

	Document Title		Effective From
	RECRUITMENT		
	Approval Body	Version No.	Review Due Date
	EXECUTIVE MANAGEMENT GROUP	5.0	
POLICY	Owner		Department
	RECRUITMENT BUSINESS PARTNER		RECRUITMENT TEAM
	<ul style="list-style-type: none"> <li>This policy supersedes all previous issues.</li> <li>Printed copies of this document are valid only until midnight of the day it was printed.</li> <li>This policy covers the Trust (NEAS) only.</li> </ul>		

DOCUMENT TYPE	Organisational <input checked="" type="checkbox"/> Departmental <input type="checkbox"/>
PURPOSE	<p>The purpose of this policy is to:</p> <ul style="list-style-type: none"> <li>Ensure fair and safe recruitment of staff into the Trust to support the delivery of patient care.</li> <li>To provide clear guidance to all hiring managers within the Trust.</li> </ul>
APPLICABLE TO	All NEAS employees, and casual workers as well as consultants, agency workers, contractors, trainees/students, and/or any other parties who have a business relationship with NEAS.
KEY THINGS TO KNOW ABOUT THIS POLICY	The aim of the policy is to recruit in a timely, fair and cost effective way high calibre staff possessing the appropriate skills and values consistent with the objectives and values of the Trust.
EXPECTED OUTCOME	Readers are expected to understand the organisational position on recruitment, know their responsibilities in relation to the policy and comply with the terms of the policy.

POLICY STATEMENT
<p><b>1. GENERAL POLICY STATEMENT</b></p> <p>1.1 This policy applies to all staff appointments within the Trust and is done so to ensure that best practice recruitment and selection principles are adhered to and to ensure that any discriminatory barriers to employment and advancement within the Trust are removed.</p> <p>1.2 The policy is reflective of all current employment legislation, NHS Employers pre-employment check standards and in line with Disclosure Barring Service (DBS) code of practice. North East Ambulance Service (NEAS) is also committed to enabling smooth transition from HM Armed Forces employment to roles within the NHS.</p> <p><b>2. EQUALITY AND DIVERSITY IN RECRUITMENT AND SELECTION</b></p>

- 2.1 The Trust values and respects the diversity of its employees and aims to recruit a workforce which represents the communities that it serves. We welcome applications from all areas of the community and ensure that all applicants are treated fairly at every stage of the recruitment process.
- 2.2 We have a legal responsibility to ensure that no unlawful discrimination occurs and this policy explains how we ensure that all job applicants are not discriminated against on the grounds of their race, colour, nationality, ethnic or national origin, ethnicity, sex, gender reassignment, disability, age, religion and belief, sexual orientation, marriage and civil partnership, and pregnancy and maternity, as outlined within the Equality Act (2010).
- 2.3 The Trust is committed to providing equality of opportunity, not only in its employment practices but also in the services for which it is responsible. As such, this document has been screened, and an Equality Impact Assessment has been carried out to identify any potential discriminatory impact.
- 2.4 The Trust is a Disability Confident Leader; we are committed to the employment and career development of people with disabilities.
- 2.5 The Trust will, where possible, collect monitoring information from all job applications, and this helps us to monitor compliance with the Public Sector Equality Duty.
- 2.6 The recruitment standards laid down in this policy comply with NHS Employment Check Standards and assist managers in the provision of a systematic, robust, effective framework for recruitment and selection in a non-discriminatory manner. Those involved in the recruitment process must comply with the NHS Employment Check Standards at all times.
- 2.7 The Trust believes that the selection for a particular position is based on relevant qualifications, experience, aptitudes and appropriate assessment of an individual's potential for future development. The process is designed to ensure that objective measurable criteria are applied to the selection of candidates.

### **3. DISABILITY CONFIDENT - Leader**

- 3.1 The Trust is committed to the accreditation of the Disability Confident Leader Symbol. All disabled candidates who meet the minimum essential criteria detailed in the person specification will automatically be short listed and either invited for an interview or to the first stage of the recruitment process, for example an online assessment, dependent upon the role.

### **4. ARMED FORCES COVENANT – Gold Standard**

- 4.1 The Trust is committed to the Armed Forces Covenant. All who meet the minimum essential criteria detailed in the person specification will automatically be short listed and either invited for an interview or to the first stage of the recruitment process, for example an online assessment, dependent upon the role.

