



Shropshire, Telford  
and Wrekin

# Recruitment and Selection Policy and Procedure

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The formally approved version of this document is that held on the NHS Shropshire, Telford and Wrekin ICB website: <https://www.shropshiretelfordandwrekin.nhs.uk/>

Printed copies or those saved electronically must be checked to ensure they match the current online version.

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## **1. INTRODUCTION**

- 1.1 NHS Shropshire, Telford & Wrekin Integrated Care Board, hereafter referred to as the ICB, provides a range of services that are guided by statutory duty and legislative requirements. These services are delivered within a framework of policy, procedure and practice to ensure compliance with these requirements.
- 1.2 The ICB recognises that these services could not be delivered without the successful recruitment and selection of people with the necessary skills, knowledge, experience and qualifications. As an employer the ICB is committed to ensuring that a fair, systematic and objective approach to recruitment and selection is adopted.
- 1.3 It is advised that this policy is read in conjunction with the following ICB policies and procedures and national NHS Guidelines:
  - Equality and Diversity Policy
  - NHS Employment Check Standards
  - NHS Terms and Conditions of Service Handbook

## **2. SCOPE**

- 2.1 This policy applies to all staff employed by the ICB undertaking recruitment and selection procedures for temporary promotions to a higher band, secondments, substantive, fixed-term contracts, bank posts and modern apprentice schemes. This is to ensure that there is a fair and consistent approach adopted throughout the organisation.
- 2.2 This policy does not apply to the recruitment and selection of independent contractors (consultancy) and agency staff, with the exception of those provisions outlined in the Agency Workers Regulations (2010). The ICB must ensure that recruitment and selection procedures are applied consistently for agency staff through the Government Procurement Service (GPS) Framework.

## **3. POLICY STATEMENT**

- 3.1 The ICB recognises that highly skilled, experience and motivated staff are essential to enable it to deliver its services and essential to its growth and success. The ICB is committed to ensuring the recruitment and selection of people with the appropriate skills, knowledge, experience and qualifications is undertaken as efficiently and effectively as possible, and in line with all legal, statutory and good practice guidance requirements.
- 3.2 The ICB will ensure that within its recruitment and selection practices, all stakeholders are dealt with fairly and consistently in accordance with the ICB's Recruitment and Selection Policy and in line with all statutory and good practice guidance requirements.

## **4. RESPONSIBILITIES**

### **4.1 Responsibilities of the ICB**

The responsibility for the monitoring and provision of this policy initially rests with the Governing Body of the ICB.

### **4.2 Responsibilities of the ICB's Human Resources Provider**

The ICB's Human Resources provider are responsible for providing advice, guidance and support and training to recruiting managers during both the recruitment and selection procedures. This support will primarily come from the Recruitment Services Team with input from the relevant Assistant and / or Senior HR Business Partner as required. In the first instance, recruitment queries should be directed to the Recruitment Services Team who will link in with the relevant Assistant or Senior HR Business Partner as required.

### **4.3 Responsibilities of Managers.**

4.3.1 Ensuring the recruitment and selection they carry out is fair, equitable and in line with the recruitment and selection policy and procedure.

4.3.2 Ensuring they consistently apply the recruitment and selection policy and procedure when undertaking any recruitment and selection.

4.3.3 Making fair and informed decisions in line with the policy and legislative and regulative requirements.

## **5. THE RECRUITMENT AND SELECTION PROCEDURE**

### **5.1 Identifying a Vacancy**

5.1.1 Vacancies arise for many different reasons, these can include (but are not limited to) general leavers, retirement, creation of a new post due to increased demand/workload or additional funding and dismissal.

5.1.2 Once a vacancy has been identified the first step will be a review of the post to consider:

- The purpose of the job
- Key result area for the job
- Competencies required of the job

5.1.3 Before deciding to fill a vacancy and progressing to the next stage of the recruitment process, there are several questions which should be considered:

- Can the work itself be eliminated?
- Can the work be absorbed by re-organising existing resource?
- Is there still a job to be done?
- Is it the same job that was done previously?
- Can skill mix be considered as an alternative?

- Will the job be permanent or temporary? For temporary roles, Recruiting Managers should also refer to the **ICB's internal Fixed Term Contract Guidelines document which has been included as appendix 1**.
- Can the vacancy be covered with a temporary secondment?

## 5.2 Establishment Control – Vacancy Authorisation Process

### Existing Posts:

5.2.1 Where an existing post becomes vacant and it has been agreed to fill this vacancy, the recruiting line manager is required to create the vacancy on the Trac system ensuring that relevant ICB procedures have been followed to confirm the budget to recruit is in place and the relevant authorisation has been given to recruit.

### New Posts:

5.2.2 New posts must be approved via the ICB's business planning process via an authorisation form from Finance. If approved, the procedure for existing posts is followed as above.

## 5.3 Job Description and Person Specifications

5.3.1 A job description is an important part of the recruitment and selection process and should describes the main tasks and responsibilities of the role, include the job title, role summary and main duties of the role. A job description ensures that managers are clear about the job content and that applicants understand the duties and content of the role.

5.3.2 A person specification provides details of the essential and desirable qualifications, skills and experience, personal qualities and knowledge required to fulfil the duties identified in the job description. The person specification is a key part of the recruitment process and is used to compile the job advertisement, assist with short listing and the interview questions. The criteria must be categorised as either essential (the minimum standards required to perform the job adequately) or desirable (the standards which will enable the person to perform the job more effectively). The criteria used should be competency based to enable candidates to demonstrate at interview how they have used particular skills previously. These criteria on the person specification must be used to filter candidates at the short-listing stage.

