

CONTROLLED DOCUMENT

Recruitment and Selection Policy

CATEGORY:	Policy
CLASSIFICATION:	Human Resources
PURPOSE	This policy is designed to ensure that vacant posts within the Trust are recruited to in accordance with employment legislation, best practice and NHS Employment Check Standards.
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1. Policy Statement

- 1.1. University Hospitals Birmingham NHS Foundation Trust (the 'Trust') recognises that it has an important role to play in the community, both as a provider of healthcare services and as a major employer. Effective recruitment and selection is crucial for the provision of high quality care and the delivery of the Trust's Vision and Values.
- 1.2. The Trust recognises that where vacancies exist and agency staff are used, this is not only financially inefficient but can create additional pressure on the current workforce. Therefore it is the aim of the Trust to recruit to all non-medical vacancies within 12 weeks of authority to recruit being given; all other posts will be recruited to as quickly as possible.
- 1.3. This document aims to ensure that all Trust recruitment and selection practices are conducted in line with best practice and employment legislation and are also capable of scrutiny.

2. Scope

- 2.1. This policy and its associated procedural documents are applicable to the recruitment of all contracted Trust staff.
- 2.2. The policy does not apply to agency workers, those on honorary contracts or other contractors except in so far as appropriate employment checks should be undertaken by the employers of those providing services and be confirmed to the Trust. Where there is no substantive employer, the appropriate processes will be undertaken by the Trust as for other staff. The Trust will use only those contractors who are governed under the Crown Commercial Service unless there are very exceptional circumstances and appropriate checks on those agencies standards for pre-engagement checks will be undertaken by the manager seeking to use their services. Please refer to the Employment Checking Procedure for further details.
- 2.3. All Executive Director, Non-Executive Director and other senior posts, as set out in the Terms of Reference of the Executive Appointments and Remuneration Committee, will be subject to a separate process based on national standards.
- 2.4. The procedural documentation to support this policy is the Procedure for the Recruitment and Selection to non-medical posts, Procedure for Recruitment and Selection for Medical and Dental posts, Consultant Recruitment Procedure, Exit Procedure, Secondment Procedure, Relocation & Removal Expenses Procedures and the Employment Checking Procedure.

3. Policy Framework

3.1. Key Principles

- 3.1.1. The recruitment and selection process will ensure the appointment of individuals who have the knowledge, skills, qualifications, abilities and experience to undertake their roles to a high standard and support the Trust's Vision and Values.
- 3.1.2. The recruitment process, from job analysis and design onwards and including identification of selection criteria, will be fair, reliable, robust and auditable, i.e. able to withstand scrutiny.
- 3.1.3. Appointments will be made on the basis of objective assessment with assessors and/or interviewers who are appropriately trained and competent in the use of effective, non-discriminatory recruitment and selection methods. Training for Recruiting Managers on best practice recruitment and selection is provided by Human Resources.
- 3.1.4. The Trust will comply with the JobCentrePlus "Two Ticks Disability Symbol" standards (see Procedure for the Recruitment and Selection to non-medical posts for further details) and will be 'Age Positive' throughout the recruitment and selection process.
- 3.1.5. Where groups are under represented, positive action can be initiated. This means that action can be taken to encourage people from particular groups to take advantage of opportunities for work and training i.e. the use of the employment agencies and careers offices in areas where under-represented groups are concentrated.
- 3.1.6. The Trust will ensure it builds links within the communities in which it operates via the Learning Hub, to enhance knowledge and understanding of UHB as an organisation and promote careers and broaden access to the jobs and training the NHS offers to unemployed people and disadvantaged communities.

3.2. Legislative Framework

The following acts are applicable to recruitment and selection activity:

3.2.1. *The Equality Act 2010*

The Equality Act protects people from discrimination in employment. It covers a number of groups and these are referred to as 'protected characteristics'. Unlawful discrimination may take a number of forms: direct, indirect, harassment, victimisation, discrimination by association, discrimination by perception; so the candidate does not necessarily have to have the protected

characteristic him/herself in order to bring a claim. It is therefore unlawful to discriminate on any of the following grounds:

3.2.2. *Age*

It is unlawful for employers to treat people differently on the basis of age. To this end, Recruiting Managers should ensure that there is no reference to 'years of experience' in adverts, job descriptions or person specifications. Following the abolition of the statutory retirement procedure, it is unlawful to refuse to employ someone purely because they are aged 65 or over unless this can be objectively justified.