### **5. FLEXIBLE WORKING**

- 5.1 The Trust's commitment to flexible working arrangements opens up career opportunities for individuals who may not be in a position to work full time. Careful consideration must be given to whether a particular post can be completed flexibly or whether adjustments can be made to the role to accommodate those who have an Equality Act protected characteristic (for further details, see the Trust's Equal Opportunities Policy).
- 5.2 If the appointing manager feels that such flexible arrangements are not possible, there must be a genuine business case and the manager must have clear and justifiable reasons for the fixed work pattern.

### **6. SHORT TERM FUNDING**

- 6.1 It is recognised that from time to time the Trust may receive time limited, short term funding for specialist roles which benefit patient care or operational delivery. In these instances, an expression of interest

process may apply along with a shortened recruitment process where recruitment may be limited to internal candidates only.

6.2 This should be agreed by the management teams and, wherever possible, will be advertised at least internally.

## **7. JOB DESCRIPTIONS AND EVALUATION**

7.1 It is the responsibility of the hiring manager to ensure that job descriptions are up to date, professionally formatted on the most up to date template and non-discriminatory. Advice should be sought from the HR / Recruitment Teams and consideration given as to whether there are any genuine occupational requirements (GORs).

7.2 All job descriptions where possible should be evaluated prior to reaching the recruitment team for advertisement. There will be exception to this rule when a role may be business critical or short-term (less than 6 months) cover is required, however in this instance the role should not be appointed to until the job description has been formally approved.

## **8. AUTHORITY TO RECRUIT**

8.1 An online vacancy approval form with an up to date evaluated job description and advert must be completed and authorised to the appropriate level before the post can be advertised.

8.2 The job description and person specification should be supplied in electronic format and must have been through Job Evaluation prior to being submitted to the Recruitment Team. Copies of job descriptions can be provided by the Recruitment Team if required and advert templates available on Siren.

8.3 It is the responsibility of the hiring manager, before submitting the request for approval, to discuss and negotiate with the Recruitment Team as earlier as possible expectations and timescales.

## **9. PRIOR CONSIDERATION**

9.1 Applicants qualifying for Prior Consideration will be shortlisted above any other internal or external candidate. Normally vacancies will have been ring fenced for such candidates and not advertised. In the event that a vacancy has been advertised and a prior consideration situation arises, the progression of other candidates will be placed on hold until those eligible for prior consideration have been considered for the vacancy.

## **10. ADVERTISING AND EXPRESSIONS OF INTEREST**

10.1 All vacancies will be advertised on the NHS Jobs website and Trust Intranet either internal only or internally and externally. Where appropriate, Trust social media channels will be used for external vacancies.

10.2 For some specialist posts, if a vacancy is difficult to fill, or the appointing manager has additional budget to use, a request can be made to the recruitment team for the position to be advertised on an external publication. The hiring manager will be responsible for payment of any costs incurred.

10.3 Internal vacancies are open to all internal staff, including bank workers, any agency staff and volunteers.

10.4 Subject to organisational requirements, short term posts / or posts requiring specific experience may not necessarily be advertised or may be advertised through an internal Expression of Interest process (EOI).

10.5 Prior consideration candidates should be explored prior to an expression of interest being advertised

10.6 Where there is more than one applicant the Expression of Interest process must include an assessment process under the guidance of the Recruitment Team.

10.7 For all vacancies advertised by the Trust, applications must be completed and submitted online via Trac or in some cases CV's submitted to the relevant inbox. This standardised process endeavors to assess candidates' suitability objectively and enables applicants to compete on equal terms. However, exceptions must be made in line with the Equality Act (2010). Applicants with a disability preventing them from completing an online application can request an application in an accessible format such as e-mail, braille, Easy Read, large print, audio format or other data formats as a reasonable adjustment by contacting the Recruitment Team. CVs will not normally be accepted in isolation unless specifically agreed by the Recruitment Business Partner and hiring manager.

## **11. RECRUITMENT AND RETENTION PREMIA**

- 11.1 From time to time, it may be necessary for the Trust to explore the use of Recruitment and Retention Premia for 'hard to fill' or 'skills shortage roles' roles.
- 11.2 Where this is the case this will be carried out in line with national Terms & Conditions and must be agreed by the Head of HR Services and Delivery.

