

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

RECRUITMENT AND SELECTION

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*Striving for perfect care for
the people we serve*

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Further information about this document:

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To be read in conjunction with	Disclosure and Barring Service Policy Equality & Human Rights Policy Organisational Change Policy Professional Registration Policy NHS Safer Employment Standards
This document can be made available in a range of alternative formats including various languages, large print and braille etc	
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SUPPORTING STATEMENTS

This document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and adults, including:

- being alert to the possibility of child / adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child / adult;
- knowing how to deal with a disclosure or allegation of child / adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child / adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of direct and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line with a Human Rights based approach and the FREDA principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

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1. PURPOSE AND RATIONALE

- 1.1 **Purpose** – The Trust recognises the importance of good recruitment and selection decisions. The aim of this policy is to act as a guide/framework for all managers and staff involved in recruitment at any level and to promote and maintain high professional standards of recruitment, which contribute to the objectives of the Trust and which are fair, consistent and efficient, ensuring the Trust complies with employment legislation and best practice, and contributes to effective risk management. It should be read in conjunction with the Recruitment and Selection Procedure which fully describes the recruitment and selection process to be followed by all managers involved in the recruitment process.
- 1.2 Information on candidates will be treated in confidence and restricted to those involved in the recruitment process in accordance with the Data Protection Act 1998.
- 1.3 The Trust will ensure managers with responsibility for Recruitment and Selection receive appropriate training in:
- recruitment and selection techniques
 - application of the recruitment and selection policy and procedure
 - equality and diversity
- 1.4 All recruitment processes will be fair and consistent

2. OUTCOME FOCUSED AIMS AND OBJECTIVES

- 2.1 The aims and objectives of this policy are as follows.
- 2.1.1 Managers are able to recruit and select candidates in accordance with best practice guidance and legislative requirements
- 2.1.2 Managers are aware and consider legal requirements and adjustments throughout the process
- 2.1.3 Managers are able to apply effective selection techniques to select appropriate candidates.

3. SCOPE

- 3.1 This policy is a non clinical Trust wide policy that covers all colleagues and potential colleagues (including temporary, bank workers, agency staff and Non Executive appointments) of Mersey Care NHS Foundation Trust. It applies to recruitment and selection within all disciplines and for all posts, whether advertised internally or externally, except those governed by national agreements - such as consultant medical posts that specify other arrangements.
- 3.2 Fit and Proper Persons Test – the Trust is required to ensure that it does not appoint a person to an executive director level post or to a non-executive director post unless they are:
- Of good character
 - Have the necessary qualifications, skills and experience
 - Are able to perform the work that they are employed for after reasonable adjustments are made
 - Able to supply information as set out in schedule 3 of the FPPT regulations

4. DEFINITIONS (Glossary of Terms)

The relevant terms and their definitions (within the context of this policy document) are outlined below:

Glossary of Terms	Definition
The Trust	Mersey Care NHS Foundation Trust
NHS Employment Check Standard	<p>Pre-employment checking seeks to verify that an individual meets the preconditions of the role they are applying for.</p> <p>There are six NHS Employment Check Standards that outline the type and level of checks employers must carry out before recruiting staff into NHS positions.</p>
Trac	Online recruitment management system

5. DUTIES

5.1 The Trust believes that it is important to clarify the responsibilities and expectations of both Recruiting Managers and Human Resources at each stage of the recruitment and selection process. This will help to reduce ambiguity and ensure that the recruitment cycle is as short as possible.

5.2 **Chief Executive Responsibilities**

The Chief Executive has delegated responsibility for ensuring compliance with “The NHS Employment Check Standards” to the Executive Director of Workforce.

5.3 **The Executive Director of Workforce**

The Executive Director of Workforce has a responsibility to ensure that robust systems are in place, to ensure compliance with safer recruitment guidelines. They will also ensure that all Directors, Managers, Human Resource Staff and all other staff are fully aware of the actions contained within the “The NHS Employment Check Standards” and the Recruitment and Selection Procedure and are aware of their responsibilities.

