NHS
Leeds Community Healthcare
NHS Trust

Recruitment and Selection Policy (Incorporating pre-employment checks)	
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Document Version	V2
Date approved by Joint Negotiating Consultative Forum (JNCF)	March 2025*
Date ratified by Trust Leadership Team (TLT)	March 2025*
Date issued	March 2025*
Review date	March 2028

Executive summary

This policy applies to all appointments irrespective of their Age, Disability, Gender reassignment, Marriage and Civil partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual orientation.

This Recruitment and Selection Policy outlines Leeds Community Healthcare NHS Trust's policy and approach to the recruitment and selection of employees. The policy and procedure should be read and used together with ‘A guide to the Recruitment and Selection Process – a Manager’s Toolkit’ that provides more detailed guidance notes for each stage of the recruitment and selection process.

The Trust is required to comply with the mandatory NHS Employment Check Standards. Recruitment and Selection within the Trust will be carried out in accordance with all aspects of the Equality Act 2010 ensuring that a fair and transparent process is consistently applied. This policy provides an overview of the recruitment and selection process and provides the framework for how it should be carried out within Leeds Community Healthcare NHS Trust. It also provides details of all pre-employment checks that must be obtained on all prospective applicants prior to employment by the Trust.

This policy applies to all appointments (with the exception of Consultants) and defines the responsibilities of both the Recruiting Manager and the Workforce Directorate whilst setting the underlying principles of how recruitment and selection should be conducted within the Trust.

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1. Introduction

This document sets out the Leeds Community Healthcare NHS Trust (Trust) Recruitment and Selection Policy. The Trust must comply with all current and relevant employment and equalities legislation and NHS mandatory employment procedures including terms and conditions of service for both Agenda for Change and Medical and Dental staff.

This document should be read in conjunction with the Trusts document ‘A Guide to the Recruitment & Selection Process - Manager’s Toolkit’ (available on the intranet) together with other relevant Trust policies and procedures.

This policy applies to the recruitment and selection of all staff (both internally and externally) to the Trust. The exception being the recruitment of Consultants, whereby the procedure laid down in the National Health Services (Appointment of Consultant) Regulations should be followed.

2. Aims and Objectives

The Trust’s vision is to provide the best possible care to every community in Leeds. In order to achieve this, the Trust needs to attract and retain a highly productive workforce.

By following this policy it will help managers through the recruitment process ensuring that standards of best practice are maintained. All vacancies will be filled according to this policy ensuring consistency of approach and compliance with legal and policy requirements.

3. Definitions

Recruitment
The activity of contact and engagement between employers and applicants in order to amass a pool of suitable candidates to fill a vacancy.

Selection
Covers the process of deciding which candidate is most suitable for a particular role. Selection extends from the screening process up to deciding which successful candidates should be made an offer of employment.

Assessment Centre
An assessment centre is any combination of more than one objective selection technique used to measure an applicant’s suitability for a job.

Recruiting Manager
The person co-ordinating the recruitment and selection process and usually chair of the interview panel. The Recruiting Manager must have attended the Trust Recruitment and Selection Training.

Disclosure and Barring Service (DBS)
Helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

e-DBS
An electronic online system which enables organisations to manage their Criminal Record Disclosure applications with the DBS.

DBS Update Service
The Disclosure and Barring Service (DBS) Update Service is an annual subscription, and allows:

- Applicants to keep their DBS certificates up to date
- Employers to check a DBS certificate

Electronic Staff Record (ESR)
HR and payroll system, which records personal data of all employees.

General Medical Council (GMC)
Professional Registration body for Medical staff.

Health and Care Professions Council (HCPC)
Professional Registration body for health and care professionals.

Nursing and Midwifery Council (NMC)
Professional Registration body for Nurses and Midwives

Practitioner Performance Advice (Formally NCAS)
Practitioner performance advice contributes to patient safety by helping provide impartial advice to healthcare organisations to effectively manage and resolve concerns raised about the practice of individual doctors, dentists and pharmacists, and is an operating division of NHS Resolution

Children
Children are defined by the Safeguarding Vulnerable Groups Act 2006 as a person who is under the age of 18. This applies to any patients, service users, staff or volunteers.

Vulnerable Adults
Vulnerable Adults are defined by the Safeguarding Vulnerable Groups Act (2006) as a person who is aged 18 years or older who:

- Is living in residential accommodation, such as a care home or a residential specialist school or sheltered housing
- Is receiving domiciliary care in their own home
- Is detained in a prison, remand centre or young offenders centre
- Is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- Is in contact with probation services
- Is receiving a welfare service of a description to be prescribed in regulation
- Is an expectant mother living in residential care
- Requires assistance in the conduct of his or her own affairs

Honorary Contract
Is issued to those who are undertaking work on behalf of the Trust but who are not employed by the Trust.

Refugee
A person who has been given leave to remain in the UK on the basis of a successful asylum application.

Asylum seeker
A person who has made an application for asylum, but whose application is yet to be decided upon.