5.3.3 When a vacancy is advertised the application pack must include an up to date job description and person specification as NHS Jobs will not allow a vacancy to be advertised without a valid job description being uploaded.

## 5.4 Agenda for Change Job Matching and Evaluation

5.4.1 All ICB posts must have been job evaluated / banded prior to advertising. A job matching panel will assign the correct pay band in accordance with the NHS Job Evaluation Handbook and the NHS Terms and Conditions of Service which applies to all posts within the organisation except for posts on Medical and Dental Terms and Conditions and posts on the Board which sit outside Agenda for Change (i.e. Board Member, Chief Executive Officer, Chief Finance Officer, Secondary Care Doctor and Registered Nurse).

- 5.4.2 Where a job description and person specification has been created for a new post within the ICB, the recruiting line manager must contact the ICB's CSU HR provider, who will organise for the position to be matched.
- 5.4.3 Where an existing job description/person specification has been amended ahead of going out for vacancy advertisement, advice and support must be sought from the ICB's HR provider to determine whether the changes are substantive enough to affect the banding.

## **5.5 Advertising a Vacancy**

- 5.5.1 The ICB uses the NHS Jobs Website ([www.jobs.nhs.uk](http://www.jobs.nhs.uk)) as the default online job advertisement portal to advertise, in the first instance, all its vacancies. Each position is listed with a unique job reference, closing date and key details relating to the vacancy for candidates to view.
- 5.5.2 All vacancies, as standard, will be advertised externally on NHS Jobs. In exceptional circumstances posts may be advertised on NHS jobs and restricted to internal candidates only. Internal vacancies will only be made available to staff who are directly employed by the ICB, and or other local ICBs (subject to advice/agreement with the relevant Director and HR). Decisions regarding whether a post is to be advertised as internal only will be made by the recruiting manager in conjunction with advice from the ICB's HR provider.
- 5.5.3 In completing the Vacancy Requisition Form (Rec1) the recruiting manager is required to complete the wording for the advertisement of the post(s) within the form. This wording will then be used on the nhs.jobs website. The form also requires the recruiting manager to identify the application closing date, interview date and contact details for interested candidates to use to seek any additional information.
- 5.5.4 The recruiting manager must also ensure that he/she has had set up a recruiting manager account on the Trac website as without this they will not be able view and shortlist any applications or have the ability to notify the Recruitment Team regarding successful/unsuccessful candidates. The HR Support provider commissioned by ICB provides this support/service to recruiting managers. The Recruitment Team will provide support with any Trac related queries as needed.
- 5.5.5 Where external advertising other than NHS Jobs is appropriate, the recruiting manager should establish the most effective (reach and cost) method of advertising, e.g. newspaper, professional journal, etc. in conjunction with the Recruitment Services team.
- 5.5.6 Where an advert is placed in an external publication it will also be advertised on NHS Jobs and all candidates will apply online as this allows all candidates the opportunity to apply in a consistent and equitable manner.
- 5.5.7 The advert must give a brief summary of the job and should include its location, band and salary as well as essential qualifications and experience to encourage suitable applicants to apply and to allow unsuitable applicants to self-select out of the process. The advert must also include any closing date,



interview date and contact details for interested candidates to use to seek any additional information.

## **5.6 Application**

- 5.6.1 All applicants to ICB vacancies are required to apply online and applications must be submitted via the NHS Jobs website. CVs cannot be accepted as applications or as additional information to application forms to ensure applicants are considered on an equal basis and to comply with NHS Safer Recruitment Check standards
- 5.6.2 Applications received after the closing date will not be accepted to ensure a fair and consistent application opportunity for all applicants. Reasonable adjustments under the Equality Act (2010) relating to the acceptance of late applications will be considered upon request. Advice should be sought from the ICB's HR provider in this instance.
- 5.6.3 In exceptional circumstances, where ICB jobs are to be advertised as a short term (under 12 months) internal post, the applicants may submit a written application on an application/expression of interest pro forma that mirrors the information required if completing an application online via nhs.jobs. In such instances the recruiting manager should seek advice from the ICB's HR provider before a vacancy is advertised in this way.

## **5.7 Shortlisting**

- 5.7.1 In creating a vacancy on Trac the recruiting manager is required to identify the shortlisting panel members, who following the closing date for application, will receive notification of the number of candidates who have completed an application form and instructions on how to proceed to shortlist via the Trac system.
- 5.7.2 It is advisable that a shortlisting panel consist of a minimum of three people. Where a vacancy has attracted internal ICB candidates, to maintain the transparency and fairness of the process a representative from the ICB's HR provider can support with shortlisting if needed.
- 5.7.3 The shortlisting criteria used by the selection panel must be the essential criteria of the person specification in the first instance. The essential criteria stated in the person specification will be used rigorously in the determination of shortlisted applicants. If a vacancy has attracted a large number of applicants the desirable section of the person specification can be utilised to reduce the selection pool.
- 5.7.4 Applicants who identify themselves as wanting to be considered under the 'Positive About Disabled People – Two Ticks' guaranteed interview scheme must be offered an interview if they meet the essential shortlisting criteria of the post.

## **5.8 Interviewing**

- 5.8.1 Following the completion of the shortlisting process, the recruiting manager is required to complete the Interview Gateway via the Trac system. The recruiting manager will need to identify the interview panel members and the interview format to be followed, for example, whether any online assessments are required prior to interview, presentation required on the day etc.