## **12. CLOSING DATES**

- 12.1 The closing date for applications will be considered in light of the potential talent pool available, nature of the role and volume of applications. This may be for 5 days for expressions of interest for short term cover, and from 7 days for substantive posts. The advert may be extended until a sufficient number of suitable applications are received at the discretion of the Recruitment Business Partner and Hiring Manager.
- 12.2 The Trust reserves the right to close a vacancy prior to the initially identified closing date should a high volume of applications be received.

## **13. SHORTLISTING**

- 13.1 The individual(s) responsible for shortlisting will be identified via the authority to recruit form, this however can be amended in the event their availability changes beyond control. This will either be the hiring manager or a nominated deputy. Both must have an in-depth knowledge of the role and the essential and desirable criteria.
- 13.2 The basis for short-listing applicants for assessment must relate clearly to the person specification of the role. All applicants who meet the essential criteria on the person specification should be considered for interview. It may, however, be necessary to limit the number of short-listed candidates due to a high number of applications for a particular post and further shortlisting can take place based on the desirable criteria of the person specification.
- 13.3 Where a candidate does not meet all of the essential criteria they must not be progressed i.e., if a qualification/specific experience is stipulated as essential in the job description / person specification.
- 13.4 If a candidate has not stipulated qualifications and / or grades, and the shortlisting manager is unable to confirm that they meet the essential qualification levels for the role to which they applied, assumptions cannot be made, and the candidate will not be progressed past shortlisting stage.
- 13.5 The shortlisting panel should expect to receive notification to initiate shortlisting as soon as possible. Shortlisting will be carried out online. Ideally it should be completed within 7 days from closing date of the advert. During peak times such as winter pressure this can be extended.
- 13.6 The shortlisting panel will indicate online the reason for an application not being shortlisted. Internal candidates will be given feedback, but for volume campaigns it may not always be possible to provide feedback to individuals who have not been shortlisted.
- 13.7 Successfully shortlisted candidates will be notified online and the recruitment team and will be provided with information regarding assessment and interview details.

13.8 Late applications will not be accepted for positions, unless relevant authorisation is given from the hiring manager. In this instance a CV maybe accepted.

#### **14. FORMER WORKERS**

14.1 The Trust reserves the right to reject applications from former employees, workers, Agency staff or Contractors staff who have previously worked within the Trust and have been dismissed / had their agreement terminated.

#### **15. ASSESSMENTS**

15.1 The hiring manager will normally chair the panel which must consist of at least one other panel member.

15.2 Where a candidate is known to a panel member, the panel member / applicant must declare this at the and consideration should be given to the use of alternative panel members. For internal recruitment, this may be unavoidable but an impartial second panel member should be sought, possibly from outside of the department.

15.3 Where a candidate is related to a panel member, another panel member must be used for that specific assessment.

15.4 The Trust may use a variety of assessment methods to test a candidate's suitability for the role. This could mean testing the same elements in different ways or situations to help validate their 'fit' for the role.

15.5 It is important to ensure assessments are robust to allow us to determine if candidates can undertake certain duties outlined within the job description and to ensure we get the right person with the correct skills, qualifications and behaviors for the role, the Trust, and our patients.

15.6 Testing may include combinations of:

- competency and values based interviews
- driving assessment under test conditions (if applicable)
- online tests, job simulation, situational judgement, skills testing
- psychometric testing
- group exercise
- roleplay
- technical assessment
- physical assessment

(not an exhaustive list)

15.7 All candidates must be asked the same questions during their interviews. This is to ensure an objective method of measuring capability/behaviors/values and will produce an unbiased outcome. Guidance can be obtained from the recruitment team.

