

Safe Recruitment and Selection Policy

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Equality, Diversity And Human Right Statement	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
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Version number	Page	Changes made with rationale and impact on practice	Date
1		Merger of AUH and RLB policies for LUH	January 2020
2		Policy group review	March 2020
3		Comments included. For ratification	April 2020
3		Policy reformatted as per LUHFT template – no content changes. Roles and responsibilities placed in appendix.	June 2023

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1. Introduction

The Trust recognises that staff are its most important and valuable resource and that good recruitment practice makes a significant contribution to the daily functioning of the organisation. We are committed to attracting the highest calibre staff through a fair and consistent recruitment process, treating all employees and job applicants fairly to recruit the best person for each vacancy. No employee, or applicant shall receive less favourable treatment or consideration during recruitment and selection on the grounds of race, religion or belief, nationality, ethnic origin, sexual orientation, gender, age, disability, marital status, trade union memberships, 'spent' criminal convictions and social status or part-time status and will not be disadvantaged by any conditions of employment that cannot be justified as necessary on operational grounds.

All recruitment processes will reflect the diversity of service and employment needs. The Trust has a Reasonable Adjustments Policy and processes which will demonstrate its commitment towards employing disabled people and ensuring fair and inclusive practices that promote equality in opportunity and eliminate disadvantage.

The Trust aims to provide all staff with equality of opportunity and maximise the working potential of all its employees.

2. Purpose

The purpose of this policy is to promote and maintain fair and effective recruitment and selection procedures across the Trust and to ensure that they are carried out to an agreed standard. It is the aim of the Trust to ensure that:

- All vacancies are reviewed and advertised in the appropriate manner by the Recruitment team, including those for fixed term contracts or secondments/acting up and those where a fixed term post or secondment is to be made permanent
- There is fair and consistent employment practice at all stages of the selection process
- Roles and responsibilities of all those involved in recruitment and selection are clearly defined
- All managers and staff involved in recruitment decisions follow a systematic and objective process to employ the best person for the job
- All statutory provisions relating to equality and diversity are adhered to
- We will take positive action to support all individuals and remove barriers in access to employment.

3. Scope

This policy applies to the recruitment and selection of all staff within the Trust, irrespective of staff group or whether Casual Worker agreement, Honorary, fixed term or permanent duration.

4. Policy Content

4.1 Recruitment Campaigns

The administration of all vacancies will be managed centrally through the Recruitment team. This includes all permanent and fixed term posts, as well as secondment and 'acting-up' opportunities.

Responsibility for the administration and co-ordination of the recruitment process will be with the Recruitment team who will ensure that all necessary documentation is provided to Recruiting Managers, candidates and other third parties in a timely manner.

The Recruitment team will give general advice to managers regarding the most appropriate recruitment and selection methods, providing flexibility where appropriate to meet customer requirements.

It is the responsibility of the Recruiting Manager to ensure all are suitably trained, with relevant competencies, although the Recruitment team will remind Recruiting Managers of this requirement.

A detailed and up to date job description and person specification is required prior to the advertisement of the post. This should be on the agreed Trust template. All AfC mandated posts should be banded through the Trust's AfC Job Matching & Evaluation procedure before going out to advert.

All job descriptions and/or adverts will clearly state whether a DBS check is required to undertake the role and the level of DBS check required and whether there is any specific progression such as those described in Annexe 21 in the AfC Terms and Conditions handbook. If no DBS check is required then this should also be stated on the job description. Please refer to the Trust intranet for further guidance.

All posts should be banded through the Trust's AfC Job Matching & Evaluation procedure for all AfC mandated posts before going out to advert.

4.2 Contract Types

The Trust uses the following contract types: an AfC contract, a VSM contract, Medical & Dental contract, Casual Worker agreement and honorary contracts.

4.2.1 Permanent Contract

Permanent contracts are given to employees who have been hired for a position without a pre-determined time limit. The contract will either be an AfC contract, a VSM contract or a Medical & Dental contract.

4.2.2 Fixed-Term Locum Fixed Term

Appropriate use of Fixed Term Contracts (FTC) will be implemented in the Trust. A Fixed Term contract should only be issued where there is a specific need for the post to be appointed to on a temporary basis. They will generally be offered where:

- It is known in advance that a particular job will come to an end on a specific date.
- The employment is for the purpose of completing a particular task or obtaining specific experience
- The employment is for the purpose of replacing an employee who is to be absent from work for a period of time (for example on maternity leave or a secondment)
- The post is dependent on external funding and it is thought likely that the funding will be available for only a temporary period of time.

Managers must satisfy themselves that there is a legitimate reason for using a fixed term contract. Managers should be mindful of the continuous service and potential redundancy implications of using a fixed term contract before deciding to advertise a temporary post as the expiry of a fixed term is classed as dismissal for the purposes of unfair dismissal and statutory redundancy pay. A FTC will terminate at the appropriate date without the need for any further correspondence. Any extension to a FTC will be dealt with through the Safe Employment policy.

A fixed term contract should not be used to assess a candidate's suitability for a post.

