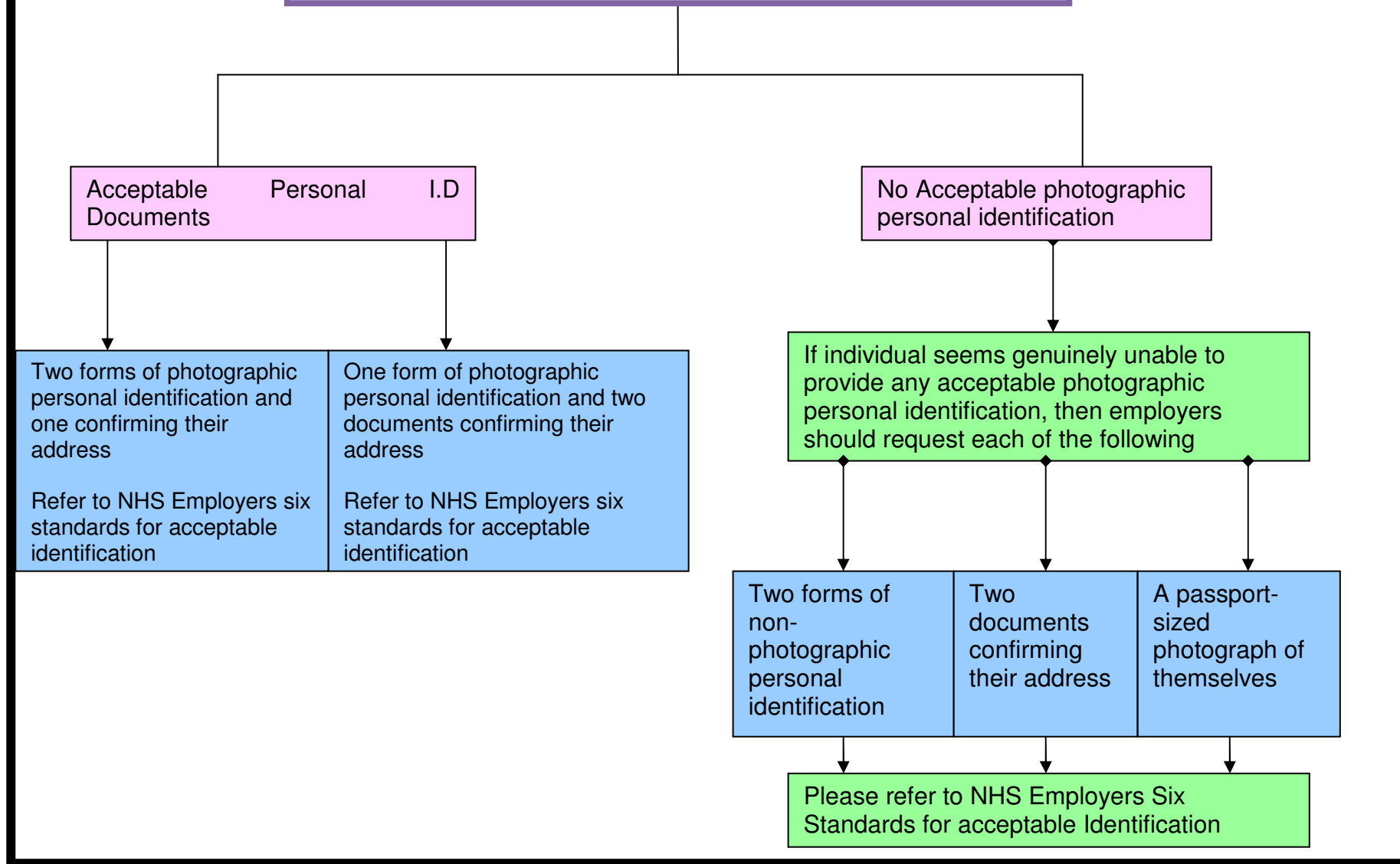
32. Monitoring

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

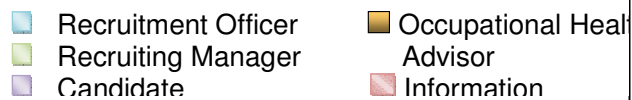
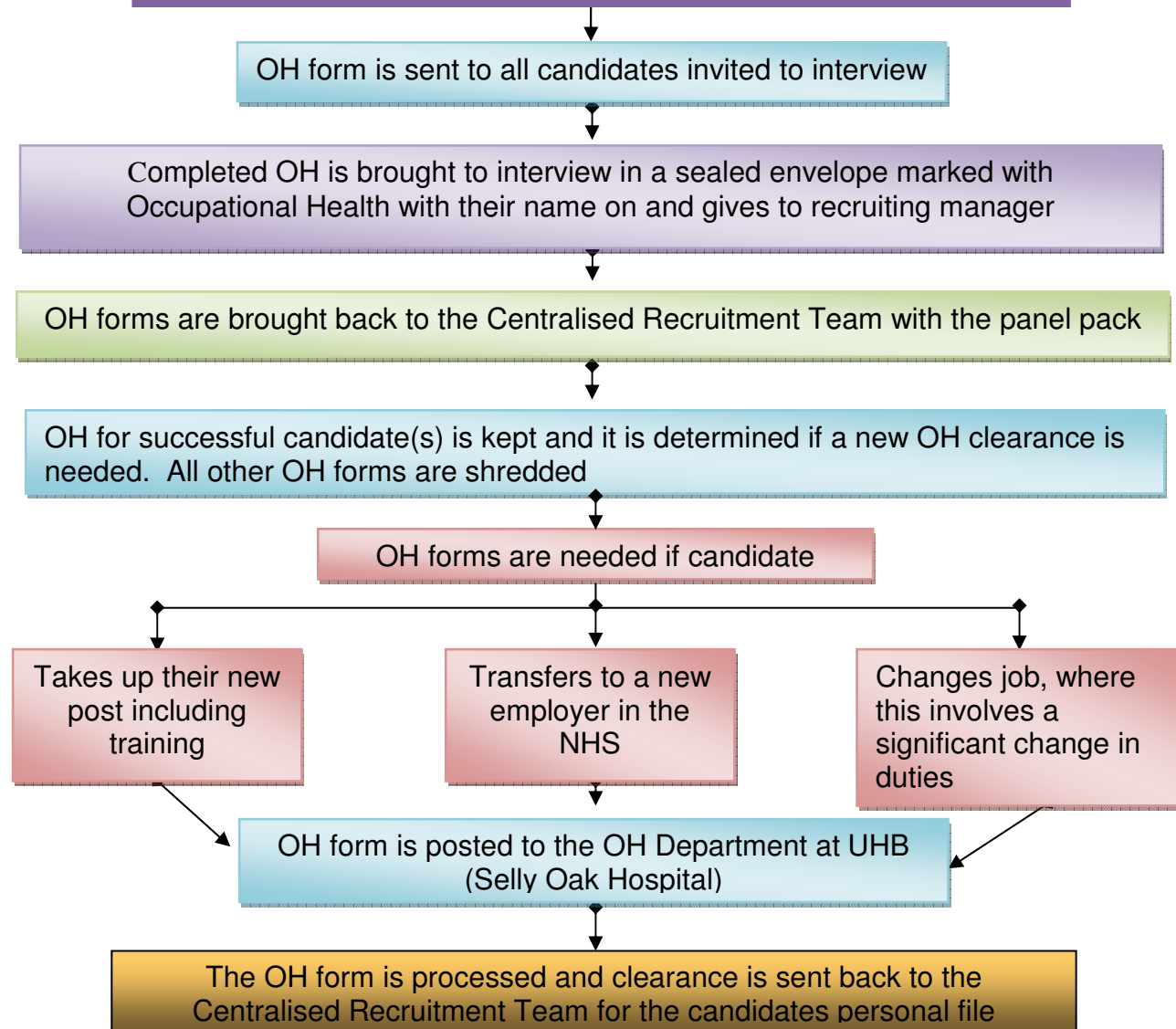


- | | |
|--|---|
| <ul style="list-style-type: none"> – Equal Opportunities and Equality Action Checks) – Employment Legislation) – Preservation, Retention and Destruction of Records) | <p>These elements relate to all parts of the recruitment and selection procedures.</p> |
|--|---|

Appendix 1 Verification of Identity Checks



Appendix 2 Occupational Health (OH) Checks



Appendix 3 Employment History and Reference Checks

Requirement to check at least 3 years (ideally 5 years) of previous employment history and/or training

NHS

Non-NHS

Check ESR (Electronic Staff Records) to verify Employment Dates (where applicable)

Request References

Request confirmation at least 3 years of employment

Other types of references (Evidence Required)

A minimum of 2 (3 for Consultants) full references

Verification of Dates (where applicable)

Un-Employed (Statement required)

Overseas for a single spell (3 or 6 months)

