

Recruitment and Selection Policy

This policy and separate procedure describe the principals and process for recruiting and selecting all employees and workers for Leicestershire Partnership NHS Trust.

Key Words:	Recruitment and Selection Recruitment and Selection Procedure	
Version:	5	
Adopted by:	Trust Policy Committee	
Date this version was adopted:	18 February 2020	
Name of Author:	Daniel Norbury, Head of Employment Services	
Name of responsible committee:	Workforce and Wellbeing Group	
Date issued for publication:	February 2020	
Review date:	July 2022	
Expiry date:	1 February 2023	
Target audience:	All staff	
Type of Policy	Clinical	Non Clinical ✓
Which Relevant CQC Fundamental Standards:	18 and 19	

Contents

Version Control and Summary of Changes.....	3
Definitions that apply to this Policy.....	4
Equality Statement	5
1 Summary.....	5
2 Introduction	5
3 Purpose	6
4 Duties within the Organisation	7
5 Vacancy Review.....	8
6 Equality and Diversity in Relation to Recruitment and Selection	9
7 Service User Involvement in Recruitment and Selection.....	10
8 Authorisation of Recruitment	11
9 Candidate Attraction.....	11
10 Conflicts of Interest in the recruitment and selection process.....	13
11 Short listing	14
12 Interviews.....	15
13 Pre-Employment Checks	19
14 Complaints	21
15 Monitoring Compliance and Effectiveness	22
16 Links to Standards/Performance Indicators	23
17 Due Regard.....	23
18 References and Bibliography	23
Appendix 1 The NHS Constitution	24
Appendix 2 Stakeholders and Consultation.....	25
Appendix 3 Due Regard Screening Template	26
Appendix 4 Data Privacy Impact Assessment Screening	28

Version Control and Summary of Changes

Version number	Date	Comments (description change and amendments)
1	12/9/2012	
2	06/12/2012	Overall timescales for recruitment have been reviewed and amended to shorten the time period from advertisement to employee commencing employment. 7.3 – reworded the paragraph to state; Person specifications must include Understanding of the Trust’s service user group. This could relate to a specific service or team that the person has applied to, or more general understanding of who the Trust provides services to. It could also include lived experience of conditions the Trust deals with or of receiving services relevant to those the Trust provides. 12.1.6 amended to reflect changes made in 7.3 9.1 - clarification provided that LPT ‘at risk’ will be offered preferential treatment to post, followed by staff ‘at risk’ from other NHS Trusts. 12.4 added (new)
3	30 th Jan 13	NHSLA monitoring section included
4	6 th Feb 13	Due Regards comments discussed and amended to show due regard.
5	October 2019	Review of policy. Streamlining of policy, removal of separate procedure document.

For further information contact: Resourcing Team

Equality Statement Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all.

This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Due Regard LPT will ensure that Due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010.

This policy will help to ensure that:

- Strategies, policies and services are free from discrimination;
- LPT complies with current equality legislation;
- Due regard is given to equality in decision making and subsequent processes;
- Opportunities for promoting equality are identified.

Please refer to due regard assessment (Appendix 3) of this policy.

Definitions that apply to this Policy

Recruitment and Selection	Process by which a role is filled either by external applicants being recruited to roles within LPT or existing staff moving from one role to another.
Staff requiring redeployment	Current employees of either LPT or other NHS organisations where a reciprocal arrangement exists who require redeploying from their current post. Reasons for this redeployment are for existing LPT employees either that their current post is at risk due to organisational change, that they require redeployment on health grounds or in line with another LPT policy such as that relating to managing performance. Reasons for this redeployment for NHS employees outside of LPT are due to being at risk due to organisational change.
Due Regard	<p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics. • Taking steps to meet the needs to people from protected groups where these are different from the needs of other people. <p>Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.</p>
Attraction	The process by which applicants are sourced to apply for potential vacancies and includes all elements of attracting candidates including use of social media, open days, adverts etc.
Selection	The process of selecting from a number of applicants a person or people who have the suitable skills, qualifications and values to perform the task being recruited to.

Equality Statement

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and advances equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) or sexual orientation.

In carrying out its functions, LPT must have due regard to the different needs of different protected equality groups in their area. This applies to all the activities for which LPT is responsible, including policy development, review and implementation.

1 Summary

This policy and associated procedure seek to set out the standard means of operating so that LPT recruits in a fair, transparent and effective way to meet both its business requirements and comply with legal and NHS Employers requirements.

2 Introduction

- 2.1 Leicestershire Partnership Trust (the Trust) aims to recruit and retain a competent, professional and flexible workforce to ensure the best possible service provision.
- 2.2 The Trust recognises that its ability to recruit the best quality staff has a direct bearing on the quality of service it provides. This policy and procedure aims to ensure the fair and effective recruitment and selection of staff and outlines the key principles the Trust will follow in relation to all recruitment and selection activities.
- 2.3 The Trust is committed to ensuring that its workforce reflects the diversity of the communities in which it operates.
- 2.4 The Trust is committed to selecting the best available person for each vacancy and will not treat any candidate unfavourably on the grounds of their sex, race, colour, religion or belief, ethnic origin, age, disability, marital status, pregnancy/maternity, transgender status or sexual orientation as defined by the Equality Act 2010.
- 2.5 The Trust is committed whenever possible to providing all employees with the opportunity for career development as appropriate to their abilities and ambitions. The Trust recognises its responsibilities to provide job opportunities to internal and external candidates on a fair, consistent and equitable basis. All appointments will be made on merit and the appointment process is designed to ensure that the best person is recruited for the job.
- 2.6 This policy and accompanying procedure will ensure the Trust carries out recruitment activities in a safe and effective manner and in line with the NHS

Employment Check Standards for all applicants both for new applicants to the NHS and staff in ongoing NHS employment.

