

RECRUITMENT & SELECTION POLICY

(Including Recruitment & Retention Premia, Salary on Appointment, Disclosure Barring Service, Disclosure of Criminal Background, References)

Policy reference – LHR08

January 2021

SUMMARY	This policy outlines the recruitment and selection policy including , recruitment and retention premia, disclosure barring service, disclosure of criminal background and references
AUTHOR	People and OD Team
VERSION	V3.0 Final
EFFECTIVE DATE	15 th January 2021
APPLIES TO	Vacancies, prospective employees and employees
APPROVAL BODY	Remuneration and Nomination Committee
RELATED DOCUMENTS	Organisational Change Policy Learning and Development Policy Professional Registration Policy
REVIEW DATE	January 2024

VERSION CONTROL SHEET

Version	Date	Author	Status	Comment
1.1	21/11/13	Liz Orton	draft	
1.2	13/01/14	Hannah Morris	draft	Social Partnership Forum
1.3	03/02/14	Hannah Morris	draft	
1.4	07/04/14	Hannah Morris	draft	Amended the scope to include non-directly employed staff for relevant sections.
1.5	04/09/17	Stacey Oglesby	draft	
2.0	04/12/17	Stacey Oglesby	approved	
2.1	25/01/18	Amanda Johnson	Approved	Updated policy in line with GDPR requirements.
3.0	12/09/20 14/01/20	People and OD Team	Final	Updated policy. Significant changes made at sections 1 and 25 and at appendices 1 and 2. The other changes are minor amendments to terminology. Approved by RemNom Committee

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1. PURPOSE

- 1.1 The Recruitment and Selection Policy is designed to support managers in providing a fair, consistent and effective approach to the recruitment of all employees, in accordance with employment law and best practice.
- 1.2 The organisation actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates. The organisation invites CCG network representatives from all groups (defined under protected characteristics in 3.1) to inform our processes and decision-making to help ensure that staffing reflects the diversity of the population of Leeds, the Yorkshire region and the country as a whole. The CCG has undertaken that non-white colleagues will be involved in the recruitment and selection of all Band 7 and above appointments.
- 1.3 The organisation complies fully with the NHS Employment Check Standards, data protection legislation, and the Disclosure & Barring Service (DBS) Code of Practice and undertakes to treat all applicants in the same way at each stage of the process.
- 1.4 After gaining their clear and explicit consent and in accordance with NHS Employment Check Standards the organisation will undertake document checks on every prospective employee and on staff in ongoing NHS employment. This includes permanent staff, staff on fixed term contracts, secondments, Governing Body and Lay member appointments, volunteers, students, trainees, and apprentices. Where temporary staff are engaged through an employment agency, the agency will be responsible for providing evidence that all checks have been carried out to meet the requirements of the NHS Employment Check Standards (see the Agency Worker Regulations Guidance for Managers).
- 1.5 The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCG Data Protection and Confidentiality and related policies and procedures.
- 1.6 The CCG actively encourages those who are seeking apprenticeships and NHS Returners to consider opportunities within the CCG.

2. SCOPE

- 2.1 This policy applies to prospective employees and employees. Disclosure of Criminal Background appendices will also apply to non-directly employed staff engaged with the organisation.

3. EQUALITY STATEMENT

- 3.1 In applying this policy, the organisation will have due regard for 1.2 of this policy and the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic. A single Equality Impact Assessment is used for all policies and procedures.

4. ACCOUNTABILITY

- 4.1 The Chief Executive Officer is accountable for this policy.

5. IMPLEMENTATION AND MONITORING

- 5.1 The Remuneration & Nomination Committee is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be disseminated to staff via the organisations intranet.
- 5.2 The policy and procedure will be reviewed periodically by the People and OD team in conjunction with managers and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen immediately.

6 RESPONSIBILITIES

Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

6.1 Employees and Prospective Employees

- 6.1.1 It is the responsibility of the above to:
- Provide all relevant information and documentation required by the organisation to comply with recruitment processes.
 - Advise their recruiting manager or line manager of any changes in their circumstances.
 - Inform their line manager should they be charged with an offence or if their status changes with regard to checks during their employment.

6.2 Recruiting Manager

- 6.2.1 It is the responsibility of the recruiting Manager to:
- Comply with this policy and all related recruitment procedures.
 - Ensure all necessary pre-employment checks are carried out on prospective appointments, including temporary, secondment and agency staff.
 - Attend recruitment training and be aware of and apply all of the organisations recruitment procedures.
 - Ensure that the recruitment and selection policy is applied fairly to all.
 - Seek advice from a HR representative if information comes to light at any stage of the process which may impact on the employment offer.

6.3 People and OD Team

- 6.3.1 It is the responsibility of the service to:
- Devise a policy and procedure on recruitment & selection of employees and to ensure that the policy and procedure is maintained and updated accordingly in line with any organisation or legislative changes.
 - Provide on-going support and training for all managers, in dealing with the recruitment and selection process, to ensure compliance with the relevant HR policies and procedures.

- Monitor all recruitment to ensure all required pre-employment checks have been completed. Ensure that completed documentation is place on file and meets all audit requirements.
- Collect and report equality monitoring data for recruitment and selection. Identify potential inequalities and propose actions to address these.

7. Identifying a Vacant Post

- 7.1 When a vacancy arises, managers will want to consider the most appropriate way to cover the work. Before a new or revised job description and job specification is drawn up, managers should review the staffing levels, skill mix and working patterns in their team to identify any potential redeployments.
- 7.2 The following question should be considered:
- Can the work itself be eliminated?
 - Can the work be absorbed by re-organising existing resources?
 - Is it the same job as was done previously?
 - Do the hours need to be the same?
 - Can skill mix be considered as an alternative?
 - Will the job be permanent or temporary?
 - What future service developments or changes might affect the post?

8. Appointing to a vacant post without advertising

- 8.1 If a post becomes available on a temporary basis due to such reasons as maternity or long-term sickness cover, the recruitment and selection process must be followed when selecting an employee to cover the vacancy. In such circumstances, it may be appropriate to recruit to the vacancy from a specific group of staff, for example where the post is of a specialist nature.
- 8.2 The ring fencing of vacancies would normally only apply where certain jobs are at risk. Where managers are considering ring fencing vacancies for any other reasons it is recommended they discuss this with the workforce service.
- 8.3 Prior to any post being advertised the organisation should give consideration to any employees who are currently 'At Risk'. At risk employees need only meet the essential criteria in order to have a ring fenced interview and the Recruiting Manager will need to provide evidence of why they are not appointable.
- 8.4 The organisation will also ensure that any national or regional clearing house initiatives are followed prior to advertising any vacancies externally.

9. Job Evaluation

- 9.1 Having established that a vacancy exists a job description and person specification should be completed for the post. If it is an existing post then the current job description and person specification must be reviewed and any necessary changes made.
- 9.2 The job description should summarise the role and responsibilities of the post in a concise and accurate way.
- 9.3 The person specification defines the qualifications, skills, experience, aptitudes that are required by a person to fulfil the role. The criteria must be categorised as either essential (the minimum standard to perform the role adequately) or desirable (the standards which will enable the person to

perform the job more effectively). The criteria used should be competency based to enable candidates to demonstrate how they have used particular skills previously.