4.2.3 Casual Worker Agreement

Casual Worker agreements are given to staff who work 'as and when', on an adhoc basis. They have no contracted hours. A Casual Worker agreement is a type of agreement between an employer and a worker, where the employer is not obliged to provide any minimum working hours, while the worker is not obliged to accept any work offered. Casual Workers are subject to a full recruitment process including application, interview and full employment checks. They will then be placed with the Temporary Staffing (Bank) team. This is for all staff groups.

A Casual Worker agreement is not a way to recruit staff into fixed term or permanent posts and should be used for the purpose it is intended, to provide temporary cover.

4.2.4 Honorary Contracts

Honorary contracts are issued when staff are not directly employed/paid by the Trust. For those who are coming from another organisation for example University / another NHS trust, confirmation of checks from that organisation will be sought. If they are unavailable, the other organisation will be required to address that issue and provide suitable assurance through undertaking new checks. For those who are not coming from another organisation, full employment checks will be sought.

4.2.5 Secondments & 'Acting Up'

A secondment is where an employee temporarily transfers to another job for a defined period of time for a specific purpose, to the mutual benefit of all parties. At the end of the defined time the Seconded will return to a substantive post. Acting up is where an employee undertakes a senior role temporarily. This should not exceed 6 months. Please see the Secondment & Acting Up Policy (doc ref 4106).

4.3 Authorisation

No vacancy will be advertised or post filled without a completed Electronic Recruitment via the Trac recruitment system. Further details and instructions can be found on the Staff Hub / intranet. The electronic form/request will be sent automatically to all authorising parties which will include Care Group/Directorate & Divisional Managers, Finance & Executive representatives for all types of recruitment e.g. like for like, brand new posts or organisational changes.

If information or documents are missing, the Recruitment team will not be able to commence the recruitment campaign. All information must be correct in order for the recruitment not to be delayed, otherwise the authorisation process may have to begin again from the start.

4.4 Advertising

4.4.1 Redeployment

Redeployment as a result of a policy action – all employees identified as 'at risk' will be managed by the Business HR Team. The Business HR team will grant redeployment access to these employees who will then log into Trac to view and apply for vacancies in the standard way.

The Recruitment team will identify on Trac when there is a possible match with a redeployee and advertise these posts for 5 days to the redeployment pool.

When there is no identified match the post will proceed to advert and be treated in the normal way (as below).

When a redeployee submits an application, the standard recruitment process should be followed. If a manager identifies a redeployee as unsuitable, confirmation from Business HR should be sought and provided to recruitment.

Any further redeployment opportunities around local trusts will be dealt with through local contact led by Business HR, following 'clearing house' principles where contact is made with other local trusts through a network of HR contacts.

4.4.2 Internal Vacancies

All internal vacancies will be advised on our Trust website www.liverpoolft.nhs.uk/working-with-us. This will be open to Trust employed staff, Bank Staff and agency workers. Internal vacancies must be applied for via the Trust's recruitment system. Sometimes adverts will also be placed through the normal

communication channels such as the Staff Hub / intranet, the weekly In Touch bulletin; however full applications must always be submitted through Trac.

There are occasions where a vacancy will only be open to a select group, for example maybe as part of a workforce change or an 'acting up' opportunity within a department, where the successful candidate would not be replaced. On these occasions a link would be sent to the select group for them to apply for the role. These types of vacancies must also be authorised via a Trac on a Recruitment Request form. For further details please contact the Recruitment team.

4.4.3 External Vacancies

All external vacancies will be advised on our Trust website www.liverpoolft.nhs.uk/working-with-us and NHS Jobs. These advertisements will be open to anyone who wishes to apply, including internal candidates.

All candidates must complete an electronic Trust Application Form to apply for any post (via Trac or NHS Jobs). There are circumstances where we will make reasonable adjustments for candidates who fall under the Equality Act 2010. Such candidates are to contact the Recruitment team for further guidance.

As part of the advertisement, candidates will be provided with information about the organisation & roles and responsibilities to ensure a positive and professional first impression is given.

All advertisements will include the Trust's commitment to equal opportunities, providing a flexible working environment and the suitability of job-share or part-time working to the post. As a symbol of this the IWL Practice Plus, the Age Positive Employer Champion status, Mindful Employer, Stonewall Champion and Two Ticks 'Positive About Disabled People' badge from the Disability Confident scheme should be clearly displayed on all advertisements.

All vacancies will be advertised in line with Trust requirements – please refer to the Staff Hub / intranet for guidance on advertising stages. Managers are encouraged not to restrict the number of applications as this could potentially lead to the exclusion of the best candidates, however certain roles will attract a high number of candidates. Please ask for advice from the Recruitment team if this is likely to happen.

For advertisements that are likely to attract a high volume of applications, the Recruiting Manager may request the advert to be capped at a set number of applications. The Recruitment team will make every effort to close the advert as close to the capped number as possible.

4.4.4 External advertising

If a vacancy has been advertised through the Trust website and on NHS Jobs and the vacancy cannot be filled, advertisements in local/national/international publications may be an option. In this case the cost will be undertaken by the recruiting department/directorate. Such advertising will be procured through the Recruitment team only.