- 2.7 The Trust is committed to reflecting the input of its service users in how it conducts its activities, including how staff are selected and promoted.
- 2.8 The policy provides guidance on the roles and responsibilities of line managers and Human Resources staff at each stage of the process and it will be audited and evaluated to ensure:
- i. It meets the objectives of the Trust
 - ii. Is consistently applied, and
 - iii. It complies with all relevant legislation
- 2.9 This will be achieved by:
- Self-Audit by the recruitment function of applicants recruited
 - Regular internal audit of the recruitment process
 - Managing to a service level with Recruiting Managers
 - Monitoring short-listing and recruitment data in relation to Equal Opportunities including protected characteristics
 - Feedback received from both external and internal Stakeholders
 - Mandatory training on the procedure for all managers/ Supervisors who recruit staff.

3 Purpose

- 3.1 The following policy is for the recruitment and selection of all employees and workers within the Leicestershire Partnership Trust. This includes the recruitment of:
- 3.1.1 Candidates who are external to the Trust prior to the recruitment
 - 3.1.2 Candidates who are external to the Trust but work within the wider local NHS community
 - 3.1.3 Internal transfers and promotions including the attraction process relating to secondments, and fixed term contracts.
 - 3.1.4 Use of fixed term contracts is only appropriate for covering a particular task/project/item of work or as an interim appointment to cover, for example, maternity leave or a career break. Please note that the ending of a fixed term contract is a dismissal in law and a fair reason is required. Fixed-term contracts should not normally be used to fill permanent posts.
 - 3.1.5 The reason for a fixed term contract will be required to be specified in the contract issued to the successful employee.
 - 3.1.6 Secondments and fixed term positions must be advertised through the HR Resourcing Team and be subject to a competitive recruitment process. If the secondment requirement is then to become substantive, then the substantive appointment will be subject to a new competitive recruitment process. See the separate Secondment Procedure for further details on administering secondments.
 - 3.1.7 Acting up opportunities may be advertised locally in line with appropriate guidance document/procedure relating to Acting up and are outside the scope of this policy
 - 3.1.8 Bank roles may be resourced to in a different manner to the procedure associated with this policy. Recruitment checks to

these types of roles must be done in line with this policy and especially with regards to compliance to employment standards and equal opportunity elements

- 3.1.9 Volunteers: although not employees, the Trust is still responsible for carrying out the recruitment checks for volunteers as for employed staff.
- 3.1.10 Appointments to the following roles are outside the scope of this policy
- Where appointments are made by other organisations e.g. Medical Training Application Service (MTAS)
 - Appointment of staff side representatives
 - Workers appointed through a recruitment business
- 3.1.11 This policy incorporates Fit and Proper Person checks for Directors/Non-Executive Directors. Guidance on these checks can be found at <https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-5-fit-proper-persons-directors#guidance>
- 3.1.12 NHSI will run the attraction, selection and some vetting processes for Chief Executive/Non-executive posts. This will mean that some elements of the recruitment to these posts sit outside of this policy as they are conducted by a third party. Where the Trust retains a responsibility for any aspect of the recruitment process for such posts, this will be carried out in line with this policy.
- 3.1.13 In addition to the requirements stipulated in this policy, certain Medical, dental and public health posts must also adhere to specific statutory requirements and this policy will be enacted in line with this and corresponding NHS guidance.
- 3.1.14 Additionally, there are certain senior posts which require the involvement or approval of all, or a number, of members of the Trust Board.

4 Duties within the Organisation

- 4.1 The Trust Board has a legal responsibility for Trust policies and for ensuring that they are carried out effectively. The Director of Human Resources and Organisational Development has overall responsibility of Recruitment & Selection and the Trust following all legal obligations to this. The Director of Human Resources and Organisational Development oversees all the functions that are executed as per this policy
- 4.2 Senior Workforce Committee (SWC) Members have the responsibility for ensuring the development, implementation, review and monitoring effectiveness of all policies. Each committee will:
- Sanction the development of new policies
 - Identify a policy lead
 - Sign off checklist for review and approval
 - Review whether practices are in line with policy and ensure regular monitoring of implementation is undertaken
 - Approve relevant policies and procedures
- 4.3 Operational Directors and Heads of Service are responsible for:
- Mandating attendance at, and releasing time for managers and team

- leaders to attend appropriate recruitment and selection training
- Creating an environment where integrity and fairness underlines how recruitment and selection activities are discharged

4.4 Managers and Team leaders will be responsible for:

- Remaining up to date with recruitment and selection policy and Procedures
- Following said procedures in a fair and consistent manner
- Carry out parts of the recruitment and selection process
- Creating an environment where integrity and fairness underlines how recruitment and selection activities are discharged
- Being aware of conscious and unconscious bias and taking appropriate steps to mitigate this
- Creating records with an appropriate level of detail appropriate to each part of the recruitment and selection process to demonstrate how decisions were reached

4.5 The Resourcing Team will be responsible for:

- Processing recruitment adverts including relevant promotion through social media and other appropriate technology/websites
- Advertising posts appropriately to both groups requiring redeployment and wider
- Carrying out pre-employment checks
- Completing appropriate on boarding activities such as requesting smartcards, ID badges, induction etc.