- 9.4 The job description and person specification should be prepared in a standard format agreed by the organisation. The Job Description Template will be provided by the workforce service.
- 9.5 All job descriptions and person specifications should be matched in line with the Agenda for Change job evaluation process. Any amendments to a previously banded job should be submitted to the workforce service 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 People and OD team.. Posts may be advertised subject to evaluation if necessary.

10. Financial / Establishment Control

- 10.1 The Establishment Control Process ensures that decisions to meet workforce capacity and capability requirements are made with full consideration of management costs
- 10.2 The Establishment/Engagement Control Process (Appendix 1) must be followed when submitting any request for change in workforce establishment
- 10.3 If the changes are within current staffing budget allocation, then approval is given by the budget manager. If changes are in excess of current staffing budget allocation then further approval is required from budget holder and Chief Finance Officer or delegate

11. Advertising a Vacancy

- 11.1. Adverts will be placed by the People and OD Team , usually for a period of two weeks unless alternative arrangements are agreed with the CCG and the HR Service.

11.2 External Recruitment

- 11.2.1 External vacancies will normally be advertised on the NHS jobs website and applications are requested online. Under our responsibility to the Equality Act all applicants will be offered an application form in an appropriate format.
- 11.2.2 Where external advertising is appropriate local or national publications may be used or key community associations. Any advertising costs need to have prior approval from the organisations budget holder.
- 11.2.3 Where NHS jobs is not suitable, bespoke services should be discussed with a HR representative.

11.3 Internal Recruitment

- 11.3.1 Vacancies can be advertised internally within the organisation, with only current employees of the CCG eligible to apply.

11.3.2 Internal vacancies may be advertised via NHS jobs, the organisations newsletter, email system or intranet.

11.3.3 Applications will normally be requested online via NHS jobs. Alternative application processes may be available and should be discussed with a HR representative.

12. Shortlisting

12.1 Shortlisting should be completed through the NHS Jobs site. A minimum of two shortlisting reviewers will be sent an email link once the vacancy closes. Where applications have not been via NHS Jobs the shortlisting matrix will be used.

12.2 Shortlisting must be carried out by examination of applications against the person specification and these must be applied consistently to all candidates on the basis of the information supplied in their applications. Where a large number of applicants satisfy the essential criteria other desirable criteria will be systematically applied to reduce the number of candidates. Under our commitment to the 'Disability Confident standard, all candidates who meet the essential criteria and indicated that they have a disability, will be automatically shortlisted. Consideration will also be given to any live agreements regarding "at risk" staff and the impact on shortlisting. Please see the Organisational Change Policy.

12.3 Recruiting managers will not have access to any person information until after the short listing process has been concluded. The reasons for decisions not to shortlist should be clearly recorded on the short-listing section of NHS jobs and the shortlisting matrix. This information will be required as evidence if allegations of unfair treatment are made.

13. Interview Assessment

13.1 Interview panels will consist of a minimum of two people, at least one panel member to have undertaken recruitment and selection training within the last three years. For clinical posts, at least one panel member should be a clinician from the speciality to which the position relates. Any external assessors involved in the selection process will abide by the organisations recruitment and selection processes.

13.2 Shortlisted applicants will be invited to interview with reasonable notice before the interview date. Where possible the interview date should be included in the advert. The panel will take into consideration the timing of the dates of interview for any faith based date.

13.3 The recruiting manager will ensure that all panel members follow procedures and sound recruitment practices. Advice should be sought from the People and OD team if reasonable adjustments are requested for a disabled candidate.

13.4 Where previously advised by the People and OD team, recruiting managers are required to make reasonable adjustments that are required by candidates to take part in an interview, so that they are not at a substantial disadvantage. The recruiting manager will be responsible for co-ordinating arrangements for the day, including room bookings, refreshments and facilitating any requests made by applicants with a disability.

- 13.5 The People and ODteam will supply the interview panel with an interview schedule along with contact details for the shortlisted candidates. They will also provide an interview score sheet and a candidate appointment form.
- 13.6 Each interview panel member is responsible for recording their own assessment of each candidate by completing the interview assessment form. Any additional papers should be attached. Applicants are legally entitled to view these documents and they can be used in Employment Tribunals.
- 13.7 All panel members will ask the same core questions of each candidate, using the interview evaluation form. These questions will be based on the criteria in the person specification and can be weighted if appropriate.

14. Additional Assessment Methods

- 14.1 Selection tests are an excellent method of assessing a candidate's ability to perform the duties of the post, providing they are relevant, reliable, fair and unbiased and are recommended for recruitment exercises. It may be necessary to make reasonable adjustments to a test to accommodate a candidate with a disability.

15. Selection Decisions

- 15.1 Selection decisions must be objective and should only be made on the basis of how closely the candidates meet the person specification and interview assessment criteria.
- 15.2 Once a decision has been made the recruitment pack with all related documentation should be returned to the HR Service. The recruiting manager will be responsible for contacting candidates with the outcome and providing feedback.

16. Pre-employment Checks

- 16.1 Following the recruitment process pre-employment checks will be obtained. 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
- 16.2 All pre-employment checks should meet these requirements prior to the candidate receiving an official offer letter confirming appointment. The organisation will withdraw any offer of employment to anyone who fails to meet these requirements.
- 16.3 Evidence of all pre-employment checks conducted will be stored on individual HR files with a record of the outcome entered and maintained by the HR Service on the Electronic Staff Record.
- 16.4 Temporary workers should only be obtained through recruitment agencies approved by the Government Procurement Service. These agencies are responsible for obtaining pre-employment checks on all workers in line with all the NHS Employment check standards.

16.5 Recruiting managers should not agree a start date prior to all pre-employment checks being completed. The organisation will withdraw any offer of employment to anyone who fails to meet these requirements.

16.6 Further information on the specific process for obtaining these checks and the process for the follow-up for those who fail to satisfy the checking arrangements is available in Appendix 1.

17. Alert Letters

17.1 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.

17.2 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 & Midwifery Council.
- General Chiropractic Council
- General Osteopathic Council
- Health Professions Council

17.3 When Alert letters are received they are forwarded to the People and OD team to ensure that they can be checked against records of candidates going through the recruitment process and existing staff. Their names will be entered on a local alert list database against which any potential new employees or workers will be checked before an offer of employment is made.

17.4 If an applicant is identified as being on the alert letter database recruitment will be halted, relevant parties informed and appropriate action taken.

18. Starting Salary and Incremental Dates

18.1 The general principle is that new starters should start on the bottom of the scale and thereafter progress through pay band 'gateways' in accordance with Agenda for Change.

18.2 Any deviation from this must be investigated on a case by case basis to ensure that the principles of fair pay both within equal pay legislation and within the National agreement on Terms and Conditions are followed. Each case should be discussed with HR to ensure consistency across the organisation.

18.3 Where there is a break in service, depending on the length of the 'gap', this service may be counted in full, in part or not at all towards incremental credit.

18.4 Where a recruiting manager believes there is sound business reason for appointing to a higher incremental point, they must provide clear, documented reasons for giving incremental credit and seek approval at Director level (Appendix 2 outlines the Salary on Appointment Business Case prior to the start date). Requests will not be considered after the start date.