- 5.8.2 All shortlisted applicants will be contacted via Trac to attend an interview. The invitation will ask applicants to inform the ICB of any adjustments that may need to be made to attend the interview and outlines the appropriate documentation to bring along to the interview.
- 5.8.3 It is recommended that interviews are carried out by a minimum of three members of staff. In line with best practice:
- wherever possible one of the interview panel members should be the prospective line manager of the vacant role
  - where a shortlisted candidate is an internal ICB candidate, the interview panel should also have an 'independent' panel member. This could be a ICB member of staff not employed within the team the vacant post is being recruited into, a representative from HR, a ICB Lay member, a member of staff from one of the ICB GP Practices, a member of staff from a partner agency (Local Authority, Trust) or another stakeholder.
  - if interviews are to take place over a number of days the interview panel must remain consistent.
  - at the point of interview when interviewers become aware of candidate names, if any candidates are known to the interviewers they must declare that the candidate is known to them.
  - any other conflicts of interest should also be declared at this point.
- 5.8.4 The interview panel must appoint a chair person who will be responsible for making a final decision where the panel is unable to make a unanimous decision. Where the panel are unable to reach a unanimous decision and Chair does not wish to make a casting vote/decision, advice should be sought from a representative of the ICB's HR provider which in this instance is likely to be the Assistant or Senior HR Business Partner.
- 5.8.5 The interview questions to be used must assess the information highlighted in the person specification of the job role.
- 5.8.6 The interview panel should meet prior to the interview to plan the sequence of interview questions and the structure of the interview and/or selection processes.
- 5.8.7 All applicants must be asked the same set of core questions.
- 5.8.8 Discriminatory questions, e.g. questions related to childcare arrangements, sickness, etc. must not be asked.
- 5.8.9 All applicants should be informed at the end of the interview when a decision is likely to be made and how this will be communicated to them.
- 5.8.10 Only once all shortlisted candidates have been interviewed can a final decision to appoint be made. A structured scoring mechanism should be used consistently for all candidates and interview notes should be recorded. recruiting managers can access an interview and scoring record via Trac on the **interview scoring and Record form (Appendix 2)** and retained following the interview of each candidate. Subjective opinions or feelings about applicants must not form part of the decision-making process.

5.8.11 The ICB, unless expressly outlined prior to attendance, will not reimburse any expenses incurred by candidates in relation to attending an interview and/or other selection processes.

## **5.9 Notification of Outcome**

Following the selection process, the recruiting manager must contact all applicants to advise them on the outcome of the post and, where applicable, make a conditional verbal offer of employment to the successful candidate subject to pre-employment checks in line with NHS Employment Check Standards.

Where there is more than one candidate who is deemed appointable the Panel may decide to list second and third choice candidates. Where the first-choice candidate is unable to take up employment, for any reason, the second candidate may be offered the position and so on. Reserves may be held for a period of 6 months and if there is the requirement to fill the same post during that period the reserve candidate may be offered the position without having to repeat the recruitment process.

## **5.10 Feedback**

Verbal feedback should be made available to all applicants at all stages of the recruitment process. Feedback would normally be provided by one of the shortlisting panel (at the shortlisting stage) and one of the interview panel (at the interview stage).

## **6.0 Conditional Offers of Employment and Pre-Employment Checks**

All pre-employment checks will be undertaken in accordance with NHS Employment Check standards and commencement of employment cannot be undertaken by any individual with the ICB until the appropriate checks have been fully completed satisfactorily.

### **6.1 Verification of Identity**

The purpose of undertaking identity checks is to minimise the risk of employing or engaging a person in any activity within the organisation who is an illegal worker, or a person that is impersonating another. Verifying someone's identity is the most fundamental of all employment checks. Copies of ID should be the first check performed, as any other checks will be invalid if the person's identity cannot be proven. This check should be conducted at the interview stage by a member of the interview panel and should be recorded and signed for on the Interview Capture form.

Commencement of employment cannot be undertaken by any individual with the ICB until their identity has been verified in line with the standards set out by NHS Employment Checks Verification of identity guidance.

### **6.2 Right to Live and Work in the UK**

The Immigration, Asylum and Nationality Act 2006 (amended 2008) makes it a criminal offence for employers who knowingly employ illegal migrant workers and reinforces the continuing responsibility on employers of migrant workers to check their ongoing entitlement to work in the UK.

The ICB risks breaking the law if they do not check the entitlement to work in the UK for all prospective employees, before they start employment. No assumption should be made about a person's right to work or immigration status based on their colour, race, nationality, ethnic or national origins, or the length of time they have been in the UK. Failure to check could result in a civil penalty of up to £10,000 per illegal worker. For staff in ongoing employment, the checks that should have been undertaken before amendments made to the Immigration, Asylum and Nationality Act on 29 February 2008 will depend on when the employee was recruited.

Commencement of employment cannot be undertaken by any individual with the ICB until their right to live and work in the UK has been verified in line with the standards set out by NHS Employment Checks Verification of Right to Live and Work in the UK guidance.

### **6.3 Professional Registration and Qualifications**

The purpose of registration and qualification checks is to ensure that a prospective employee is recognised by the appropriate regulatory body and that they have the right qualifications to do the job.

The ICB will make it clear to prospective employees that appointment to any position is conditional on satisfactory registration and qualification checks, and that any information disclosed on the application form will be checked.