Full time education in last 3 years

Armed Forces/Civil Service in last 3 years

Self Employed



Recruitment Officer



Information

Appendix 4 – Registration and Qualification Check

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

Yes

Check what qualification/Registration is required

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

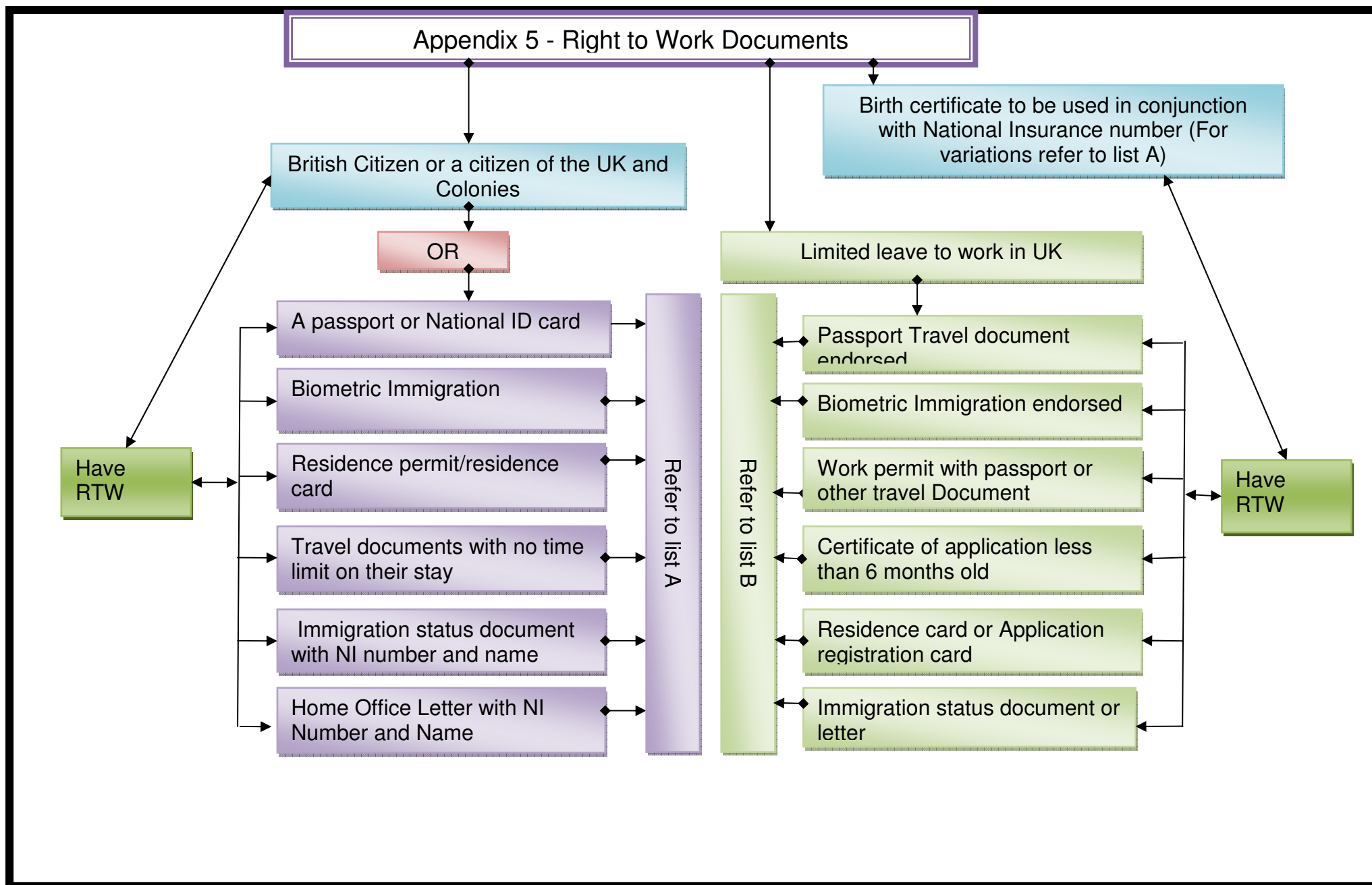
Ensure relevant online professional check is carried out e.g. NMC/GMC/GDC/HPC register

Write Original seen on the photocopied document.
Sign and date the document.

Ensure copy is placed on the employee personal file

No

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



Appendix 6 - CRB Procedure for Recruitment (External and Internal Candidates)