4.5 Shortlisting

All shortlisting will be completed electronically via Trac and will be sent to the allocated shortlisting panel within 1 working day of advert closing. Shortlisting criteria will be taken from the Person Specification and pre-programmed into the shortlisting matrix. It is recommended the Recruiting Manager (or shortlisting panel) completes shortlisting and confirms interview details and any other assessments being undertaken to the Recruitment team within 3 days, in order to keep the recruitment timeline within acceptable levels and ensure a quick and smooth experience for all.

At least one member of any shortlisting panel should have received Recruitment and Selection training, which will include Equal Opportunities training and therefore have knowledge of current legislation in this area. It is the Recruiting Manager's responsibility to ensure this is the case. This will be audited from time to time as revised Values Based Recruitment training is developed.

Disability Confident Scheme:

The Two Ticks symbol - 'Positive About Disabled People', was replaced by the Disability Confident Scheme in 2016. The Trust is currently a Level 2 Disability Confident Employer. This means that all disabled candidates who meet the minimum essential criteria for the job are guaranteed an interview and must be short-listed. This is positive action in accordance with our accreditation with the Department for Work and Pensions. If you are unsure whether you are compliant please contact the Recruitment team for further guidance.

4.6 Interviews

It is the responsibility of the Recruiting Manager to ensure that:-

- at least one member of any interview panel has received Recruitment and Selection training (or Values Based Recruitment training) and therefore have knowledge of current legislation in this area
- all interview panels should consist of two or more interviewers, including the Recruiting Manager and should be appropriate for the level of the post
- the composition of the interview panel should be balanced by gender, race and age as far as is practical.

The Chair of the interview panel, normally the Recruiting Manager, is responsible for verifying the identity of each candidate at the start of each interview.

It is important for all members of the interview panel to declare if they have any conflicts of interest with any of the candidates so that a revised panel can be chosen before any of the interviews take place. This includes any candidates who are relatives, friends or business associates.

The interview panel will have pre written value based interview questions (on official interview documentation) plus individual questions regarding the details on the candidates application form. To ensure that the interviews for each candidate are fair and consistent, questions posed should assess only relevant criteria based on the job description and person specification for the role.

Selection techniques must be relevant to the job and appropriate to the measurement of the selection criteria. Managers using selection techniques other than a panel interview and presentation must seek guidance from the Recruitment team

Reasonable adjustments will be made in the recruitment and selection process for any disabled applicant applying for a role. This will be specified throughout the recruitment documentation in the advert and invite for interview letter. Any additional costs arising from this will be charged to the recruiting managers cost code.

The interview panel should complete the relevant recruitment documentation to record the questions asked and the candidate's response as well as a score for each competency. This provides a full audit trail of compliance and fairness of approach as decisions may be referred to or challenged at a later date. Full guidance on the interview process and all templates can be found in the Recruitment and Selection Guidance which is available on the Staff Hub / intranet pages of the Trust intranet.

The Chair of the interview panel, normally the Recruiting Manager, is responsible for contacting all candidates to inform them of the interview outcome and updating Trac with offer details. This should be within 1 working day of the interviews. The Chair should then scan or send all interview documentation to the Recruitment Team. The Trust has a legal obligation to keep details for up to 12 months in case of a claim of unfair discrimination. After this time they will be disposed of confidentially. Candidates under GDPR have the right to request copy of their own notes.

It is also the responsibility of the Recruiting Manager to contact all candidates following interview to provide feedback on performance. This includes successful and unsuccessful candidates.

4.7 Offer

The Chair, when making an offer to the candidate, should always inform them that the offer is conditional, pending Safe Employment checks. Verbal offers of employment are legally binding therefore Recruiting Managers should ensure that any information given is accurate.

The Chair should not offer any other salary/terms other than what has been advertised and authorised and must adhere to the Agenda for Changes Terms and Conditions or relevant Medical or VSM contract.

Please be aware that the Recruitment team will always send out offers at the bottom of the band until confirmation of salary is complete. There may be occasions when the Chair may want to offer above the bottom of band due to a range of reasons. Please refer to the Salary on Appointment appendix and gain authorisation before offering any salary/terms to the candidate. Requests should be via a starting salary variation request form which is available from the Recruitment team.

4.8 Conditional Offer

The Recruitment team will send out a conditional offer within 2 working days of the Chair updating Trac. This will outline the conditions of the employment checks.

4.9 Employment Check Standards

The NHS Employment Check standards apply to all applications for NHS positions and staff in ongoing NHS employment. This includes permanent staff, staff on fixed-term contracts, volunteers, students, trainees, contractors, highly mobile staff, temporary workers, those working on the Trust staff banks and other workers supplied by an agency.

Any offer of employment made to a successful applicant should be subject to NHS Employment Check Standards.

