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1. Introduction

Gateshead Health NHS Foundation Trust (the trust) seeks to be a provider of first choice for local residents and those beyond. Our vision places the patient at the centre of everything we do, and provides a focus through which we aim to deliver the best in safe, high quality care, underpinned by sound values and commitment to collaborative working. We therefore aim to attract and retain a talented and committed workforce which is able to meet the demands of the modern NHS, now and in the future.

Recruitment should also be considered as a key public relations exercise as the way it is managed affects the trust’s image, and consequently its ability to attract and appoint high calibre employees. It requires a large investment of both time and resources and is therefore a process to be undertaken with appropriate planning and consideration.

2. Policy scope

This policy applies to any person who is involved in recruitment and selection activities on behalf of the trust, including staff, Non Executive Directors and Governors. It also applies to any individual in search of employment opportunities within the trust. There are separate arrangements which apply to the recruitment and selection of certain categories of medical staff and other locum staff – please refer to PP10 (b) Recruitment and Selection of Consultants and PP10(c) Appointment and Employment of Locum Staff. In addition, there may be some occasions where prior consideration will be given to staff who are considered “at risk” in accordance with PP06 Organisational Change, and PP04 Redundancy and Redeployment Policy.

In certain exceptional circumstances, where there are urgent short term requirements to cover services of three months or less, senior managers may use discretion to waive the requirement to advertise vacant posts. In these situations temporary acting arrangements will be agreed with the Deputy Director of HR, and in accordance with Agenda for Change provisions.

Where a vacancy re-occurs within six months, it may be appropriate to consider appointable candidates from earlier recruitment without the need to re-advertise.

The recruitment standards described in this policy comply with the NHS Employment Checks Standards which are issued by NHS Employers. These outline the employment checks that all employers must carry out before appointing staff into NHS positions across England. The policy also complies with data protection, immigration and equality law requirements, and the Disclosure and Barring Service (DBS) Code of Practice.

The NHS Employment Check Standards are produced in a suite of six documents (listed below) which specifically focus on checking:

1. Identity
2. Right to work
3. Professional registration and qualifications
4. Employment history and reference
5. Criminal record and barring
6. Work health assessments

The arrangements in this policy therefore support compliance with the essential standards of quality and safety required by the Care Quality Commission (CQC), in order to comply with the regulations in the Health and Social Care Act (2008).
3. **Aim of policy**

This policy aims to:

- Provide a model of best practice, to ensure that we attract people of the highest possible calibre, and select them according to their ability to do the job and their contribution to the effectiveness of the trust (in caring for our patients)
- Ensure that recruitment and selection processes are carried out in a fair, non-discriminatory, efficient and cost-effective manner
- Provide evidence of compliance with the NHS Employment Check Standards as part of the CQC’s annual regulatory framework
- Ensure that the job applicant’s recruitment and selection experience is positive and respectful, irrespective of the outcome

4. **Duties – Roles and responsibilities**

**The Trust Board** are responsible for ensuring that there are systems and processes in place to ensure recruitment and selection operates in a fair and equitable manner, and complies with the appropriate standards and governance requirements.

**The Chief Executive** is ultimately responsible for ensuring effective corporate governance within the organisation and therefore supports the implementation of this policy across the trust. In addition, the **Chairman** has responsibility to ensure all directors meet the fitness test and do not meet any of the “unfit” criteria in accordance with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

**Senior Managers** are Executive Directors, Non-Executive Directors, Heads of Service, and Service Line Managers. They are responsible for delegating authority to carry out recruitment and selection practices to more junior members of staff (recruiting managers, Chair of recruiting panels). Where responsibilities are delegated, they must ensure that the nominated person has received appropriate training in order to carry out their responsibilities under this policy in a safe and appropriate manner.

**The Director of Nursing, Midwifery and Quality** can authorise job advertisements and conditional offers to be made for Nursing and Nursing Assistant vacancies across the Trust. However in order for the HR Department to proceed to make any unconditional offer letter, the Business Unit must have raised a Vacancy Control Form which has been authorised by the Finance Department. This way, the recruitment can proceed without administrative delays, and there are appropriate financial controls in place to ensure staff are appointed to posts with the necessary financial checks.