Points Based Immigration System
Administered by UK Visas and Immigration. Under the points-based immigration system, with the exception of Irish citizens, anyone coming to the UK for work must meet a specific set of requirements for which they will score points. Visas are then awarded to those who gain enough points.

In addition, there are other routes which may provide permissions to work in the UK, including the EU Settlement Scheme, Graduate visas and the Dependent family members in work route. Please visit the Gov website or contact the Recruitment team for further information.

UK Visas and Immigration – UKVI (formerly UK Border Agency (UKBA)
Part of the Home Office and responsible for controlling migration in the United Kingdom and enforcing immigration regulations. It is responsible for considering applications for permission to enter or stay in the United Kingdom, citizenship and asylum.

Immigration Salary List
The UK Immigration Salary List is the replacement for the Shortage Occupation List under the Skilled Worker route of the UK's Immigration Rules. This is the official list of skilled jobs for which workers are deemed to be in short supply.

European Economic Area (EEA)
Countries included are: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

EU Settlement Scheme
Agreed as part of Brexit negotiations to allow citizens from the EU, EEA or Switzerland who were currently living in the UK or had family members living in the UK to remain and apply for settled or pre-settled status. The deadline for most people to apply was the 30th of June 2021, however there are limited exceptions.

Applicant Tracking System (ATS)/Careers Gateway
From July 2024, The Trust has managed all job vacancies and candidate pre-employment checks via the LCH Careers Gateway. Through this, recruiting managers will manage vacancies, shortlist, and communicate with candidates. More information can be found on the Trust intranet.

Reasonable Adjustments
Reasonable adjustments are changes an employer makes to remove or reduce a disadvantage related to someone's disability. What is reasonable depends on each situation. Managers must consider if the adjustment:

- Will remove or reduce the disadvantage – the employer should talk with the person and not make assumptions
- Is practical to make
- Is affordable
- Could harm the health and safety of others

An employer does not have to make adjustments that are unreasonable however, they should still find other ways to support candidates and staff members. This could include making other adjustments that are reasonable. If an employee or candidate has a mental health problem, it is important managers take it seriously and with the same care as a physical illness. Managers should try to make reasonable adjustments even if the issue is not a disability. Often, simple changes to a person's working arrangements or responsibilities could be enough to help them stay in work and work well.

4. Responsibilities

4.1 The Executive Team

The Executive team has overall responsibility for ensuring that there are robust processes and procedures in place to allow for effective pre-employment and employment checks.

4.2 The Director of Workforce

The Director of Workforce is strategically responsible for ensuring that there are robust processes and procedures in place to allow for effective and pre-employment checks and that associated policies remain up to date and in line with current legislation.

4.3 Recruiting Manager Responsibility

The Recruiting Manager will:

- Co-ordinate the recruitment and selection process with the support of the Recruitment Team
- Treat all candidates in a fair and consistent manner whilst adhering to relevant employment legislation
- Record and retain all records of the recruitment process
- Check suitability and approve all pre-employment checks on prospective employees

4.4 The Recruitment Team

The Recruitment Team will:

- Provide specialist advice, support and guidance to Recruiting Managers on a variety of recruitment and selection techniques
- Work in partnership with the Recruiting Manager to ensure that all applicants are treated in a fair and consistent way
- Provide recruitment and selection training to all Recruiting Managers
- Provide all recruitment and selection templates and documentation to support effective recruitment and selection
- Ensure all pre-employment checks are requested and completed to the required standards

5. Equality Analysis

Leeds Community Healthcare aims to design and implement services, policies and measures that meet the diverse needs of its population and workforce, ensuring none are placed at a disadvantage over others.

Leeds Community Healthcare is subject to the equality duty as set out in the Equality Act 2010 and must pay “due regard” for the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not

Due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people

6. The Recruitment and Selection Process

Each service has a Workforce Plan, setting out the staffing requirements and also providing information regarding workforce risks, such as recruitment/retention issues or skills gaps.

Managers should review the plan at least annually and ensure it is an accurate reflection of the demand for workforce in their service, taking into account the factors relevant for that service / department or ward. These might include:

- Changing patterns of referral
- Patient time on caseload or length of stay
- Patient dependency/ acuity
- Documentation required to be completed
- Non-clinical time
- Planned / anticipated changes in service delivery and impact on skills and competencies required

Managers should review vacant posts and anticipated turnover during the coming year. The methodology here will depend on the size of the staff group. For individual roles it may be difficult to predict leavers, unless staff have made known intentions to retire etc. For staff groups employed in large numbers, there will often be a fairly predictable pattern of turnover and managers should seek to anticipate this based on historical trends and other available information. Undertaking this exercise can help to inform succession and development planning, as well as recruitment planning.

Once the anticipated leavers in the year have been established the workforce plan should be reviewed in terms of what posts should be recruited to. Service continuity may suggest there should be no gap between one employee leaving and the next starting – or even a handover period – however managers must ensure this will not put achievement of their financial vacancy factor at risk.