Prospective employees will also be informed that any offer of appointment may be withdrawn if they knowingly withhold information, or provide false or misleading information, and that employment may be terminated should any subsequent information come to light once they have been appointed.

Commencement of employment cannot be undertaken by any individual with the ICB until their professional registration (where applicable) and qualifications have been verified in line with the standards set out by NHS Employment Checks Verification of Professional Registration and Qualifications guidance.

The qualifications/professional registration checked should be that as outlined in the person specification for the role.

### **6.4 Employment History and References**

The primary purpose of an employment history and reference check is to obtain information about an applicant's employment and/or training history to ascertain whether they are suitable for a position.

The ICB has a duty of care to ensure that all reasonable checks are undertaken to identify any reason that, if known, would result in an individual not being employed or appointed to undertake any activity on its behalf. References covering a minimum of 3 years employment history must be sought prior to commencement.

Commencement of employment cannot be undertaken by any individual with the ICB until their references have been verified in line with the standards set out by NHS Employment Checks Reference guidance.

Where 3 years employment references cannot be obtained (e.g. students, young people, individuals returning to work following a significant career break) then

alternative references may be obtained (e.g. college tutor, recognised professional, community member in a position of good stature, etc.). In such circumstances managers should seek advice from the Recruitment Team in the first instance.

#### **6.5 Criminal Record Check (Disclosure and Barring Service) and Recruitment of Ex-Offenders**

Criminal record and barring checks are designed to help prevent unsuitable people from entering the NHS workforce and gaining access to vulnerable groups. Safeguarding is of paramount importance to the ICB and therefore successful applicants for posts which have been assessed as requiring a DBS check in line with the DBS guidelines must have a valid DBS check in place prior to commencing.

It is illegal to mandatorily DBS check all posts and therefore posts must be assessed on a post-by-post basis to ascertain whether a DBS check is appropriate. Guidance and support with the assessment of posts in relation to DBS requirements can be provided by the CSU Recruitment Team. In addition, a DBS eligibility check tool can be found on the NHS Employers website <http://www.nhsemployers.org/case-studies-and-resources/2017/04/dbs-eligibility-tool>.

For posts that require a disclosure all adverts will contain a statement indicating what level of disclosure will be required in the event of an individual being offered a position.

The ICB will only ask for details of 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974. However, the Organisation reserves the right, if necessary, to ask details about an applicant's entire criminal record. Failure to reveal information that is directly relevant to the position could lead to withdrawal of an offer of employment.

Where a post is deemed as requiring a DBS check commencement of employment should not be undertaken by any individual with the ICB until their DBS has been completed in line with the standards set out by NHS Employment Checks Criminal Record Checks guidance. Commencement of restricted duties pending a DBS check may be allowed subject to a risk assessment being completed. In all instances this must be discussed with Human Resources prior to any individual commencing on restricted duties pending a DBS check.

The Recruitment Services Team undertake the processing of DBS checks on behalf of the ICB and will also inform Recruiting Managers of the outcome from a DBS check. When a DBS check is returned with an indication of a positive disclosure, the Recruitment Services Team are not party to the information regarding the positive disclosure. In such instances, the Recruitment Team will make the Recruiting Manager aware that a positive disclosure has been received and will also contact the candidate to ask them to provide details in relation to the content of the disclosure to the Recruiting Manager.

The ICB will ensure that an open and measured discussion takes place regarding any offences or other matter that might be relevant to the position. Having a criminal record will not necessarily bar a candidate from working within the ICB and consideration will be given to the nature of the position and the circumstance / background of the offence. Following discussion between the candidate and Recruiting Manager regarding the content of the disclosure, the Recruiting Manager should seek advice from their Assistant or Senior HR Business Partner. If the information disclosed by the candidate significantly impacts on their ability to undertake the post they have been conditionally offered, the offer of employment must be withdrawn. Any decision to withdraw an offer of employment must be reached by agreement between the HR representative and Recruiting Manager, and the decision to withdraw an offer must be confirmed both verbally and in writing to the candidate.

### **6.5.1 Types of DBS Checks**

#### **Standard Disclosure**

Includes details of both spent (old) and unspent (current) convictions, cautions, reprimands and final warnings held in England and Wales on the Police National Computer (PNC). Most of the relevant convictions in Scotland and Northern Ireland may also be included.

Employers may carry out standard level criminal record checks to assess a person's suitability for work listed in the Exceptions Order i.e. where the type of work enables the person to have '*access to persons in receipt of such services in the course of [their] normal duties*'. The term 'access' only relates to where individuals have direct, physical contact with patients as part of their day to day activities; it does not include positions where there is no contact with patients. Please note that positions that purely involve having access to records are not covered under the terms of the Exceptions Order and therefore employers cannot obtain a standard or enhanced criminal record check for these positions. The changes to the barring arrangements on the 10 September 2012 do no effect eligibility for standard checks. However, it is strongly recommended that employers refer to the Exceptions Order to make an informed decision against positions which may be eligible for a standard level check (*paragraph 13, Part 2 of Schedule 1 of the Order specifically refers*).

#### **Enhanced Disclosure**

An enhanced check contains the same information as a standard check but also includes any non-conviction information held by local police, where they consider it to be relevant to the post.

This information is referred to as 'approved information' on the enhanced check certificate.

There are two levels of enhanced check – an enhanced disclosure with barred list information (for those that fall under the new definition of regulated activity) and an enhanced disclosure without barring information (for those previously falling within

regulated activity but not meeting the terms required under the new definition) – see further detail about eligibility in the sections below.