4.6 The following groups will be involved in the Adopting and finalisation of the policy:

- Senior Workforce Committee (SWC)
- Joint Staff Consultation and Negotiating Committee (JSCNC)

4.7 Training:

Managers undertaking recruitment and selection activities should complete LPT's Recruitment and Selection E-learning packages and utilise other training resources available on LPT's intranet.

4.7.1 As a minimum each panel carrying out a recruitment activity must include one person who has had appropriate training, and this person will act as the Chairperson.

5 Vacancy Review

When someone leaves employment for any reason, managers need to consider the following issues:

- Is the job still necessary?
- What value does the post add to the team and the delivery of service?
- Considering whether the post needs to be filled, or whether the duties could be absorbed within the department, or whether a different skill mix best meets service needs.

- How will the post be funded?
- Does the job description and person specification need updating for any reason? If so, the pay band may need to be revised in line with the Agenda for Change process and the Recruiting Manager will need to seek HR advice regarding this process before continuing to recruit.
- Is it suitable for part-time or other flexible working? If not, why not? All Trust employees have the right to request flexible working; it might be discriminatory to decline to appoint someone on a part-time basis without an objective justification and managers should consider how the duties of the post might be undertaken with some form of flexible working if it is requested. Managers should also explore flexible working as a way of recruiting hard to fill roles in a tight recruitment market.
- Is there a vacancy control process which needs to be observed, in which case the Recruiting Manager is responsible for observing the terms of this control process. Vacancy controls vary from time to time and the Resourcing Team can advise you of what controls are in place at a given time.

6 Equality and Diversity in Relation to Recruitment and Selection

- 6.1 All recruitment documentation must comply with the Trust's Equality and Diversity and Human Rights Policy, which can be found on the Trust intranet.
- 6.2 All documentation used in the recruitment process (e.g. advertisements, job description, person specification and any other supporting information) must be worded clearly to avoid bias and discrimination on grounds of any protected characteristic. Additionally Recruiting Managers must ensure that any requirements specified as essential are genuinely required for the job.
- 6.3 Any tests that are administered as part of the selection process must also be considered with regards to equal opportunities. Assessments may require adjustment such as extra time to be fair to applicants who disclose a disability which would disadvantage them in a particular test. Tests must also be directly relevant to the skills required for the role.
- 6.4 All efforts must be made to ensure diverse panels i.e. panels that broadly reflect the make-up of the local population and provide a representation of different protected characteristics. Specifically as a minimum expectation, all panels must have at least one member of the panel from a Black and Ethnic Minority (BME) background. Recruiting Managers must be able to robustly justify situations where this can not be achieved.
- 6.5 **Genuine Occupational Qualifications.** Some positions may qualify for an exemption from elements of equality legislation if it can be proved that there is a genuine occupational qualification (GOQ) that applies to the role. This could be for example on grounds of privacy and decency which would restrict someone from a particular gender from carrying out a role. It is

necessary to establish if a GOQ applies each time a role is recruited to. The full process for using GOQ's is available from the Resourcing Team.

- 6.6 The Equality Act 2010 limits the circumstances when you can ask health-related questions before an individual is offered a job. Up to this point, health related questions can only be asked to;
- decide whether you need to make any reasonable adjustments for the person to the selection process
 - decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
 - monitor diversity among people making applications for jobs
 - take positive action to assist disabled people
 - assure yourself that a candidate has the disability where the job genuinely requires the jobholder to have a disability

6.7 Once a conditional offer of employment has been made, the Trust is then permitted to ask appropriate health-related questions.

6.8 Protected characteristics are:

- Age (this applies only at work or if someone is being trained for work)
- Disability (or because of something connected with their disability)
- Gender reassignment (trans sexuality is where someone has changed, is changing or has proposed changing their sex – called 'gender reassignment' in law)
- Marriage and civil partnership (this applies only at work or if someone is being trained for work)
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation (whether being lesbian, gay, bisexual or heterosexual)

For more details on each of the protected characteristics please visit the Equality and Human Rights Commission website;

<https://www.equalityhumanrights.com/en>

7 Service User Involvement in Recruitment and Selection

7.1 The Trust wants to have meaningful service user involvement in respect to relevant protected characteristics in all of its recruitment activities where

possible.

- 7.2 To enable effective input into selection decisions the following measures are incorporated into the way that the recruitment process works.
- 7.3 Person specifications must include Understanding of the Trust's service user group. This could relate to a specific service or team that the person has applied to, or more general understanding of who the Trust provides services to. It could also include lived experience of conditions the Trust deals with or of receiving services relevant to those the Trust provides.
 - 7.3.1 Appropriate questions concerning this should be developed to be added to the primary questions for interviews.
 - 7.3.2 Service Users should be involved appropriately in selection processes, and their feedback on Applicants be included in how recruitment decisions are reached

8 Authorisation of Recruitment

- 8.1 It is the Recruiting Manager's responsibility to secure authorisation for any recruitment in line with vacancy control processes in place at the time of recruitment.
- 8.2 For the avoidance of doubt, when submitting a role for recruitment, the authorising manager is confirming that the establishment and funding is available for the position to be recruited.
- 8.3 The Recruiting Manager will submit a new vacancy to be recruited to the Resourcing Team by completing the appropriate advert and providing required documents via NHS Jobs. The documents needed will be detailed on the Trust's Recruitment and Selection pages on the intranet.