Questions that should be asked need to include:

- What is the impact if the vacancy remains unfilled e.g. how much might the waiting list increase?
- Does it need to be exactly the same post/band – is this still fit for purpose in respect of the service that needs to be delivered over the coming years?
- What consideration should there be to flexible working and what are the service demands e.g. in terms of operating hours / shifts that need to be covered?

- What is the optimum way to fill the role – permanently, a fixed term contract or a temporary appointment? There needs to be a balance of ability to attract the best candidate to the role vs. the greater financial liability of a permanent (including potential redundancy costs). Care should be taken with recruiting to fixed term contracts, as these often carry the same financial liabilities as permanent contracts
- What future service developments or changes might affect the post?

6.1 Job Description and Person Specification

All vacancies must have an approved job description and person specification prior to being advertised. This must be in the agreed standard format; available from the Trust intranet site.

These documents will set out an overall purpose of the job and the criteria for selecting candidates to be used at the shortlisting and selection stage. Requirements expressed will not contravene any employment legislation and will be based on the job responsibilities.

Core job descriptions can be found on the Trust Intranet. If no suitable job description is available, please contact the recruitment team for further guidance and next steps.

6.2 Agenda for Change Job Evaluation

All job descriptions and person specifications must be matched through the Agenda for Change job evaluation process. Any amendments to a previously banded job must be submitted to the Recruitment Team who will evaluate whether the changes are sufficient to require the post to be re-banded.

For positions that are not covered under the Agenda for Change terms and conditions, advice on job evaluation should be sought from the Recruitment Team.

6.3 Establishment Control

Before any post is advertised the appropriate authorisation must be obtained. This will include a check against the re-deployment register. Further information on the current process is available on the Trust intranet.

6.4 Redeployment/Clearing House Arrangements

Before a vacancy is advertised the Recruitment Team will ensure that any existing members of staff, either considered ‘at risk’ or on pay protection, will be given prior consideration before other applicants, subject to meeting the person specification. This process will be managed in conjunction with the HR Team.

The Trust will also ensure that any national or regional clearing house initiatives are followed prior to advertising any vacancies externally.

6.5 Advertising

External vacancies will be advertised nationally through the NHS Jobs website, relevant job boards, and the Trust vacancy bulletin where appropriate, and will be placed by the Recruitment Team via the Applicant Tracking System. Alternatively, you may decide to recruit internally only, wherein the vacancies will be available on the Careers Gateway via the ATS, accessible through the recruitment page on the intranet.

In order to balance statutory and mandatory training requirements and maintain staffing efficiencies, non-clinical vacancies will normally be advertised for a minimum of 15 hours per week with a minimum of 18.75 hours per week for all clinical positions. Vacancies that fall under these hours will be advertised as internal only, in the first instance.

The shortlisting and selection days will be planned by the Recruiting Manager at the outset and provided to the Recruitment Team as part of the Job Requisition. Shortlisting dates will usually be within 3 working days of the closing date and a selection date will usually be approximately 10 working days from the shortlisting date.

Positions will only be advertised on receipt of a full completed Job Requisition submitted by the Recruiting Manager directly on the Careers Gateway. Positions will usually be advertised for 2 weeks, however it may be necessary to reduce or extend this as appropriate.

It may be appropriate to reduce the circulation of an advert or ring fence this to a specific group of staff as per the Trust's Organisational Change Policy. Please speak with HR for further guidance.

6.6 Media/Professional Jobs/Campaign Approaches

Dependent upon the role it may also be necessary to advertise in selected on or off line media or professional journals. This may apply to vacancies that are particularly difficult to recruit to or where the standard recruitment process has been exhausted.

The Trust may also promote vacancies through the organisations social media channels, website or through other recruitment initiative or events, such as through Hyperlocal Recruitment. Please contact the Recruitment Team for further information.

6.7 Shortlisting

Following the closing date, all applications will be made available to shortlist via the Applicant Tracking System (Careers Gateway). All candidates will be shortlisted against the same criteria as laid down in the person specification previously approved through the Job Matching process. Candidates will be shortlisted against a number of elements of the essential criteria. Where a larger number of applicants satisfy the essential criteria, other desirable criteria will be applied systematically to reduce the number of candidates.[1]

Recruiting Managers will not have access to any personal information until the shortlisting process has been concluded. Shortlisting must be conducted by a minimum of two members of the selection panel and submitted by the Recruiting Manager via their Careers Gateway account.

As the Trust aspires to be more representative of the wider population we serve, a decision has been made by the Trust Board for staff who identify as BME to be involved in the full recruitment and selection process, including being an equal member of the panel for all posts at Band 7+. The intention longer term, in line with the NHS EDI Improvement Plan, is to widen participation in the recruitment and selection process across all the protected characteristics. More information can be found on the Trust intranet or via the EDI team.