### Eligibility for enhanced with a barred list check

Individuals seeking work in a regulated activity position must be checked against the DBS barred lists (this is known as a barred list check). This check is accessed through the process of applying for an Enhanced Disclosure. Individuals in regulated activity are eligible for an enhanced disclosure with barred list information. It will be possible to check against the children's and/or adults' barred list(s), depending on the role under consideration.

### **Regulated Activity**

A, 'regulated activity' is defined under the Safeguarding Vulnerable Groups Act (2006) as amended by the Protection of Freedoms Act (2006) as any activity involving working or volunteering with children and/or adults, which meets specific criteria. The CSU Recruitment Team can provide further advice regarding regulated activity.

## **6.6 Occupational Health**

Occupational Health checks are often important in ascertaining whether an individual is able, on health grounds, carry out a role to which they are being recruited to. Occupational Health Checks also support the ICB to make reasonable adjustments, where appropriate, for an individual in line with the Equality Act (2010).

Health assessments should be carried out for all individuals applying for NHS positions in line with NHS Employers Guidance on Work Health Assessments, September 2017. Health assessments will be undertaken by Occupational Health as part of the pre-employment check process. Assessments should take place after an offer of employment has been made but prior to commencement of employment.

## **6.7 Starting Salary**

It is important to observe the following guidelines when offering salaries to successful candidates to ensure equity, fairness and transparency when proposing salaries for prospective employees:

- **NHS staff transferring from one post to another in the same Pay Band** (i.e. Band 5 to Band 5) within the NHS will enter the Band at the same point that they were previously and retain their incremental date - subject to receipt and verification of a current NHS Payslip.
- **NHS staff promoted within the NHS (i.e. Band 5 to Band 6)** will be paid in line with NHS Terms and Conditions of Employment Paragraph 6.29 'Pay on Promotion'. The terms and conditions state:

*'Pay on promotion should be set either at the minimum of the new pay band or, if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay.'*

- All promoted staff will enter the new Pay Band at the minimum of the pay band or the first point of the new Pay Band that gives them an increase in salary. **In both cases the individual's incremental date will be reset to the effective date of the promotion.**
- Starting salaries for staff employed under other terms and conditions of employment (i.e. Governing Body, Medical and Dental) will be considered using the appropriate terms and conditions/salary scales in place at that time.
- Staff appointed to a post in a **lower pay band** will enter the band at the point they would have reached if all their NHS service in equivalent or higher pay bands had been worked in the lower band. Typically, each year of this level of NHS service will equate to moving up one pay point from the minimum of the band. The previous incremental date will also be retained providing there is no break in service. Where a break in service has occurred that is less than 12 months, the incremental date will be deferred by the length of the break. Pay protection will not apply except in cases of redeployment associated with Management of Change processes.
- Any break in NHS employment of less than 12 months should be disregarded, and the incremental date should be deferred by the length of the break. Any agreed career break extended maternity leave or agreed break under an Employment Break Scheme should not be considered a break in NHS service. After a break of more than 12 months in NHS service for any other reason, staff should be treated as if they are joining from outside the NHS (see below)
- Any long-term national Recruitment and Retention Premium payable in the NHS post from which a new member of staff transfers will not be taken into account in the determination of starting salary. Any short-term or local Recruitment and Retention Premium will also not apply.
- **New staff appointed from outside the NHS** will normally commence on the minimum point of the pay band. However, relevant experience at the same level of responsibility as the new post may be taken into account in determining starting salary. For example, a new Personal Assistant appointed to a post on Band 4 could have experience at senior secretarial level (with similar duties and responsibilities) taken into account. Only whole years of relevant experience should be credited. In all cases where previous experience, skills and qualifications are credited, the relevancy to the new post should be considered based on:
  - whether they were obtained in the same field of work;
  - whether they were obtained at a comparable or higher level than the new job;
  - in cases where they were obtained some years in the past, whether the member of staff has retained the previous level of expertise;
  - the number of completed years of previous experience (to ensure consistency with the principle for incremental progression for existing NHS staff); and
  - potential impact on individuals within the wider organisation.



- Please note that a copy of the current payslip should be utilised when determining the salary for a successful candidate and a salary **should not** be agreed or confirmed to a successful candidate until the payslip has been viewed and verified as part of the salary on appointment process. Managers wishing to appoint an individual from outside the NHS onto anything other than the bottom point of a pay spine should request the relevant salary on appointment documentation from the Recruitment Team.
- In all cases advice should be sought from Human Resources prior to confirming a salary above the minimum of the pay band to a successful candidate.

### **6.8 Unsatisfactory Pre-Employment Checks**

All offers of employment are conditional until all necessary pre-employment checks are completed. Should one of these checks be considered unsatisfactory the Human Resources team will support the recruiting manager in investigating the matter further. Ultimately if satisfactory pre-employment checks cannot be obtained then the offer of employment may be withdrawn by the Recruiting Manager.

If, after careful consideration, it is decided to withdraw the conditional offer of employment the grounds for withdrawal must be very clear e.g. due to unsatisfactory references or other pre-employment checks and the conditional offer of employment rescinded in writing. Advice should be sought from either the Assistant HR Business Partner or the Senior HR Business Partner before any offers of employment are withdrawn.

### **6.9 False Declarations**

The ICB considers a false declaration (including failure to declare any existing alternative employers) made by an applicant during any stage of the recruitment and selection process as gross misconduct. Gross misconduct is addressed through the ICB's Disciplinary Policy and Procedure and the ICB may also refer a false declaration to the Local Counter Fraud Service, registration body (such as NMC or GMC) or other body where appropriate.