Recruiting Managers must be aware applicants will need to demonstrate they meet all essential criteria identified on provided person specifications at the stages outlined in these documents. Recruiting Managers should check that these documents are fit for purpose before initiating the recruitment process

9 Candidate Attraction

- 9.1 Once a new vacancy is received the following will occur:
 - 9.1.1 The role will be distributed to staff requiring redeployment in line with relevant policy. This will include employees within LPT who will be given first preference, and where agreements exist, current NHS employees outside LPT requiring redeployment due to organisational change who will be given preferential treatment as appropriate. Distribution of roles to these groups will be done concurrently with wider attraction activities.
 - 9.1.2 How a role can be advertised beyond this process, is specified on the Trust's recruitment pages on the intranet.

- 9.2 The recruitment process will be conducted in line with the timelines identified based on NHS national streamlining timeframes. These are currently that recruitment checks will be concluded within 5 working weeks once a candidate has been offered a post and 12.8 working weeks from the start of a recruitment exercise to the point that all recruitment checks have been completed and a candidate offered an unconditional start date.
- 9.3 If a recruiting manager is concerned that an element of the recruitment process is taking longer than it should then they should discuss this with their recruitment contact and escalate it as appropriate within the Resourcing Team in a timely fashion

10 Conflicts of Interest in the recruitment and selection process

- 10.1 LPT's Recruitment and Selection Policy is designed to ensure objectivity and equality of opportunity throughout the recruitment and selection process, and has been developed to safeguard these principles and participants in the process, where the relationship between applicant and recruitment/selection decision makers may present a risk of conflict of interest (e.g. where applicants are close friends or relatives of the recruiting manager or panel members).
- 10.2 All applicants for positions within the Trust must declare on their application form, if they are related to a director, or have a relationship with a director or employee of the appointing organisation, stating the relationship.
- 10.3 Where a relationship between applicant and recruitment/selection decision makers may present a risk of conflict of interest (e.g. where applicants are close friends or relatives of the recruiting manager or panel members), a panel member must notify the recruiting manager. Where a recruiting manager identifies such a risk they must notify their immediate line manager.
- 10.4 In cases where a potential conflict of interest has been declared, a risk assessment must be undertaken to determine if there is a conflict of interest. If a conflict is identified, that panel member should not participate in the selection process any further. If no conflict is identified, normal process should continue.
- 10.5 Advice may be sought from the Human Resources team where further clarification is required. Managers are also sign posted to the Relationships at Work policy.
- 10.6 All decisions related to the declaration of potential conflict and risk assessment must be correctly recorded and returned to Human Resources.
- 10.7 Once appointed, if an employee is found to have failed to declare a relationship on their application form with an employee who was involved in the recruitment process, or with whom they now have a line management or subordinate working relationship, this will be investigated under Trust's disciplinary procedures and may lead to disciplinary action for both the new employee and the existing LPT employee whom they have the relationship with.
- 10.8 If an individual is appointed to a position where they will either generate or authorise the ordering of goods or services, including the payment of invoices, or expenses of another employee with whom they have a close personal relationship this must be brought to the attention of their line manager immediately to enable alternative authorising arrangements to be made.
- 10.9 Agency/Bank employees should be asked to declare if they have a close personal relationship with any employee of LPT in the department/service in which it is intended to place them before they commence duties.
- 10.10 Where an applicant if appointed would work in the same team with another employee with whom they have a close personal relationship the implications of this should be considered and discussed as part of the selection process. This is to ensure that,

assuming they are otherwise the most suitable candidate for the post, their appointment would also be appropriate taking into account operational issues such as shift/working patterns and requirements for/authorising of annual leave. There is no guarantee of matching annual leave or working patterns. Any decision not to appoint must be on the basis of service needs and documented accordingly.

- 10.11 Managers should not provide official organisational employment references in any instance. All official organisational references must be provided by the Employee Services team.

11 Short listing

- 11.1 Where staff requiring redeployment applies their application should be dealt with in line with the appropriate agreement/memorandum of understanding/policy that may be in place with other external organisations to the Trust regarding sharing vacancies
- 11.2 For all other applications, a list of applicants will be sent to the Recruiting Manager after each attraction stage has closed
- 11.3 Late applications will only be considered in exceptional circumstances and normally at the Recruiting Manager's discretion. Where late applications are considered, this must be done in a consistent manner
- 11.4 Depending on who has applied there may be a number of different applications from different redeployment groups which need to be dealt with in order
- 11.5 The short listing exercise should involve at least two people to mitigate unconscious bias. The overall short listing exercise is the responsibility of the Recruiting Manager, who must have completed the Trust's recruitment and selection training
- 11.6 By submitting the short listing, the recruiting manager will be accepting responsibility for, and confirming that, this part of the selection process has been conducted in a way that was free of discrimination on equality grounds
- 11.7 Applicants will be expected to meet the appropriate essential criteria for the position as identified on the person specification for this stage of the selection process. Measures must be applied fairly and consistently to all applicants on the basis of the information supplied in their application only. Managers undertaking short listing must not alter the person specification at this stage.
- 11.8 In circumstances where no applicant meets all essential criteria identified for the stage of the process, the Recruiting Manager will need to consider if applicants not meeting all essential criteria are appropriately skilled for the role. If this is an appropriate approach, then criteria must be applied consistently. The Recruiting Manager will need to consider re advertising the post
- 11.9 Only information provided by the applicants by the point the vacancy is closed will be taken into account at this stage. Other information the short listing panel may have on any candidate, for example through working with that candidate in the past, must not be taken into account. This is important in order that the candidates that the short listing panel have no previous knowledge of are not put at a disadvantage
- 11.10 Care must be taken not to make assumptions about an individual's circumstances, knowledge or experience, particularly where these are

based on misconceptions and prejudices/unconscious biases relating to protected characteristics