6.8 Assessment Methods

There is no "one-size-fits-all" solution to the types of selection methods used as part of any selection process. Recruiting Managers should choose a combination of selection tools most appropriate for the role. Any selection methods chosen should assess both the technical knowledge and skills and also ensure that the individual's values fit with the Trust. When interviewing it is a good idea to ask each applicant the same questions where possible to ensure you're treating applicants in the same way. Recruiting Managers should consider any reasonable adjustments requested by candidates for the selection methods themselves to ensure a fair process in line with Trust values, for example, giving a candidate who is neurodiverse extra time to do a written test or answer questions.

The Recruiting Manager may also consider involving Trust members as part of the selection process. Members can offer a different perspective and can add tremendous value to the process. Further information on involving members in the recruitment and selection process is available on the Trust intranet.

Once the selection process has been determined, the Recruiting Manager will invite all shortlisted applicants for assessment via the ATS. Candidates will then confirm their attendance through their Careers Gateway account. Candidates will normally be notified at least 1 week in advance of any selection activity.

When determining the location for any selection activity, the Recruiting Manager should take into consideration the accessibility of the venue and consider any Reasonable Adjustments. Consideration should also be given to the dates of selection activity taking into account of any faith-based days.

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[1] Under our commitment of the disability confident scheme, all candidates who meet the essential criteria and indicated that they have a disability, will be automatically shortlisted.

Further advice and guidance on selection methodologies can be obtained from the Recruitment Team.

6.8.1 Interviews

Interview panels will be arranged by the Recruiting Manager (or nominated deputy). The panel should consist of a minimum of two panel members. For clinical posts, at least one panel member should be a clinician from the speciality to which the position relates. For medical and dental vacancies the panel must include the Medical Lead/Associate Medical Director (or their delegate) and be either a doctor or dentist, as appropriate. SAS doctors should be involved in the recruitment of other SAS doctors as appropriate.

The selection panel will have a job description, person specification, application form and interview evaluation form for each interviewee. It is the Recruiting Managers responsibility to ensure that the necessary documentation is collected and verified at interview.

All interviews should be conducted using the Trust interview evaluation form and candidates will all be asked the same initial 'lead' question followed up by further probing questions. There is likely to be variation in these probing follow up questions according to the nature of the discussion that takes place.

Further guidance on interviewing, including 'values based interviewing' is available on the Trust intranet.

6.8.2 Selection Tests

Selection tests are an excellent method of assessing a candidate's ability to perform the duties of the post, provided they are relevant, reliable, fair and unbiased and are recommended for all recruitment exercises. Examples include typing tests, in-tray and written exercise, tests in the use of applicable software, case studies or scenario exercises and group exercises. It may be necessary to make reasonable adjustments to a test to accommodate a candidate with a disability, for example, by allowing more time or providing special equipment.

Psychometric selection tests can also be used to support the selection process; these could include personality, aptitude or ability tests. Recruiting Managers interested in using psychometric tests should contact the Recruitment Team.

6.8.3 Cohort Recruitment

For roles with multiple vacancies, such as Community Nursing, Healthcare Support Worker or Customer Service Assistants, it may be more appropriate to use assessment centre methodology as a selection technique. These may be run centrally via the Recruitment Team.

6.9 The Selection Decision

The preferred candidate will be selected by calculating the highest accumulative total, giving proper weight to all selection methods and subject to them meeting all the minimum requirements.

6.10 Post Interview Feedback

The Recruiting Manager must ensure that all candidates are informed of the outcome of the interview. This will be a collective view of the panel. Verbal feedback will be offered to all candidates in the first instance.

The manager should provide a valid reason to the candidate for rejection together with constructive feedback about the performance at the interview including any tests.

Any Feedback should be entered into the Careers Gateway for each candidate.

6.11 Pre-employment Checks

Following the recruitment process pre-employment checks must be carried out. These must satisfy the requirements of the NHS Employers pre-employment check standards as follows;

- Verification of identity checks
- Right to work checks
- Registration and qualification checks
- Employment history and reference checks
- Criminal record checks
- Occupational health checks

All pre-employment checks must meet these requirements before the Recruitment Team will officially write to the candidate to offer them the position.

The Trust will withdraw any offer of employment to anyone who fails to meet these requirements. Further information on the specific process for obtaining these checks is available in Appendix A

6.11.1 Alert Letters

Alert Letters are issued to notify NHS organisations and others about health professionals whose performance or conduct could place patients or staff at serious risk.

Employees regulated by one of the following bodies are covered by this procedure and maybe subject to alert letters:

- General Medical Council

- General Dental Council
- Nursing and Midwifery Council
- General Chiropractic Council
- General Osteopathic Council
- Health & Care Professions Council

Alert Letters are received by the Recruitment Team from Practitioner Performance Advice via the Healthcare Professional Alert Notices System (HPAN). These details are then entered onto a local alert database against which any potential new employees or workers will be checked before an offer of employment is made.

Following checks on HPAN online. If an applicant is identified as being on the HPAN database, the Recruitment Team will halt the recruitment process, inform the relevant parties and take action as appropriate.