- 18.5 Recruiting managers should ensure that the new starter is aware of the whole remuneration package, including pension scheme, other benefits, hours of work and generous annual leave allowance as particularly for non-NHS appointees, these factors will often make NHS employment more attractive. Verbal offers of employment should not commit to a starting salary above the bottom of the scale.
- 18.6 Any additional payments such as unsocial hours, overtime or recruitment and retention premia should NOT be taken into account in the determining of a starting salary.
- 18.7 Offers will normally be made at the minimum of the relevant pay band for those who have had no or less than 12 months' aggregated previous relevant experience of the role to which they are recruited.
- 18.8 Current salary should NOT be used as a way of determining starting salary, but may be a factor in deciding to take the level of any relevant previous experience into account.
- 18.9 Directly relevant experience, at the same level of responsibility as, or higher than the new post, may be taken into account in determining starting salary. Only whole years of experience should be credited when the knowledge, skills and experience are directly transferable. Experience at a higher level may not be directly relevant. Where experience is not like for like, e.g. a registered nurse working in a nursing home, it may be appropriate to consider the experience and assess what element is directly relevant to the post appointed to.
- 18.10 Documentary evidence must be provided for any periods of employment that count towards a higher than the minimum starting salary.
- 18.11 In all cases where a new member of staff is appointed on a starting salary above the minimum point of the pay band the recruiting manager must be able to justify the basis for incremental credit and must first obtain approval from the relevant Director. No employee will be put on the payroll above the minimum of the scale unless a signed Appendix 2 form is attached to the starter documentation.
- 18.12 Managers must also ensure that new starters are not placed on a point on the band that would put them in a better position than existing staff with the same or similar experience or those who have gained similar experience within the NHS.
- 18.13 New staff appointed from outside the NHS will have an incremental date of the anniversary of their NHS appointment.
- 18.14 Staff who transfer to a post on the same pay band will remain on the same salary point with the same incremental date.
- 18.15 Employees appointed to a higher pay band will start on the minimum of the pay band. If this point is lower or equal to their current salary, they will

receive a pay increase to the first point on the band which would deliver an increase to pay. The anniversary date of any promotion becomes the employee's incremental date.

- 18.16 Temporary Movement into a Higher Pay Band - Employees appointed to a higher band on a temporary basis should start at the minimum of the new pay band or, if this would result in no pay increase the first pay point in the band which would deliver an increase in pay. Refer to other relevant policies for further information.

19. Recruitment & Retention Premia

The aim of a Recruitment and Retention premia is to ensure that the organisation remunerates all of its employees at a level at which recruitment and retention difficulties will not be encountered. Principles and Definitions can be found in appendix 4.

20. Appointing Governing Body or Committee Members and Senior Staff

On appointing Board, committee or sub-committee members and senior staff, the CCG will consider whether conflicts of interest should exclude individuals from being appointed to the relevant role. The CCG will assess the materiality of the interest, in particular whether the individual (or any person with whom they have a close association could benefit (whether financially or otherwise) from any decision the CCG might make. This will be particularly relevant for Board, committee and sub-committee appointments, but should also be considered for all employees and especially those operating at senior level.

The CCG will also determine the extent of the interest and the nature of the appointee's proposed role within the CCG. If the interest is related to an area of business significant enough that the individual would be unable to operate effectively and make a full and proper contribution in the proposed role, then that individual should not be appointed to the role.

Any individual who has a material interest in an organisation which provides, or is likely to provide, substantial services to the CCG (whether as a provider of healthcare or commissioning support services, or otherwise) should recognise the inherent conflict of interest risk that may arise and should not be a member of the Board or of a committee or sub-committee of the CCG, in particular if the nature and extent of their interest and the nature of their proposed role is such that they are likely to need to exclude themselves from decision-making on so regular a basis that it significantly limits their ability to effectively perform that role.

21. Induction

All new employees must be fully inducted into the organisation following the Induction policy. (Please refer to the Training and Development Policy)

22. Starter Documentation

The recruiting manager or line manager (if different) is responsible for ensuring that all new starter paperwork is completed on the employees first day.

23. Managing Personal Relationships

Applicants will be required to declare on their application any personal/work relationship issue as this may cause a conflict of interest. Further information is included in Appendix 7.

24. Secondary Employment

Employees may not engage in secondary employment (paid or voluntary) which conflicts with their work with the organisation, or which is detrimental to employees work with the organisation. Employees wishing to engage in secondary employment/voluntary work in addition to their primary post must refer to the working time regulations policy and declare their secondary employment to their line manager. Secondary Employment Declaration at Appendix 8.

25. Safer Recruitment

Through our recruitment processes we aim to deter unsuitable applicants from applying for roles with vulnerable groups, and to identify and reject them if they do. At the heart of our commitment to safer recruitment are our pre-employment checks and our relationship with the NHS Counter- Fraud Team. Our safer recruitment practices are designed to reduce the risk of harm to vulnerable groups. All those involved in the recruitment process are responsible for maintaining a robust system and for its continuous improvement. In regards to the safeguarding of children the CCG reminds staff:

- Under section 11 of the Children Act 2004 all NHS staff must ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children (Working Together to Safeguard Children 2018).
<http://www.workingtogetheronline.co.uk/index.html>
- All staff need to ensure, as part of their work with children and families and with adults who are parents or carers who are experiencing personal problems, that the needs of the children are considered and that where necessary they are assessed and appropriate referrals are made. Staff need to be aware of the relevant parts of *What To Do If You're Worried A Child Is Being Abused* (DfE 2015)
<https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>
- It is incumbent on all staff to ensure that they undertake child protection / safeguarding children training as per *Safeguarding Children and Young people: roles and competences for health care staff intercollegiate document (2019)* and their own organisation's Safeguarding Children Learning & Development Framework. <https://www.rcpch.ac.uk/resources/safeguarding-children-young-people-roles-competencies-healthcare-staff>

In regards to Safeguarding Adults the CCG reminds staff:

- Under sections 42 to 47 of the Care Act (2014) chapter 14 of the statutory guidance states:

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

Professionals should work with the adult to establish what being safe means to them and how that can be best achieved.

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

- It is incumbent on all staff to ensure that they undertake Adult safeguarding training as per *Adult Safeguarding: roles and competencies for health care staff (2018)* and their own organisation's Safeguarding Children Learning & Development Framework. <https://www.rcn.org.uk/professional-development/publications/pub-007069>

All staff must comply with mandatory training requirements and ensure that adult safeguarding is embedded as an essential part of their daily practice. Safeguarding is everyone's business and staff within the organisation have a particular responsibility to ensure all safeguarding concerns are responded to effectively and efficiently in accordance with the both the Local Safeguarding Children's Partnership (LSCP) and Local Safeguarding Adults Board (LSAB) Policies and Procedures.