- 11.11 If a candidate has disclosed information relating to dismissal for misconduct on their application please refer to the Resourcing Team for guidance
- 11.12 If a candidate who has expressed a disability on their application form, and that they wish to be considered within the guaranteed interview scheme, and they meet the essential criteria for the role, then they are guaranteed an interview and should not be included in any further actions to reduce the short list
- 11.13 There may be other groups who will also be offered guaranteed interviews, and who must also be excluded from further efforts to reduce short lists down. These will be publicised on the Trust intranet
- 11.14 If after short listing based on essential criteria there are too many applicants still to interview then either or both of the following can be used to reduce the shortlist further, can be employed:
 - 11.14.1 Short listing using desirable criteria- the shortlisting exercise then is to take into account desirable criteria
 - 11.14.2 Random selection- details of this can be requested from the Resourcing Team
- 11.15 Short listing outcomes including which criteria an applicant was (de) selected on must be recorded on nhsjobs
- 11.16 Recruiting Managers should retain/print application forms provided for short-listing for use at interview

12 Interviews

- 12.1 Shortlisted applicants will be invited for interview.
- 12.2 As standard, interview panels must consist of at least two members and every effort must be made to ensure that the panel is ethnically diverse.
- 12.3 As standard at least one of the panel members, who will take the role of chairperson of the panel, must have attended the Trust's Recruitment and Selection training which is inclusive of Equality, Diversity and Human Rights awareness.
- 12.4 If there is not someone available to chair the interview panel who has completed the Recruitment and Selection course, then one of the proposed panel members needs to complete the E-learning prior to the interviews taking place. The expectation is for at least one of the panel members to complete the Trust's recruitment and selection E-learning package prior to any interviews taking place.
- 12.5 If there are exceptional circumstance, e.g. the person who has completed the training falling ill on the day of the interview, then the remaining panel members must contact the Resourcing Team for advice on how to proceed.

- 12.6 Panel members must be satisfied that their relationship with any candidate will not improperly influence their decision nor give rise to suspicion about their motives.
- 12.7 Normally the same panel will need to be present for each person interviewed. The only exception to this is where more than one panel is interviewing as a number of people are required to be recruited, or where members of the HR department attend e.g. to support an individual due to redeployment. In these cases the HR representative does not need to attend all of these interviews.
- 12.8 Service User involvement should also be considered in this stage of the selection process both to ensure that service users have a voice in the selection process, and to test applicants' commitment to the end users of the role they are applying for.
- 12.9 The attendance of an assessor from outside the Trust may be advisable for senior appointments, or as required under the employment provisions of particular specialist staff. The Recruiting Manager should ascertain whether an external assessor is appropriate or necessary.
- 12.10 If an external assessor is to be reimbursed for this work, the rate should be agreed with the person prior to the interview by the Recruiting Manager.
- 12.11 Where possible every reasonable adjustment will be considered in line with meeting the needs of the relevant protected characteristics for example a religious need, someone with a disability, or those caring for people with disabilities etc. However there is no obligation on the Trust to re-arrange interview dates to accommodate individual candidates unless a protected characteristic would prevent the candidate from attending at the date or time specified. It will be at the Recruiting Manager's discretion, using a consistent approach for each vacancy.
- 12.12 Where an applicant has indicated a disability the Chairperson is responsible for liaising with the Resourcing Team prior to the interview to ensure that they are aware of any reasonable adjustment required for the interview to accommodate the disability.
- 12.13 Each interview must be planned and structured so as to give every candidate an equal opportunity of response and presentation.
- 12.14 Questions asked at interview will be of the following types:
- 12.14.1 **Introductory questions** designed to put the candidate at ease at the start of their interview. This will include exploration of disability issues with candidates expressing a disability to ascertain if any further adjustment is required for the interview

- 12.14.2 **Values based questions** designed to identify if the candidate's values are in line with those of the Trust
 - 12.14.3 **Primary questions** designed to test whether a candidate meets the interview assessment criteria.
 - 12.14.4 **Secondary questions** required to further explore an answer given in response to a primary question.
 - 12.14.5 **Questions to ascertain an individual's commitment to Equal Opportunities** and the principles of Equality and Valuing Diversity.
 - 12.14.6** Questions in connection with understanding of **confidentiality**.
 - 12.14.7 Questions to ascertain the individual's **commitment to the Trust's service user group** and their understanding of how the nature of the Trust's service user group will impact on the role they have applied for (see section above re service user involvement in recruitment and selection)
 - 12.14.8 **Mandatory Questions.** The Trust operates a set of mandatory questions that must be asked of every applicant during all recruitment activities.
- 12.14 All primary questions must be directly relevant to the job under consideration. They must be asked of all candidates and should be agreed by the panel before the interviews commence. Such questions should give the candidate the opportunity to expand upon their written application.
 - 12.15 This does not preclude further questions being asked about issues raised or requiring clarification, for example where an applicant has a gap in their employment or why an applicant wants to take a pay cut.
 - 12.16 Secondary questions do not need to be the same for every candidate as they will be determined by the candidate's previous answer, generally to a primary question. However, the degree that secondary questions are asked should be enacted in a fair and consistent way for all applicants interviewed.
 - 12.17 Questions that could be seen as directly or indirectly discriminatory must not be asked. Questions relating to a candidate's personal life should be avoided. If in doubt, managers should contact the Resourcing Team to clarify suitability.
 - 12.18 Panel members will be responsible for making written notes of interviewee's answers, and must be able to provide an objective rationale based on these notes as to how the successful candidate was identified.
 - 12.19 Managers must not at interview agree or promise a starting salary for a

potential employee. Information can be gained about an applicant's current remuneration package, but what salary can be offered must be justified with and confirmed in accordance with the Pay policy by the HR department prior to offering any salary when a conditional offer is made.