**Recruiting Managers** are the main decision makers in relation to filling the vacancy. They are therefore responsible for the job specifications including job advert, job description, person specification etc. They are responsible for:

- Managing the recruitment process using NHS Jobs 2, including ensuring the appropriate authorisation to fill the vacancy is in place, and the appropriate time is allowed to recruit effectively
- Compliance with trust policies and procedures to ensure that all vacancies are filled with suitably qualified, safe and competent staff
- Ensuring the appropriate constitution of the selection panel and selection processes
- Verification of identity of the candidates at the relevant stages in the selection process
- Reaching a safe and appropriate appointment decision, fairly and without bias or discrimination
• Liaising with members of the HR Department to ensure that all pre-employment checks have been completed and agreed, prior to any employment start date.
• Attending the relevant recruitment and selection training, and seeking advice from the HR Department where necessary.
• Ensuring that all potential job applicants are treated with courtesy, given adequate information about the vacancy, and ensure there is no discriminatory practice at any point in the process.
• Providing appropriate feedback to candidates in a professional manner

The Chair of the recruitment panel is the title given to the person that ensures the recruitment panel is conducted in an appropriate manner, and in accordance with trust policy. This is usually, although not always, the Recruiting Manager. They have a specific responsibility to:
• Disseminate electronic interview pack (NHS Jobs 2) to members of the panel.
• Ensure the employment history of the candidate is checked, and to discuss any gaps.
• Ensure any identity, criminal record or barring, and qualification checks are carried out at the selection stage of the process.
• Ensure any selection information about candidates is accurate and kept confidential.
• Ensure any verbal offer of employment complies with the requirements of this policy and Agenda for Change terms and conditions

As a minimum, the Chair of each recruiting panel must have received formal training in recruitment and selection techniques, to ensure they are fully aware of their role and responsibilities. Staff who are able to demonstrate attendance on either the trust or a similar courses within the past three years, will only be required to attend refresher training sessions in recruitment and selection techniques.

Members of the recruitment panel have been identified as appropriate people to assist the Chair of the recruitment panel arrive at a fair and effective selection decision. They have a specific responsibility to:
• Declare any conflict of interest as soon as this becomes apparent, in order that any necessary arrangements can be made
• Ensure the selection process is carried out in accordance with this policy.

The HR Department is responsible for the overall management of recruitment across the trust. They are responsible for establishing fair and effective recruitment and selection policies and procedures, and for supporting Recruiting Managers to operate these in order to achieve fair and effective outcomes. The HR Department is responsible for:
• Processing the relevant recruitment administration, (including NHS Jobs 2).
• Providing training and advice to managers and members of staff in relation to this policy.
• Maintain a list of staff who have received recruitment and selection training.
• Providing advice in relation to job specifications (job description, person specification, job adverts) and selection processes (advertising, shortlisting, selection and assessments, pre-employment checks), and offers of employment.
• Ensuring that vacancies are notified to staff “at risk” in line with trust policies.
• Ensuring all pre-employment checks are carried out and documented appropriately.
• Monitoring procedures and processes in line with the Equal Opportunities at Work policy.
• Ensuring the accurate and timely issuing of contract of employment information.
• Ensuring that all recruitment and selection complaints are dealt with in an efficient, fair and confidential manner.
• Participating in selection processes where appropriate.
The Finance Department is responsible for authorising recruitment by ensuring budgets are available for posts throughout the vacancy control process. They are responsible for:

- Notifying the HR Department when funded establishment changes occur for any posts, in order to ensure that establishment control is maintained within ESR.
- Ensuring that the correct cost centre is identified to be set up within ESR as part of the Vacancy Control Form (VCF) process.
- Discussing concerns directly with Recruiting Managers in the event that a post is identified to be filled, but there are insufficient financial resources currently available.
- Authorising the VCF once Central Team have agreed the vacancy can be filled, and there is sufficient funds available.

