



Policy:

HR 019 Recruitment and Selection

Executive or Associate Director lead	Director of Human Resources
Policy author/ lead	HR Directorate Partner
Feedback on implementation to	HR Directorate Partner

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Target audience	All managers and employees of SHSC Trust
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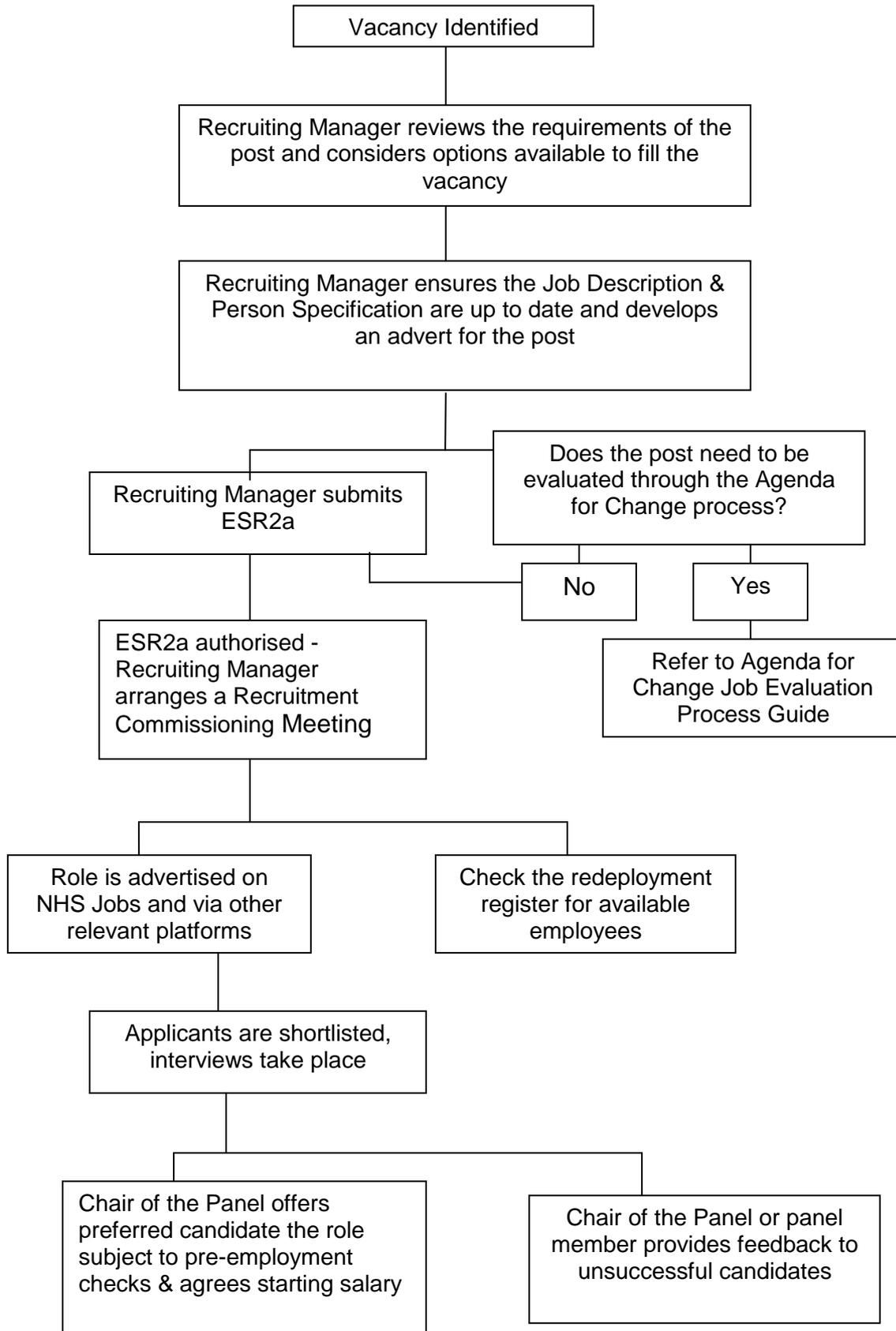
Keywords	Recruitment, selection
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<p>Policy Version and advice on document history, availability and storage; Version 4 This policy will be available to all staff via the Sheffield Health & Social Care NHS Foundation Trust Intranet and on the Trust's website. The previous version will be removed from the Intranet and Trust website and archived. Any copies of the previous policy held separately should be destroyed and replaced with this version.</p>

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Flow Chart



1. Introduction

The Trust plays a vital role in providing health and social care to the local community. To do this the Trust must have the right members of staff with the appropriate skills and experience in place to deliver service excellence and enhance the lives of our service users.

As one of the largest employers in the locality, the Trust is also central to developing the skills of local residents, particularly disadvantaged groups, bringing them into employment locally. It is essential that our workforce reflects the community we serve.

This policy and associated guidance documents are to help ensure that we make the best possible recruitment decisions, balancing the needs of the service with a diverse and culturally competent workforce. It also outlines our requirements to ensure safe and effective recruitment.

2. Scope

This policy applies to all employees with responsibility for recruitment.

3. Definitions

Recruiting Manager, this is the person responsible for ensuring that the vacancy is filled and who has overall budgetary responsibility for the post.

Chair of the Panel, in some instances the Chair may be different from the Recruiting Manager. The Chair of a selection panel is the person with overall responsibility for ensuring a fair and procedurally correct process is undertaken on behalf of the Trust. The Chair must have attended the Trust Recruitment and Selection Training or be able to evidence recent equivalent training.

Interview Panel Member, this is a person who is asked by either the Recruiting Manager or Chair of Panel to be part of the interview panel. They can be asked to take part in the shortlisting process as well as the actual interview. They have responsibility for ensuring that a fair and procedurally correct process is undertaken on behalf of the Trust.

Service User/Carer, this is a member of a group of service users and carers willing to participate in recruitment who have undertaken relevant training to participate in the recruitment and selection process. They will also have in place adequate supervision arrangements with the Engagement/Volunteer Manager in line with the guidance Involving Service Users/Carers in Recruitment, available on the Recruitment pages of the HR Intranet.

4. Purpose

The purpose of this policy is to set out the general arrangements to be followed in the recruitment and selection of staff, and to ensure equality of opportunity in accordance with the Trust's Equal Opportunities and Dignity at Work Policy.

To ensure that the current and future workforce needs of the Trust are planned for and met and ensuring that recruitment is safe and that risks associated with engaging a new member of staff are minimised.

5. Duties

The Recruiting Manager;

Is responsible for the vacancy planning process, a guide to vacancy planning is provided in Appendix G. There is a helpful checklist in the Recruiting Manager's Responsibilities guide available on the Recruitment pages of the HR Intranet. The guide identifies how the Recruiting Manager and Recruitment Team work together to progress the recruitment campaign. The Recruiting Manager's main responsibilities are highlighted below.