### **6.10 Commencement**

Commencement of employment will only be confirmed once all pre-employment checks have been conducted and confirmed as satisfactory. Once a start date has been agreed with the prospective employee by the Recruiting Manager a final offer letter and contract of employment will be issued to outline the relevant terms and conditions of employment.

Managers should be mindful of payroll cut off dates when agreeing start dates with new employees. Queries regarding start dates and payroll cut off should be directed to the Recruitment Services Team.

## **7. RECRUITMENT DOCUMENTATION – DATA PROTECTION AND INFORMATION GOVERNANCE**

- 7.1 Information relating to the recruitment and selection of individuals will be retained in line with the Data Protection Act (1998), GDPR and NHS Information Governance Guidelines.

- 7.2 Recruitment and Selection information for successful candidates will be retained on the personal file for the duration of their employment. Recruitment and selection information for unsuccessful candidates will be retained for a period of 12 months before being destroyed.
- 7.3 Any information relating to DBS checks will be processed in line with current DBS regulations.

## **8. EQUALITY AND DIVERSITY**

- 8.1 The Recruitment and Selection policy should be read in conjunction with the ICB's Equality and Diversity policy. The ICB seeks to develop positive practice to promote opportunity in employment by attracting and appointing the most suitable candidate for each of its vacancies.
- 8.2 In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following protected characteristics as outlined in the Equality Act (2010): age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership or any other personal characteristic.
- 8.3 Promoting diversity embodies the principles of fair treatment for all and will as a result improve recruitment and retention. The ICB values the diversity of its workforce and aims to ensure that all staff understand this commitment and adhere to the standards.

## **9. MONITORING**

- 9.1 The ICB will have responsibility to monitor the effectiveness of this policy and review it every 3 years in conjunction with Human Resources and Trade Union representatives. Where a review is necessary due to legislative change, this will happen immediately and will be approved by the Audit Committee under delegated decision making
- 9.2 The implementation of this policy will be monitored by the Human Resources Team in conjunction with the ICB.

## **10. FRAUD BRIBERY AND CORRUPTION**

- 10.1 Unfortunately fraud, bribery and corruption, as well as theft, does occur throughout the NHS, and as such all NHS employees have a duty to ensure that public funds are protected. The ICB is committed to reducing the level of fraud, bribery and corruption (economic crime) within the NHS to an absolute minimum and keeping it at that level, freeing up public resources for better patient care.
- 10.2 If an employee, manager or volunteer suspects that there has been a potential act of fraud, bribery or corruption against the ICB or the wider NHS, or has seen any suspicious acts or events, they must report the matter to the ICB's Counter Fraud Team (contact details can be found on the ICB's public website) or report the matter to the NHS Fraud and Corruption Reporting Line on 0800 028 4060. Alternatively reports can be made through the online reporting tool at <https://cfa.nhs.uk/reportfraud>. Further advice on counter fraud issues is available from the Executive Director of

Finance, Deputy Executive Director of Finance/Fraud Champion and the ICB's Counter Fraud Team.

**ICB Counter Fraud Contact details:**

Paul Westwood (Heads CW Audit's Counter Fraud Team and is the ICB's nominated Local Counter Fraud Specialist)

Tel: 07545 502400

Email: [paul.westwood@cwaudit.org.uk](mailto:paul.westwood@cwaudit.org.uk)

Email: [pwestwood@nhs.net](mailto:pwestwood@nhs.net) (secure)

**11. Counter Fraud**

- 11.1 This policy should be read in conjunction with the ICB's policies covering counter fraud, bribery and corruption which can be found on the ICB's website (<https://www.shropshiretelfordandwrekin.nhs.uk/>) or you can contact a member of the Team who will be able to supply a copy.

# APPENDIX 1

## Fixed Term Contracts – Manager’s Guidelines

### 1. What is a fixed-term contract?

A fixed term contract is a contract that lasts for a specified time or will end when a specified task, project or event has been completed.

They allow both the employee and employer to be flexible in their commitment and both can benefit, as the employer has access to specialised skills to meet a particular need, while the employee can gain broader experience.

It is essential that you can demonstrate that there are transparent, necessary and objective reasons for establishing a post on a fixed-term contract which may include:-

- it is known in advance that a particular job will come to an end on a specific date
- the employment is for the purpose of completing a particular task or project
- the employment is for the purpose of replacing an employee who is to be absent from work for a period of time (e.g. on maternity leave)
- the funding is of short-term duration or dependent on external and/or limited funding and longer-term funding is unlikely
- where specific, specialist expertise or recent experience is a necessary element of the job and will only be required for a specified period
- to cover a vacancy while recruitment to a permanent position is carried out

Workers do not count as fixed-term employees if they:-

- have a contract with an agency rather than the company they’re working for
- are a student or trainee on a work-experience placement
- are an apprentice, student or other trainee on a work-experience placement or temporary work scheme

*Fixed-term contracts should not be used to create a trial period.*

It should be made clear at every stage of the recruitment process that the post is for a fixed-term and why this is so.