5.4 **Managers**

The recruiting manager has a duty:

- To select candidates of the right calibre, qualifications, skills, experience and values.
- To ensure that all posts are recruited in line with the safer recruitment guidelines.
- To ensure that they received adequate information and guidance before participating in recruitment and selection activity and they adhere to the Policy and Procedure.
- To ensure that they include a service user/carer representative at the shortlisting and interview stage.
- To comply with the timelines identified for each part of the process that they are responsible for.

5.5 **Resourcing Team**

The Resourcing Team are responsible for:

- Ensuring that regular up to date information, guidance and training is provided to recruiting managers.
- Providing advice and support in relation to recruitment and selection which is compliant with employment law/best practice
- Ensuring the recruitment and selection activities within the Trust are compliant with the safer recruitment guidelines and to ensure that any concerns are raised to the Resourcing Manager.

5.6 **Vacancy Approval Panel**

The vacancy approval panel consists of a member of HR, Finance and a staff side representative. All vacancies will be assessed and approved by the vacancy approval panel prior to advertising.

5.7 **Joint Negotiating Committee / LNC**

The JNCC and LNC will be responsible for reviewing and agreeing any locally agreed procedures e.g. Recruitment and Retention Premia.

6. **PROCESS**

The policy will be driven by the following guiding principles and will work in parallel with the recruitment and selection procedure.

6.1 **Reviewing Posts As They Become Vacant**

6.1.1 Managers are responsible for reviewing the need for a post when a vacancy is identified or as soon as a current member of staff resigns, taking into account factors such as changing service needs. They should consider for example, whether the post is needed in the same format i.e. full time/part time or whether the duties could be delivered more effectively by redesigning roles. When it is decided to recruit to a post, managers should always review the job description and person specification.

6.1.2 Where a post has significantly changed, or the role is completely new, the post should be banded by a Trust Agenda for Change job matching or evaluation panel. This should be done and approved prior to beginning the Vacancy request process.


6.1.3 Where this vacancy is due to a staff member resigning from post, the manager is responsible for submitting the leaver form in a timely manner. Failure to do this may result in a delay in the new vacancy request being approved.

6.2 **Equal Opportunities and Human Rights**

6.2.1 The Trust's Equality and Human Rights Policy seeks to develop positive practice to promote equality of opportunity in employment.

6.2.2 The Trust aims to attract and appoint the most suitable candidate for each of its vacancies. This means that decisions regarding short listing and appointment need to be taken without reference to a candidates race, sex, religion, accent, age, sexual orientation, trade union activities or other variants which are irrelevant to a candidates suitability for the post. Careful

consideration must be given to any candidate with a disability in accordance with the Equality Act 2010. This requires consideration to be given to any 'reasonable adjustment' that could be made which would allow the person to undertake the post. In cases of disability the manager must liaise with the Human Resources Department.

- 6.2.3 Mersey Care is recognised as a 'Two Ticks'  organisation. This means that we actively encourage applications from disabled individuals in accordance with the Equality Act 2010. As an organisation we are committed to employ, keep and develop the abilities of disabled staff. During the recruitment process, we are committed to making adjustments where necessary. Candidates who have declared a disability need only to meet the essential criteria to be guaranteed an interview.

Further details can be found in the Recruitment and Selection Procedure.

6.3 **Organisational Change and Redeployment**

- 6.3.1 In circumstances where due to re-organisation/restructuring of Trust Services, staff are deemed 'at risk' the Trust will follow guidelines as detailed in the Trusts Organisational Change Policy.
- 6.3.2 The same principles will apply where it is necessary to re-deploy an employee because of their inability to continue to perform their duties to an acceptable standard. This can be as a result of disability or sickness but employment is an on going option. The Trust will explore whether any suitable alternative posts are available.
- 6.3.3 Further details on the process are detailed in the Organisational Change Policy and the Recruitment and Selection Procedure.

6.4 **Recruitment – New and Replacement Posts**

- 6.4.1 All vacancies (permanent, fixed term, secondments, and acting up) will be advertised internally for a 1 week period in the first instance, in order for at risk and internal employees to be given consideration.

The exceptions to this are as follows:

- Acting Up arrangements (3 months or less) – for use where there is a short term urgent cover arrangement required internally within a service. Any extensions to this 3 month period due to specific service requirements where recruitment and selection is not an option at this time will require additional approval. Please refer to the Recruitment and Selection Procedure.
- External Agencies – requests should go through the agreed Trust processes for approval.
- Large scale recruitment drives where there are a large number of vacancies. Priority must still be given to at risk and internal employees.