15.8 Additional questions may be asked but only when based on the outcome of a psychometric assessment.

- 15.9 Assessment materials should be agreed as early as possible and standardised materials must be used/agreed with the recruitment team and any reasonable adjustments should be considered/embedded at this point. Where reasonable every effort will be made to ensure assessment methods are accessible for candidates that have requested support.
- 15.10 For non-volume roles (i.e. 5 WTE or under) it is the responsibility of the appointing manager to arrange for shortlisting and interview panel members, rooms and, where appropriate, Driving Instructors and vehicles or any other resource to be available for the recruitment and selection process.
- 15.11 All candidates where possible should be given a minimum 7 days' notice for assessment. This can be waived at the discretion of the candidate and sometimes if recruitment timescales are limited dates may be shared on the advert giving the required notice.
- 15.12 It is advised at least one person on the panel throughout the recruitment process must be trained adequately and clearly understand the consequences of poor recruitment practices.
- 15.13 Assessment paperwork will be completed by the hiring manager for each candidate, providing a record to show how the individual compared to assessment criteria.
- 15.14 Notes and outcomes of the recruitment and selection process must be returned to the Recruitment Team for an offer to be made.
- 15.15 Recruitment paperwork will be retained in line with the Records Retention Schedule.
- 15.16 The information collated during this process will be used to form the basis of feedback to candidates to demonstrate that the recruitment and selection panel have acted fairly and reasonably.
- 15.17 Interviewers should remember that candidates may request sight of interview notes made by the panel in line with the General Data Protection Regulations and so notes should be legible.
- 15.18 Interview, and other subsequent recruitment and selection expenses, will not normally be paid.
- 15.19 Hiring managers are encouraged to seek advice, guidance or assistance from the Recruitment Team at any stage during the recruitment and selection process.

## **16. REASONABLE ADJUSTMENTS - Assessments**

- 16.1 Candidates will be asked if they require additional support at appropriate points throughout the process. It's encouraged that applicants consider informing the Trust if they have a disability or other condition which requires any reasonable adjustments to be made to support them through the assessment process.
- 16.2 Wherever possible, adjustments must be made to the recruitment process. Where an adjustment would be deemed to be unreasonable, advice must be sought from HR.
- 16.3 For job applicants with dyslexia, further information can be found in the Trust's Managing Dyslexia in Employment Policy.
- 16.4 Whilst the Trust will always consider requests for reasonable adjustments in a staff member's role, these will be considered on a case-by-case basis and will strive to meet the individual's specific needs. This has to be balanced against the needs of the business and operational requirements at the time. This will ensure that we balance the needs of our staff alongside the patients we care for.

## **17. REASONABLE ADJUSTMENTS – On commencement**

- 17.1 Where a successful applicant has a disability or other condition which requires reasonable adjustments to be made to the post to enable them to carry out the role safely and effectively, we will always consider this. Failure to do so may constitute disability discrimination as defined within the Equality Act (2010). In all such cases, advice must be sought from the Occupational Health, Human Resources and Able Staff Network departments.

- 17.2 In cases outlined above where a more complex assessment of possible adjustments is required (for example a technical assessment for different software to be used), the employee should contact their local Access to Work team who will then make contact with the Trust to arrange an assessment of the individual in the new workplace. The hiring manager should also be present at this assessment, to provide Access to Work with relevant information about the role. Following the assessment, Access to Work will produce a report recommending the adjustments to be made and any necessary equipment to be purchased by the appointing manager. Any costs incurred by the Trust can usually be reimbursed by Access to Work once the applicant has commenced their employment.
- 17.3 Where, following any relevant workplace assessments it is not possible to make adjustments to the role that are sufficient to allow the applicant to undertake that role, the hiring manager must seek advice from all relevant parties, including the Occupational Health and Equality and Diversity teams, before a decision is made to withdraw the conditional offer of employment. The applicant must then be informed in writing as soon as possible following the decision. They should also be provided with the opportunity to attend a meeting with the hiring manager and other relevant parties to understand the decision and to enable them to ask any questions.
- 17.4 If possible, information about other Trust roles that may be suitable in future, or existing vacancies for which the relevant adjustments could be made, should be shared with the applicant. Notes of the meeting should be recorded, a copy sent to the applicant, and a copy held on their file.

## **18. OFFERS**

- 18.1 Following the completion of the interview process for non-volume roles, all candidates, both successful and unsuccessful, should be contacted by phone, within 3 working days by the hiring manager and will be informed of the outcome of the interviews and feedback for unsuccessful candidates arranged.
- 18.2 For volume recruitment activity assessment outcomes may be made in an email due to volume of applicants.
- 18.3 If a successful candidate for a post withdraws or declines an offer, or an additional vacancy with the same contractual status becomes available, the post can be offered to another successful candidate provided the interviews were held within the last six months and the applicant achieved the benchmark to pass. This is at the discretion of the hiring manager and the decision to re-advertise can also be taken.