5. Definition of terms

The Asylum and Immigration Act (1996) requires employers to verify entitlement to work in the UK by asking for appropriate documentary proof.

An alert notice is a way for an NHS employer to make other bodies aware that a healthcare professional may pose a threat to patients or staff. This is governed by the National Clinical Assessment Service.

‘At risk’ – the term given to a member of staff employed by the trust, who is at risk of redundancy or other form of dismissal. Where vacancies have been identified as potential suitable alternative employment, the trust will give prior consideration to ‘at risk’ staff.

The Data Protection Act (1998) aims to ensure that all data held on computers or in paper based systems are fairly and lawfully processed. The trust must ensure that information held on applicants is accurate, adequate, relevant and not excessive. The information may only be used for specific and limited purposes. The data must not be kept for longer than is necessary and must always be kept secure.

The Disclosure and Barring Service (DBS) provides access to information across England and Wales about criminal convictions and other police records to help employers make informed decisions when recruiting staff.

Discrimination can be the result of prejudice, misconception and stereotyping, which in turn hinder the proper consideration of an individual’s talents, skills, abilities, potential and experience. In law, there are different types of discrimination which may impact on the fair recruitment of people including direct, indirect, and associative. The Equality Act (2010) makes it illegal to discriminate in recruitment in relation to these protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

However a reasonable adjustment may be considered to remove disadvantage for a disabled person in comparison with people who are not disabled. Under the Equality Act (2010), there is a duty to take all reasonable steps to remove that disadvantage.

Equal opportunities is about ensuring the fair and equal treatment of people in the employment process, to reduce inequality, avoid litigation due to discrimination, and promote human rights. It is best practice to involve people from diverse backgrounds in the recruitment and selection process, and further advice about this is available from the HR Department.

The NHS has introduced a Workforce Race Equality Standard and this also considers the relative likelihood of BME staff being appointed from shortlisting compared to that of White staff being appointed from shortlisting across all posts.
The **fit and proper persons requirement** for all directors aims to ensure individuals who have authority in organisations that deliver care are responsible for the overall quality and safety of that care and, as such, can be held accountable if standards of care do not meet legal requirements. (Health and Social Care Act 2008 (Regulated Activities) Regulations 2014). This applies to both executive and non-executive directors of NHS trusts and foundation trusts.

**Illegal working** - the trust has to take action in order to comply with Home Office guidance to ensure people with no right to work in the United Kingdom do not obtain work here. There is a fine up to £20,000 for each illegal worker and individuals may face criminal prosecution.

**Induction** is a process whereby new members of staff are familiarised with their new job, the trust, and their working environment.

**A job description** is a document which lists all the main roles and responsibilities of a job, and it is used by the trust as part of the job evaluation process to establish an appropriate rate of pay, along with the **person specification**. This lists the criteria relevant for the job, such as appropriate qualifications, experience, skills and abilities. This is used by managers to:

- Design job adverts
- Identify appropriate selection or assessment methods
- Shortlist job applicants
- Make final recruitment decisions

**The NHS Employers Check Standards** - apply to all applications for NHS positions and staff in ongoing NHS employment. They are standards that are required by law, that are determined by Department of Health (DH) policy in relation to compliance with the Government’s core standards outlined within the Standards for Better Health, and those required for access to the NHS Summary Care Record (SCR).

All NHS providers are required to be registered with the Care Quality Commission (CQC) and, as part of this registration are required to comply with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009. The CQC’s Essential Standards of Quality and Safety outline 16 core standards which must be met, including having robust recruitment practices in place (Outcome 12 Requirements relating to workers, specifically refers). NHS providers should therefore provide evidence of compliance with the NHS Employment Check Standards as part of the CQC’s annual regulatory framework. Failure to comply with these standards could potentially put the safety and even the lives of patients, staff and the public at risk. The Trust relies on a range of evidence when assessing compliance with these requirements.

**The Recruitment Guide** is a document produced by the HR Department. It aims to provide advice and information to a wide range of staff in an easy to use format, and to signpost them to other sources of relevant information relating to the recruitment and selection of staff.