The six areas below make up the NHS Employment Check Standards:

- **Verification of identity checks** – undertaken as per the standards ie relevant and acceptable documentation
- **Right to work checks** – undertaken as per the standards. Subsequent checks for permits issued will be dealt with under the Safe Employment policy
- **Employment history and reference checks** - References should be obtained in writing or by email via Trac. If a telephone conversation is required to clarify some information, a written summary should also be made. Explanations must be sought where references are not clear or there appear to be gaps in employment. Every effort should be made to cover the last 3 years of employment history. References for Health Professionals should be obtained from the applicant's clinical line manager and if appropriate, the Medical Director or Board member. Where possible care should be taken to ensure a minimum of two full references have been received prior to any permanent unconditional offer of employment. In cases where there is an internal move and the career history is already available on ESR, just one reference from the current line manager is required.
- **Registration and qualification checks** – undertaken as per the standards. If qualifications are essential for the post the Trust must be satisfied that the certificates submitted by the individual match those referred to in the application for employment. Where any doubts exist the examining board must be contacted for clarification. The National Academic Recognition Centre (NARIC) exists to assist in this area. Their website www.naric.org.uk can be consulted.
- **Criminal record checks** (DBS / Police checks) – Police checks will be completed for international recruitment. DBS clearances will be undertaken relevant to the role. All staff undertaking new roles are strongly encouraged to register with the DBS Update Service as soon as their clearance comes through. Further information can be found in the Trust's DBS Strategy.
- **Occupational health checks** – undertaken by the OH Service.

These standards apply to **ALL STAFF** i.e. permanent staff, staff on fixed-term contracts, temporary staff, volunteers, students, trainees, contractors and highly mobile staff employed through an agency. Failure to comply with these standards

could potentially put the safety and even the lives of patients, staff and the public at risk.

If any of these requirements are not received or able to be verified then any offer of employment made to the successful candidate may be revoked. Advice should be sought from the Recruitment Operations Manager or Business HR before withdrawing an offer of employment.

Only in exceptional circumstances will an individual be allowed to start in post without all checks being finalised. There must be a risk/safe guarding assessment completed in each case and every case must be approved by the Chief People Officer. Certain checks by law must be in place before a staff member can start. Please contact the Recruitment Operations Manager for further information.

It would be a disciplinary action to allow a staff member to start in post without full employment checks and induction without prior authorisation. This also includes shadowing, clinical fellowships and work experience.

All Safe Employment checks are subject to audit for governance purposes and will be monitored by the Trust regularly to check on compliance and practice. Further information can be found in the Safe Employment policy.

Candidates are advised not to hand in their notice until full employment checks have been returned.

Detailed NHS Safe Employment checks can be found on NHS Employers www.nhsemployers.org with further guidance on the Staff Hub / intranet.

Staff who are found to have not declared or have submitted false information on application / interview / references will be under investigation, as this may be an act of fraud and subject to disciplinary action which may lead to dismissal.

There are also further Fit and Proper Person checks required for those in very senior posts e.g. Executive Director and Non-Executive Director roles. A summary of the checks can be found in the Safe Employment policy.

4.9.1 Internal Recruitment Checks

All vacancies must have been authorised and advertised through the Recruitment team and will be advertised via the Trust website through Trac. Internal Candidates that apply and are successful are still subject to full employment checks. However this depends on the previous employment checks undertaken, documented and recorded - only updates may be required.

This does not include bank workers and agency as they are subject to full employment checks.

A new DBS check is not normally required where an existing member of staff has previously had a DBS check and is moving internally to a new job where the roles and responsibilities do not require a different level of check.

The requirement for a new DBS check is triggered where:

- The individual has never had a criminal record check before and is moving to a position that now requires them to have a check,
- The new position significantly changes the individual's role, responsibilities, or level of contact with vulnerable groups i.e. involvement in a regulated activity which requires a different level of check, or a check against one or both barred lists,
- The current DBS held on the individual's record was carried out more than 3 years ago.

This does not include bank workers and agency as they are subject to full employment checks.

For retrospective and periodic checks, please see the Safe Employment policy.

4.10 Final Offer

Only once full employment checks are complete will a final offer letter and contract will be sent confirming start date.

The start date will be the date of the next Corporate Induction for new employees or employees who have never attended the Corporate Induction (e.g. Bank Students moving to substantive posts).

All external candidates must start on an induction date (usually the beginning of the month). Any exceptions to this must be submitted via the risk assessment form, available on the Staff Hub / intranet. This must be authorised by the Assistant Director of HR&OD (Education & Learning) on the condition that they have a local/rapid induction on Day One and attend the following month's Corporate Induction

4.11 Local Induction

All candidates must complete a local induction checklist upon arrival in their usual place of work. This should be undertaken during the first six weeks in post and evidence of completion should be recorded in ESR. The checklist should be provided to the L&D team for input.

4.12 Overseas Workers

UK/EU workers - have the right to apply and be appointed to any role advertised, until the end of the Brexit transition period – 31st December 2020. This will be subject to further government review once the transition period has ended. Please speak to the Recruitment team for further advice.

Non-EU workers – can only apply for vacancies that meet the Resident Labour Market Regulations or are on the shortage occupation list. Please speak to the Recruitment team for further advice.

4.13 Partnership working with other organisations

On occasions staff from other organisations may work on Trust premises and provide patient care. The Recruitment team will seek confirmation from the individual's substantive employer that appropriate checks have been carried out at the correct level. Only where such assurances cannot be given, should a further check be required. This will be the responsibility of the substantive employer. Please contact the Recruitment team for further details.

Work experience – Please see the Work Experience guidance document on the Staff Hub / intranet.