## **19. SALARY JUSTIFICATION**

- 19.1 If the Appointing Manager wishes to make an appointment at a salary that is anything other than the bottom spine point of the band advertised a salary justification form must be completed prior to any offer of employment. This is to ensure the fair application of national Terms & Conditions with particular reference to equality of pay and benefits. See Salary and Benefits on Appointment policy.
- 19.2 Offers will be made on the salary and associated benefits stipulated in the advert and not the continuation of current or previous entitlements (i.e., unsocial hours, car allowance or 'on call' payments).

## **20. FEEDBACK**

- 20.1 Candidates will be entitled to receive feedback from the assessment process. This should be requested from the Recruitment Team and in normal circumstances this must be delivered by the hiring manager, preferably verbally, within a timely manner.
- 20.2 Requests for feedback will only be considered within 8 weeks of the assessment date.

## **21. NHS EMPLOYMENT CHECK STANDARDS**

- 21.1 The initial offer of posts to all successful candidates, both internal and external, will be conditional and subject to the successful completion of all pre-employment checks, as defined by the NHS Employment Check Standards.
- 21.2 The set of six pre-employment checks below make up the NHS Employment Check Standards covering:
- Verification and identity checks
  - Right to work checks
  - Professional registration and qualification checks
  - Employment History and reference checks
  - Disclosure and Barring Service Checks (see DBS policy for more information)
  - Occupational Health checks (see Occupational Health policy)
- 21.3 In addition, Healthcare Professional Alert Notices will be checked. Driving license checks will also be carried out where appropriate.
- 21.4 Once all employment checks are successfully complete and the Recruitment Team is satisfied that the conditions have been met, they will issue a contract of employment prior to commencement.
- 21.5 The contract of employment should be signed and returned by the successful candidate within 7 working days after issue. If not returned NEAS will assume all parties are in agreement of the terms and conditions of employment/engagement.
- 21.6 There may be exception to the rule where a new starter may commence in training pending checks if the relevant risk assessment has been undertaken by an appropriate senior manager within the People and Development Directorate and the individual is supervised at all times and agrees to remain in a training environment until all checks are satisfied.

## **22. UNSATISFACTORY PRE-EMPLOYMENT CHECKS**

- 22.1 The Trust reserves the right to withdraw an offer of employment where all, or some, of the employment checks have not been received to a satisfactory standard. Due to the Training requirements of some roles this may mean that employment checks must be fully completed up to three weeks in advance of the anticipated start date.
- 22.2 Any decision to withdraw an offer of employment must be done under guidance of an HR Advisor and the Recruitment Business Partner. There is no recourse to appeal.
- 22.3 Where an applicant or an employee is subsequently discovered to have been dishonest on their application form about a matter which was material in the decision to offer them employment e.g. qualification levels, previous convictions, length of service, then the Trust will view this as a serious matter and offers of employment withdrawn and disciplinary action may be taken which may result in dismissal. This is also applicable in the event changes in an individual's circumstances occur whilst going through the recruitment process.

## **23. INTERNATIONAL RECRUITMENT AND CERTIFICATES OF SPONSORSHIP (COS)**

- 23.1 Before an overseas appointment is considered, it must be proven that a Resident Labour Market Test has been completed. Jobs must be advertised for a period of 28 days and be listed on relevant websites (Find a Job, replacing Universal Job Match). If a job is likely to attract overseas applicants that may require sponsorship please contact the Recruitment Business Partner/Deputy for advice and guidance.



## **24. EX-EMPLOYEES/Workers OF NEAS**

24.1 For ex-employees/workers, an internal standard reference (start date, end date and reasons for leaving) will always be sought from the candidate's previous manager and Human Resources Department and will form part of the decision making process. Each case will be judged on its own merit and a final decision will be made in conjunction with the HR Department, Recruitment Business Partner and hiring manager.

## **25. MONITORING AND COMPLIANCE**

25.1 The Trust monitors candidate feedback about its recruitment process.

25.2 All assessment packs are vetted by the recruitment team on return from the panel and they may intervene in a selection process if there are any concerns about the objectivity of the selection.

25.3 The Trust reserves the right to carry out spot checks of the recruitment process and pre-employment documentation obtained by agencies in respect of any agency worker in order to monitor compliance.