- 12.20 At interview the Recruiting Manager must satisfy themselves that the candidate meets any mandatory qualifications for a role such as being a registered nurse.
- 12.21 The Recruiting Manager must also ensure that any essential documentation relating to requirements to carry out the post is seen at interview and copied.
- 12.22 Once all interviews have been concluded all panel members decide who has been successful. The candidate who scored highest when their answers are scored against the person specification should be the successful candidate and can receive a conditional offer of employment for the role. The offer is conditional on the applicant successfully completing pre-employment checks.
- 12.23 Each member of the interview panel is responsible for recording their own assessment of each candidate after each interview. Applicants are legally entitled to view these documents and they can be used in Employment Tribunals. It is therefore important that all panel members are objective and ensure that their notes are clear and factual.
- 12.24 Selection decisions must be objective and should only be made on the basis of how closely the candidates meet the person specification, the values they demonstrated and their performance against the interview assessment criteria.
- 12.25 If there are any concerns or conditions relating to an individual's eligibility to work revealed in the interview in general, or mandatory questions, then further advice should be sought from the Resourcing Team before making an offer of employment. This is particularly important in connection to any safeguarding issues that are identified.
- 12.26 The chair of the panel must ensure that the selection process is carried out fairly and equitably. They are also responsible for making sure that all documents are collected from each candidate and administrative formalities such as mandatory questions are asked and that an authority to appoint form is correctly filled in and authorised at the conclusion of the interview process.
- 12.27 The Chairperson should make arrangements for verbally informing the successful candidate of the outcome of the interview and also for informing unsuccessful applicants of the outcome and giving an opportunity for feedback. At this stage pre-employment checks still need to be carried out, although a provisional start date can be

discussed based on average time to recruit and available induction dates. The employment offer, however, remains provisional at this point and the Chairperson must be clear with the applicant about this.

12.28 The candidate's starting salary will be determined in line with the Trust's Pay policy and associated HR processes so must not be confirmed at the point of conditional offer to the candidate.

12.29 The Resourcing Team should then be sent the following documents by the Recruiting Manager:

12.29.1 Copy of any documentation taken at interview

12.29.2 Mandatory questions for all applicants

12.29.3 Completed scored interview assessment and all notes taken in interview whether by the formal panel, a service user panel or through any other panel/process.

12.29.4 Authority to appoint form authorised by someone with appropriate financial sign off levels

13 Pre-Employment Checks

13.1 Once the Resourcing Team has received an authority to appoint along with the other specified documentation from the interview, the appropriate recruitment checks will commence.

13.2 These are done in line with NHS Employers guidelines. These need to be completed prior to a person starting in post.

13.3 Currently these checks are:

- References
- Identity
- Qualifications
- Entitlement to work
- DBS (formerly CRB)
- Occupational Health
- For appropriate roles Fit and Proper Person checks

13.4 Where a candidate cannot satisfy a particular check then their application will have to be reviewed as to whether it can continue or whether the conditional offer must be withdrawn.

13.5 Where an applicant's full references cannot be secured then this will be assessed in line with Recruitment Team local processes to determine if the applicant's recruitment can continue.

13.6 NHS Employer guidelines allow for posts to be offered subject to satisfactory DBS check before the return of an applicant's DBS check. Where this is the case, if the

check is not returned by the employee's start date, the recruiting manager will be responsible for ensuring that the employee does not undertake any regulated work that requires the DBS check until the check is cleared.

Where contrary information is disclosed in the recruitment process then this will be assessed either through a DBS panel in line with the Trust's DBS/CRB policy. Where contrary information is known to the Trust before the return of the DBS check, this will preclude the option of allowing the post to be offered subject to satisfactory DBS check before the return of the applicants DBS check. An offer of employment may also be withdrawn if contrary information comes to light which an applicant did not appropriately disclose in the selection process.

- 13.7** If an applicant cannot provide sufficient documentation to meet the requirements of proving their entitlement to work then they cannot be recruited in line with relevant legislation.
- 13.8** If an applicant does not hold the professional registration required for a post then they cannot be recruited into this post. The only exception to this is where an applicant is in the process of completing professional training and is waiting for their professional registration to come through, in which case if there is an appropriate role for the team then at the manager's discretion they can be recruited into the role.

Where this occurs the person will not progress to the salary scale for their qualified position until they have provided satisfactory proof of their professional registration to their line manager, and this has been satisfactorily verified by HR. Where this occurs, the candidate's start date in the (new) qualified role will be the date that their professional registration is seen by the Recruiting Manager and the employee then starts discharging the registered role. You are also signposted to the Professional Registrations Policy for further information.