4.14 Bank/Locum Recruitment

If an AfC banded employee of the Trust wants to join the Staff Bank they must contact the Temporary Staffing team for a Bank (internal) Application Form, which needs to be signed by their Line Manager and returned to the Temporary Staffing team. It may be necessary to undertake employment checks depending on current role.

To join the Medic bank, the employee needs to contact the Medical Temporary Staffing team.

For External Bank/Locum recruitment, jobs will be advertised as per the standard recruitment process ie via the Trust website (Trac) and NHS Jobs.

4.15 Volunteer Recruitment

All volunteer recruitment must be requested via the Volunteer Department who will advertise the roles available. The roles will be subject to interview and full employment checks undertaken by the Recruitment team. Candidates will apply via the Trust website via the online application form. All vacancies will be advertised on the Trust website. Volunteers will be entered onto ESR to ensure they can be monitored.

4.16 Interview Expenses

Reimbursement of interview expenses is at the discretion of the Recruiting Manager. Reasonable expenses may be reimbursed, however any payments made will be funded from the Recruiting Manager's own budget. For any overseas candidates, expenses would normally only be reimbursed from the point of entry into the UK. It is advisable for the Recruiting Manager to determine if the role would warrant reimbursement when advertising. Further information can be found in the Recruitment and Selection Guidance on the Staff Hub / intranet or by contacting the Recruitment team.

4.17 Employee Time Off

Reasonable time off with pay will be given to existing employees to attend interviews within the Trust, which occur during or impact upon an employee's normal working hours. For interviews outside of the Trust/NHS, further information can be found in the Special Leave policy on the Staff Hub / intranet or by contacting Business HR.

5. Exceptions

If there are no exceptions – State no exceptions

There may be occasions where there are acceptable exceptions and special circumstances with regard to [Insert subject and Insert criteria or forum where exceptions will be considered].

6. Training

The Trust acknowledges the importance of awareness and skills training for managers to ensure the effective implementation of this Policy. Working in partnership, the HR&OD department will provide appropriate support through a variety of means including formal skills training, informal Policy Briefings or Guidance Toolkits.

7. Monitoring and Audit

The Business HR team will be responsible for the management of this policy, on behalf of the Joint Consultation Group: sub Policy Group. The formal review of all HR Policies will be undertaken on a two yearly basis, in accordance with the Trust's HR Policy Review Programme. In addition, the effectiveness of this policy will be monitored by Business HR and the policy may be reviewed and amended at any time if it is deemed necessary. Notification of any changes to policies will be communicated to all staff.

Staff should be aware that the Trust's intranet site version of this document on the Staff Hub / intranet is the only version that is maintained and controlled. Any printed copies should be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

Recruitment processes are regularly audited by MIAA and reported to the Audit committee.

8. Relevant regulations, standards and references

Associated Documentation and References:

- Agenda for Change Terms and Conditions
- Medical and Dental contracts
- VSM contracts
- General Data Protection Regulations
- DBS Strategy
- Disclosure and Barring Service www.homeoffice.gov.uk/dbs/
- Equality & Diversity In Employment Policy
- Equality & Diversity Toolkit
- Freedom of Information
- Information Security Policy
- Job Evaluation Handbook version 5
- Organisational Change Policy

- Reasonable Adjustments Policy
- Recruitment section / documents on Staff Hub / intranet
- Safe Employment Policy
- Secondment Policy
- Special Leave Policy
- The Equality Act 2010
- The NHS Employment Check standards www.nhsemployers.org
- Trust Recruitment strategies
- Work Experience guidelines
- Volunteer Policy

9. Equality, diversity and human right statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will mainstream equality, diversity and human rights principles through its policies, procedures and processes. This policy should be implemented with due regard to this commitment.

To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010, this policy has been screened for relevance during the policy development process and a full impact assessment conducted where necessary after appropriate consultation. The Trust will take remedial action when necessary to address any unexpected or unwarranted disparities and monitor workforce and employment practices to ensure that this policy is fairly implemented.

This policy and associated procedures can be made available in alternative formats on request including large print, braille, moon, audio cassette, and different languages. To arrange this please contact Business HR in the first instance.

The Trust will endeavour to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements.

9.1 Recording and Monitoring of Equality & Diversity

The Trust understands the business case for equality and diversity and will make sure that this is translated into practice. Accordingly, all policies and procedures will be monitored to ensure their effectiveness.

Monitoring information will be collated, analysed and published on an annual basis as part of our Single Equality and Human Rights scheme. The monitoring will cover all strands of equality legislation and will meet statutory employment duties under race, gender and disability. Where adverse impact is identified through the monitoring process the Trust will investigate and take corrective action to mitigate and prevent any negative impact.

The information collected for monitoring and reporting purposes will be treated as confidential and it will not be used for any other purpose.

10. Legal requirements

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

11. Appendices

Appendix 1: Equality impact assessment

Title	
Strategy/Policy/Standard Operating Procedure	
Service change (Inc. organisational change/QEP/ Business case/project)	
Completed by	
Date Completed	

Description *(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)*

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Who will be affected *(Staff, patients, visitors, wider community including numbers?)*

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The Equality Analysis template should be completed in the following circumstances:

- **Considering developing a new policy, strategy, function/service or project(Inc. organisational change/Business case/ QEP Scheme);**
- **Reviewing or changing an existing policy, strategy, function/service or project (Inc. organisational change/Business case/ QEP Scheme):**
 - If no or minor changes are made to any of the above and an EIA has already been completed then a further EIA is not required and the EIA review date should be set at the date for the next policy review;
 - If no or minor changes are made to any of the above and an EIA has NOT previously been completed then a new EIA is required;
 - Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations.