6.11.2 Enhanced pre-employment checks for Medical staff

All Medical appointments require additional pre-employment checks in line with the Medical Profession (Responsible Officers) Regulations 2010. All candidates for Medical appointments will be required to provide, at interview, details relating to their revalidation. On appointment, the Trust will contact their previous Responsible Officer, requesting confirmation of this information in line with current regulations.

6.11.3 Fit and Proper Person Test for Executive/Non-Executive Director appointments

All candidates appointed to Executive and Non-Director roles are required to meet the Fit and Proper person test. Further information in relation to this is available from the Recruitment Team.

6.12 Post-interview process

The Recruitment Team must be notified of any selection decision by the Recruiting Manager within 2 working days of the recruitment activity. Notification is through completion of a candidate confirmation form via the Careers Gateway. It is also necessary to scan and attach the relevant ID documents in order for the Recruitment Team to instigate the e-DBS application process.

All other documentation relating to the recruitment activity must be retained and returned to the Recruitment Team within 5 working days. This includes interview evaluation forms for both successful and unsuccessful applicants.

Closed recruitment documentation is kept for 12 months after the closing date and then destroyed as confidential waste.

7. Process for the follow-up for those who fail to satisfy the checking arrangements

Individuals will not be able to commence employment with the Trust until satisfactory pre-employment checks have been received.

If unsatisfactory check(s) are received, the matter will be escalated to the Recruiting Manager and the following processes will apply:

7.1 Eligibility to work in the UK & Identity Checks

Failure by an applicant or employee to provide accurate information in regard to their eligibility to work in the UK or their identity checks will result in their immediate suspension from work without pay. At the same time the NHS Fraud team and the Home Office will be informed and an investigation undertaken by the line manager and Human Resources department.

7.2 Employment History & Reference Checks

In the event of unsatisfactory employment history or reference checks being received, the Recruiting Manager will be informed, enabling them to make a full review of the facts and circumstances in conjunction with advice from HR, and make a decision to recruit or withdraw the job offer.

7.3 Disclosure and Barring Service (DBS)

In the event that convictions or other information is contained on a DBS disclosure, the Recruiting Manager will be informed and with the support of the Recruitment Team they must be assured that all relevant facts have been considered prior to making a decision as to whether it would be appropriate for the applicant to be recruited to that position. It may be necessary to meet with the individual to discuss this further as well as refer to other declarations the applicant may have made throughout the recruitment process, i.e. on the application forms and at interview. Once all the facts and circumstances are determined a decision must be made as to whether to recruit or withdraw the job offer.

7.4 Police and Prison Vetting

Certain roles that involve working with certain groups or services will require additional police clearance or prison vetting. These are roles across the Health and Justice pathway, and applicants will not be able to commence with the Trust until these additional checks have been concluded. These may be done in lieu of a DBS check.

7.5 Professional Registration & Qualification checks

Please refer to the Trust's Professional Registration Policy.

7.6 Occupational Health

Under the terms of the Equality Act 2010 Occupational health checks should be done when a member of staff:

- Takes up their first post including any training
- Transfers to a new employer in the NHS
- Changes job, where this involves a significant change of duties

No applicant should be refused employment on health grounds unless:

- Expert occupational medical advice has been sought
  and
- The applicant has had the opportunity to discuss issues raised with an occupational health professional
  and
- The employing manager has given full consideration to all of the facts

In the event of an unsuccessful Occupational Health check, the Recruiting Manager will be informed and with the support of the Health and Wellbeing team they must reassure themselves that all facts and options for reasonable adjustment on the grounds of health have been considered, prior to any offer of employment being withdrawn.

The Recruiting Manager must confirm in writing the reasons for withdrawing the offer of employment and this will be kept in the applicants recruitment file.

8. Corporate and Local Induction

All new employees must be fully inducted into the organisation following the Trust Induction policy. Line Managers should support their new starters to attend any training whether this is virtual or in-person.

9. Starter Documentation

The Recruiting Manager or new Line Manager (if different) is responsible for ensuring that all new starter paperwork is completed on the employee’s first day. Further instructions are available on the Workforce Information section of the Trust Intranet.

10. Salary on Appointment

For positions covered by Agenda for Change terms and conditions, all Recruiting Managers must adhere to the Trust salary and terms and conditions on appointment guidance available on the Intranet. New entrants into the NHS will usually start at the bottom of the band.

For positions not covered under Agenda for Change, Recruiting Managers should refer to the relevant terms and conditions for the particular speciality.

11. Secondary Employment

Employees may not engage in secondary employment (paid or voluntary) which conflicts with their work with the Trust, or which is detrimental to the employees work with the Trust. Employees wishing to engage in secondary employment/voluntary work in addition to their primary post with the Trust must refer to the Working Time Regulations Policy and complete the declaration of secondary employment form available on the Trust intranet site.

12. Education and Training Needs

Recruiting Managers are required to be trained in the Trust Recruitment and Selection procedures and attend the appropriate up-dates. Further details can be found in both the Statutory and Mandatory Training Policy and on the Trust Intranet site.