**Regulated activity** is a term which is used both in the regulation of care services under the Health and Social Care Act, and to activities a person who is listed on the DBS barred lists is prohibited from doing under the Safeguarding Vulnerable Groups Act. The trust has a legal requirement to request barring checks to be conducted for people in positions defined as ‘regulated activity’ under the Protection of Freedom’s Act 2012 which amended the Safeguarding Vulnerable Groups Act 2006 on 10 September 2012.

**The Rehabilitation of Offenders Act (1974)** aims to prevent discrimination against those with a previous criminal conviction. The NHS is exempt from the provisions of this Act, and candidates are
required to declare all convictions, including ‘spent’ convictions. A conviction is classed as ‘spent’ if there is no further offence committed after a specific period of time.

**Selection** is the process by which candidates are assessed and the most suitable candidate is identified to be offered employment.

**Trust-wide recruitment** describes the process whereby a number of vacancies are filled using one advertising process. It is most frequently used to recruit Nurses and Nursing Assistants, where there is the same person specification. This process is more efficient for both the Trust and job applicants because it enables them to complete one application form to work in the Trust, but be considered for a number of vacancies. Existing Nurses and Nursing Assistants may register an interest to be considered for vacancies in other areas of the Trust by contacting the HR Department.

**Vacancy Control Form (VCF)** the electronic form that is used to control the financial approval required to fill vacancies.

**Values Based Recruitment (VBR)** aims to ensure that people with the right skills and values to support effective team working are recruited to make sure that the NHS provides excellent patient care and experience.

6.0 **Recruitment and selection process**

The following sections detail the various stages of the recruitment and selection process. All processes and decision making must be carried out in a professional manner that complies with PP14 Equal Opportunities in Employment policy. Further information is also contained in the Recruitment Guide, and the HR Department can provide further advice, guidance and training.

6.1 **Preparing to advertise**

When a vacancy arises, managers should:

- Review the workload, allocation of tasks and staffing arrangements, and consider any workforce planning. The requirement for the work may have changed, the vacancy may no longer be required, or it may be more appropriate to fill the vacancy differently.

- Ensure the job description is accurate and up to date – it must have been evaluated in accordance with the trust Job Evaluation process.

- Ensure the person specification is updated – and includes the means of assessment. This enables them to plan their recruitment process before advertising, and it makes job applicants aware of any tests or exercises required.

- Seek advice from the HR Department when updating information in the job description and person specification, or for advice about the recruitment and selection process.

- Complete an electronic VCF, and forward it to the Financial Management Section with the job description, person specification, and draft job advert. The Financial Management Section will authorise the VCF once the appropriate funding is identified and the vacancy has been approved by the Central Team.
• The Director of Nursing, Midwifery and Quality can authorise job advertisements and conditional offers to be made for Nursing and Nursing Assistant vacancies across the Trust. However in order for the HR Department to proceed to make any unconditional offer letter, the Business Unit must have raised a Vacancy Control Form which has been authorised by the Finance Department.

6.2 Attracting applicants

The overall aim of advertising a vacancy is to attract a range of suitable applicants in an effective and efficient manner. It is important to note:

• Where practicable, all vacancies should be advertised on the NHS Jobs 2 website in order to ensure an open and fair process that encourages competition. A summary of the vacancy will also be circulated electronically for internal distribution on the Jobs Bulletin. Where managers wish to use other external media, they must seek support and advice from the HR Department.

• Recruitment events or open days may be more suitable for larger scale recruitment, such as trust-wide nursing assistant recruitment. These provide opportunities to educate job applicants about the trust, the roles and responsibilities, and different departments. They also provide opportunities to conduct testing or group exercises more efficiently.

• All vacancies will comply with the consistent trust style, and should include any available information about the recruitment process (for example interview/assessment dates, literacy/numeracy or other testing). The HR Department is responsible for placing a number of key documents to the NHS Jobs 2 website, to support the recruitment process.

• Managers may decide to advertise vacancies internally first, where there is a reasonable expectation that there will be a range of suitable internal applicants. For example to offer development opportunities for apprentices or cadets.