1. Establishing a case of need for a new post and considering the best method of filling the vacancy.
2. Reviewing the continued need for an existing post which becomes vacant.
3. Issuing an exit questionnaire or conducting an exit interview with a leaver or ensuring that this is done by appropriate delegation.
4. Completion of an ESR2a Electronic Form to confirm that finance is available.
5. Where appropriate ensuring that the relevant Vacancy Control Panel (VCP) approval is received in line with VCP terms of reference. Terms of reference are available from the HR department and are issued by the VCP from time to time.
6. Approving the job description, person specification and advertisement.
7. Liaising directly with the Recruitment Team throughout the recruitment process including taking part in a Recruitment Commissioning meeting to agree the Recruitment Schedule.
8. Ensuring that service users or carers are involved in the recruitment process in line with the guidance available on the Recruitment pages of the HR Intranet.
9. Ensuring that the diversity of the panel is considered and that adjustments for disabled applicants are proactively considered when planning recruitments.
10. Ensuring they have a good working knowledge of the Equal Opportunities and Dignity at Work Policy and that all applicants are asked on an individual basis if they require adjustments to the interview process, layout of the interview room etc.
11. Ensuring that **as a minimum** the Chair of the interview panel has attended the Trust's Recruitment and Selection training or equivalent, and where possible all members of the panel.
12. In partnership with the Recruitment Team, ensuring that the administration of the process runs smoothly and that Equal Opportunities monitoring is conducted.
13. Ensuring the shortlisting process is conducted fairly and in accordance with agreed criteria.
14. Ensuring that reasons for not shortlisting candidates are recorded.
15. Ensuring that the questions asked by each interviewer are in line with values based guidance and technical questions are recorded.
16. Ensuring that qualification certificates, and where appropriate professional registration details are gathered, photocopied and then verified for each candidate at interview.
17. Ensuring that any gaps in employment are followed up thoroughly with candidates to ensure we are meeting NHS Employment checks standards.
18. Gathering information at the interview on any criminal convictions that are disclosed by candidates and ensuring they are assessed by the relevant Executive Director in line with Trust Criminal Records (DBS) policy.

19. Examining reasons for non-selection and ensuring that these are recorded.
20. Ensuring that all notes taken by panel members are returned to the Recruitment Team in the interview pack.
21. Complete and return the summary of selection form to advise the Recruitment Team of the successful candidate.
22. Liaising with the Recruitment Team throughout the pre employment checks stage.
23. Being accountable for decisions made in relation to the pre employment checks in line with NHS Employment checks standards, Trust policy and in consideration of any advice from the HR team.
24. Checking with the Recruitment Team that a contract of employment is issued within 8 weeks of commencement in post.
25. Working with the Recruitment Team to ensure that the job file is complete (which will be retained for 6 to 12 months) and for the successful candidate that the personal file is received and contains all relevant documents.

The Chair of the panel;

This may be the same person as the Recruiting Manager if not the Chair is responsible for:

1. Reviewing the job description, person specification and advertisement.
2. Liaising directly with the Recruitment Team throughout the recruitment process.
3. Ensuring that service users or carers are involved in the recruitment process in line with the guidance available on the Recruitment pages of the HR Intranet.
4. Ensuring that the diversity of the panel is considered and that adjustments for disabled applicants are proactively considered when planning recruitments.
5. Ensuring they have a good working knowledge of the Equal Opportunities and Dignity at Work Policy and that all applicants are asked on an individual basis if they require adjustments to the interview process, layout of the interview room etc.
6. Ensuring that they have attended the Trust's Recruitment and Selection training or equivalent, and where possible ensure all other members of the panel have also attended the course.
7. In partnership with the Recruitment Team, ensuring that the administration of the process runs smoothly and that Equal Opportunities monitoring is conducted.
8. Ensuring the shortlisting process is conducted fairly and in accordance with agreed criteria
9. Ensuring that reasons for not shortlisting candidates are recorded.
10. Ensuring that all candidates are asked if they require any adjustments to the process, layout of the room etc to better support them at the interview.
11. Gathering information at the interview on any criminal convictions that are disclosed by candidates and ensuring they are assessed by the relevant Executive Director in line with Trust policy.
12. Ensuring that the questions asked by each interviewer are in line with values based guidance and technical questions are recorded.
13. Ensuring that qualification certificates, and where appropriate professional registration details are gathered, photocopied and then verified for each candidate at interview.
14. Ensuring that any gaps in employment are followed up thoroughly with candidates to ensure we are meeting NHS Employment checks standards.
15. Examining reasons for non-selection and ensuring that these are recorded.
16. Ensuring that all notes taken by panel members are returned to the Recruitment Team in the interview pack.

17. Offering the role to the successful candidate and agreeing starting salary, please speak to the Human Resources department for further guidance.
18. Confirming the outcome to the unsuccessful candidate(s) and providing feedback as requested.

The Interview Panel Member(s) responsibilities are;

1. Ensuring that they have attended the Trust's Recruitment and Selection training or equivalent, or ensuring they have undertaken local training or mentoring to ensure they understand their role and responsibilities in the process.
2. Ensuring the shortlisting process is conducted fairly and in accordance with agreed criteria.
3. Ensuring that reasons for not shortlisting candidates are recorded.
4. Ensuring that all candidates are asked if they require any adjustments to the process, layout of the room etc to better support them at the interview.
5. Gathering information at the interview on any criminal convictions that are disclosed by candidates and providing this to the Chair of the Panel.
6. Ensuring that the questions asked by each interviewer are in line with values based guidance and technical questions are recorded.
7. Ensuring that any gaps in employment are followed up thoroughly with candidates to ensure we are meeting NHS Employment checks standards.
8. Examining reasons for non-selection and ensuring that these are recorded.
9. Ensuring that all notes taken by panel members are returned to the Recruitment Team in the interview pack.

The Service User/Carer(s) responsibilities are:

1. Ensuring they are a member of the 'Group' coordinated by the Engagement/Volunteer Manager to participate in the recruitment and selection process and have attended the required training as detailed in the guidance Involving Service Users/Carers in Recruitment, available on the Recruitment pages of the HR Intranet.
2. Ensuring that all candidates are asked if they require any adjustments to the process, layout of the room etc to better support them at the interview.
3. Ensuring that the questions asked by each interviewer are in line with values based guidance and technical questions are recorded.
4. Gathering information at the interview on any criminal convictions that are disclosed by candidates and ensuring they are assessed by the relevant Executive Director in line with Trust policy.
5. Ensuring that any gaps in employment are followed up thoroughly with candidates to ensure we are meeting NHS Employment checks standards.
6. Examining reasons for non-selection and ensuring that these are recorded.
7. Ensuring that all notes taken by panel members are returned to the Recruitment Team in the interview pack.

The Recruitment Team;

The Recruitment Team are responsible for supporting the Recruiting Manager and for carrying out their designated administrative duties within the specified timescales as detailed in the guides on the Recruitment Intranet pages.

They are also responsible for the administration of pre-employment checks in line with the Employment Checks Standards as detailed on NHS Employers. These include the following 6 checks;

- Identity

- Professional registration and qualifications
- Employment history and references
- Right to work
- Criminal record
- Work health assessments.

There are guides available on NHS Employers for each of the 6 checks, further details can also be found in appendix H.

The Human Resources Director will have responsibility for this policy and the Human Resource Team will provide training, advice and guidance on the operation of the policy.

6. Process

6.1 Reviewing Vacancies

Reviewing the post

- 6.1.1 As vacancies arise the Recruiting Manager must review the needs of the team as well as the job description and the person specification to ensure they fully reflect the requirements of the post. The job description and person specification must be reviewed to ensure they comply with the requirements of the Trust's Equal Opportunities and Dignity at Work Policy.
- 6.1.2 Once the requirements of the team are confirmed and the job description has been updated the Recruiting Manager must review the person specification. The person specification must specify those requirements which are 'essential' and those which are 'desirable' for the post in respect of qualifications, previous experience, knowledge, skills, aptitudes, physical requirements and any special requirements (e.g. unsocial hours, travelling). Recruiting Managers must ensure that the criteria specified are justifiable and relevant to the post. Criteria can only be classed as essential where a candidate would not be considered for shortlisting if they did not meet those criteria.
- 6.1.3 The determination of hours of work should be consistent with the aims and principles of this policy e.g. consideration should be given to flexible working arrangements and job share opportunities.
- 6.1.4 Changes to the job description and person specification may result in an Agenda for Change re-evaluation and change of band. Managers should seek advice from the HR team on this to ensure they follow the correct process.
- 6.1.5 If the post is a new one, or has changed significantly, then consider if there is an existing job description or person specification in the Trust that will be appropriate for the post. Advice will be available from HR on job descriptions in use in the Trust
- 6.1.6 If the Recruiting Manager considers that the post requires someone with a specific 'characteristic' only, for example, they want to recruit a male to the post because they believe there is a 'Genuine Occupational Requirement' (GOR), they must be confident that this decision can be justified and is proportionate and they have sufficient evidence to support this.