3.2.3. *Disability*

It is unlawful for employers to discriminate because of disability, whether physical or mental, without justifiable explanation. Reasonable adjustments should also be made to roles or working conditions of the workforce in order to facilitate applicants with a disability. Any questions relating to a candidate's health should not be done before an offer of employment.

3.2.4. *Gender Reassignment*

It is unlawful to discriminate on the grounds that an individual is undergoing, or has received, gender re-assignment treatment; a protection from harassment also applies. The Act does not require a person to be under medical supervision to receive protection.

3.2.5. *Marriage / civil partnership*

The Act protects staff who are married or in a civil partnership from discrimination. Single people are not protected.

3.2.6. *Pregnancy / maternity*

Women are protected from discrimination on the grounds of pregnancy and maternity. When selection decisions are being made, employers should not take into account an member of staff's period of absence where due to pregnancy-related illness.

3.2.7. *Race*

It is unlawful for an individual to be discriminated against on the basis of their race or nationality. For the purposes of the Act, race includes colour, nationality and ethnic or national origins. A racial group can be made up of two or more different racial groups (for example, Black Britons).

3.2.8. *Religion or belief*

The Equality Act protects staff and jobseekers from discrimination in relation to their religion or belief. For the purposes of the Act, a religion should have a clear structure and belief system. A belief means any religious or philosophical belief or lack of belief. The Act also protects staff or jobseekers with no religious belief i.e. atheism. Humanism is a protected philosophical belief, but political beliefs would not be protected.

3.2.9. *Sex*

It is unlawful for employers to discriminate on grounds of gender. This also includes equal pay where both men and women are entitled to be paid the same salary if the work is of the same, or similar nature, or if the job, although different, has been evaluated to be of an equivalent nature under a job evaluation scheme. This also includes benefits such as pensions and redundancy payouts.

3.2.10. *Sexual Orientation*

The Equality Act protects lesbian, gay, bisexual and heterosexual staff and applicants from discrimination, harassment and victimisation.

3.2.11. *Rehabilitation of Offenders Act 1974 (and Exceptions Order 1975 and Amendments 1986)*

It is unlawful for NHS health care staff not to disclose any previous convictions, when applying for posts, regardless of whether convictions have been “spent” or not. Although the Act states that convictions are “spent”, if a person completes a specified period without being convicted of further offence, under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) posts within healthcare are exempt from this.

3.2.12. *Data Protection Act 1998*

Under the Data Protection Act 1998, unsuccessful candidates can request copies of any notes held on them. Therefore it is essential to record selection decisions in an objective and non-discriminatory way, i.e. demonstrating where the candidate does/does not meet the criteria in terms of skills and knowledge for the job. Notes of all interviews should be kept for six months after the selection decision is made. Interview paperwork can be returned to Recruitment for storage.

3.2.13. *Part-time Workers (Prevention of Less Favourable Treatment Regulations 2000)*

The Part-time Workers Regulations require that part-time staff are treated no less favourably than their full-time counterparts as far as the terms and conditions of their employment are concerned or by being subjected to any other detriment.

3.2.14. *Fixed-Term Members of staff (Prevention of Less Favourable Treatment) Regulations 2002*

The Fixed-Term Regulations protect all fixed-term staff except apprentices. Fixed-term staff should receive comparable contractual terms to those on indefinite contracts.

3.3. Policy Framework

This policy framework requires that any recruitment and selection activity will normally adhere to the standard approach below:

3.3.1. *Exit*

Where an individual leaves substantive employment the Trust, all managers should follow the process as laid down in the Trust's Exit Procedure. This ensures that any risk from an individual leaving is reduced and the reasons for leaving can be identified.

3.3.2. *Job analysis/Job design*

Prior to recruitment, an analysis of each post should take place to establish whether a pure replacement is required or whether the role can be re-designed to take into account Trust, departmental, national or local changes.

3.3.3. *Job Descriptions/Person Specifications*

All posts within the Trust should be accompanied by a job description and person specification. The documents should reflect the duties and responsibilities of the post-holder and the knowledge, training and experience required to carry out the role. These should ideally be reviewed every 12 months.

3.3.4. *Job Evaluation*

All posts, other than Medical, Executive and Non Executive positions and other senior posts, should have undergone a job evaluation process in line with the Agenda for Change Job Evaluation process.