Ad-hoc updates will be cascaded electronically to all Recruiting Managers, with further details on the staff intranet.

13. Monitoring Compliance and Effectiveness

Monitoring will be achieved by an annual audit, by the organisations external auditors or through nominating a lead, aiming for compliance with the policy. Issues identified will require the formation of an action plan.

14. Approval and Ratification process

The policy has been ratified at JNCF and Remuneration Committee.

15. Dissemination and Implementation

Following ratification this policy will be available to all staff via the Trust intranet/internet site. A short summary of its contents will also be published with a further notification appearing in MyLCH Today.

16. Review arrangements

This policy will be reviewed every 3 years unless legislation is changed and amendments are subsequently required earlier.

17. Associated documents

- A Guide to the Recruitment & Selection Process - Manager's Toolkit
- NHS Terms and Conditions of Service Handbook
- Professional Registration Policy
- Secondment Policy
- Induction Policy
- Organisational Change Policy
- Salary and Terms and Conditions on Appointment Guidance
- NHS Employment Check Standards and regulation: NHS Employers 2024
- LCH Policy Statement on the Recruitment of Ex-offenders
- Managers Guide, Certificates of Sponsorship – CoS / Visa, including Skilled Worker's Visa

18. References

- The National Health Services (Appointment of Consultant) Regulations 1996
- Equality and Human Rights Commission: Equality Act Guidance for employers, July 2011
- The Medical Profession (Responsible Officers) Regulations 2010
- Department of Health: Closing the Gap in Medical Regulations – Responsible Officer Guidance 2010
- DBS Code of Practice for registered persons and other recipients of disclosure information: revised November 2015
- ACAS
- CIPD
- NHS Employers
- Preventing illegal working: guidance for employers, July 2014
- NHS England fit and proper person test framework for board members
- NHS TDA Guidance on Senior Appointments in NHS Trusts
- UK Home Office: Code of Practice on preventing illegal working: Right to work scheme for employers.
- UK Home Office: Code of practice for employers: avoiding unlawful discrimination while preventing illegal working

Appendices

Appendix A: Pre-Employment Checks

This appendix may be amended from time to time in light of national policy change.

1 Six NHS Employment Check Standards

NHS Employers have published a series of standards that detail the legal and mandated employment checks that NHS organisations must carry out to meet the Department of Health's core standards. These checks will be carried out on all prospective employees including temporary, fixed term and voluntary workers.

1.1 Verification of Identity

The identity of all prospective employees must be reliably verified and recorded before any appointment can be made. Verification of identity checks are designed to determine that the identity is genuine and relates to a real person and to establish that the individual is rightfully using that identity.

All applicants are required to provide at interview, evidence of identity. This must then be photocopied by the Recruiting Manager (or nominated deputy) certified and retained with all the recruitment documentation. They must provide original identity documents in either of the combinations below:

- Two forms of photographic personal identification and one document confirming their current residing address
- One form of photographic personal identification and two documents confirming their current residing address

In addition, evidence will also be obtained of the applicant’s signature. This will be acquired through the completion of a signature verification form that must be countersigned by the Recruiting Manager (or nominated deputy) and retained with all the recruitment documentation.

A list of acceptable forms of identity and a copy of the signature verification form can be found on the Trust intranet.

1.2 Right to Work Checks

The Trust has a responsibility to prevent illegal migrant working in the UK. Individuals must produce documentation to prove they are permitted to work in the UK and that their identity is genuine.

If an individual is not subject to immigration control, has no restrictions on their stay in the UK or is a UK or Irish citizen, then they will still be required to produce a document or a specified combination of documents prior to commencing employment.

Where the individual has limited leave to remain in the UK the checks will be repeated on that employee by the Recruitment Team at least 3 months before expiry, until they provide specified documents indicating that they can remain permanently in the UK or until they leave the Trust's employment. This will be evidenced using a share code checked against the Home Office online service, or where this is not possible, by obtaining a Positive Verification Notice issued by the UKVI Employer Checking Service. Increasingly, the Home Office is issuing eVisas rather than issuing physical documents as proof of an individual's immigration status. This means those individuals will only be able to evidence their right to work using the Home Office online service.

All documentation must be provided prior to commencing employment following guidance in the Employers guide to right to work checks issued by UKVI. A certified copy of the documents is to be kept in the individual's personal file.

Recruiting Managers should not make assumptions about a person's right to work in the UK or their immigration status on the basis of their race, nationality, ethnic or national origins, accent, surname or the length of time they have been resident in the UK.

Job applicants should not be treated less favourably if they produce acceptable documents showing a time-limited right to work in the UK. Once a person who has time-limited permission to stay in the UK has established their initial and ongoing entitlement to work, they should not be treated less favourably during their employment, including as to the terms of their employment, opportunities for training, promotion or transfer, benefits, facilities or services, or by dismissing the worker or subjecting them to some other detriment.