In such circumstances this must be discussed with the relevant Human Resources Directorate Partner.

Deciding how to fill the vacancy

- 6.1.7 When deciding how to fill the vacancy consideration should be given to the potential duration of the role. If this is a temporary need there are options available to act someone in to the role temporarily or offer a secondment or fixed term opportunity, for further details please see appendix I.
- 6.1.8 Where only a short term vacancy exists the Recruiting Manager may consider the use of Bank Staff, engagement of an Agency Worker or a Self Employed contractor. Reference must be made to the Engagement and Deployment of Short term staffing Policy to ensure the correct processes are followed.
- 6.1.9 It may be possible to take a Trainee in to the role, in taking on a Trainee you recruit to the post and support an individual to gain the required 'essential' qualification over a period of time. If recruiting a Trainee to the post, salary would be paid at a percentage of the substantive banding of the post in line with Agenda for Change appendix 21. Please speak to HR or Education Training and Development team for further information.

Authorising the Vacancy

- 6.1.10 After considering the above once the Recruiting Manager has established the need to recruit to the post an ESR2a electronic form must be completed to authorise the vacancy. The Executive Directors on the VCP will approve vacancies prior to advertisement in line with the VCP terms of reference, available from the HR team. Where a request is made for a role to be re-evaluated under the Agenda for Change process they must also be advised.
- 6.1.11 Once a vacancy has been authorised, prior to the post being advertised, the HR team will review the Trust Redeployment Register for potentially suitable candidates. If there are employees on the register who may meet the essential criteria for the post they will be offered a priority redeployment interview. The main aim of a redeployment interview is to ensure that the employee meets the essential criteria of the post's person specification, or would meet the criteria with reasonable (re)training or through other developmental opportunities, for further details please see the Redeployment Register Policy or speak to a member of the HR team.

6.2. Advertising

- 6.2.1 All job vacancies must, if released for external recruitment, be advertised and placed on NHS Jobs.
- 6.2.2 There should be no requirements or criteria which are unnecessary to the post and which might exclude applicants from any particular section of the population unless there are exceptional circumstances consistent with equal opportunities legislation. If

a GOR is to apply then it should be identified as such within the advertisement and associated documentation.

- 6.2.3 Advertisements are distributed in accordance with the Equal Opportunities and Dignity at Work Policy. Advertisements and associated recruitment literature should give appropriate emphasis to the availability of flexible working arrangements and job share opportunities and carry relevant logos in relation to diversity and inclusion.
- 6.2.4 All vacancies will be advertised internally and, wherever possible, existing employees will be encouraged to apply unless the post is restricted to redeployees only. Where staff may be absent from work due to parental leave or for any other reason long term, managers should ensure that they are informed of vacancies.
- 6.2.5 External advertisements will normally be placed on the NHS Jobs website and in other relevant publications as agreed between the Recruitment Team and Recruiting Manager.

6.3 Shortlisting

- 6.3.1 Shortlisting is completed online using NHS jobs and should be carried out by at least two people who will also be part of the interview panel, this must include the Recruiting Manager or if different, the Chair of the panel.
- 6.3.2 Information provided by applicants on the Equal Opportunities sheet with the Application Form will not be released to the recruiting Manager, but will be retained by the Human Resources Department for monitoring purposes.
- 6.3.3 All applicants will be given equal consideration for appointments, and will be assessed for shortlisting for interview against the established criteria in the person specification.
- 6.3.4 Overseas qualifications, degrees and diplomas, which are comparable with UK qualifications, will be accepted as equivalents (subject to registration requirements and to any relevant issues within the local or National Terms and Conditions of Service).
- 6.3.5 The Trust shall not disqualify any applicant because he or she is unable to complete an application form unassisted, unless personal completion of the form is a valid test of the standard of literacy required for the safe and effective performance of the job.
- 6.3.6 All applicants with a disability who meet the minimum requirements for the post will be shortlisted for interview in accordance with the Trust's commitment as a Disability Confident Employer and any reasonable adjustments required for interview must be made.
- 6.3.7 The Trust will provide guidance to applicants regarding how the minimum criteria are defined in the Person Specification.

6.4 Interviews

6.4.1 The Interview Panel

Interview training must be arranged for all those involved in recruitment and selection. Chairs must have attended Recruitment and Selection training and Equal Opportunities and Diversity training.

The panel must include people who have shortlisted for the post and the number of people should normally be limited to three although more may be appropriate for specialist or more senior posts in line with the requirements of professional organisations.

The Trust supports principles around diversity and inclusion and chairs are required to think about the diversity of the interview panel to ensure this is representative of the various groups of staff and public we support, for example, the gender of panel members and BAME diversity. Where recruitment is taking place for roles at Band 7 and above we encourage chairs to ensure the interview panel includes BAME panel members. If there is not a BAME colleague available from within the recruiting team the BAME staff network are able to provide trained representatives to support the process.

- 6.4.2 The Trust encourages and expects the involvement of service users and/or carers in the recruitment of all staff. Service Users do not have to have had direct experience of the service which they are involved in recruiting for, however efforts should be made to ensure that they have an understanding of the role and remit of the post advertised and where possible interviewers should be chosen who have transferable experience of similar service settings e.g. someone with experience of an inpatient environment in recruiting staff for a ward setting. The Recruiting manager will not determine which service users or carers are involved in the recruitment he/she is carrying out. Managers may suggest service users they would like to have involved, but this will be at the discretion of the Engagement/Volunteer manager.
- 6.4.3 The Chair will ensure that all members of the interview panel, including external assessors and external agencies or service users are aware of the Trust's Equal Opportunities and Dignity at Work Policy and of the requirements of this Policy.
- 6.4.4 The Chair must ensure that all members of the interview panel are aware of the selection criteria for the post, based on the person specification, and that these criteria are applied consistently to all candidates.
- 6.4.5 Panel members must disclose prior to interviews commencing any current or previous association with any of the candidates which would give rise to a conflict of interest (e.g. if you are related to the candidate or have a relationship with the candidate). Any such associations must not prejudice equal treatment and consideration of all candidates.
- 6.4.6 Questions must relate to the requirements of the job and must not be directly or indirectly discriminatory, for instance:
- a. questions must not be asked about marital status, marriage plans or family intentions.
 - b. where it is necessary to assess whether a candidate can fulfil the job responsibilities (e.g. on-call or extensive travel to ensure performance of the role), this should be

discussed objectively and consistently with all candidates without assumptions about marital status or carer responsibilities, disability or pregnancy for example.

c. The Chair of the Panel will ensure that no health or disability questions are asked about a shortlisted candidate's capability to carry out certain tasks unless this is intrinsic to the role.

All recruitment must follow the Trust Values Based Recruitment protocols whereby candidates are asked at interview both values based questions that have been developed in line with the Trust values as well as technical questions specifically related to the requirements of the job as detailed in the job description and person specification. Questions must not be given out to candidates prior to an interview.

- 6.4.7 If, in the opinion of any panel member, questions are asked which are prejudicial to the interests of a fair interview, the candidate should be advised that they are not required to answer the question and the matter should be resolved by the panel.
- 6.4.8 Any tests or exercises used in the selection process must relate to the requirements of the job and not involve higher language, educational standards, or greater physical fitness than are necessary for the safe and efficient performance of the job.
- 6.4.9 Each candidate should be asked if they require any adjustments to the process, layout of the room etc to better support them at interview. This should be asked of each candidate at the start of the interview, it may be that the direction the candidate is facing means they have light coming through a window, it may be that they are too warm or cold and a window may need to be closed or opened etc.