3.3.5. *Workforce Approval*

All posts must have workforce approval to recruit to posts. The Workforce Approval (WAF) Committee will give the approval to

recruit to the majority of posts, please see the WAF Committee Guidance notes for further details.

3.3.6. *Advertising*

All posts, excluding training grade medical staff, should be advertised internally in order to ensure that opportunities for promotion are available to the current workforce. Where staff require redeployment, posts may not be advertised until the posts have been formally rejected, before or after, a 4-week trial period.

3.3.7. *Appointment to posts*

Appointment to positions should only be made after an assessment process which clearly relates to the criteria in the person specification. Selection techniques can include interviews, cognitive testing and technical assessment.

3.3.7.1. Methods

Care will be taken to use selection methods and techniques that are relevant to the job and measure an individual's actual or inherent ability to do or train for the position. This can include physical ability tests where relevant.

3.3.8. *Offer of employment*

All offers of employment will be subject to employment checks as set out in 3.3.9 and the Trust's Employment Checking Procedure. For appointments on Agenda for Change, the starting salaries requirements should be followed i.e. any commencement above the bottom of the band will require a Salary Variation form signed by the Director of Operations and endorsed by Human Resources, prior to an unconditional offer being made. Salary variation forms can be found on 'Ask HR' website via Me@QEHB.

3.3.9. *Employment checks*

The Trust will comply with the NHS Employment Check Standards and all employment checks will be carried out before any offer is substantiated unless a risk assessment is undertaken and approval given by an individual with sufficient authority to permit commencement in the absence of a check.

3.3.10. *Contracts of employment*

All members of staff are legally entitled to be issued a contract of employment within 8 weeks of commencement in post.

3.3.11. *Terms and Conditions of Employment*

For individuals set out in the scope of this policy, the terms and conditions of employment for non-medical staff are as per those set out in the Agenda for Change Terms and Conditions handbook.

For medical staff, the terms and conditions of employment are set in the respective handbooks for each grade including their starting salaries. For Junior Specialist Doctors, the Trust's Terms & Conditions of Service for that grade apply and those terms incorporate arrangements for starting salaries.

For senior appointments, the majority of terms and conditions mirror those set out in Agenda for Change. Individual terms and conditions can be agreed by Executive Directors only.

Local pay arrangements exist for Locate (Trust staff bank).

3.3.12. *Secondments*

On occasion short term opportunities will arise for an existing substantive member of staff to undertake another role either internally or externally.

All internal secondments should be advertised in the normal way in order to ensure that all current staff have equal opportunity to apply. Where a secondment would only attract individuals from that particular department, because of its specialist nature or if is an acting up, then such opportunities can be advertised within the department only.

Any secondment arrangements should be in agreement with the current line manager, who agrees to keep their substantive role open for them to return to at the end of the secondment period.

Please refer to the Secondment Procedure for further details. For arrangements for secondment to long term clinical training i.e. nurse training, please refer to the Education Department.

3.3.13. *Named Individuals*

On occasion, the Trust receives external grants to carry out work i.e. CLARC or research and these often dictate that a named individual will undertake a particular role or specified duties. On these occasions, the recruitment and selection process will not be necessary; however, the normal employment checks would usually be undertaken. Any such employment should be authorised by an Executive Director.

4. Duties

4.1. Executive Director of Delivery

The Executive Director of Delivery is responsible for the policy and its implementation through the Director of Human Resources and has the authority to approve the Procedures for Recruitment and Selection and any amendments to those documents including changes in response to legislation or best practice, provided that they are compliant with this policy.

4.2. Executive Directors and Divisional Directors of Operations

Executive Directors and Divisional Directors of Operations will:

4.2.1. Ensure that all members of staff within their area of responsibility are familiar with this policy and are trained in applying all elements of its associated procedural documents.

4.2.2. Determine who will be authorised to undertake recruitment and selection activities within their area of responsibility.

4.2.3. Ensure that risk to the Trust is minimised and its patients, workforce and resources are protected so far as possible through compliance with this policy and associated procedural documents.

4.3. Director of Human Resources

The Director of Human Resources will ensure that this policy is implemented and that the Human Resources department has mechanisms in place to monitor, audit and report recruitment and selection activity to ensure adherence to employment legislation and practice.

4.4. Heads of Service

Heads of Service will ensure that workforce requirements within their department are reviewed as appropriate and are in accordance with the Trust's Workforce Plan. Any recruitment and selection activities are in line with equality and diversity best practice.