Permits/Certificates of Sponsorship - Tier 2

If a prospective employee is not a British or Irish Citizen, they may require a sponsorship certificate which will be applied for by the Trust and used by candidates and staff members to apply for a skilled worker visa ahead of employment. There are certain exceptions including:

- Citizens of British Overseas Territories such as Gibraltar
- Commonwealth or British National (Overseas) citizens with permission to stay in the UK on the basis of UK ancestry.
- Individuals with pre-settled or settled status from the EU Settlement Scheme – or with an application pending. They can no longer rely on an EEA passport or national identity card to prove their right to work as this only confirms their nationality. They are required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals

- Candidates with a family permit from the EU Settlement Scheme
- Candidates with indefinite leave to enter or remain in the UK
- Candidates with right of abode in the UK

The Trust has agreed that we can support a Skilled Worker Visa application by providing a Certificate of Sponsorship (CoS) for candidates who meet the following criteria, subject to funding by the service and approval by the general manager:

- Substantive and registered clinical roles at Band 5 and above
- Substantive Band 5 roles and above which are difficult to recruit as detailed in
- the latest immigrational salary list (Formally known as the shortage
- occupation list)
- Existing staff with substantive contracts who require sponsorship as Health
- Care Assistants in difficult to recruit locations across the city – (This option is
- not open to new applicants)

The Trusts Leadership Team reserves the right to make exceptions to the above based on extenuating circumstances. It is important to note that funding should not be the only reason to deny sponsorship to a candidate. Please contact the Recruitment Team for further information

The Trust will pay the sponsorship fee. The individual will be responsible for the payment for their leave to remain. Where successful applicants require a sponsorship certificate, the application process will be managed by the Recruitment Team

If a Recruiting Manager has questions about the likelihood of their post being suitable for a Tier 2 sponsorship certificate they should contact the Recruitment Team for further information.

The individual applicant/employee is responsible for securing their leave to remain and entry clearance. They must also ensure they have appropriate documentation to support their leave to remain such as evidencing their eVisa or producing a share code. Copies of these must be stored in an employee's H file.

1.2.2 Refugees and Asylum Seekers

Anyone who is granted permission to stay in the UK as a refugee, or who is granted humanitarian protection has unrestricted access to the labour market. A refugee must demonstrate their right to work through the Home Office online service.

Those who claim asylum in the UK are not normally allowed to work whilst their claim is being considered. Asylum claimants can apply for and may be granted permission to work if their claim has been outstanding for more than 12 months through no fault of their own, however they are restricted to roles on the Immigration salary list. This will be stated on their Application Registration Card (ARC).

1.3 Employment History and Reference Checks

Before any appointment is made it is essential to check the accuracy of a prospective employee's previous employment and/or training history. It is also necessary to receive assurance of an individual's qualifications, integrity and track record.

Recruiting Managers must check the suitability of the supplied references at interview for all applicants and document any alternatives, if appropriate, on the preferred applicant's candidate confirmation form. The Recruitment Team will then contact the referees for the preferred candidates by e-mail.

References must be appropriate in order to provide the best possible evidence on the suitability of an individual for a position. References should cover at least the last three years of previous employment and/or training history and they should include the applicant's current or most recent employer or training provider. Where an individual has been with one employer for three years or more, one reference may be sufficient.

References must always be obtained in writing and will be requested using the standard Trust proforma issued through the Careers Gateway, although it may be necessary to further clarify information with the referee over the phone. The Recruitment team will check incoming factual references against a candidates application form to ensure consistency and will report any issues to the Recruiting Manager and/or HR.

1.4 Registration and qualification checks

The purpose of registration and qualification checks is to ensure that all prospective employees are recognised by the appropriate regulatory body and that they have the right qualifications to do their job. (Please refer to the Professional Registration Policy)

1.4.1 Registration Checks

Before any unconditional offer letter is issued the Recruitment and Selection Team will confirm the individual is registered with the appropriate professional body. This is done via the professional bodies' website as per the Trust Professional Registration Policy. Evidence of this retained by the Recruitment Team and placed in the individuals HR record.

Professional registered staff are required to maintain their professional registration throughout their employment. Further information is available in the Professional Registration Policy available on the Trust internet.

1.4.2 Qualification Checks

The Trust must ensure that all employees have the required qualifications to perform the role for which they are appointed. All applicants are required to provide, at the selection activity, evidence of any qualification that is required for the role. These be photocopied by the Recruiting Manager (or nominated deputy) and retained with all the recruitment documentation.

1.5 Occupational Health Checks

Occupational Health checks ensure that employees are physically and psychologically capable of doing their role, taking into account any current or previous illness. It is designed to identify anyone likely to be at excess risk of developing work-related diseases from hazardous agents present in the workplace and to ensure, as far as possible, that they do not represent a risk to patients and that they will be doing work that is suitable and safe for them.

Occupational health checks should be carried out when a member of staff is first appointed to a position within the Trust or if they change positions, where this involves a significant change of duties.