6.5 Selection

- 6.5.1 Selection decisions must be based on candidates' abilities compared against the criteria within the person specification for the job and not be influenced by actual or assumed, age, sex, gender re-assignment, religion or belief, disability and / or family, marital status or civil partnership, pregnancy or maternity, HIV status or trade union. The chair must remain mindful of and challenge potential unconscious bias which may play into decision making
- 6.5.2 There may be occasions where a selection decision is impacted on by someone having a protected characteristic, where:
- A Genuine Occupational Requirement may exist, the advert will clearly state that the Trust is actively seeking to recruit someone with a certain characteristic.
 - There is evidence that supports the use of positive action in recruitment and selection under Section 159 of the Equality Act 2010. Where this is the case this action will be taken on a case by case basis and recruiters must ensure that the guidance in appendix J is followed and supporting information is recorded and legitimate. This must be discussed with the relevant HR Directorate Partner.
- 6.5.3 If the applicant has disclosed convictions on their application form, further information should have been gathered immediately after the interview by an appointed member

of the panel. This information must then be shared with a member of the Human Resources team and the Recruiting Manager is responsible for ensuring the information relating to the preferred candidate is considered and a review undertaken in line with the Trust Criminal Records (DBS) Policy.

- 6.5.4 If during the pre employment check stage a Recruiting Manager is made aware that the preferred candidate has disclosed a disability or that they require 'reasonable adjustments' to enable them to undertake the post, these must be fully considered and explored (for more detail see the Disabled Staff Policy). Further advice should be sought from Occupational Health and the HR team.

6.6 Post Interview Feedback

- 6.6.1 All interview candidates who have not been successful will be offered post-interview feedback by an appropriate member of the Interview Panel following interview, including the reasons for them being unsuccessful, based on the selection criteria within the person specification.
- 6.6.2 Job applicants, at any stage of the Recruitment and Selection procedures, wishing to make a complaint should be referred to the Director of Human Resources who will ensure that the complaint is acknowledged, investigated and a response given to the complainant.

7. Dissemination, storage and archiving (Control)

- 7.1 The issue of this policy will be communicated to all staff via 'Connect'. Local managers are responsible for implementing this policy within their own teams.
- 7.2 This policy will be available to all staff via the Sheffield Health & Social Care NHS Foundation Trust Intranet and on the Trust's website. The previous version will be removed from the Intranet and Trust website and archived. Word and pdf copies of the current and the previous version of this policy are available via the Director of Corporate Governance and via HR.
- 7.3 Any printed copies of the previous version should be destroyed and if a hard copy is required, it should be replaced with this version.

8. Training and other resource implications

- 8.1 Recruitment & Selection training is provided on a rolling basis for those involved in recruitment. The training will cover all areas of the policy including Values Based Recruitment (VBR), separate VBR training will also be provided.
- 8.2 Those individuals within the HR Team responsible for supporting the recruitment process will receive training on the policy as required.

9. Audit, monitoring and review

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group/committee for action plan monitoring and implementation
To be reviewed in line with changes to the legislation and practice within SHSC	Human Resources policies are subject to joint monitoring and review between management and staff sides in the Joint Consultative Forum.	Any changes will be discussed and approved by the HR Policy Group	At least every 3 years	HR Directorate Partner	Human Resources policies are subject to joint monitoring and review between management and staff sides in the Joint Consultative Forum.	Human Resources policies are subject to joint monitoring and review between management and staff sides in the Joint Consultative Forum.

10. Implementation plan

Action / Task	Responsible Person	Deadline	Progress update
Revised policy to be uploaded onto the Intranet and Trust website. Old policy to be removed and archived.	Head of Communications	Within 5 working days of finalisation	
A communication will be issued to all staff via Connect immediately following publication.	Head of Communications	Within 5 working days of issue	
A communication will be sent to Education, Training and Development to review training provision.	Policy Author	Within 5 working days of issue	
Brief HR team on new policy and ensure training needs analysis for staff in response to any changes in current practice	Policy Author	TBC	

11. Links to other policies, standards and legislation (associated documents)

NHS Employers

Criminal Records Checking, Disclosure & Barring (DBS) Service Policy

Professional Registration Verification Policy

Equal Opportunities and Dignity at Work Policy

Redeployment Register Policy

Whistleblowing (Speaking Up) Policy

Involvement of Service Users/Carers in Recruitment

Guidance documents for each stage of the recruitment process are available on the Recruitment pages of the HR Intranet and Involvement of Service Users/Carers in Recruitment guidance

Vacancy Control Planning terms of reference available from the HR team

Protection of Pay and Conditions of Service Policy

Secondment Policy

Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002

Engaging Individual Self Employed Contractors (Procurement Policy)

Disabled Staff Policy

Supporting Staff Undergoing Gender Reassignment

Engagement and Deployment of Short term staffing Policy

12. Contact Details

12.1 The Recruitment Team should be contacted for advice regarding the recruitment process via the HR Department on 0114 226 3301.

12.2 Members of the Human Resources Advice Team should be contacted for advice and support for other issues. Contact an HR Adviser via the HR Department on 0114 226 3301.

13. References

13.1 NHS Employers

The Equality Act (2010)

Safeguarding Vulnerable Groups Act (2006)

Appendix A – Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
V1	New draft policy created	November 2017	New policy written to incorporate changes in process
V2	Consultation feedback incorporated into draft	December 2017	Amendments made during consultation, prior to ratification.
V3	Final draft for ratification	December 2017	Updated following pre-ratification checks.
V4	Consultation feedback from Joint Policy Group incorporated into draft	January 2018	Amendments made during consultation, prior to ratification.
	Minor amendment.	Feb-April 2018	Noted at PGG early 2018
	Amendment to flowchart.	May 2018	Amendment to flowchart made and submitted to Corporate Governance.
	Final draft for implementation	January 2019	Presented to Policy Governance Group
	Final draft for ratification	January 2019	Presented to Executive Directors Group for ratification.
	Minor amends to sections 7 and 10 and Appendices A and B updated.	February 2019	Now includes reference to being placed on Trust website and in Connect as well as intranet. Corporate Governance to issue the policy to Comms for uploading. Does not need to go back to PGG.

Appendix B – Dissemination Record

Version	Date on website (intranet and internet)	Date of “all SHSC staff” email	Any other promotion/ dissemination (include dates)
V1	December 2016	Policy communicated via intranet and trust website.	New policy written to incorporate changes in process, ratified and communicated
V2	February 2017	Policy communicated via intranet and trust website.	New policy written to incorporate changes in process, ratified and communicated
V3	December 2018	Policy communicated via intranet and trust website.	Updated following pre-ratification checks
V4	February 2019	Policy communicated via intranet and trust website and in Connect.	Amendments made during consultation, prior to ratification

Appendix C – Stage One Equality Impact Assessment Form

Equality Impact Assessment Process for Policies Developed Under the Policy on Policies

Stage 1 – Complete draft policy

Stage 2 – Relevance - Is the policy potentially relevant to equality i.e. will this policy potentially impact on staff, patients or the public? If **NO** – No further action required – please sign and date the following statement. If **YES** – proceed to stage 3

This policy does not impact on staff, patients or the public (insert name and date)

Stage 3 – Policy Screening - Public authorities are legally required to have ‘due regard’ to eliminating discrimination, advancing equal opportunity and fostering good relations, in relation to people who share certain ‘protected characteristics’ and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/ don’t know and note reasons). Please see the SHSC Guidance on equality impact assessment for examples and detailed advice. This is available by logging-on to the Intranet first and then following this link https://www.xct.nhs.uk/widget.php?wdg=wdg_general_info&page=464