4.5. Recruiting Managers

Managers, who control and oversee recruitment and selection activities, i.e. Recruiting Managers will:

4.5.1. Ensure that appropriate approval and authorisation to recruit is given via the Workforce Approval Form (WAF) process prior to proceeding with recruitment and selection activity

- 4.5.2. Ensure appropriate time is allowed to recruit effectively. This includes drawing up a recruitment plan at the start of the recruitment activity.
 - 4.5.3. Ensure that the job description and person specification are reviewed for appropriateness prior to approval to recruit being given and that the remuneration of the post remains appropriate.
 - 4.5.4. Determine in conjunction with the relevant Finance/HR Practitioner the most appropriate contractual status for the vacancy prior to approval to recruit.
 - 4.5.5. Determine in conjunction with the Recruitment/Medical Resourcing Team the most appropriate advertising media for the vacancy and the timescales for the recruitment.
 - 4.5.6. Adhere to legislation and best practice as identified in the Trust Policy Equality and Diversity in Employment and other relevant policies.
 - 4.5.7. Subject to service needs, consider and accommodate flexible working patterns.
 - 4.5.8. Maintain knowledge of employment legislation and best practice techniques by attending recruitment and selection training sessions.
- 4.6. Human Resources incorporating the Recruitment and Medical Resourcing Teams

The HR Team will:

- 4.6.1. Participate, where required and provide advice and guidance at any stage during the recruitment or selection process.
- 4.6.2. Monitor processes to ensure that statutory requirements are met throughout the process.
- 4.6.3. Ensure that posts under Agenda for Change or other employment arrangements are evaluated in line with national processes.
- 4.6.4. Co-ordinate the recruitment and selection process from advert to contract stage.
- 4.6.5. Review and co-ordinate advertisements to ensure legality and consistency of style and effective advertising. Standard advertisements will be used where available.

- 4.6.6. Undertake pre-employment checks and ensure that these are satisfactory and/or that an appropriate risk assessment has been undertaken prior to commencement.
- 4.6.7. Monitor and produce monthly reports on Trust performance against the agreed key performance indicators to the Executive Director of Delivery.
- 4.6.8. Monitor and produce annual reports on equality and diversity in relation to the recruitment process to the Executive Director of Delivery and Trust Board via the Annual Workforce Report.
- 4.6.9. Provide training to Recruiting Managers on best practice recruitment and selection.

4.7. Occupational Health and Safety Department

The Occupational Health and Safety Department will:

- 4.7.1. Carry out a pre-employment health assessment of the successful candidate's health to ensure that they are fit to undertake the post for which they have applied.
- 4.7.2. Advise managers and Human Resources on any potential adaptations or reasonable adjustments required to roles or workplaces in order to be able to comply with the Equalities Act 2010.
- 4.7.3. Ensure that candidates, who will have regular contact with patients, are screened for immunity to infectious diseases as determined by the Department of Health (DH) and appropriate vaccination programmes are implemented to protect them; and. that enhanced screening for Blood borne Viruses is undertaken for those that perform exposure prone procedures e.g. clinical staff.
- 4.7.4. Ensure the implementation of any other health screening that may be required in compliance with legislation to ensure the health and safety of the individual at work.

5. **Implementation and Monitoring**

5.1. Implementation

- 5.1.1. Recruitment and Selection training is available to all staff via Human Resources and at least one individual on the selection panel should have attended this training.
- 5.1.2. This policy will be available on the Trust's Intranet Site.

5.2. Monitoring

5.2.1. The operation of this policy and associated procedures will be monitored via a Human Resources and an annual workforce report, which includes diversity data will be submitted to the Board of Directors.

5.2.2. Monthly reports against recruitment and selection key performance indicators and any issues are presented to the Trust's Strategic Delivery Group, which reports to Board of Directors; any issues are reported to the Equality and Diversity Steering Group.

5.2.3. Where issues with diversity/equality are identified, further action will be taken by Human Resources.

6. **References**

<http://www.nhsemployers.org/RecruitmentAndRetention/Employment-checks/Employment-Check-Standards/Pages/Employment-Check-Standards.aspx>

7. **Associated Policy and Procedural Documentation**

Consultant Recruitment Procedure

Employment Checking Procedure

Equality and Diversity in Employment Policy and Procedure

Exit Procedure

Procedure for the Recruitment and Selection for medical and dental posts

Procedure for the Recruitment and Selection to non-medical posts

Relocation & Removal Expenses Procedure

Secondment Procedure