- 13.9** Where NHS Employers specifies further mandatory checks these will be taken as incorporated into this policy.
- 13.10** These checks will be carried out in line with the guidance given on the NHS Employers website and the Resourcing Team's local procedures.
- 13.11** Once all checks are complete the recruitment file will be reviewed by a senior member of the Resourcing Team. Only once this is complete can the Recruiting Manager confirm an unconditional offer of employment with the applicant.
- 13.12** Recruiting Managers must also consider when corporate induction dates are scheduled for when agreeing a start date and that the applicant will be able to attend induction in line with the Trust Policy. It is a mandatory requirement that new starters attend corporate induction.
- 13.13** Recruiting Managers will also need to consider and discuss with the candidate when the payroll deadlines are. Starting someone after the payroll deadlines for a given month will mean that the employee's pay for their first

month will be paid in their second month.

- 13.14** All employees must be paid into a bank account that is recognisably theirs to meet Trust commitments to identifying modern slavery and counter fraud requirements.
- 13.15** Once a start date has been confirmed, a contract will then be drawn up. This will be done in line with Recruitment Team SLA and meet legal requirements for when contracts need to be issued.

14 Complaints

- 14.1** Where an applicant, either internal or external has a complaint about the recruitment process, they should direct their complaint in writing to the Recruitment Manager within 2 months of the action in question. The Recruitment Manager will acknowledge receipt of the complaint and arrange for an initial investigation to be conducted within 2 weeks. The Recruitment Manager or Directorate Human Resources Business Partner will determine what action will be taken in line with the relevant policies and inform the complainant accordingly.
- 14.2** If the complaint is not relevant to any policy other than this Recruitment and Selection policy, the Recruitment Manager will respond to the complainant with an outcome. If the Complainant remains dissatisfied with the outcome of their complaint, the matter may be referred in writing within 10 working days of the date of them receiving the outcome, stating the grounds for appeal to the Head of Employment Services for review. The complaint will be reviewed and an outcome given to the complainant within 10 working days.
- 14.3** There is no further level of appeal within this policy. If the complainant is an existing member of staff, they have the right to lodge a grievance under Stage 2 of the Trust's Grievance and Disputes Policy and Procedure.

15 Monitoring Compliance and Effectiveness

Criteria	Measurable	Frequency	Reporting to	Action Plan/ monitoring
Initial appointment of all staff have undertaken NHS Employer required checks.	Compliance to recruitment checklist	Each candidate's recruitment check will be signed off before unconditional offer ^{*1}	Senior Workforce Committee	Head of HR
<p>The following metrics are reviewed monthly: <i>please note they may be subject to revision;</i></p> <ul style="list-style-type: none"> • applicants per post advertised • average number of days to recruit once recruitment authorised • Average number of days from notification of a successful applicant to recruitment checks complete • Number of posts out to advert • Number of posts currently in pre offer stages 	Number or % for each metric	Monthly	Director of HR and OD	Head of Employment Services
<p>The following metrics are reviewed as part of the annual WRES and WDES</p> <ul style="list-style-type: none"> • % applications by relevant equality group • ratio of appointees to shortlisted candidates by relevant equality group • Ratio of shortlisted to applicants by relevant equality group • Ratio of appointments by each relevant equality group 		Annually	WRES / WDES reports	Head of Employment Services/ EDI reporting analyst

*1 An applicant's recruitment checks completeness will be assessed in line with NHS Employer Standards.

16 Links to Standards/Performance Indicators

Performance indicators relating to this policy are outlined in the Recruitment Team's SLA .

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission Regulations for Service Providers Regulation 18 Staffing https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-18-staffing	That the trust maintains compliance with CQC regulations for service providers and managers, this policy supports regulation 18
Care Quality Commission Regulations for Service Providers Regulation 19 Fit and Proper Persons Employed Staffing https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-19-fit-proper-persons-employed	That the trust maintains compliance with CQC regulations for service providers and managers, this policy supports regulation 19

17 Due Regard

The Trusts commitment to equality means that this policy has been screened in relation to paying due regard to the Public Sector Equality Duty 2010 to eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity and foster good relations. Please refer to section 6 for examples on how Due Regard has been considered in light of the Recruitment and Selection process.

17.1 Equality Monitoring

The Trust has a statutory obligation to monitor applications in the recruitment and selection process to ensure job opportunities are open to all and are treated equally. All personal information that is provided will be treated as confidential.

18 References and Bibliography

This policy was drafted with reference to the following:

- NHS Employer Standards
<http://www.nhsemployers.org/recruitmentandretention/employment-checks/employment-check-standards/pages/employment-check-standards.aspx>
- LPT Equality, Diversity and Human Rights Policy
- LPT Management of Organisational Change Policy
- LPT Policy concerning Management of Ill Health
- LPT Pay Policy

Appendix 1 The NHS Constitution

The NHS will provide a universal service for all based on clinical need, not ability to pay. The NHS will provide a comprehensive range of services

Shape its services around the needs and preferences of individual patients, their families and their carers	<input type="checkbox"/>
Respond to different needs of different sectors of the population	<input type="checkbox"/>
Work continuously to improve quality services and to minimise errors	✓
Support and value its staff	✓
Work together with others to ensure a seamless service for patients	✓
Help keep people healthy and work to reduce health inequalities	<input type="checkbox"/>
Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance	<input type="checkbox"/>

Appendix 2 Stakeholders and Consultation

Workforce and Organisational Development Policies are subject to joint monitoring and review between management and staff side through the JSCNC. Guidance in relation to Due Regard for this policy has also been received by the Policy group and the Integrated Equality and Human Rights Service. Management consultation has also been undertaken in relation to this policy.