## **26. STATEMENT ON POLICY IMPLEMENTATION**

26.1 Upon approval, this policy will be uploaded to the policy portal and communicated to staff via The Update on Siren.

26.2 Recruitment skills training is required by hiring managers to ensure full understanding of recruitment and selection best practice.

## **27. STATEMENT ON EQUALITY AND DIVERSITY**

27.1 The Trust is committed to providing equality of opportunity. Further details of our aims and objectives are outlined in our Equality Plan – One Service for All.

27.3 This policy has been assessed to identify any potential for adverse or positive impact on specific group of people protected by the Equality Act 2010 and does not discriminate either directly or indirectly. In applying this policy, we have considered eliminating unlawful discrimination, promoting equality of opportunity, and promoting good relations between people from diverse groups. Any issues highlighted in the assessment have been considered and incorporated into the policy and approved by the Lead Director and relevant committee.

## **28. STATEMENT ON CONSULTATION**

28.1 This policy has been reviewed in consultation with managers with the Trust, network leads and equality and diversity.

28.2 A summary of the consultation output and any subsequent amendments to the policy content was shared with the Policy Review Group/JCC as part of the policy approval process.

## **RESPONSIBILITIES**

### **EXECUTIVE MANAGEMENT GROUP (EMG)**

EMG approves all organisational policy.

<b>POLICY REVIEW GROUP (PRG)</b>	PRG reviews all organisational policies (except people-related policies) and departmental procedures. PRG recommends all organisational policies to EMG for approval.
<b>JOINT CONSULTATIVE COMMITTEE (JCC)</b>	JCC reviews all <i>people-related</i> policies and procedures. JCC recommends people-related policies to EMG for approval.
<b>EXECUTIVE DIRECTORS</b>	Executive Directors are responsible for ensuring policies are communicated and implemented within their functions. They also approve departmental procedures once assurance is received from the Policy Review Group that the procedure is robust and fit for purpose.
<b>MANAGERS</b>	Managers have a responsibility to ensure them and their team are aware of and comply with this policy and ensure appropriate constitution of the selection panel and effective management of the process. work in partnership with the Recruitment Business Partner and Recruitment Team, to ensure this policy is upheld at all times.
<b>APPOINTING MANAGERS</b>	Appointing Managers must ensure that the recruitment process is managed wholly in accordance with the content of this policy,
<b>RECRUITMENT TEAM</b>	The Recruitment Team will provide advice and support to the appointing manager throughout the recruitment and selection process. It is the responsibility of the Recruitment Team to transfer the required information and documentation onto the ESR System and create an HR file for every new employee.
<b>APPLICANT</b>	It is the responsibility of the applicant to ensure that they are honest throughout their application and the recruitment process and to treat all staff involved in the process with dignity and respect. Should an applicant be found to have made a false declaration at any point during the recruitment process the Trust reserves the right to withdraw them from the process (or if an applicant has been appointed, to terminate employment). Internal applicants will only be permitted to apply providing: - they are not subject to a live disciplinary sanction. - they have a satisfactory their appraisal.
<b>TRADE UNION COLLEAGUES</b>	Trade Union colleagues are expected to collaborate on the development of people-related policies and procedures via the JCC policy sub-group and upon approval, support their implementation among trade union members.
<b>ALL COLLEAGUES</b>	All colleagues are expected to be familiar with and comply with the provisions of this policy. Colleagues have a responsibility to conduct themselves in a manner which reflects the NEAS values of Compassion, Accountability and Responsibility, Respect and Excellence and Innovation and to speak up where they see non-compliance with policy.