ESTABLISHMENT/ENGAGEMENT CONTROL POLICY

Leeds Clinical Commissioning Group

VACANCY FILLING AND WORKFORCE CHANGES – GUIDANCE

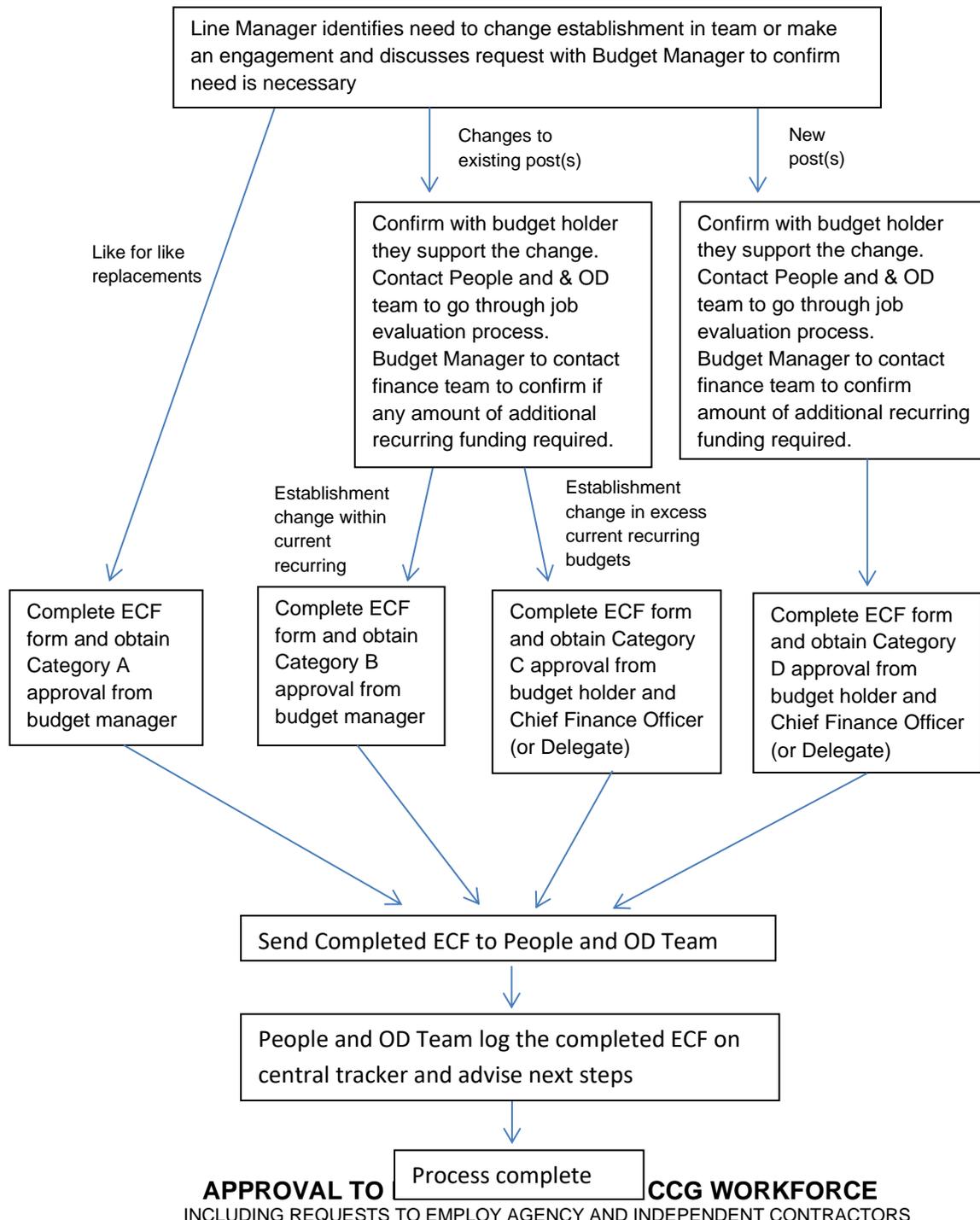
Read this before completing the form

1. If you are seeking to fill a vacant post or replacing someone who has left at the same level and it appears within your current staffing budget allocation, you just need that confirmed by your Budget Manager (we call this a category A approval). So you just need to do check with the Budget Manager (who is probably the person on the Senior Leadership Tier (SLT)) that the vacancy/post is listed on the Budget Report. Talk to the HR Team (email Leedscg.hrgeneral@nhs.net) if you need any help in how you should go about filling the post. But you'll usually need to advertise on NHS Jobs. And that means you'll need a job description, a person spec and an advert.
2. If you want to change the post in some way (e.g. a different pay band, different hours, different duties, making a temporary post permanent) you'll need to check with some people:
 - First, you should talk through the changes with your Budget Manager to make sure they support you.
 - Secondly, have a word with one of the People & OD Team to check that you have fully understood the implications of what you're proposing. If it's a single post, it should be fairly straightforward. But if you're planning a few changes, you might need to go through the Organisational Change process. If you want to make banding changes, or it is a new post, this will need to go through the job evaluation process. Speak to People & OD - you can contact P&OD at Leedscg.hrgeneral@nhs.net
 - Thirdly, you'll need to make sure there is a staffing budget to support what you're doing. That will mean a conversation involving your Budget Manager and your finance lead. If there is sufficient funding within your current recurring budget, your Budget Manager will sign off the proposal. That's what we call a Category B approval.
 - You may also be asked to get further approval from your SLT manager or Director if P&OD or Corporate Finance think they need to be aware of your plans. That will probably depend on the changes you want to make, the implications for the team and/or the organisation, and the level of risk involved. For example, if you want to change a fixed term appointment to a permanent one, you will need to think about (i) how the post was initially filled – was it an open competition? If not, you'll probably have to re-advertise to ensure fairness; (ii) is there recurrent money available to cover in the medium and long term; (iii) what are the financial implications of retaining someone over two years, and their employment entitlements for redundancy. Also if you wish to engage a contractor off payroll, then you will need to consult with Finance with regard to the current IR35 regulations.

- If the changes result in additional funding required, then you will need further approval from the Budget Holder and Chief Finance Officer or delegate. That is a Category C approval if you are making changes to the current establishment in excess of recurring budget, or Category D if this is a new post. In both cases, the Finance team will need to make changes to your budget allocation.

Use the process map and form below to work through that process

Leeds CCG ECF Process Map



PART 1- PROPOSAL - TO BE COMPLETED BY THE LINE MANAGER

Post(s) /Job Title(s)			
Team		Payband(s)	
Line/Recruiting Manager Name			
Manager's Tel No/Email			
Has this change been discussed with the People and OD Team	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes with whom?	
Has this change been discussed with the Finance Team	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes with whom?	
Please select change in establishment:			
IS THIS NEW RECRUITMENT? (select box)			
Replacement for budgeted recurrent post (existing funding)			<input type="checkbox"/>
New post (new funding)			<input type="checkbox"/>
Agency			<input type="checkbox"/>
Independent contractor (includes a worker personally providing a service/ IR35)			<input type="checkbox"/>
Maternity cover (complete category A approval only)			<input type="checkbox"/>
Sickness Absence cover			<input type="checkbox"/>
Other			<input type="checkbox"/>
CHANGE TO EXISTING STAFFING (select box)			
Permanent Increase/decrease in hours			<input type="checkbox"/>
Extension of fixed term contract up to 2 years			<input type="checkbox"/>
Extension of fixed term contract beyond a total of 2 years continuous service for post-holder. Do not progress- Apply to Terms and Conditions Panel using Terms and Conditions on Appointment Guidance application)			<input type="checkbox"/>
Fixed term post made permanent			<input type="checkbox"/>
Change in banding			<input type="checkbox"/>
Secondment request (internal/external- complete category A approval only)			<input type="checkbox"/>
Other			<input type="checkbox"/>
How will they be paid?			
On payroll	<input type="checkbox"/>	Off payroll	<input type="checkbox"/>
Information about the post/change			
Give full details of the reason for the request so include, as appropriate:			
<ul style="list-style-type: none"> • <i>Is this replacement of existing post</i> • <i>Is this a change to the current staffing budget? (post/change in hours/change in banding etc.) and, if so, confirm details</i> • <i>If you plan to remove roles/posts, please confirm details</i> 			
TERMS AND CONDITIONS OF THE PROPOSED POST/ RE-BANDING (select box)			
Permanent	<input type="checkbox"/>	State no. of hours per week	
Fixed term/ Secondment/ Other....	<input type="checkbox"/>	If so, state fixed term duration	
BUDGET IMPLICATIONS (select box)			
Existing budget covers recurring costs of post(s)	<input type="checkbox"/>	Category A or B approval required	
External funding available	<input type="checkbox"/>	Category C or D approval required	
Establishment Change(s) (Skill mix) in excess of current budget	<input type="checkbox"/>	Category C or D approval required	
New post(s) in excess of current budget	<input type="checkbox"/>	Category C or D approval required	
Details of changes to			