Key individuals involved in developing the document

Name	Designation
Daniel Norbury	Head of Employment Services
Haseeb Ahmad	Equalities Lead

Circulated to the following individuals for comment

Name	Designation
Directors / Heads of Service and Direct Reports	
Operational HR Team	
Equalities Team	
Staffside	

Appendix 3 Due Regard Screening Template

Section 1			
Name of activity/proposal		Recruitment and Selection Policy	
Date Screening commenced		8 th July 2019	
Directorate / Service carrying out the assessment		Human Resources	
Name and role of person undertaking this Due Regard (Equality Analysis)		Daniel Norbury, Head of Employment Services	
Give an overview of the aims, objectives and purpose of the proposal:			
AIMS: This policy outlines how recruitment and selection activities should be carried out across the organisation.			
OBJECTIVES: To encourage effective and fair recruitment processes across the organisation			
Section 2			
Protected Characteristic	If the proposal/s have a positive or negative impact please give brief details		
Age	This policy encourages an equitable approach to recruitment across the organisation. The approach outlined in this version of the policy strengthens our commitment to actions which will support BAME applicants		
Disability			
Gender reassignment			
Marriage & Civil Partnership			
Pregnancy & Maternity			
Race			
Religion and Belief			
Sex			
Sexual Orientation			
Other equality groups?			
Section 3			
Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please <u>tick</u> appropriate box below.			
Yes		No	
High risk: Complete a full EIA starting click here to proceed to Part B		Low risk: Go to Section 4.	✓
Section 4			
If this proposal is low risk please give evidence or justification for how you reached this decision:			
<p>The policy outlines how the organisation will undertake recruitment and selection activities in an effective, fair and unbiased way. The policy is supported by a bespoke e-training package that focuses on equality issues in the recruitment process and which has been evaluated as effective by the Trust's Equality and Diversity Lead.</p> <p>The Trust is also happy to associate itself with the new Workforce Race Equality Standard which came into effect from the 1st April 2015. Embedded within the standard are a number of workforce metrics which will help to identify and reduce any evidence of adverse impact towards black employees compared to other groups and actions will be agreed to address</p>			

these accordingly.

Equality monitoring has been incorporated in the overall policy compliance process which aims to provide assurance that any potential adverse impact on any protected group during the implementation of the policy and associated procedures are identified and removed at the earliest opportunity.

Signed by reviewer/assessor		Date	
------------------------------------	--	-------------	--

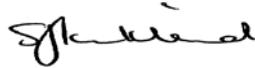
Sign off that this proposal is low risk and does not require a full Equality Analysis

Head of Service Signed	 Daniel Norbury Head of Employment Services Tel 0116 295 7552	Date	08/01/2020
-------------------------------	---	-------------	------------

Appendix 4

DATA PRIVACY IMPACT ASSESSMENT SCREENING

<p>Data Privacy impact assessment (DPIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet Individual's expectations of privacy.</p> <p>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering 'yes' to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</p>		
Name of Document:	Recruitment and Selection Policy	
Completed by:	Daniel Norbury	
Job title	Head of Employment Services	Head of Employment Services
Screening Questions	Yes / No	Explanatory Note
1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.	No	
2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.	No	
3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?	No	
4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	No	
5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.	No	
6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?	Yes	Outcome of vetting could have a significant impact as may result in not employing an individual. This will be managed in a confidential way with only appropriate people involved in decision making.
7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.	Yes	DBS checks will be conducted as part of selection process. Employment history vetting will include understanding reasons for leaving employment. This will be managed in a confidential way with only appropriate people involved in decision making.
8. Will the process require you to contact individuals in ways which they may find intrusive?	No	

<p>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via Lpt-dataprivacy@leicspart.secure.nhs.uk In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</p>	
Data Privacy approval name:	Sam Kirkland, Head of Data Privacy 
Date of approval	09/07/2019

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust

Data Privacy Impact Screening Guidance Notes

The following guidance notes should provide an explanation of the context for the screening questions and therefore assist you in determining your responses.

Question 1: Some policies will support underpinning processes and procedures. This question asks the policy author to consider whether through the implementation of the policy/procedure, will introduce the need to collect information that would not have previously been collected.

Question 2: This question asks the policy author if as part of the implementation of the policy/procedure, the process involves service users/staff providing information about them, over and above what we would normally collect

Question 3: This question asks the policy author if the process or procedure underpinning the policy includes the need to share information with other organisations or groups of staff, who would not previously have received or had access to this information.

Question 4: This question asks the author to consider whether the underpinning processes and procedures involve using information that is collected and used, in ways that changes the purpose for the collection e.g. not for direct care purposes, but for research or planning

Question 5: This question asks the author to consider whether the underpinning processes or procedures involve the use of technology to either collect or use the information. This does not need to be a new technology, but whether a particular technology is being used to process the information e.g. use of email for communicating with service users as a primary means of contact

Question 6: This question asks the author to consider whether any underpinning processes or procedures outlined in the document support a decision making process that may lead to certain actions being taken in relation to the service user/staff member, which may have a significant privacy impact on them

Question 7: This question asks the author to consider whether any of the underpinning processes set out how information about service users/staff members may intrude on their privacy rights e.g. does the process involve the using specific types of special category data (previously known as sensitive personal data)

Question 8: This question asks the author to consider whether any part of the underpinning process(es) involves the need to contact service users/staff in ways that they may find intrusive e.g. using an application based communication such as WhatsApp

If you have any further questions about how to answer any specific questions on the screening tool, please contact the Data Privacy Team via LPT-DataPrivacy@leicspart.secure.nhs.uk