GLOSSARY OF KEY TERMS/DEFINITIONS	
<b>ACTING UP</b>	<p>Acting up refers to a short period of time where an individual is covering work of a more highly paid post. Internal advertisements will promote these opportunities. Staff will normally be paid the full salary applicable to the post that they are Acting Up into unless the full range of duties are not being carried out, at which time the increase will be negotiated individually.</p> <p>Acting up periods will not normally last for any more than six months and will be subject to regular reviews, in accordance with national NHS Terms and Conditions. Periods may be longer subject to organisational requirements. Only in exceptional circumstances should a period of 'acting up' last longer than 6 months. No automatic transition from acting up to permanent status is allowed and the post must be advertised.</p>
<b>CONDITIONAL OFFER LETTER</b>	<p>A conditional offer is an offer of employment that is made to a successful candidate prior to and conditional upon the receipt of satisfactory employment checks.</p> <p>Conditional offers will not become firm offers until such time as we notify the candidate that they have satisfied our conditions.</p>
<b>AUTHORITY TO RECRUIT FORM</b>	<p>The form by which vacancy requests are raised and approved internally. Roles within the Annual Recruitment Plan do not require this.</p>
<b>SECONDMENTS</b>	<p>A secondment is the temporary transfer of an employee from one organisation, role or department to another for a period of time, usually to carry out a particular project. Refer to the Trust Secondment Policy.</p>
<b>PRIOR CONSIDERATION</b>	<p>Refers to the Trust's Prior Consideration process which supports individuals at risk of not having a role within the Trust to receive priority.</p>

MISCELLANEOUS	
<b>REFERENCES</b>	<ul style="list-style-type: none"> <li>Equality Act 2010 <a href="http://www.gov.uk/guidance/equality-act-2010-guidance">www.gov.uk/guidance/equality-act-2010-guidance</a></li> <li>Freedom of Information Act 2000 <a href="https://www.legislation.gov.uk/ukpga/2000/36/contents">https://www.legislation.gov.uk/ukpga/2000/36/contents</a></li> <li>Agency Workers Regulations 2010 <a href="https://www.legislation.gov.uk/uksi/2010/93/contents/made">https://www.legislation.gov.uk/uksi/2010/93/contents/made</a></li> <li>NHS Terms and Conditions of Service <a href="http://www.nhsemployers.org/your-workforce/pay-and-reward/nhs-terms-and-conditions/nhs-terms-and-conditions-of-service-handbook">www.nhsemployers.org/your-workforce/pay-and-reward/nhs-terms-and-conditions/nhs-terms-and-conditions-of-service-handbook</a></li> <li>NHS Employment Check Standards <a href="https://www.nhsemployers.org/news/refreshed-nhs-employers-pre-employment-check-standards">https://www.nhsemployers.org/news/refreshed-nhs-employers-pre-employment-check-standards</a></li> <li>Public Sector Equality Duty <a href="http://www.gov.uk/government/publications/public-sector-equality-duty">www.gov.uk/government/publications/public-sector-equality-duty</a></li> </ul>
<b>RELATED DOCUMENTS</b>	<ul style="list-style-type: none"> <li>Recruitment Policy</li> </ul>

	<ul style="list-style-type: none"> <li>• Probationary Policy</li> <li>• Secondment Policy</li> <li>• DBS Checks</li> <li>• Driving At Work Policy</li> <li>• Salary and benefits on appointment policy</li> </ul>
<b>KEYWORDS</b>	<ul style="list-style-type: none"> <li>• Advertising</li> <li>• Applications</li> <li>• Shortlisting</li> <li>• Assessments</li> <li>• Selection</li> <li>• Pre-Employment Checks</li> </ul>

MONITORING OF POLICY COMPLIANCE					
Policy Statement	KPI	Method	Who By	Committee/Group	Frequency
1.1	<b>Quality of Recruitment Packs reviewed.</b> <ul style="list-style-type: none"> <li>• Consistency of approach</li> <li>• Identify inappropriate practice</li> </ul>	Review/vetting of individual files on return from interview panel	Recruitment Team	Audit	Annually
	Documentation received by recruitment agencies.	Spot checks	Recruitment Team	Audit	Annually

VERSION CONTROL				
Version No.	Documentation Section/Page No.	Description of Change and Rationale	Author/Reviewer	Date Revised
02	Full document	Complete rewrite of current policy. To supersede the Recruitment and Selection Policy	Neil Gatenby	Nov 2015
03	Point 4.4  Point 6.3  Point 6.5	Addition of 'Live Disciplinary Sanction' / 'PDP and IDP as criteria.  Amended trust advertising dates in line with ET.  Additional clarity around qualifications now included.	Neil Gatenby	Nov 2016

	Point 6.6	Added in that internal candidates, where possible, will receive an email if not successful at shortlisting.		
	Point 6.18	Wording changed and additional clarification 'added.		
04	Full policy review	3 year policy review	Nicola Couley	August 2020
05	Full policy review	3 year policy review	Nicola Couley	July 2023

## Appendices

Appendix A - Protocol for Recruitment of Agency Staffing

Appendix B - Procedure to request Agency Staff

### Appendix A:

## PROTOCOL FOR RECRUITMENT OF AGENCY STAFFING

### 1. Introduction

From time-to-time departments may experience extreme staffing difficulties and in order to maintain service provision may need to secure the use of agency staff. However, the use of agency staff is an expensive solution to short term staffing difficulties and has certain inherent legal obligations.