• Managers may decide to close the vacancy to job applicants within a specified time limit or when the number of applicants becomes excessive. This information must be specified in the job advert for job applicants to see.

• All posts that are likely to attract sponsorship of overseas workers must be advertised in line with UK Border Agency/immigration requirements, which require a total minimum of 4 weeks advertising period.

6.3 Application principles

The overall aim of the application process is to give candidates the opportunity to demonstrate their skills, experience and competencies in a consistent and standardised way. This will in turn assist the shortlisting process. Therefore:

• All job applicants must complete the appropriate electronic job application form using NHS Jobs 2. CV’s will not be accepted. Application forms can be provided in different formats upon request, for example large print. Recruiting managers and job applicants should contact the HR Department for advice and further assistance.
A candidate who cannot complete an application form personally (for example because of learning difficulties or disability) should not be excluded from consideration.

All shortlisting will be carried out using the NHS Jobs 2 electronic system, with decisions recorded appropriately. Further advice is available from the HR Department.

6.4 Shortlisting principles

The overall aim of the shortlisting process is to ensure that suitable candidates are invited to the selection process. It is important to note:

- The essential criteria of the person specification are the minimum standard required to undertake the job effectively. Therefore only applicants who meet the essential criteria for the vacancy should be invited for interview.

- The desirable criteria should be used to further reduce the shortlist to a manageable number, and ensure a high calibre of applicants are invited for interview.

- However, the trust uses the positive about disability symbol which means that we guarantee an interview to any disabled applicant who meets the essential criteria for the job. Recruiting Managers must therefore check they have complied with this arrangement before submitting the final data on NHS Jobs 2. This is because a rejection message is sent instantaneously to unsuccessful candidates. Further information is available from the HR Department.

- Shortlisting managers and reviewers must be record their decisions clearly on the NHS Jobs 2 system, to show how candidates met or did not meet the criteria in the person specification. This information may be used to provide feedback to job applicants or to provide other appropriate information to deal with any complaints.

- Short-listed job applicants will then be emailed directly with an invitation for interview, by the HR Department.

6.5 Selecting the successful applicant

The purpose of the selection process is to assess the applicants’ suitability for the vacancy, using the criteria in the person specification to guide suitable assessment methods. This process will always include a semi structured interview (see section 6.6).

Other selection methods should be used where they can accurately and reliably inform judgements about performance in the role. For example:

- Tests – such as literacy or numeracy; typing speed/accuracy; computer processing skills, in-tray exercises etc.
- Presentations
- Scenarios
- Group activity or exercises
- Psychometric testing
- Job shop events or assessment centres – where a number of selection methods are used
Further information and guidance is available from the HR Department.

6.6 The selection interview

The selection process must always include a semi-structured interview to meet three important requirements. It enables the selection panel to explore and consider fully each candidate’s individual career history, education or development; it ensures everyone has a systematic and fair assessment against the person specification for the role; and it allows candidates the opportunity to ask questions they may have about the role, the team or the trust. A selection interview is therefore a two way process.

The size and composition of the selection panel is therefore very important, however it must consist of at least two people, one of whom should have managerial responsibility for the post. It is best practice to involve people from diverse backgrounds in the recruitment and selection process, and Recruiting Managers who are not able to achieve this from within their department can contact the HR Department for further advice.

In order to avoid perceptions of bias/nepotism, if a potential interview candidate is known to the Manager in a non-professional capacity, the Manager must notify the HR Department. A decision will be made about the appropriate constitution of the panel either with a HR Department representative in attendance or an external Assessor.

Where applicants disclose they have a disability, the HR Department must consider any reasonable adjustments that have been requested prior to interview.

The selection interview MUST include the following stages:

- **Identification** – verifying the identity of the candidate is the most fundamental of all pre-employment checks. Recruiting Managers must ensure they verify original documentation and record this on the relevant form for each candidate. Failure to return this information to the HR Department may result in the recruitment process being delayed further.