structure by grade	
Additional recurring cost as advised by Finance team (for category C or D approval only)	£
Cost Code & Subjective Code	
Line Manager Name	
Line Manager Signature and Date	
APPROVAL	
CATEGORY A – LIKE-FOR-LIKE APPOINTMENTS (For recurrent posts)	
CATEGORY B – ESTABLISHMENT CHANGES, SKILL MIXING & MINOR CHANGES WITHIN RECURRENT ESTABLISHMENT BUDGETS	
REQUIRES APPROVAL FROM BUDGET MANAGER ONLY	
Budget Manager Signature and Date	
Supporting Comments	
CATEGORY C/D– NEW FUNDING REQUIRED	
CATEGORY C SKILL MIXING IN EXCESS OF CURRENT BUDGET	
CATEGORY D NEW POST NEW FUNDING	
REQUIRES APPROVAL FROM BUDGET MANAGER, BUDGET HOLDER AND CHIEF FINANCE OFFICER (OR DELEGATE)	
Budget Manager Signature and Date	
Supporting Comments	
Budget Holder Signature and Date	
Supporting Comments	
Chief Finance Officer Signature and Date	
Supporting Comments	

***Process Complete – Please return to Leedscg.hrgeneral@nhs.net
Originating Manager where approved please contact the People and OD Team for advice***

For Office Use

New Recruitment	Tick
ECF Authorised	
No at risk staff confirmed	
JD Received	
Advert Received	

Change to Existing Staff	Tick
ECF Authorised	
Change Form Received	

Local Guidance Note 3A

TERMS AND CONDITIONS ON APPOINTMENT (INCLUDING SALARY)

1. Introduction

This guidance has been developed in line with the [NHS Terms and Conditions of Service Handbook](#). It describes the arrangements both for people moving posts within the NHS and for new appointments for people with no previous NHS employment.

As soon as the preferred candidate is identified at the conclusion of the selection process, i.e. interview day, recruiting managers should consider what terms the individual will be eligible for including salary, and whether it is necessary to offer the candidate a salary above the normal pay increment or recognise non-NHS service for other conditions.

Managers should not make any commitments regarding salary or terms and conditions of service on appointment until they have checked this guidance and, where necessary, received approval.

2. Key principles when making appointments

- Leeds CCG policy is to appoint to the minimum of the relevant pay band other than in exceptional circumstances where up to and including the mid-point of the payscale can be considered.
- Appointment above the minimum point is subject to approval at Director Level following consideration of a Terms and Conditions on Appointment Business Case (attached at Appendix A).
- Leeds CCG will only recognise previous NHS employer service for employment benefits i.e. sickness pay, maternity pay, redundancy entitlement. Recognition of non-NHS service will be by exception and on completion of the Terms and Conditions on Appointment Business Case.

3. Pay on Appointment

The following table provides detail on the circumstances of prospective employees entering into employment with Leeds CCG and the pay rules which apply.

EXAMPLE	PAY POINT	PAY STEP DATE /INCREMENTAL DATE	DISCRETION/ NOTES FOR MANAGERS	PROCESS TO FOLLOW
Moving from same pay band within the NHS	Same as at present	Retain existing date	Watch for breaks in service	Recruitment team will receive a transfer record to inform offer letter and contract
Promotion from within the NHS – to a higher Pay Band	Pay band minimum or nearest pay point to achieve a promotion	Date of appointment to new post	If no increase in salary, move to point on scale where increase occurs	Recruitment team use payslip, transfer details from previous employer and Appointment Confirmation details from manager to inform offer letter and contract
Moving to a lower Pay Band within the NHS	Pay band minimum	Date of appointment to new post	In exceptional circumstances managers may consider placing individuals no higher than the mid-point of the pay scale in recognition of previous completed years of NHS service in an equivalent or higher band	Managers need to consider the relevance of previous service to the new post Business Case required
Ex-NHS but with a break in service of more than a year	Pay band minimum	Date of appointment to new post	In exceptional circumstances managers can place at a higher point in recognition of previous completed years of NHS service in an equivalent or higher band	Managers need to consider the relevance of previous service to the new post Requires prior approval from Director Business Case required

No previous NHS employment	Pay band minimum	Date of appointment to new post	In exceptional circumstances managers may consider placing individuals no higher than the mid-point of the pay scale taking account of previous equivalent service outside the NHS deemed to be relevant to the NHS and the post. That might include previous employment abroad or in the health services of another Member State of the European Union, GP practices, Nursing homes, Civil Service, Social Services, Local government, Voluntary and independent sector.	Documentary evidence will be required to support any application Typically, each year of relevant experience could warrant moving up a pay step on the pay band (no higher than the mid-point of the scale) Business Case required
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The CCG will normally pay at minimum of pay scale, but does have the discretion in exceptional circumstance to appoint above the minimum (up to the mid-point of pay scale); if you do this you will also need to think of the impact on existing staff. So talk to your HR Business Partner.

When comparing against previous salary, you will need to consider the total reward benefits package offered by the NHS (so think about annual leave, sick leave entitlements, occupational pension scheme and any additional allowance relevant to the post).

You must complete the Terms and Conditions on Appointment Business Case (Appendix A) and submit this to the advisory panel before any decision on starting salary is made by the Executive Director and before exercising discretion in this area.

4. Recruitment and Retention Premium

If managers are finding it difficult to secure an appointment, they can also consider the use of a [Recruitment and Retention Premium](#). Talk to your HR Business Partner about this if you think there is a case for crediting equivalent experience and expertise gained outside of the NHS (but see Reckonable Service below). Any requests to consider a premia in this area should be submitted to the T&Cs on Appointment Panel for review.

5. 'Reckonable Service'

As outlined in the NHS Terms and Conditions of Service Handbook, any **continuous** previous service with another NHS employer counts as reckonable service in respect of NHS agreements on redundancy, maternity, sick pay and annual leave.