	Does any aspect of this policy actually or potentially discriminate against this group?	Can equality of opportunity for this group be improved through this policy or changes to this policy?	Can this policy be amended so that works to enhance relations between people in this group and people not this group?
AGE	No	No	No
DISABILITY	No	Yes for example the policy makes reference to reasonable adjustments and the disabled staff policy.	No
GENDER REASSIGNMENT	No	Yes reference made to the Supporting Staff Undergoing Gender Reassignment policy included	No
PREGNANCY AND MATERNITY	No	Yes referenced the need to notify staff on parental leave of vacancies and reference made to the Parental Leave policy	No
RACE	No	Yes changes made to promote the diversity of interview panels in support of Equal Opportunities	Yes
RELIGION OR BELIEF	No	No	o
SEX	No	Yes changes made to promote the diversity of interview panels	No
SEXUAL ORIENTATION	No	No	No

Stage 4 – Policy Revision - Make amendments to the policy or identify any remedial action required (action should be noted in the policy implementation plan section)

Please delete as appropriate: Policy Amended / Action Identified / no changes made.

Impact Assessment Completed by (insert name and date)

Louise Hall 1st December 2017

Recruitment and Selection Policy HR 019 v. 4 February 2019

Appendix D - Human Rights Act Assessment Form and Flowchart

You need to be confident that no aspect of this policy breaches a person's Human Rights. You can assume that if a policy is directly based on a law or national policy it will not therefore breach Human Rights.

If the policy or any procedures in the policy, are based on a local decision which impact on individuals, then you will need to make sure their human rights are not breached. To do this, you will need to refer to the more detailed guidance that is available on the SHSC web site <http://www.justice.gov.uk/downloads/human-rights/act-studyguide.pdf> (relevant sections numbers are referenced in grey boxes on diagram) and work through the flow chart on the next page.

1. Is your policy based on and in line with the current law (including case law) or policy?

- Yes. No further action needed.**
 No. Work through the flow diagram over the page and then answer questions 2 and 3 below.

2. On completion of flow diagram – is further action needed?

- No, no further action needed.**
 Yes, go to question 3

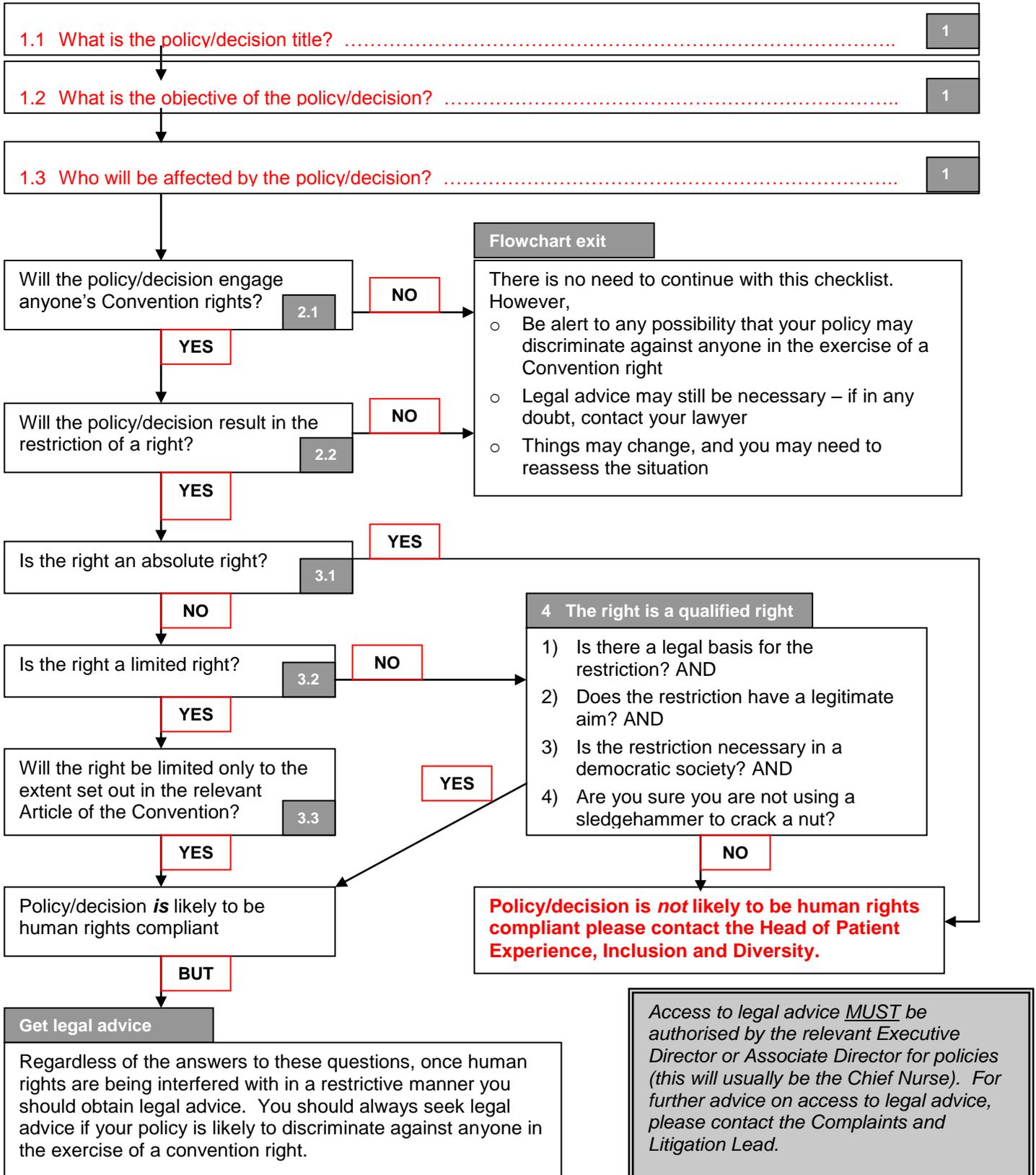
3. Complete the table below to provide details of the actions required

Action required	By what date	Responsible Person

Human Rights Assessment Flow Chart

Complete text answers in boxes 1.1 – 1.3 and highlight your path through the flowchart by filling the YES/NO boxes red (do this by clicking on the YES/NO text boxes and then from the Format menu on the toolbar, choose 'Format Text Box' and choose red from the Fill colour option).

Once the flowchart is completed, return to the previous page to complete the Human Rights Act Assessment Form.



Appendix E – Development, Consultation and Verification

Version No.	Type of Change	Date	Description of change(s)
V1	New draft policy created by Louise Hall	November 2017	Policy reviewed and re-written to clarify areas of responsibilities and incorporate appendices on Employment Checks and Temporary Positions.
V4	Policy consultation commenced	November 2017 to January 2018	Policy amended following consultation.
	Policy considered by Joint Policy Group and noted at Joint Consultative Forum	January 2018	Policy amended following JPG.
	Policy approved by Policy Governance Group	Jan 2019	
	Policy ratified by EDG	Jan 2019	
	Minor amendments to sections 7 and 10 and Appendices A and B	February 2019	Will be provided to Comms for intranet, internet and Connect. No need to go back to PGG.

Please use this as a checklist for policy completion. The style and format of policies should follow the Policy Document Template which can be downloaded on the intranet.