### 2. Equal treatment of fixed term employees

Employees on a fixed-term contract should be treated no less favourably than permanent employees on most terms and conditions of employment, including:-

- all forms of pay, including expenses, bonuses and performance related pay and/or pay related benefits
- overtime
- holiday entitlements and management

- bank and public holidays
- pension rights
- sick pay and leave
- parental rights, including maternity, paternity, shared parental and adoption leave and pay
- redundancy pay
- workplace benefits such as car allowances, health care benefits etc.
- union representation
- access to training
- being informed of suitable permanent vacancies within the organisation
- to a written statement listing the reasons for the dismissal (after two years' service)

If any contractual terms rely on length of service, fixed term employees will be required to meet the qualifying period in the same way as permanent staff.

### 3. Continuous service

A series of successive contracts with one or more employers within the NHS will give the employee protection rights irrespective of the length of service with you as their current employer.

Under Agenda for Change terms and conditions NHS continuous service of 2 years or longer is taken into account for the calculation of redundancy payments. Therefore, you may be liable for a redundancy payment and notice for prior service even if the fixed term contract offered by you as the current employer is less than 2 years.

A break in service of **14 calendar days** or more would constitute a break in NHS service. Assuming there are no breaks in service, an employee's NHS continuous service could look like this:-

Employer 1	+	Employer 2	+	Current Employer	=	Continuous Service
9 months		9 months		12 months		30 months

Therefore they would be entitled to a redundancy payment as they have longer than the required 2 years continuous NHS service.

Any employee on successive fixed term contracts with the same employer (without a break in service) for 4 or more years may automatically become a permanent employee, unless you as the employer have very valid business reasons not to do so, or a collective agreement removes the right. External funding is not accepted as a sufficient reason.

#### Fixed Term Contract v Secondment

If you wish to fill a vacancy on a fixed term basis it is always advisable to advertise the role as a fixed term contract or secondment opportunity. A secondment will allow an individual currently working within the NHS to fill a fixed term position within the ICB without leaving their substantive employer, removing the risk associated with ending a fixed term contract

and redundancy payments associated with continuous service. The Secondment Policy should be referred to for specific in depth guidance regarding secondments.

It is recognised that there will be occasions whereby the most suitable candidate for a fixed term contract has continuous NHS service which would entitle them to a redundancy payment at the end of the fixed term contract. In such instances, it is possible to have an open and honest conversation with the candidate about breaking their service for 2 weeks prior to commencing with the ICB. Should the candidate agree, the Recruiting Manager must inform the Recruitment Team of the agreement to allow the offer letter to be amended accordingly.

#### **4. Ending a fixed term contract**

When a fixed term contract ends on the agreed end date you will not normally need to give notice but it is to good practice to do so, usually at a meeting with the employee and followed up in writing. This discussion must include the reasons for the ending of the contract and what actions, if any, are proposed at the end of the contract. The employee is entitled to receive a written statement providing the reason(s) for the dismissal if it happens after they have accrued 2 years NHS continuous service.

Where a fixed term contract comes to an end and you decide not to renew it, this is generally considered to be a dismissal. Therefore, you must be able to demonstrate that you have a fair reason for the dismissal (which is usually redundancy) and that you have followed a fair procedure in dismissing the employee.

A redundancy will occur only where the need for the employee to perform work of a particular kind, ceases or diminishes or is expected to do so. In the case of an individual employed to cover for maternity or shared parental leave, the reason for the expiry of the fixed-term contract will be "some other substantial reason" (as opposed to redundancy) as the work has not ceased or diminished but come to an end for that particular employee.

If an employee continues working past the end of a contract without it being formally renewed, there's an 'implied agreement' by you, the employer, that the end date has changed and you would still need to give proper notice to dismiss as the agreed end date has past. The employee would also be entitled to receive the appropriate notice period detailed in their contract of employment.

#### **6. Notice Periods**

If the work ends before the agreed end date *or* the employee wishes to terminate their contract early the appropriate notice period must be given as detailed in the employee's contract. For notice to be effective it should be in writing and specify the date of termination.

#### **7. Procedural steps**

The fair steps for you to take when dealing with the end of fixed-term contracts should include at least the following stages:-

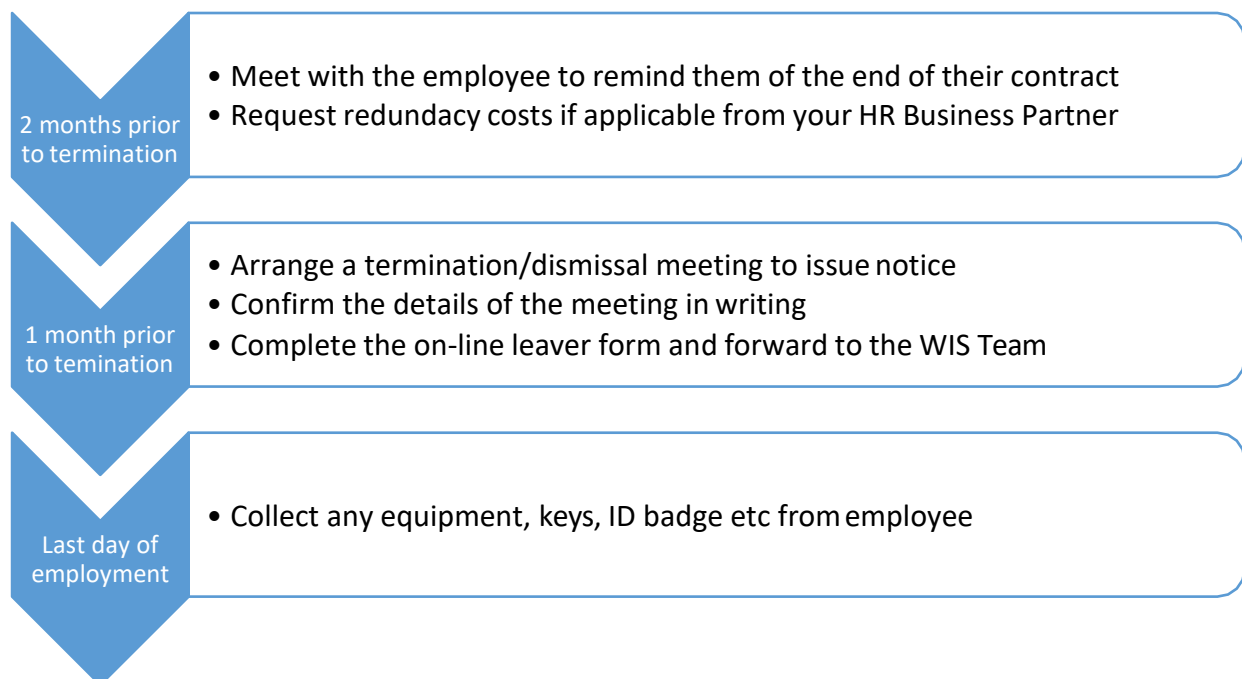
- **Remind the employee.** This should be done in a reasonable time before the fixed-term contract is due to end and it is advisable to remind the employee in writing of the potential end date. A 2 month period is deemed as reasonable, depending on the length of the contract.