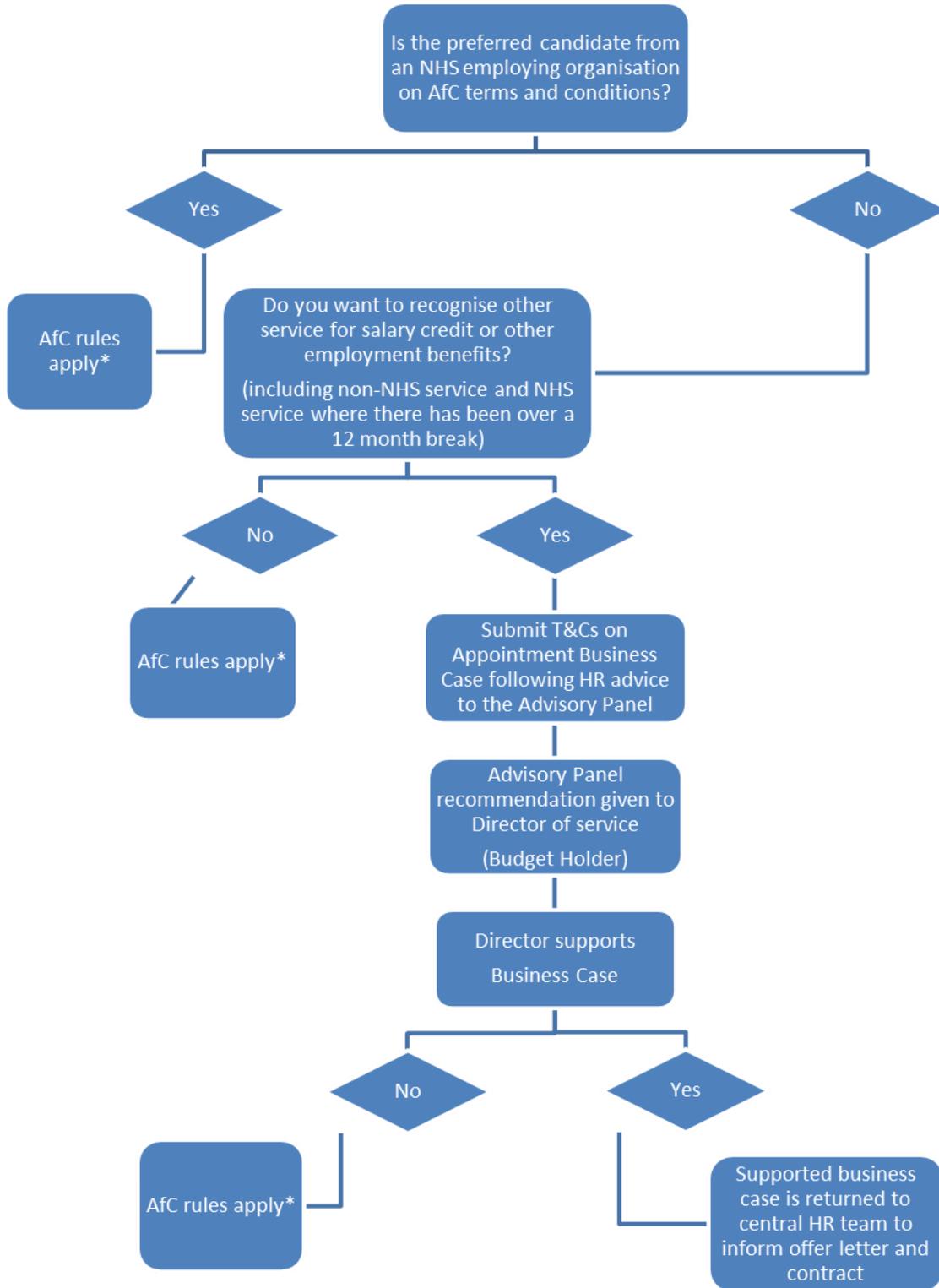
The CCG also has discretion to recognise relevant experience/service outside the NHS, (e.g. working abroad or in the health services of another Member State of the European Union, GP practices, Nursing homes, Civil Service, Social Services, Local government, Voluntary and independent sector). There are also particular rules if they have been subject to TUPE transfers into and out of the NHS. Your HR Business Partner can advise you on this.

It is important that any decision is made in a fair, transparent and non-discriminatory way. The CCG should be able to demonstrate that it has given due consideration to any equivalent service.

To ensure consistency of decision making for all appointments, managers must complete the Terms and Conditions on Appointment Business Case (Appendix A) and submit this to the advisory panel before any decision is made by the Executive Director and before exercising this discretion. Managers must not confirm any NHS contractual benefit to prospective employees until approval has been given.

6. Decision Tree – Terms & Conditions on Appointment (T&Cs)

To help managers and recruiting officers when appointing individuals into employment the below decision tree is a useful guide to follow and will help determine whether a business case is required at the appointment stage of any level of recruitment.



*Should further clarification be required please contact the HR Team.

APPENDIX A

TERMS AND CONDITIONS ON APPOINTMENT TO THE CCG - BUSINESS CASE APPROVAL FORM

This form should be used in conjunction with the terms and conditions on appointment guidance. Attach the job description and person specification and any other evidence to support your business case.

You should talk to your HR Business Partner before completing this form.

APPOINTING OFFICER:			
DATE:			
CONTACT TELEPHONE NUMBER:			
CONTACT E-MAIL ADDRESS:			
NAME OF CANDIDATE:			
INTERVIEW DATE:			
APPOINTMENT DATE: (IF KNOWN)			
VACANCY JOB TITLE:			
POST BAND/LOCAL PAYSACLE:			
WTE CURRENT SALARY: <i>(should be the persons current or most recently employed role)</i>		PART-SALARY (IF APPLICABLE)	£
WTE PROPOSED STARTING SALARY: <i>(based on current pay scales for the role – Finance or Human Resources can advise)</i>		PART-SALARY (IF APPLICABLE)	£
CURRENT EMPLOYER:			
CURRENT ANNUAL LEAVE ENTITLEMENT:		PROPOSED NEW ANNUAL LEAVE ENTITLEMENT WITH LEEDS CCG BASED ON SERVICE RECOGNITION:	
BUSINESS CASE: Identify the length of service and			

with whom; include how many years equivalent NHS service this would equate to.

Demonstrate the following:

- the exceptional circumstances presented by this case
- the benefits provided by the NHS conditions of service
- the relevance of the experience to the NHS and the role
- that there is no unfavourable NHS comparator
- Include the job application of the person to support the case
- Include the job description and person specification

Annual Leave Entitlement

Local Recognition Date:

SERVICE TO ALSO BE CONSIDERED FOR:

Sickness Absence Pay Entitlement

Local Recognition Date:

Please tick as appropriate and specify local recognition service date being requested

Redundancy Entitlement

Local Recognition Date:

Occupational Maternity Pay Entitlement

Local Recognition Date:

Once complete please submit to:

ian.corbishley@nhs.net leedscg.hrgeneral@nhs.net

For Office Use only

ADVISORY PANEL MEETING DATE:

BUSINESS CASE RECOMMENDATION:

Support, reject, further information required

RATIONALE:

RESPONSIBLE DIRECTOR NAME:

RESPONSIBLE DIRECTOR ROLE:

SIGNED:

DATE:

1. Pre-Employment Checks

1.1 Six NHS Employment Check Standard

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 outlined within the Standards for Better Health. These checks will be carried out on all prospective employees including temporary, fixed term and voluntary workers.

1.2 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.

1.3 Right to Work Checks

The Trust has a responsibility to prevent illegal migrant working in the UK. An individual must produce documents 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 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 be 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 organisation's employment.