At this time the use of agency staff is restricted under NHS regulations to clinical roles and roles in IT of a specific piece of project work where it is difficult to recruit.

#### 1.1 Definition of an Agency Worker

An agency worker can be defined as someone who is:

“supplied by a temporary work agency (TWA) to work temporarily for, and under the supervision, of a hirer (NEAS)” - i.e., an individual who has a contract with the TWA and not the hirer

### 3. Submitting a Request for Agency Staff

- 3.1 All requests for Agency staff must be discussed with the recruitment team in the first instance. Where usage appears to be prudent and justifiable an authority to recruit form must be completed and submitted online.

The Recruitment Team will then action your request and contact you for further details.

3.2 It is important that the following details are stipulated within the request to ensure the Trust is fulfilling its legal obligations:

- Length of assignment
- Pay (this should be on parity with that of a permanent employee operating within the same role)
- Any additional benefits such as unsociable hours allowance etc.
- The required level of pre-employment checks.

3.3 If Agency spend is likely to be in excess then the Head of Contracts and Procurement and the Recruitment Business Partner must be notified before any action is taken.

#### **4. Agencies to be Used and Pre-Employment Checks**

- 4.1 Agency staff must be sought from the relevant frameworks as an approved supplier.
- 4.2 Agencies on the appropriate frameworks are required to check staff supplied to NHS Employment Check standards and must supply signed documentation (checklist) to show that all appropriate checks have been undertaken.
- 4.3 Where an Agency is used out with the appropriate frameworks the recruitment team will carry out and evidence all appropriate employment checks prior to commencement of placement. This option is only available in extreme circumstances.
- 4.4 The Trust reserves the right to carry out spot checks of the recruitment process and pre-employment documentation obtained by an agency for any agency worker in order to monitor compliance.

#### **4) Monitoring of Agency Staff Use**

- 5.1 It is essential that Managers continue to monitor agency staff on a weekly basis and the usage of all agency staff must be formally reviewed with your HR Advisor / Recruitment after no longer than eight weeks.
- 5.2 Agency spend must be agreed and reviewed in line with guidance from NHSE/I.

#### **6 Agency Worker Rights and the 12 Week Qualifying Period**

- 6.1 Agency workers are entitled to a number of different legal entitlements and rights.

These rights include, not exclusively, access to facilities and the right to apply for internal vacancies from day one.

After twelve weeks service agency workers are entitled to many of the same basic terms and conditions as a permanent member of NEAS staff, these include, not exclusively, pay (including basic, overtime, shift or unsociable hours allowances), annual leave and paid time off for ante-natal appointments.

Therefore, the cost of agency staff is often greater than provided for within departmental staffing provision and careful consideration should be given to agency

staff use.

At all times Recruitment/HR Advice should be sought.

- 6.2 As highlighted in 5.1 after a period of twelve weeks Agency staff are entitled to certain rights. The twelve week period can be defined by the below:
- 6.3 The 12 week period is triggered when an agency worker has worked in the same role with the same hirer for 12 continuous calendar weeks.
- 6.4 It is important to note that included in this is:
- If the agency worker has worked only for a few hours of any week, this is still classed as a full week's accrued service.
  - This can be through two different TWA's.
  - Absence related to maternity, pregnancy or childbirth – clock starts again on return
  - Statutory contractual maternity, paternity or adoption leave – clock starts again on return
  - End of assignment

**Breaks in which the '12 week period' is suspended**

- Breaks of less than 6 weeks for any reason
- Sickness absence (up to 28 weeks)
- Annual leave
- Jury Service (up to 28 weeks)
- Temporary cessation of hirer activity i.e. factory shutdown Industrial action

## Appendix B

### Procedure to Request Agency Staff