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative or neutral) on groups from any of the protected characteristics listed below.

When considering any potential impact you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff numbers and demographics, local consultations or direct engagement activity. You should also consult available published research to support your analysis.

Section 1 – Initial analysis

Equality Group	Any potential impact? Positive, negative or neutral	Evidence <i>(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)</i>
Age <i>(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding consent, care of the elderly and child welfare)</i>		
Disability <i>(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical and social barriers)</i>		
Gender Reassignment <i>(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)</i>		
Marriage & Civil Partnership <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)</i>		
Pregnancy & Maternity <i>(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)</i>		
Race <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)</i>		
Religion or belief <i>(Consider any benefits or opportunities to advance equality as well as any barriers effecting people of different religions, belief or no belief)</i>		
Sex <i>(Consider any benefits or opportunities to advance equality as well as any barriers relating to men)</i>		

<i>and women eg: same sex accommodation)</i>		
Sexual Orientation <i>(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay or Bisexual)</i>		

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address.

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.

Section 2 – Full analysis

If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

<u>Is what you are proposing subject to the requirements of the Code of Practice on Consultation?</u>	Y/N
Is what you are proposing subject to the requirements of the Trust’s Workforce Change Policy?	Y/N
Who and how have you engaged to gather evidence to complete your full analysis? (List)	
What are the main outcomes of your engagement activity?	
What is your overall analysis based on your engagement activity?	

Section 3 – Action Plan

You should detail any actions arising from your full analysis in the following table; all actions should be added to the Risk Register for monitoring.

Action required	Lead name	Target date for completion	How will you measure outcomes

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

Section 4 – Organisation Sign Off

Name and Designation	Signature	Date
Individual who reviewed the Analysis		
Chair of Board/Group approving/rejecting proposal		
Individual recording EA on central record		

Appendix 2: Roles and responsibilities

Role	Responsibility
Chief People Officer	<ul style="list-style-type: none"> To ensure that the Safe Recruitment and Selection policy adheres to the principles in current equality and diversity legislation and that the Trust meets its statutory employment duties.
Managers	<ul style="list-style-type: none"> Completing an online recruitment request Reviewing vacancies that arise Ensuring there is a relevant job description, person specification and organisation chart available for the role Developing an appropriate advertisement for the position Deciding on the appropriate method of assessment or selection technique for the role. Reviewing applications received, to compile a shortlist of candidates within 3 working days to be invited for interview, including providing rationale for decisions made Arranging and conducting interviews Making verbal offers of employment and giving feedback to unsuccessful candidates Informing the Recruitment team of the outcome of any interview(s) and returning all associated documentation in a timely manner.
Recruitment Team	<ul style="list-style-type: none"> Effectively administering and coordinating the recruitment process The promotion of good employment practice Providing advice to managers Ensuring the recruitment, assessment and selection techniques are appropriate for the role The promotion of the policy and monitoring implementation Updating policies and practices in line with changes in Employment Law Maintaining positive employment practice initiatives e.g. Disability Confident and Age Positive Employer Champions, Mindful Employer. Supporting Recruitment and Selection training for Recruiting Managers.
Business HR	<ul style="list-style-type: none"> Redeployment of staff Advising on policy matters in relation to selection, business cases and approvals.
Occupational Health	<ul style="list-style-type: none"> Conducting pre-employment medical assessments for successful candidates and providing appropriate medical advice to support and enable reasonable adjustments to be made as required to enable staff to fulfil their role.

Appendix 3: Salary on Appointment

Staff joining the NHS should, under most circumstances, commence on the bottom of the pay band and work their way up the band through each pay point, despite some of the pay points having the same monetary value.

The awarding of incremental credit without good reason is contrary to the principles of fair pay, both within national equal pay legislation and within the Agenda for Change agreement (AfC). Under Annexe W of the Terms and Conditions handbook “Incremental pay progression for all pay points will be conditional upon individuals demonstrating that they have the requisite knowledge and skills/competencies for their role and that they have demonstrated the required level of performance and delivery”.

Indeed, following the 3 year pay deal in 2018, the pay bands now have many pay points with the same monetary value as pay progression must be earned through an effective appraisal process.

Guidance regarding the appropriate salary on appointment must be followed to ensure the effective, fair and consistent management of staff salaries when joining the Trust.

For staff moving within the Trust or from elsewhere in the NHS, into another banded post:

Staff transferring from one post to another on the **same pay band** within the NHS will enter the band at the same incremental point that they were previously on and retain their incremental date providing there is no break in service. Where a break in service has occurred that is less than 12 months, the incremental date shall be deferred by the length of the break. Initially staff will be paid on the minimum of the band until confirmation of previous salary has been received. However, as it can take some time to confirm past employment the new employee may provide an original copy of their last pay slip from their previous NHS employer to confirm their previous pay scale and point.