- **The migrant sponsorship system requires employers to hold a sponsorship licence before they can employ foreign nationals from outside the European Economic Area and Switzerland.** It is therefore vital that Recruiting Managers validate original documentation in order to prevent any of illegal working. This verifies that each candidate has the right to work in the United Kingdom, and ensures evidence is retained appropriately, by using the relevant form. The current penalty for non-compliance with UK Border Agency requirements is £20,000 per worker.

- **Qualification and professional registration** – the HR Department will verify when shortlisted applicants possess the appropriate professional registration and the registration covers the proposed role. The Recruiting Manager must ensure each applicant is asked to provide original copies of certificates or other appropriate evidence of qualifications in the essential criteria. Where relying desirable criteria to make a final judgement, it is also advisable to verify the validity of these qualifications also.

- **Employment history** – the job applicants career history should be explored, to consider the range of their responsibilities and experience, any reasons for leaving, or gaps in employment history. Where job applicants disclose they have been dismissed from employment, this should be explored further in a sensitive and confidential manner.

- **Referees** – the purpose of a reference is to help to validate any previous employment history. Recruiting Managers should therefore check the referee is
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sufficiently senior in order to provide an appropriate reference. Where this is not clear, they should ask job applicants for details of the HR Department so that an employment reference can be sought. Further guidance is available in PP40 the Trust’s Policy on References.

- **Criminal record and barring check** – in the NHS, certain posts are listed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. Recruiting Managers must make it clear to job applicants that the trust is entitled to seek information about all spent and unspent convictions that are not subject to the **filtering rules** introduced on 29 May 2013. Any information they disclose will be verified by obtaining a standard or enhanced check through the DBS.

- However having a criminal record does not automatically mean that an individual cannot work in the NHS. The trust aims to make a fair, non-discriminatory assessment based on the individual’s skills, experience and suitability for the post. Recruiting Managers must take care not to ask questions which could potentially lead to an applicant disclosing protected convictions or cautions and cannot take any such information into account as part of the recruitment process.

- Questions for all job applicants relating to the essential and desirable criteria in the person specification.

- **Notification** – applicants should be advised of the arrangements to notify them of the outcome of the selection process. It is the Recruiting Manager’s responsibility to do this.

During the interview process, panel members must carry out their evaluation strictly against the person specification and should aim to reach a consensus about each candidate after all the interviews. The chosen candidate should be the one who most closely meets the person specification. The candidate assessment form should be used to record the decision and the reasons for it. The Recruiting Manager should ensure this is accurate and it is returned to the HR Department.

6.7 **Recruiting for values - VBR**

Recruiting managers should ensure that the selection process is designed to allow for the systematic selection of people with the right values, to support effective team working and deliver excellent patient care. This can be achieved in a number of ways including pre-screening assessments, values based interview techniques, or assessment centre approaches. In addition, scoring criteria for interviews can reflect whether job applicants individual values and behaviours aligned with the values of the trust and the NHS Constitution.

In addition, appointment processes for Directors (including Non-Executive Directors) may include consideration of the Nolan principles. These are the 7 principles of public life apply to anyone who works as a public office-holder, (Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership).

Further advice and support on recruiting for values is available from the HR Department.

6.8 **Conditional offers of employment**

The Recruiting Manager is responsible for notifying the successful applicant, and making a verbal conditional offer of employment, subject to satisfactory NHS Employer Standard Checks. This must never be done without an authorised Vacancy Control Form.

The Recruiting Manager will inform the HR Department of the appointment decision and return all papers including any written notes. The papers for the successful candidate are
used to create their personal file and can be audited at any time. The job file has to be kept for 12 months in the HR Department.

6.9 **Health screening and the role of the Occupational Health Department**

All Trust staff must have a pre-appointment health check, which complies with equal opportunities legislation and good occupational health practice.

The Occupational Health Department’s protocols and local policies have been checked for compliance with the NHS Employers standard and Department of Health standards in this area and must be followed. Health assessments are undertaken for all staff for new appointments, or internal appointments to a new role that is substantially different and in addition, there are also screening requirements for students and other temporary members of staff which must be adhered to.