Successful applicants and who are defined as ‘healthcare workers’ are required to complete a full occupational health pre-employment questionnaire. A full breakdown of the definition is available on the trust intranet. Those that do not fit this definition are instead required to complete a work health declaration form.

The questionnaire or health declaration is sent to the successful applicant by the Recruitment Team via an email sent from the online portal, which upon completion is sent directly to the Occupational Health Department. Any ‘non-healthcare workers’ who indicate that they have a health condition or disability that might impair their ability to carry out the role or require special adjustments will be referred to Occupational Health, who will in turn contact the individual directly to obtain further information.

All checks must take into account the requirements of the Equality Act (2010) and reasonable adjustments must be made to ensure that people can work in the NHS regardless of physical impairment or learning disabilities. Occupational health checks should only be made once a job offer has been made.

Results of prospective candidate occupational health checks will be confidentially filed in the candidates personal file.

Once the Occupational Health department have reviewed all the information from the individual, they will either issue a fit to work clearance certificate or provide a report detailing the applicant’s suitability for the role and advising of any adjustments that would need to be made to the working environment in order to facilitate employment.

It may be necessary for individuals to attend the Occupational Health Department in their first week of starting the new role in order to obtain any immunisation updates.

1.6 Disclosure and Barring Service (DBS) Checks

The Disclosure and Barring Service (DBS) provides access to information across England and Wales about criminal convictions and other police records to help employers make informed decisions when recruiting staff.

DBS Disclosure Requirement

- **Mandatory Checks**: All employees and volunteers must undergo a DBS disclosure upon appointment to eligible positions within the Trust.
- **Eligibility Criteria**: Available on the Trust intranet. Recruiting Managers must evaluate eligibility before advertising and include this in the job requisition on the Careers Gateway. More guidance can be found on the Gov Website
- **Disclosure Level**: Recruiting Managers must establish and indicate the required level of disclosure. This could be Enhanced or Standard and could include checking the adults or child's barred list.

Application Process

- **Application Form**: The Recruitment Team will ensure the appropriate DBS-related question is included on the Careers Gateway application form.
  - **Eligible Positions**: Applicants must detail all conviction information (not filtered in line with current national guidance).
  - **Non-Eligible Positions**: Applicants must provide unspent conviction for information only.

<u>Selection Process</u>

- **ID Verification:** Shortlisted candidates must bring three forms of ID to their selection activity. Details of acceptable ID forms are on the Trust intranet. The Recruiting Manager (or nominated deputy) must photocopy, certify, and retain these with the recruitment documentation.
- **Interview Questions:** At the end of each interview, Recruiting Managers will ask candidates one or both prescribed questions from the Trust interview assessment form. This allows applicants to declare any spent or unspent convictions, depending on the post's eligibility for a DBS disclosure. This information will be recorded and retained with the recruitment documentation.

<u>Post-Interview Process</u>

- **Candidate Confirmation:** Upon receipt of the candidate confirmation form on the ATS:
  - **Eligible Positions**: The successful applicant will receive an e-DBS application form and DBS declaration form.
  - **Non-Eligible Positions**: The successful applicant will receive a non-DBS declaration form.

- The Recruitment Team will check returned non-DBS declarations. If any questions are answered "yes," this will be highlighted to the Recruiting Manager and cross-checked with interview and application form declarations. Any issues must be discussed with the individual and Recruiting Manager to ensure suitability for the position. It may be appropriate to wait for the full DBS disclosure before making a final decision.

- Non-DBS declarations with no issues will be filed in the individual's HR record.

DBS Application and Update Service

- **e-DBS Application**: Candidates will complete an e-DBS application form. If there is no conviction information, the Recruitment Team will be notified directly via the e-DBS system. If there is conviction information, the Recruitment Team will ask the individual to provide a copy of their DBS disclosure. This information will be cross-checked with the DBS declaration, application form, and interview records. A meeting may be necessary to discuss further.
- **DBS Update Service**: All candidates and staff eligible for a standard or enhanced DBS check must register for the DBS update service within 28 days of their initial application or within 30 days of receiving their certificate. This subscription must be renewed annually and paid for using the employee's credit/debit card. Costs can be claimed back through expenses via the usual system described on the Trust intranet. Failure to register in time will require a new DBS check, paid for by the employee.

Record Keeping

DBS Details: The Recruitment Team will record the DBS disclosure reference number and issue date on ESR

1.6.1 Decision Making

Recruiting Managers will only take into account relevant criminal record and other information declared in line with the Trust policy statement on the Recruitment of Ex-offenders.

1.7 Police/Prison checks

Certain roles across the Health and Justice pathway require additional police or prison vetting before to any appointment can be made. These checks are carried out by the individual establishments and the successful outcome is notified to the Recruitment and Selection Team by the Recruiting Manager. These may be done in lieu of a DBS check.

1.8 Recording Checks

Evidence of all pre-employment checks conducted will be stored on individual HR records with a record of the outcome entered and maintained on ESR by the Recruitment and Selection Team.