- Where there is a specific service requirement for the advert to be placed directly to external advert. This will require additional approval. Please refer to the Recruitment and Selection Procedure.

6.5 Eligibility: Internal Advertisements

6.5.1 The following groups are eligible to apply for vacancies, which are advertised internally only:

- Substantive employees
- Temporary/fixed term employees
- Current Bank staff who are registered and actively working on the Bank.
- Local Authority Employees and other NHS Employees seconded to the Trust who are undertaking a role within Mersey Care NHS Foundation Trust.
- Agency Staff who are actively working within the Trust

6.5.2 **Internal vacancies** - will be advertised through Trac via the Trust website working for us page.

6.5.2 **External Advertising** – in circumstances where a suitable pool of candidates does not exist within the Trust the post will be advertised externally on NHS Jobs and the Trust website. An advert can be placed through appropriate media/press if the Recruiting Manager believes this is necessary. All external advertising will be arranged through the Resourcing Team who will advise on appropriate publications/media and obtain costing's. The advert will be placed via an agency registered through the Government Procurement Service (GPS) agreement who will negotiate and pass on discounted price rates to the Trusts to ensure cost effectiveness is maximised.

6.6 Fixed Term Contracts

6.6.1 The Trust is committed to the promotion of long term security of employment, however, it recognises that the use of fixed-term contracts provide an opportunity of bringing specific skills and labour into the Trust on an as and when basis.

6.6.2 Fixed Term contracts of employment must only be used for genuine organisational reasons, made for a specific length of time or on completion of a task.

6.6.3 It is the Recruiting Managers responsibility to ensure that during the recruitment process to fill a fixed term post, the timescale of the contract is clearly marked on the Vacancy Request Form and advert which is provided to the Resourcing Team via Trac.

6.6.4 Where a fixed term post becomes a substantive post then it must be advertised in accordance with this policy.

6.7 Increase in hours

No vacancy needs to be advertised where an existing substantive part-time member of staff in the same role/Band wishes to increase their substantive hours of work. As long as, in the managers judgement, this will not disadvantage other staff within the

Department and they can justify that it meets the business needs of the service. This increase in hours must be done in consultation with the appropriate Finance representative.

6.8 Secondments

6.8.1 Internal Secondments

As part of the Trust's ongoing commitment to the development of its employees and its aim to promote increased flexibility and broader-based skills within its workforce, Managers may wish to consider advertising their post internally within the Trust for staff to undertake a secondment opportunity:

Secondments will be advertised as an internal vacancy through Trac via the Trust website working for us page.

Before an employee applies for a secondment opportunity it will be necessary for them to gain agreement from their line manager to ensure that the secondment can be facilitated. This will be verified as part of the recruitment process.

The 'Receiving' Manager will assume responsibility for the induction and overall management of the employee during the secondment.

Employees will normally be seconded on the terms and conditions of the post they are seconded into and at the end of the secondment they will have the right to return to their substantive post. If Organisational Change takes place for the employee's substantive post, the employee will be included in appropriate processes.

Following the completion of the secondment, if there is an ongoing requirement for the role either on a substantive basis or for a further secondment period, the normal recruitment/secondment processes will apply.

A record of the secondment will be recorded on the individuals ESR record.

6.8.2 External Secondments

The Trust would not normally consider requests for external secondments beyond 12 months, except in exceptional circumstances.

Before an employee applies for a secondment opportunity external to the Trust, it will be necessary for them to gain agreement from their line manager to ensure that the secondment can be facilitated.

The current manager should consider service requirements and identify how the service would benefit from the secondment e.g. personal development of the employee, skills acquired which can be of benefit to the Trust.

Where an employee is successful in gaining a secondment outside of the Trust, they will be required to produce evidence from the secondment organisation e.g. offer letter.

The employee will receive a Formal Secondment Agreement from the Trust confirming the terms and conditions of the secondment.

In the event that the external secondment is extended, the employee must contact their manager at least two months prior to the completion of the secondment to discuss whether the extension can be facilitated. In circumstances where the secondment can not be extended, the employee will be required to return to the Trust on the date that was originally agreed prior to their secondment commencing.