Administrative staff are usually only subject to paper screening, unless particular requirements are identified. Staff moving internally will normally only receive a health assessment when they are moving from non-clinical to clinical areas or from a non-exposure prone area into an exposure prone area.

6.10 **Criminal records – Disclosure and Barring Checks**

Criminal record or barring checks and alert checks for successful job applicants are designed to help prevent unsuitable people from entering the NHS workforce and gaining access to vulnerable groups. In the UK, criminal record checks are obtained through the Disclosure and Barring Service.

However not all positions within the NHS are eligible for criminal record or barring checks. The HR Department can provide advice about which posts the trust may legally obtain a check for, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and, in certain circumstances, the Police Act 1997 (Criminal Records) Regulations 2002.

Where the disclosure indicates that the DBS has made a barring decision against one or both of the barred lists, it is illegal for an employer to allow that person to engage in a regulated activity from which they are barred. It is also a criminal offence for a barred person to apply for work or to engage in a regulated activity.

6.11 **Confirmation offers of employment, and notice periods**

In the event of unsatisfactory employment checks being received, any decision to withdrawn a conditional offer must be made jointly by the Recruiting Manager and a senior member of the HR Department.

On satisfactory completion of all pre-employment checks, the HR Department will liaise with the Recruiting Manager to agree a date of commencement which normally a set date each month to comply with the Trust’s Induction Policy. (New members of staff attend corporate induction on their first day of work). This will have to take into consideration any notice period that the successful job applicant will have to give, which in some cases can be three months.

The HR Department will then send out a confirmation of employment letter, which is an unconditional offer of employment.
In exceptional circumstances, and with the agreement of the Head of Modernisation, new members of staff may commence work and undertake induction during the first three months of service.

6.12 Fit and proper persons requirement for all directors

The recruitment and selection process for all directors, (including Non-Executive Directors) includes checks to bar individuals who are prevented from holding the office (for example, under a directors disqualification order) and significantly, excluding from office people who:

"have been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity, or discharging any functions relating to any office or employment with a service provider."

This is an active process which includes:
- Declarations of fitness by candidates
- Values based interviews
- Checks of qualifications, membership or registration of professional bodies
- References which include reference to the fit and proper requirements
- Criminal records checks, search of insolvency and bankruptcy register, search of disqualified directors register
- Other pre-employment checks

Further advice and support in carrying out the requirements is available from the HR Department. The Chairman has responsibility to ensure all directors meet the fitness test and do not meet any of the “unfit” criteria. Please see the Fit and Proper Persons Policy.

6.13 Induction

Induction helps new members of staff to feel part of the team and the Trust more quickly. An effective induction will reduce staff turnover by assisting new starters to settle quickly in their jobs. It can also save on the money, time and effort of recruiting staff when an employee leaves because they have not settled effectively into their role/team.

It is the responsibility of the HR Department to ensure that new appointees are notified of the date of their induction prior to the date of commencement. They will ensure that the OD & Training Department is notified of who will be attending in order that actual attendance can be monitored against new starters information for audit purposes.

Wards and departments are required to develop a local induction package appropriate to the needs of the service and the individual.

In addition Managers must complete a Trust induction checklist for every new member of staff. The confirmation of local induction form must be completed and forwarded to the OD and Training Department within 2 weeks of the individual’s start date. A copy of the completed induction checklist must be retained in the individual’s personal file.

It is Trust policy that all staff transferring to, or on secondment to, another area within the Trust undergo an appropriate induction/re-orientation. In this instance, the confirmation of local induction form must be completed and forwarded to the OD and Training Department within 2 weeks of the individual’s start date. A copy of the completed induction checklist must be retained in the individual’s personal file.
Further guidance on induction is set out in PP30 Induction Policy

6.14 Concerns about the application of this policy

If any applicant feels they have been unfairly treated during any part of the recruitment and selection process, they should be advised to contact a HR Officer who will decide if the concerns raised may need to be investigated.

7. Training

Recruiting Managers will receive HR briefings on recruitment and selection through Departmental away days, Directorate meetings and other relevant forums which members of the HR Department attend. Information is available on NHS Jobs. There is also a Managers Guide with information to ensure Managers understand recruitment and selection processes and associated documentation which will be uploaded on the Trust’s intranet site.