Under Agenda for Change, staff are **not entitled to any additional payment** where the job title may change but the pay band does not (hierarchical promotion) i.e. promotion within a band. This is because both jobs have been evaluated on the same pay band and the different responsibilities of the jobs are rewarded equally under the job evaluation scheme.

Staff appointed to a post in a **lower pay band** will enter the band at the point they would have reached if all their NHS service in equivalent or higher pay bands had been worked in the lower band eg for someone with 4 years’ service, they would move to the 4th pay point in the lower band. Typically, each year of this level of NHS service will equate to moving up one pay point from the minimum of the band. The previous incremental date will also be retained providing there is no break in service. Where a break in service has occurred that is less than 12 months, the incremental date will be deferred by the length of the break.

Staff **promoted to a higher band** within the NHS will enter the new pay band at the minimum of the band or the first incremental point of the new pay band that gives them

an increase in salary. Initially staff will be paid on the minimum of the band until confirmation of previous salary has been received as above.

For staff returning to the NHS:

Staff having had a break of more than one year from the NHS will normally enter the pay band at the minimum. However, managers may use their discretion to consider counting previous completed years of NHS service in an equivalent or higher band in full or in part. In doing so, managers will need to consider to what extent the previous service will be of relevance to their new post and to ensure that staff are not placed on a point on the band higher than that they would have reached, had they been in post when Agenda for Change was implemented. Prior to granting incremental credit under these circumstances managers must obtain the agreement from the Business HR department. The date of appointment will become the new incremental date.

The following breaks in NHS service are excluded for the purposes of this section:

- Unpaid maternity pay
- Leave taken under section 36 (Employment Break Scheme) AfC terms and Conditions handbook

An employee's continuous service with any NHS employer counts as reckonable service in respect of NHS agreements on redundancy, maternity, sick pay and annual leave.

On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to annual leave.

On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to sick leave where there has been a break or breaks in service of 12 months or less.

Maternity leave, whether paid or unpaid, shall count as service for annual increments, so long as the employee has 12 months of continuous service with one or more NHS employers – a break in service of 3 months or less will be disregarded (though not count as service)

For the purposes of redundancy, 'reckonable service', which is calculated on the basis of the service up to the date of termination of the contract, means continuous full time or part time employment with the present or any previous NHS employer since age 18, subject to certain criteria.

During a career / employment break, staff will not progress up the pay band for the period identified as the break. On return from this type of break, staff will be placed on the same pay point and band they were on before the break. Their next increment will be paid after they have completed a total of 12 months work since the last increment (i.e. excluding the break).

New Staff without previous NHS Employment:

Staff will normally be appointed to the minimum of the pay band.

A new member of staff may wish to have taken into account any period or periods of employment with employers outside the NHS deemed to be relevant to the NHS and the post e.g. GP practices, Nursing homes, Civil Service, Social Services, Local government, industry, Voluntary and independent sector. In determining their starting salary, such experience may be taken into account fully or partially, based upon years of experience, which can be added to the minimum of the band. Typically, each year of relevant experience should warrant moving up an increment on the pay band. This should be done in such a way that they cannot be put in a better position than staff that have gained similar experience within the NHS. If a manager advises that this is an issue, then the pay band point of the existing NHS member of staff shall be the maximum point on which the new member of staff, without NHS experience, can start.

Any exceptions to the above will be made only after careful consideration of the whole package of benefits below, and by agreement with the Divisional HR Representative. Previous salary will always be subject to formal verification.

- The generous annual leave and sick leave entitlements available to staff under Agenda for Change that are not normally as generous outside the NHS
- The Occupational Pension Scheme that is available to all NHS workers and into which the NHS pays 14% of the employee's salary. The benefits of this scheme are considerably greater than those generally available in private industry.
- Any additional allowances attached to the post e.g. working outside Normal Hours; On call; existing Recruitment and Retention etc. It must be remembered that outside the Health Service salary is often quoted as inclusive of these allowances.

Where a member of staff 'returns' to the NHS having had a post out with the NHS, then use the previous section – Staff returning to the NHS.

Managers must consider what effect paying a new employee above the minimum will have on other staff within the department or wider organisation, who have had to work through the incremental scale to get to that point.

Any application for a salary higher than the minimum point on the band must be submitted in writing to the Divisional HR Business Partner, detailing why the application should be considered. The HR Business Partner will then discuss this with the line manager, as appropriate, to make an informed decision. A salary higher than the minimum must not be offered until the manager has the appropriate documentary evidence and written approval from the HR Business Partner. This includes any evidence of a higher salary or evidence that is required for staff returning to the NHS being applied.

Any application to support an employee starting above the minimum point on the pay band must be submitted before the employee commences employment within the Trust. Applications received after this point will not be considered.

Recruitment and Retention:

In the interests of equity, incremental credit will not generally be given for reasons other than years of experience. For instance it should not be given due to market forces. If there are difficulties in recruiting staff, a Recruitment and Retention premium may be applied for. Business HR should be contacted in the first instance. Management will be required to submit a case of need, which requires formal submission to the Chief People Officer. The case of need may be required to be discussed with colleagues in the Health Community and Strategic Health Authority. This is to ensure that a consistent approach is carried out as laid down in the AfC National agreement.