1. Cover sheet

All policies must have a cover sheet which includes:

- The Trust name and logo ✓
- The title of the policy (in large font size as detailed in the template) ✓
- Executive or Associate Director lead for the policy ✓
- The policy author and lead ✓
- The implementation lead (to receive feedback on the implementation) ✓
- Date of initial draft policy ✓
- Date of consultation ✓
- Date of verification ✓
- Date of ratification ✓
- Date of issue ✓
- Ratifying body ✓
- Date for review ✓
- Target audience ✓
- Document type ✓
- Document status ✓
- Keywords ✓
- Policy version and advice on availability and storage ✓

2. Contents page

✓

3. Flowchart

✓

4. Introduction

✓

5. Scope

✓

6. Definitions

✓

7. Purpose

✓

8. Duties

✓

9. Process

✓

10. Dissemination, storage and archiving (control)

✓

11. Training and other resource implications

✓

12. Audit, monitoring and review

✓

This section should describe how the implementation and impact of the policy will be monitored and audited and when it will be reviewed. It should include timescales and frequency of audits. It must include the monitoring template as shown in the policy template (example below).

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual / group/ committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/ committee for action plan development	Responsible Individual/group/ committee for action plan monitoring and implementation
A) Describe which aspect this is monitoring?	e.g. Review, audit	e.g. Education & Training Steering Group	e.g. Annual	e.g. Quality Assurance Committee	e.g. Education & Training Steering Group	e.g. Quality Assurance Committee

13. Implementation plan



14. Links to other policies (associated documents)



15. Contact details



16. References



17. Version control and amendment log (Appendix A)



18. Dissemination Record (Appendix B)



19. Equality Impact Assessment Form (Appendix C)



20. Human Rights Act Assessment Checklist (Appendix D)



21. Policy development and consultation process (Appendix E)



22. Policy Checklist (Appendix F)



Background:

In order to help you plan your workforce and consider new ways of working Recruiting Managers must review each vacant post in line with current workforce and future service needs.

Preparing to Recruit

Reviewing the Vacancy

When preparing to recruit there are a number of steps to consider to ensure you fully review the requirements of the role, team, directorate and Trust. The guide Preparing to Recruit available on the Recruitment pages of the HR Intranet takes you through a step by step approach from understanding the requirements of the post to creating the job description and person specification.

Evaluation of the Post

Once you have developed the job description and person specification, if the decisions you have made result in a “new” post with a new or significantly altered job description and/or person specification, the post will need to be evaluated via the Agenda for Change process to determine the banding.

Where posts are subject to re-evaluation that may increase the banding of the role, the Vacancy Control Panel must be advised as per the terms of reference for the VCP available from the HR team.

Authorisation to Recruit

Once the outcome of the evaluation has been confirmed and in order to commence recruitment you should check that you have adequate funding for the post and submit an electronic ESR2a for authorisation. Recruitment can not start without an authorised ESR2a.

Where posts are at Band 7 and above approval is required from the Vacancy Control Panel as per the VCP terms of reference, available from the HR team.

Recruiting

The guides on the Recruitment pages of the HR Intranet break down the recruitment and selection process into stages and offer help, advice and guidance on each stage. They also detail the service levels agreed between the Recruitment Team and Recruiting Managers to ensure the Trust meets its target timescales for recruitment.

Appendix H - NHS Employment Checks Standards

Pre-employment checking seeks to verify that an individual meets the preconditions of the role they are applying for. There are six NHS Employment Check Standards that outline the type and level of checks employers must carry out before recruiting staff into NHS positions.

Any individual who is engaged by Sheffield Health and Social Care Trust, will be expected to complete the required NHS Employment Checks. The responsibility for completing the checks will sit with different organisations or the individuals themselves, depending on how that individual is engaged.

The Trust will undertake checks for all applicants and any employee with permanent, temporary, fixed term or bank contracts, including those with honorary contracts and individuals working as volunteers for the Trust.

Agency workers are subject to the checks and it is the responsibility of the agency who have engaged the agency worker to carry out the relevant checks. The agency must provide SHSC with evidence of checks upon request. Where individuals are engaged by SHSC directly on a 'direct engagement' model, responsibility for employment checks remains with the agency providing the individual. It is the responsibility of the engaging manager at SHSC to satisfy themselves that all relevant checks have been completed by the agency.

Employment checks for seconded Employees, including anyone who is employed by another employer who undertakes duties for the Trust under a secondment agreement, will remain the responsibility of the sending organisation. Upon request the sending organisation must provide SHSC with evidence of checks.

Where an individual is engaged on a self employed basis, they must provide evidence of checks in line with the requirements of the Engaging Individual Self Employed Contractors (Procurement Policy).

1) Identity Checks

This check is to verify the identity of all prospective employees in the NHS. Checking a candidate's identity is the most fundamental of all the pre-employment requirements, as it forms the basis of all other checks.

Prospective employees are invited to a pre-employment meeting with a member of the HR team at which they must provide original documents which are acceptable to the Trust containing their photograph, such as a passport or driving licence, and acceptable documents providing their current address. The Human Resources Department will record on ESR that identity has been verified and the date that this took place. Copies will be retained on the employee's personal file.

If identity checks return contradictory information this should be raised directly with the candidate in a sensitive manner to enable them to offer an explanation. In exceptional circumstances, where checks reveal substantial misdirection, the Local Counter Fraud Specialist should be contacted for advice.

2) Professional Qualification and Registration Checks

Qualification checks verify the information about educational or professional qualifications that a prospective employee provides on their application form.

Where a qualification is essential for the position, the Chair of the Panel must check original certificates at the interview stage of the recruitment process and take copies of these certificates to be retained on the employee's personal file.

If there is any indication that qualifications are not genuine the Recruiting Manager will contact the awarding body directly, where possible, to confirm the applicant's attendance, course details and grade awarded. If there is any doubt that qualifications are not genuine, Human Resources will contact the National Academic Recognition Centre and advise the Trust's Local Counter Fraud Specialist.

Professional registration is intended to protect the public, making sure those who practise a health profession are doing so safely. Where a professional qualification is essential to the post it will be a contractual requirement that the employee has registration throughout their employment.

Where registration is a requirements of the post this will be checked by a member of the Recruitment team following confirmation of short listing being received and prior to the interview. All relevant applicants are asked to bring to interview evidence of current registration with a professional body. This will be shown to the Chair of the Panel at interview.

Details of the registration number, expiry date and awarding body will be entered onto the summary of selection form by the Chair of the Panel. The Recruitment Team will recheck the details for the preferred candidate prior to making a conditional offer of employment.

The Human Resources Department will record on ESR as part of the new starter process.

Line Managers will be expected to check re- registration throughout the period of employment following notification from Human Resources of expiry of current registration. For more information please see the Clinical Professional Registration Policy.

3) Employment History and Reference Checks

Employment history and reference checks refer to the process used to verify information provided by applicants on their application form. By conducting these checks we gain a better picture about the applicants previous employment, training and/or other activities which will help confirm a recruitment decision.

Previous employment history must be checked at the interview by the Chair of the Panel, and any gaps in employment be fully discussed so as to assure the panel of the reason for the gaps and the details of the candidates activities during such time.

References allow organisations to check the accuracy of prospective employee's previous employment and training history. They can also provide assurance of an individuals qualifications, integrity and employment record.

References MUST validate a minimum period of **3 consecutive years** of continuous employment and/or training. This should include references from the two most recent employers. If an individual has been with one employer for five years or more, one reference may be sufficient. Where the successful candidate has been in full time education during this period, the reference should be obtained from the relevant academic institution.

The Recruitment Team will send for references via NHS Jobs for the prospective employee once a provisional offer has been made. References and application forms should be cross-checked as part of the pre employment checks to ensure that the required references have been provided. References may provide information that contradicts the details provided by the applicant, or may provide

information that requires a discussion with the candidate. In these circumstances concerns should be raised with the prospective employee in a sensitive manner.