8. Equality analysis

The Trust is committed to ensuring that, as far as is reasonably practicable, the way we treat members of staff and patients reflects their individual needs and does not discriminate against individuals or groups on the grounds of any protected characteristic in accordance with the Equality Act (2010). This policy aims to promote equality of opportunity and eliminate unlawful discrimination, by supporting the development of fair recruitment and selection practices. It adopts a human rights approach. Information processed will be in accordance with the requirements of the Data Protection Act 1998.

An equality analysis has been undertaken as part of the development of this policy.

All appointment procedures must comply with the guidance contained within PP14 Equal Opportunities in Employment policy.

9. Process for monitoring compliance with the policy

This policy has been compiled in accordance with OP27 – Policy for the development, management and authorisation of policies.

Data will be held on the ESR database to facilitate the monitoring of the Trust’s Equal Opportunities Policy. The HR Department will monitor statistics at different stages of the recruitment process. Analytical reports will be presented to the Trust Board relating to the workforce and published regularly on the Trust Internet site to demonstrate compliance with the Equality Act (2010).

<table>
<thead>
<tr>
<th>Standard / process / issue</th>
<th>Monitoring and audit</th>
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<tbody>
<tr>
<td><strong>Method</strong></td>
<td><strong>By</strong></td>
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<tr>
<td>Equal Opportunity Monitoring Information</td>
<td>Published on the intranet as part of equality report</td>
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<tr>
<td>Audit and review</td>
<td>Analysis of vacancy and appointment papers</td>
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Audits will be undertaken on an ongoing basis of all vacancy and appointment papers by members of the HR Department. These audits will monitor compliance against NHS Employers pre-employment checks and will encompass permanent and temporary appointments within the Trust.
In the event that any of the audits identify deficiencies, an appropriate action plan will be drawn up with named leads and timescales.

Human Resources Committee receives regular recruitment updates, which include NHS Employer Check Standards update which monitors compliance.

Should processes be identified which are not compliant with the policy requirements, these will be looked at on a case by case basis and appropriate retraining or support given where necessary. Where individuals are not compliant, this will be treated on a case by case basis. Any issues of non-declaration or inaccurate declaration of appropriate information may be referred into the Disciplinary Policy as necessary.

Any views on improvements can be made in writing to the Deputy Director of HR, whose responsibility it is to ensure that this policy/ procedure is regularly reviewed.

10. Consultation and review

This policy has been reviewed in consultation with a NHS Employer Check working group, HR Managers, JCC Policy Sub-Group and Human Resources Committee.

11. Policy implementation

This policy will be circulated by the Trust Secretary as detailed in OP27 Policy on the development, management and authorization of policies.

The Managers Guide contains information to ensure managers understand recruitment and selection processes and associated documentation. This is reviewed in line with the review of the policy.

12. References

Police Act 1997
Care Standards Act 2000
Data Protection Act 1998
Human Rights Act 1998
Rehabilitation of Offenders Act 1974 and related Orders
Protection of Children Act 1999
Criminal Justice and Court Services Act 2000
Protection of Vulnerable Adults Act
Part Time Workers Regulations 2000
Equal Pay Act – amended by Equality Act
The Safeguarding Vulnerable Groups Act 2006
Equality Act (2010)
Code of Practice For Registered Persons and Other Recipients of Disclosure Information (Revised April 2009)
Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
The 7 principles of public life, Committee on Standards in Public Life

13. Associated documentation

NHS terms and conditions of service handbook
**NHS Employers Checks**
- Disclosure and Barring Checks
- Registration and Qualification Checks
- Occupational Health Checks
- Verification of Identify Checks
- Right to Work Checks
- Employment History and Reference Checks

**Trust Policies**
- PP19  Disclosure and Barring Policy
- PP40  Reference Policy
- PP41  Professional Registration Policy
- PP32  Job Matching and Evaluation Procedure
- PP26  Access to NHS Care Records Registration Authority smartcards
- PP06  Organisational Change Policy