Upon promotion to another role, section 6.33 of the AfC Terms & Conditions Handbook applies. If the minimum of the new pay band does not deliver an increase in salary, then the first pay point which would deliver an increase in pay will be used (by reference to the total value of the salary plus R&R premia in their previous role within the Trust).

Acting Up / temporary move to higher band:

Under Agenda for Change no payment can be given for staff acting up or temporarily moving to another post, if their existing post is in the same band as the one into which they are acting up or temporarily moving into.

Individuals may act up / move into a higher pay band where it is necessary to fill a post on a temporary basis when a vacancy is unfilled, but being advertised, or the post is being held open for someone who is due to return, e.g. from long term sick leave, maternity leave, career break or from extended training.

Payment for the period of acting shall be as a move within the Trust.

Temporary movement into a new pay band should not normally last more than six months or less than one month except in instances of maternity leave, long-term sick leave or career break where a longer period may be known at the outset. In circumstances where the individual is not required to carry out the full responsibilities of the post, pay will be determined by job evaluation.

Section 6.32 – 6.34 of the national Agenda for Change Terms and Conditions handbook sets out the principles for those acting up.

Where temporary movement into a higher pay band results in only one extra pay point the incremental date remains the same.

Where temporary movement results in more than one extra pay point the incremental date for the period of the temporary movement becomes the date the movement began.

Where a member of staff is acting up in to a post in a higher pay band for 6 months or more and is subsequently appointed to the post then, for the purposes of 1.4 above, the date of promotion will be deemed to be the date that the acting up period started.

Appendix 4: Pre-Appointment Checklist – “A Quick Reference Guide”

CHECK	OVERVIEW
Verification of Identity	Verify the identity of prospective employees by checking one of the following: valid passport, UK birth certificate, valid photo ID card (EU countries only) or UK forearms licence. For alternative documents see full guidance. It is recommended employers verify identity by checking against photographic ID wherever possible.
Qualification	Qualifications relevant to the position applied for should be verified once a job offer is made.
Work Permits	Work Permits are issued by Work Permits (UK). If the prospective employee is not a British citizen or a citizen of one of the European Economic Area (EEA) countries, they will need a work permit to work in the UK. It is the responsibility of the Trust to apply for a work permit and fund the cost of the application.
Visa's	If the prospective employee is not a British citizen or a citizen of one of the EEA countries, they may need entry clearance before they can travel to the UK.
Verification of Registration	Before appointing a health professional, the Trust should check whether the appointee is registered with the relevant regulatory body and whether any special conditions apply.
Disclosure and Barring (DBS) Checks	Although not a legal requirement, DBS checks are mandatory for all eligible new staff (with certain exceptions as detailed in Appendix 5) in line with the Department of Health's Standards for Better Health. Appointments may be made on a provisional basis, pending the outcome of the Check subject to the completion of a Risk Management Form.
Alert Letters	An alert letter is a way of notifying NHS bodies and others about a registered health professional whose performance or conduct could place patients or staff at serious risk. The Trust will check their alert letter files prior to recruiting an individual.
Protection of Children Act (PoCA)	Before an applicant can be appointed to a post involving working with children in a “regulated position”, employers must check against PoCA List (lists those who are legally barred from working with children) available from the DEFS.
Protection of Vulnerable Adults (PoVA)	This currently applies to care homes and domiciliary care services and not the NHS. Where NHS students/trainees are working in a placement in a care home, the care home is responsible for carrying out the PoVA check.
Occupational Health Checks	All staff should have a pre-appointment health assessment, which adheres to equal opportunities legislation and good occupational health practice. Make sure the check is secure, confidential and complies with Data Protection Act requirements.
Agency Staff	If pre-appointment checks are delegated to an agency, the Trust must ensure that the agency is carrying out the necessary checks.
References	Should always be obtained and validated before making an unconditional offer.
Discrimination	Pre-appointment checks and the recruitment process should comply with anti-discrimination legislation.
Data Protection Act	In compliance with the Act, information should only be obtained where it is essential to the recruitment decision.
Risk Assessments	Employers are legally required to carry out risk assessments to manage health and safety of staff (and others) effectively on their premises.

Appendix 5: Guidance Statement on the Recruitment of Ex-Offenders

It is a requirement of the DBS's Code of Practice that all Registered Bodies must treat Disclosure applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. It also obliges registered bodies to have a written guidance on recruitment of ex-offenders; a copy of which can be given to Disclosure applicants at the outset of the recruitment process. This policy statement is also supported by the Trusts Equality and Diversity Policy.

Statement

- As an organisation using the Disclosure & Barring Service to assess applicants' suitability for positions of Trust, the Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed
- The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical / mental disability or offending background
- We have written policy guidance on the recruitment of ex-offenders, which is made available to all disclosure applicants at the outset of the recruitment process
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience
- A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a disclosure will be requested in the event of the individual being offered the position
- Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within the Trust and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process
- Unless the nature of the position allows the Trust to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974
- We ensure that all those in the Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of Ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- At interview, or in a separate discussion, we 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 sought could lead to withdrawal of an offer of employment

- We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request
- We 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 you from working with us. This will depend on the nature of the position and the circumstances and back ground of your offences.