For internal appointments the Trust requires a reference from the employee's current manager only, the NHS standard reference template should be used.

For recruitment to some senior positions additional referencing may be required in line with the Fit and Proper Persons Requirements, further details can be found on NHS Employers Fit and Proper Person requirements for Director Level Positions. The Recruitment Team and Board Secretary will request and record the required information.

If it is decided to withdraw an offer of employment because of information provided on references, advice should be sought from the Recruitment Team or Human Resources team.

The Human Resources Department will record on ESR as part of new starter process.

4) Right to Work Checks

A right to work check determines whether an individual has the legal right and permission to work in the UK. Employers are at risk of facing a civil penalty if they are found to be employing an illegal worker and they haven't carried out correct right to work checks. A civil penalty can be anything up to £20,000 per illegal worker.

There are steps an employer must take to confirm an individual has the right to work in the UK.

- Obtain a person's original documents, a full list of acceptable documents is available via the NHS Employers website and may be updated from time to time
- Check all documents with the holder to ensure they are genuine, the individual is the lawful owner and they are permitted to do the type of work being offered
- Make a clear certified copy of the document, record this on ESR and retain it securely

The above checks are undertaken by a member of the HR department at the pre employment check meeting. Members of the HR team receive Documentation Verification Training to support them to undertake these checks.

Currently nationals from EEA countries and their immediate family members can enter and work freely in the UK without any restrictions, they must evidence their right by producing the correct documentation.

Where recruitment takes place outside of the EEA, sponsorship licenses and certificates of sponsorship under the points-based system are required and SHSC has in place a sponsorship license.

If during the recruitment process it is established that the applicant is not permitted to work in the UK, then the individual will not be allowed to commence employment and a final offer of employment will not be made.

In some circumstances, individuals may be able to obtain sponsorship to undertake posts within the Trust. The Trust will need to demonstrate that they were unable to recruit a resident worker before recruiting an individual from overseas. A resident worker is a person who is an EEA national or has settled status in the UK within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002.

Sponsorship (Tier 2) can be given permission to stay for up to 3 years. After a continuous period of 5 years, migrants can apply for Indefinite Leave to Remain (ILR). They will not be able to apply for permanent residence until they have lived in the UK for at least six years (or 10 years in some cases). Limited leave to remain is the permission an individual needs to stay in the UK and is granted in line with the duration of an individual's Immigration Employment Document (IED).

Individuals who are sponsored by the Trust and are granted leave to remain will be offered employment on a fixed term contract up to the expiry date of the Sponsorship.

Individuals cannot commence employment until Sponsorship has been obtained by the Recruitment Team and Leave to Remain (ILR) has been obtained by the migrant worker and a sponsorship certificate issued by the UK Border Agency and checked by the Recruitment Team. Sponsorship information will be recorded on ESR.

Employees who require sponsorship for their employment with the Trust will be monitored regularly to ensure their circumstances have not changed.

The Recruitment Team / Bank Staffing Manager will write to the employee every 12 months requesting that they bring their migration documentation into the Human Resources Department / Bank Staffing Manager to ensure their circumstances have not changed in line with guidance from the UK Border and Immigration Agency.

The Recruitment Team/ Bank Staffing Manager will write to employees 3 months before their sponsorship expires to establish how they want to proceed. If employees want to apply and/be eligible for Unlimited Leave to Remain/Permanent Residency/Citizenship, this will be taken forward by the individual.

Further advice on sponsorship can be obtained from the NHS Employers immigration rules: points-based system or the Recruitment Team.

5) Criminal Record Check

A criminal record check relates to the data held about a persons' criminal history. The information included in a criminal record can vary between countries and even between jurisdictions within the same country.

Carrying out checks for prospective employee's who will work in a role that qualifies for a check helps to ensure safer recruitment practice within the NHS.

The Trust meets the requirements under Section 2 of the Rehabilitation of Offenders Act 1974, to ask exempted questions as we are a provider of care to vulnerable adults. Where a job role meets the requirements for a criminal record check this will be carried out in line with the Trust Criminal Records Checking, Disclosure and Barring (DBS) Policy and the legal framework at the appropriate level.

Preferred candidates are invited to a pre-employment meeting where a member of the recruitment team will ask them to complete a self declaration in line with the NHS Employment Check standards, where appropriate they will then complete an on-line DBS check. Alternatively if the individual is registered with the DBS Update Service their last check can be verified on-line, please see the Trust DBS Policy for further details.

The Human Resources Department will record on ESR as part of new starter process.

6) Work Health Assessments

A work health assessment refers to a variety of processes undertaken by employers to health screen staff in order to assess whether they are capable and fit to undertake a particular role. Its primary purpose is to help prevent work-related illnesses, injuries and the spread of disease or infection.

The Trust has a duty of care to all our employees to ensure that they, and their work places, are safe and healthy in line with health and safety obligations and equality law.

In line with the Equality Act at the pre employment meeting and prior to the commencement of employment, preferred candidates complete an online pre employment health questionnaire which is screened by the Trust Occupational Health provider. In some circumstances individuals may be asked to attend an Occupational Health appointment so that they can undergo an assessment.

Occupational Health will process the information and update the online systems with clearance information to confirm:

- The individual can start work
- The individual can start work with reasonable adjustments being made – this will also include recommendations outlining which adjustments may need to be considered
- Any immunisations and/or EPP clearance where applicable to the role

The Human Resources Department will record on ESR as part of new starter process.

For further details or guidance on any of the checks please speak to a member of the Recruitment team or refer to NHS Employers – Employment Check Standards

Where a Recruiting Manager has reviewed the needs of the team and found that there is a temporary need only consideration should be given to the best way to meet this need. There are various options to consider when appointing to temporary positions within the Trust.

Acting-up

Acting-up is when individuals are temporarily moved into a higher banded role. The option of Acting - up should be used only in situations when it is only necessary to fill the role on a short term temporary basis. Normal vacancy approval processes apply when seeking authority to 'Act-Up' an employee.

Acting-up can potentially apply in the following circumstances:

- When a vacancy is unfilled pending appointment
- To cover for a temporary period of absence, when the post is to be held open for someone who is due to return
 - For example:
 - long term sick
 - maternity leave
 - extended training where the permanent member of staff is seconded to another post
 - adoption leave
 - parental leave
 - substantial periods of unpaid leave e.g. to care for ill relatives

Duration of Acting-up period

Acting-up will ***normally only be used for 6 months or by explicit agreement for 12 months (normal vacancy approval processes apply)***. The period will be specified in writing at the time of appointment. In exceptional circumstances the period may be extended for a maximum of a further 3 months (e.g. someone due to return from maternity leave who is off sick at the date they are due to return).

Recruitment Process

In most cases 'expressions of interest' should be sought in order to identify the best candidate for the temporary acting up role. When seeking expressions of interest consideration must be given to ensuring all staff who may have the required qualification, skills and knowledge are made aware of the opportunity.

In exceptional circumstances e.g. where a Deputy is already in post or there is only one individual with the required skills, knowledge and experience, it may not be necessary to follow the 'expressions of interest' process, advice should be sought from Human Resources.

Ending the Acting-up period

The end date should be agreed at the start of the acting-up period with any subsequent changes or extensions being agreed between the line manager and the individual and approved in the normal way. Any extension to the original acting up term should be made in line with the maximum timescales detailed above.

Organisation Change

During any process of Organisation Change the individual who is acting-up would be consulted with as though they were undertaking their substantive role.

Making Posts Permanent

If the post needs to be filled on a permanent basis a full recruitment process will need to take place. The employee who has been acting-up will not automatically be appointed.

Pay Arrangements for Acting-up

Pay should be set either at the minimum of the new pay band or, if this would result in no pay increase (by reference to basic pay) the first pay point in the band which would give an increase in pay. If the acting up arrangements do not cover the full duties of the post, then a full job evaluation process may be necessary, please speak to a member of the HR team for further advice.