All documents provided by individuals must be checked following guidance on www.ukba.homeoffice.gov.uk. A certified copy of the documents is to be kept on the personal file.

Certain documentation is accepted as proof of an individual's identity and this must be produced prior to commencement of employment.

1.3.1 Work permits/Certificates of Sponsorship - Tier 2

If a prospective employee is not a British Citizen or a citizen of one of the EEA countries, they are likely to require a sponsorship certificate which will be applied for by the organisation to undertake employment. There are certain exceptions including:

- Swiss nationals
- a family member of an EEA or Swiss national who is in the UK exercising their treaty rights or a family member of an EEA or Swiss national who intends to join them in, or is travelling with them to, the UK
- a citizen of Gibraltar
- a Commonwealth citizen with permission to stay in the UK on the basis of UK ancestry.

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.

Where successful applicants require a sponsorship certificate, the application process will be managed by the workforce service.

The organisation will have to demonstrate that the resident labour market has been tested appropriately by national advert for up to 4 weeks. This means that no EU/EEA Nationals were suitable to fill the post.

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 (passport stamps or Identity Card). Certified copies of these must be held on the employee's personal file for the duration of their employment.

The organisation will pay the sponsorship fee. The individual will be responsible for the payment for their leave to remain.

1.3.2 Refugees and Asylum Seekers

A refugee has rights under the Geneva Convention to be treated no less favourably than citizens of the host nation. In the UK refugees have the right to work.

Since 2003 asylum seekers do not have the right to work in the UK. Only a very small number of asylum seekers will have the right to work and if so it will state 'employment permitted' on their Application Registration Card (ACR).

1.4 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 should 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 HR Service will then contact the referees for the preferred candidates by e-mail.

Reference should always be obtained in writing and will be requested using the organisation's standard proforma, although it may be necessary to further clarify information with the referee over the phone. Always obtain confirmation of employment and/or training in writing, either via post, email, fax, or using the organisation's preferred recruitment software (such as NHS Jobs or Health Jobs UK for instance). Electronic confirmation must come from a company email address (private email addresses such as Yahoo, Hotmail etc are not acceptable). Employers, including agencies providing staff to the NHS, will need to satisfy themselves that both the referee and the organisation are bona fide. This could include checking that the organisation exists (using the phone book, internet or business directories). All references should include the referee's name, job title, a mainline switchboard number.

References should 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 five years or more, one reference may be sufficient. Where a prospective employee has changed employment frequently within the last three years, a sufficient number of confirmations must be obtained to cover the continuous three years history.

For Internal appointments a reference should be sought from the applicant's current/last NHS manager. Employers must assess whether any additional references are required to provide adequate assurances.

If the manager has any concerns regarding the reference they should seek advice from a HR Representative.

1.5 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 appendix 3 on Professional Registration)

1.6 **Registration Checks**

Before any unconditional offer letter is issued the HR Service will confirm the individual is registered with the appropriate professional body. The individual is asked for a copy of their professional registration and this is placed on their personal file and documented on the starter checklist. This will also be checked on the professional bodies website. Professionally registered staff are required to maintain their professional registration throughout their employment. Further information is available in appendix 3.

1.7 **Qualification Checks**

The organisation 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 interview, evidence of any qualification that is required for the role. These must then be photocopied by the recruiting manager (or nominated deputy) and retained with all the recruitment documentation.

1.8 **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 others 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 organisation or if they change positions, where this involves a significant change of duties.

Applicants successful at interview and who are defined as 'healthcare workers' are required to complete a full occupational health pre-employment questionnaire.

Those that do not fit this definition are required to complete a work health declaration form asking whether they have either:

- Are you aware of any health conditions or disability which might impair your ability to undertake effectively the duties of the position which you have been offered?
- Do you have a health condition or disability which might affect your work and which might require special adjustments to your work or at your place of work?

The questionnaire or health declaration is sent to the successful applicant. A work health declaration form will only be submitted to the occupational health department if the applicant has answered yes to either of the above questions. Health questionnaires are sent directly to be reviewed by the Occupational Health department.

All checks must take into account the requirements of the Disability Discrimination Act 1995 (DDA) and 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 and stored in the occupational health department.

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 more 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.

1.9 **Criminal Background Checks / Disclosure Barring Service (DBS)**

Guidance on the procedure for dealing with a disclosure check and the recruitment of ex-offenders is attached in appendix 4

1.10 **Recording Checks**

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

1.11 **Temporary/Agency/Contingent Workers**

Temporary workers should only be obtained through recruitment agencies approved by the Government Procurement Service. These agencies are responsible for obtaining pre-employment checks on all workers in line with all the NHS Employment check standards.

2. **Follow-up for those who fail to satisfy the checking arrangements**

Individuals will not be able to commence employment with the organisation 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:

2.1 **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 recruitment/line manager and workforce service.

2.2 **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 and make a decision to recruit or withdraw the job offer.

2.3 **Disclosure & Barring Service (DBS) Checks (Previously CRB)**

In the event that conviction or other information is contained on a disclosure, the recruiting manager will be informed and with the support of the HR Service they must be assured that all relevant facts have been considered prior to make 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.

2.4 **Occupational Health**

In the event of an unsuccessful Occupational Health check, the recruiting manager will be informed and with the support of the People and OD Team and Occupational Health 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/People and OD Team must confirm in writing the reasons for withdrawing the offer of employment and this will be kept in the applicants recruitment file.

2.5 Any deliberate omission, falsification or misrepresentation in the application form will be grounds for rejecting the application or subsequent dismissal if employed by the organisation.

Recruitment & Retention Premia

1. Definition

- 1.1 Recruitment and Retention Premia (RRP) is an additional payment to the basic pay of an individual post or specific group of posts.
- 1.3 Recruitment and Retention Premia may be paid in circumstances “where market pressures would otherwise prevent the employer from being able to recruit staff to and retain staff in sufficient numbers for the posts concerned at the normal salary for a job of that weight”.
- 1.4 Recruitment and Retention Premia is a supplementary payment over and above the basic pay that the post holder receives by virtue of their position on their pay band, any high cost area supplements, or any payments for unsocial hours or on-call cover.
- 1.5 Recruitment and Retention Premia will apply to posts rather than to employees. Where an employee moves to a different post that does not attract a recruitment and retention premium, either within the same organisation or elsewhere in the NHS, their entitlement to any previous recruitment and retention premium will cease and pay protection will not apply.
- 1.6 Both long-term and short-term Recruitment and Retention Premia will be expressed as cash sums and will be separately identifiable from basic pay, any high cost area supplement, and any other component of pay.
- 1.7 Any locally awarded recruitment and retention premium for a given post shall not normally exceed 30% of basic salary. It will be the responsibility of the organisation to ensure that any premium awarded locally do not normally result in payments in excess of this amount. In the event that, following review and subject to a 6 month notice period the Recruitment and Retention Premia is withdrawn, pay protection arrangements will not apply.

2. Short Term Premia

- 2.1 Short-term Recruitment and Retention Premia will apply where the labour market conditions giving rise to recruitment and retention problems are expected to be short-term and where the need for the premium is expected to disappear or reduce in the foreseeable future. Short term premia will normally be applied for a period of no longer than two years.
- 2.2 Short-term Recruitment and Retention Premia:
- may be awarded on a one-off basis or for a fixed-term;
 - will be regularly reviewed (not less than annually);
 - may be withdrawn, or have the value adjusted, subject to a notice period of six months; and
 - will not be pensionable, or count for purposes of overtime, unsocial hours payments or any other payments linked to basic pay.