During the secondment, the secondee will remain an employee of Mersey Care NHS Foundation Trust and will be required to adhere to Mersey Care Trust policies and procedures.

A record of the secondment will be recorded on the individuals ESR record.

6.8.3 Secondments into the Trust

All staff seconded into Mersey Care NHS Foundation Trust must undergo the full recruitment process including Trust and local induction.

If the Trust is in a position to extend the secondment, it may do so. The manager must consider whether or not this will disadvantage other staff within the Trust and also whether it can justify that it meets the business needs of the department.

If the manager deems the extension to disadvantage other employees, then the post must be re-advertised.

If you need clarity on this matter, please seek advice from the Resourcing Manager.

6.9 Recruitment and Retention Premia

6.9.1 Recruitment and Retention premia are additions to the salary of a post or group of posts where the Trust would find it difficult to recruit candidates with the required skills/experience for the post. This additional payment may also apply for the retention of skilled staff.

6.9.2 This premia is paid in circumstances where market pressures lead to difficulty in recruiting to certain posts within the trust or where the skills required are more commonly associated with the private sector and therefore, it can be a highly competitive employment market.

6.9.3 If recruiting managers are finding it difficult to recruit, they should contact the Resourcing Manager who will provide appropriate advice.

6.9.4 In some circumstances, it may be necessary to apply Recruitment and Retention Premia to a post. A written submission must be made to the Deputy Director of Workforce, who will present it to JNCC and LNC for medics where a decision will be made as to the validity and amount of the premia.

6.10 Involvement/Employment of Service Users/Carers

6.10.1 The Trust has made a commitment to involve Service Users/Carers, who are suitably trained in the recruitment process, in both the short listing and interviewing of all employees.

6.10.2 Service Users/Carers are encouraged to apply for Trust vacancies and will be required to go through a full recruitment process including Trust and local induction

6.11 Confidentiality

6.11.1 It is essential that all staff involved at any stage of the Recruitment and Selection Process treat information on applicants as strictly confidential.

6.11.2 It is the responsibility of the chair of the panel to ensure that copies of applicants' details are stored securely and confidentially whilst in their possession. At the conclusion of the selection process, the panel should ensure that all documents relating to a particular appointment are returned to the Resourcing Team to be processed in accordance with the Data Protection Act 1998. This includes returning panel packs, questions asked at interview, presentation details and notes taken for each candidate interviewed.

6.12 Declaration of Close Personal Relationships

6.12.1 All internal and external applicants for employment with the Trust must declare if they have a 'close personal relationship' with a person who is employed by the Trust. Panel members must also declare if they are known personally to any candidate due to be interviewed.

6.13 Discrimination Legislation

6.13.1 Managers must ensure that all adverts, job descriptions and person specifications provided to the Resourcing Team do not include statements which could be deemed discriminatory.

6.13.2 The Resourcing Team will ensure that any direct or indirect reference to discrimination is removed from all application forms and that equality and diversity information (part A of the application form) is removed from the shortlisting process.

6.13.3 For further information and step by step guidance through the recruitment and selection process, please refer to the Recruitment and Selection procedure which is available as a reference document on the Trust Website.

6.13.4 Please refer to the Policy and Procedure on Equality HR10 for further information regarding Equality, Diversity and Human Rights.

• CONSULTATION

1.1 This policy has been developed and reviewed at the Human Resources Policy Group which consists of representatives from recognised staff organisations, senior managers and HR Staff from within each of the Divisions.

- **TRAINING AND SUPPORT**

- 1.2 Please refer to the Learning & Development Prospectus for details of any recruitment and selection training available.

Ad hoc recruitment sessions can be provided on request to services and further details should be discussed with the Resourcing Manager.

- **MONITORING**

- a. Monitoring and Compliance will be undertaken under the direction of the Executive Director of Workforce.
- b. The results of monitoring will be reported to the Performance and Investment Committee annually
- c. Compliance with this policy will be monitored through:
- d. On a quarterly basis an audit will be undertaken by Resourcing staff who will randomly select 10% of new starter files to ensure evidence is available to confirm that all necessary checks have been undertaken.
- e. The submission of reports which advise on the number of recruitment processes undertaken with timescales.