- **Dismissal meeting.** At least a month in advance of the end date a meeting should take place with the employee in which they are reminded that the contract is due to end on the given date and the prospect of the contract being renewed or extended is discussed.

If the existing contract cannot be renewed or extended, the employee should be informed of this and any alternative positions discussed. They should be given as much information as possible on the prospects of the contract being renewed or extended and advised of the risk of dismissal at the end of the term. This meeting should be followed up by a letter which confirms the dismissal at the end of the fixed term, information on redundancy pay (if applicable) and the right to appeal.

- **Suitable alternative work.** Fixed term employees should be encouraged to apply for any suitable alternative work via the usual recruitment process at any point during their employment.
- **Redundancy payment.** Employees on fixed-term contracts are entitled to a redundancy payment if they have worked continuously for the NHS for a period of 2 years or more. Whenever a redundancy payment is made, the employee must be given a written statement showing how the payment has been calculated.
- **Appeal.** Fixed-term employees have the right to appeal against notice of dismissal on the grounds of redundancy. Although this may seem odd, they may have identified another role that they can do or they may disagree that the role is redundant.

## 6. The Dismissal Timeline



## 8. Redundancy pay

Redundancy pay is only payable to those employees with 2 years or more continuous NHS service regardless of which NHS organisation they may have been employed by. An employee on a fixed term contract must receive the same payments as any equivalent permanent employee.

## 9. Pregnancy, Maternity, Adoption, Parental & Shared Parental Leave

You can decide not to renew a fixed term contract during an employee's maternity, adoption, parental or shared parental leave if there is genuinely no other work for them to do.

However, you should ensure that there are other justifiable reasons for not renewing the contract and that these are unconnected with the pregnancy, maternity, adoption, parental or shared parental leave.

**If in doubt it is advised to seek advice prior to taking any further action from the Human Resources Team.**

## 10. FAQ's

### Can an employee claim unfair dismissal?

An employee will not have a claim for unfair dismissal if you have a fair reason to dismiss and that you acted fairly and reasonably in dismissing the employee for that reason and followed a clear procedure.

### Given that the expiry of a fixed-term contract constitutes dismissal, what will usually be a fair reason for dismissal?

There is no hard and fast rule on what the reason will be for termination due to the expiry of a fixed-term contract. If an employee has at least 2 years service, regardless of whether some or all of the service is on a fixed-term contract, he or she has acquired the right not to be unfairly dismissed.

You must have a fair reason for not renewing the contract (see section1). Often, a fixed-term contract has been imposed because there is a set piece of work to do. If that set piece of work has come to an end, the reason for non-renewal is likely to be redundancy, on the basis that the requirement for an employee to do the work has ceased or diminished.

In the case of an individual employed to cover maternity, adoption or shared parental leave it is more likely that the expiry of the fixed-term contract constitutes "some other substantial reason" for dismissal as the work itself hasn't ceased or diminished but the need to employ that person has.



## APPENDIX 2

### INTERVIEW SCORING AND RECORD FORM

The Recruiting Manager must use this form to record the details of the interview and the scoring against each area of assessment.

#### A Job Details

1	Vacancy Reference	
2	Position Title	
3	Panel Member Name	
4	Candidate Name	

#### B Interview and Assessment Scoring/Record

##### SCORING

**0** = Not demonstrated that they have met the criteria at all / not provided a suitable answer or examples that are relevant to the question / demonstrate that they understand the question

**1** = Minor parts of criteria demonstrated as being met / provided some relevant answer / minor understanding

**2** = Majority of criteria demonstrated as being met / has provided good examples / demonstrated sound knowledge of question topic

**3** = Has fully demonstrated that they have met the criteria / has provided excellent comprehensive examples / demonstrated excellent level of knowledge

Interview Question		Comments	Score
<b><u>Presentation</u></b>			
<b>1.</b>			
<b>2.</b>			
<b>3.</b>			

Interview Question		Comments	Score
4.			
5.			
6.			
7.			
8.			
<b>Additional notes:</b>			
			<b>Total</b>