Where temporary movement into a higher pay band results in only one extra pay point the incremental date stays the same. Where temporary movement results in *more* than one extra pay point the incremental date for the temporary movement becomes the date the acting up begins.

Where the employee's salary is greater than the top of the pay band the employee will retain their existing salary.

Pay Protection

Where the acting-up exceeds 12 months then the individual who has acted-up may have the right to a period of pay protection. Further details on pay protection can be found in the Protection of Pay and Conditions of Service policy.

Secondments

A secondment is where a permanent employee with a substantive post transfers temporarily to another post either within the Trust or to an external organisation.

Secondments will be for a specified length of time according to the particular requirements. They will generally be advertised unless there are exceptional circumstances, which may include; an urgent requirement to transfer someone of an equivalent band / grade to cover for sickness absence or to provide specialist expertise.

Secondments must be appointed to through the Trusts normal recruitment process, and employees wishing to apply for secondments should seek the support of their line manager before applying.

Once a person has been appointed a secondment agreement is drafted and agreed between all parties, see the Trust Secondment Policy for further details.

Fixed Term Contracts

A fixed term contract is one which specifies both when the post will commence and when it will end. A fixed term contract may be used for posts where there is funding for a certain period of time to undertake specific pieces of work, or, where there is a temporary need for cover for the post for example: Long term sick, maternity leave, adoption leave, parental leave, substantial periods of unpaid leave e.g. career break or where the substantive post holder is on secondment.

Fixed term contracts are covered by the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. These regulations are designed to prevent less favourable treatment of fixed-term employees in comparison with permanent employees. Employees on fixed-term contracts are entitled to the same terms and conditions of employment. The regulations also prevent the successive use of fixed-term contracts where a permanent contract or other options should be considered.

Duration of Fixed Term Contracts

The duration of a fixed term contract should reflect the reason for the post and should generally be for short periods. However any temporary employee, who has completed four years continuous service under one or more successive fixed term contracts, may automatically be considered a permanent employee under the Fixed Term Employees Regulations 2002 even if there were short breaks between each fixed-term contract. These breaks could be considered periods of lay off that do not break continuity of service.

There is an exception for employees on a training / work-experience scheme arranged by the government or funded by the European Community.

The successive use of fixed term contracts should be avoided for the above reasons and where possible consideration should be given to other options. A full review of business needs should take place including discussing any concerns with a member of the HR team.

Ending a Fixed Term contract

Fixed term contracts lasting up to 24 months can be ended when the agreed end date is reached by providing the required notice, usually 1 month.

Where the contract has lasted for more than 24 months, or where the employee has previous service with SHSC that brings their total service to more than 24 months, a fair dismissal process must be followed. The decision to end the contract should be heard by an authorised manager on behalf of the Trust and the Line Manager ending the contract must provide details of the case to end the contract to all parties prior the meeting. The employee will have the right to be accompanied to the meeting by either a work colleague or a Trade Union representative; advice should be sought from the HR team. In some circumstances a redundancy payment may be due to the employee on the termination of the contract.

Organisational Change

During any process of Organisation Change staff on fixed term contracts should be involved in the same consultation process as other staff members.

Making Posts Permanent

If the post needs to be filled on a permanent basis a full recruitment process will need to take place. This means that the employee who has been on the fixed term contract will not automatically be appointed.

Pay Arrangements for Fixed Term Contracts

Post holders will be appointed to the appropriate pay banding for the post. This should usually be at the minimum point of the pay band, however previous service and experience can be taken into account. Please speak to the HR team for further advice.

Options

Employee Status	
Acting-up	Does not have to follow the standard recruitment process, expressions of interest can be requested Should only be agreed for up to a maximum of 9 months, there is an option for a further 3 month extension in exceptional circumstances

	<p>If the arrangement came to an end within 12 months pay protection would not apply</p> <p>Reverts to substantive role for purposes of consultation during organisational change.</p>
Secondments	<p>The Trust's standard recruitment process should apply except in exceptional circumstances</p> <p>Should have appropriate timescale and review periods agreed at the start of the secondment and a secondment agreement agreed and issued to all parties.</p> <p>Reverts to substantive role for purpose of consultation during organisational change.</p>
Fixed Term contract	<p>The Trust's standard recruitment process should apply.</p> <p>Up to 24 months service a Fixed term contract can be ended on the agreed end date with the required contractual notice.</p> <p>Where an individual has more than 24 months service with the Trust a Fixed Term contract can only be terminated by following a fair dismissal process.</p> <p>Employees on Fixed Term Contracts should not be treated any less favourably due to the nature of their contract.</p>

Appendix J - Using Positive Action under S. 159 of the Equality Act 2010

The following form should be completed by the Chair of the panel in instances where positive action is considered during a recruitment process, advice must be sought from the HR Directorate Partner. This form is provided as an example and has been completed based on recruitment to a Board level position.

Section 159 'Positive action: recruitment and promotion' in the Equality Act 2010, permits an employer to take a 'protected characteristic' into consideration when making decisions about recruitment or promotion, when people who have the 'protected characteristic' are at a disadvantage or are under-represented.

Protected Characteristics are: Age, Disability, Gender Reassignment, Sex, Sexual Orientation, Race, Religion or Belief, Pregnancy and maternity, Marriage and Civil Partnership.

Using Positive Action

- This can only be done where the candidates are **as appointable** as each other. This is not a matter of academic qualification, but a judgement based on the criteria the employer uses to establish who is best for the job, this could include matters such as experience, training and performance at any relevant selection exercises.
- It is not lawful to have a general policy or practice of automatically treating people who share a protected characteristic more favourably than those who do not have it. If positive action is used it must be on a case by case basis considering the merits each time.
- Any action taken must be a **proportionate means of addressing** disadvantage or under-representation.

Steps to follow:

1. Has a disadvantage or under – representation of people who share a particular protected characteristic been identified that is relevant to the position being considered?

Is there evidence to support this i.e. for the organisation to 'reasonably think' that this disadvantage or under – representation exists, if so then positive action can be taken if a tie break situation occurs during the selection process:

2. 'tie break'
 - a. After carefully and objectively taking account of the criteria agreed for establishing who is most suitable for the job are there two (or more) applicants that are considered as 'appointable' as each other?
 - b. If yes, does one or more of the applicants share the protected characteristic identified in step 1?
 - c. If yes then the candidate sharing the characteristic may be appointed in preference to other candidates.

It is not lawful to recruit or shortlist only on the basis that the applicant has the protected characteristic. Positive action must only be used in a 'tie break' situation i.e. when candidates are 'as appointable' as each other against the selection criteria. Candidates must meet the requirements of the post and be in an equal position to another candidate and not be recruited only because they share the characteristic, or in preference to a candidate that meets the criteria and has performed better.

Positive Action Pro Forma

This form must be completed when considering the use of positive action and must be kept with the recruitment records.

1. Which Protected Characteristic is disadvantaged or under – represented?

Age / Disability / Gender Reassignment / Sex / Sexual Orientation / Race / Religion or Belief / Pregnancy and maternity / Marriage and Civil Partnership

2. What evidence is being relied on?

Has a disadvantage or under – representation of people who share a particular protected characteristic been identified that is relevant to the position being recruited to? List the evidence here.

NOTE - This should be the current position at the time the recruitment is taking place; evidence used in previous recruitments must not be relied on without being rechecked. Include details of where this evidence can be found and or person providing the evidence.

TITLE OF POST BEING RECRUITED TO

4. Date of completion of pro forma: DATED

5. Person Completing (name and designation): NAME AND ROLE TITLE

6. Any other relevant information?

(Optional)