3. Long Term Premia

- 3.1 Long-term Recruitment and Retention Premia will apply where the relevant labour market conditions are more deep-rooted and the need for the premium is not expected to vary significantly in the foreseeable future.
- 3.2 Long-term Recruitment and Retention Premia:
- will be awarded on a long-term basis;
 - will be regularly reviewed (not less than annually);

- may be awarded to new staff at a different value to that which applies to existing staff; and
- will be pensionable, and will count for the purposes of overtime, unsocial hours payments and any other payments linked to basic pay.

4. **Procedure**

- 4.1 A recruitment and retention premia may be awarded on either a short-term or long-term basis, determined by principles outlined in the following paragraphs.
- 4.2 The application for the award of recruitment and retention premia can only be generated at Chief Executive Officer level.
- 4.3 A record of all recruitment and retention premia being paid will be retained, and a review of all premia will take place at least annually.
- 4.4 The organisation may use premium in two main ways; either through recruitment; or through a requirement to retain staff; based on the job within a locality or through a market shortage or a specific skill set, both of these may be applied in a long or short term capacity.
- 4.5 Recruitment and retention premia will be considered in cases where it is proven that adjustments to non pay benefits are unlikely to improve the situation and one or more of the following conditions apply:
- There are documented labour market shortages within a defined geographical area;
 - NHS employers locally have jointly agreed to pay supplements for designated posts and the organisation needs to remain competitive in the recruitment market for equivalent posts;
 - There is a competitive non-NHS labour market where salary survey data indicates that enhancements to Agenda for Change evaluated pay rates would be required to attract and retain staff;
 - Where there is consistent data showing high patterns of turnover, supported by exit interview data, indicating a direct link to dissatisfaction with pay levels.
- 4.7 If it is decided that the vacancy problem can be addressed most effectively only through payment of a recruitment and retention premium, management and staff side should decide in partnership whether the problem is likely to be resolved in the foreseeable future (in which case any premium should be short-term) or whether it is likely to continue indefinitely (in which case any premium should be long-term).
- 4.8 Before consideration is given to payment of Recruitment and Retention Premia to ensure retention of staff, management will ensure non-pay benefits (e.g. training and development) are sufficiently developed. Where possible local turnover rates should be compared with national rates. Regular analysis of exit interview data will be undertaken to assess how far pay is a factor in employees' decisions to leave the Authority.

If it is decided that a retention problem can be addressed most effectively only through payment of a recruitment and retention premium, the organisation will decide whether the problem is likely to be resolved in the foreseeable future (in which case any premium should be short-term) or whether it is likely to continue indefinitely (in which case any premium should be long-term).

Disclosure of Criminal Background & Recruiting Ex-Offenders.

1. Principles

- 1.1 The organisation actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates including those with criminal records. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information received.
- 1.2 Disclosures are only requested after a risk assessment (Appendix 5) has indicated that it is proportionate and relevant to the post concerned. For those posts that require a disclosure all adverts, recruitment briefs and application forms will contain a statement indicating what level of disclosure will be required in the event of an individual being offered a position.
- 1.4 The CCG will only ask for details of 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974. However, the NEL CCG reserves the right, if necessary, to ask details about an applicant's entire criminal record for the purposes of some employment contracts and to potentially satisfy legal and public sector obligations.
- 1.5 The CCG works with HR Representatives who are registered with the DBS as the person authorised to handle Disclosures. HR Representatives have been trained to identify and assess the circumstances and relevance of offences and have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders..
- 1.6 The organisation will endeavour to discuss any matters revealed in a Disclosure with the person seeking employment, before withdrawing a conditional offer of employment.
- 1.7 The organisation may conduct an interview to enable an open and measured discussion to take place regarding any offences or other matters that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought, could lead to the withdrawal of an offer of employment.
- 1.9 Having a criminal record will not necessarily bar a potential employee from working with the organisation. This will depend on the nature of the position and the circumstances and background of the offence(s).
- 1.10 The organisation complies fully with the DBS code of practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. Disclosure information will be securely destroyed as soon as the relevant information has been noted.
- 1.11 The organisation complies fully with its obligations under the Data Protection legislation and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.
- 1.12 No Disclosure information will be kept on personal files and where a Disclosure needs to be kept due to a dispute or because additional information has been supplied it will be kept separately and securely in a non-portable, lockable storage unit by our provider organisation.
- 1.13 Where Disclosure information has been kept, it will be securely destroyed once the dispute is resolved or a decision has been made regarding employment or at the latest after 6 months. Is the individual advised when this has been completed?

- 1.14 Access to Disclosure information is strictly controlled and limited to those who are entitled to see it as part of their duties.
- 1.15 For record purposes only the organisation will keep the following information:
- The name of the subject.
 - The level of the disclosure requested.
 - The position for which the Disclosure was requested.
 - The unique reference number of the Disclosure.
 - Details of the recruitment decision taken
- 1.16 In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties.
- 1.17 The HR team on behalf of the CCG will maintain a record of all people to whom Disclosure and Disclosure information has been revealed and the organisation recognises that it is a criminal offence to pass this information on to anyone who is not entitled to receive it.
- 1.18 Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 1.19 The organisation will comply with all recommendations from DBS on the proper use and safekeeping of the disclosure information.

2. **Procedure.**

- 2.1 Disclosure and Barring Service (DBS) – the Body responsible for carrying out criminal records and barring checks to help 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).
- 2.2 When recruiting for a vacancy the Recruiting Manager needs to indicate whether a DBS check is required on the request to advertise, and if so, at what level. Advice and guidance is available from the HR team.
- 2.3 The recruiting Manager must ensure the advert for the vacancy includes notification that it is essential that the successful applicant obtains a satisfactory DBS check and at what level that check must be, either standard, enhanced or enhanced with barred list information.
- 2.4 Once a conditional offer of employment has been made the applicant will be sent a link via email to the online Disclosure Application Form.
- 2.2 The completed online application form, together with completed identity verification form, must be returned to the HR Team. The identity verification form confirms that the Recruiting Manager has checked and verified the relevant identify documents. .
- 2.3 The Disclosure Application Form will be verified and submitted online for processing by the HR team.
- 2.4 If the Disclosure application contains information that may affect the appointment a HR representative will discuss this with the recruiting manager (in all instances), and the individual concerned where appropriate.
- 2.5 Where the information contained on the Disclosure Application form significantly impacts on a candidates ability, suitability and potential risk to undertake the post for which they have been appointed, any offer of employment must be withdrawn.

2.6 The decision to withdraw an offer of employment must be confirmed both verbally and in writing to the candidate concerned. Advice must be sought from a HR Representative.

Appendix 6

Risk Assessment-Deciding if a DBS check is required

Will the job holder be required to work with children? As per the access definition above.	Yes	No
Will the job holder be required to work with vulnerable adults? As per the access definition above.	Yes	No
Will the job holder have access to patient information?	Yes	No
Is the job holder required to be a member of the Legal Profession and a recognised member of the Law Society?	Yes	No
Will the job holder be based at a location where they may come in to contact with children or vulnerable adults, such as a hospital or prison? As per the access definition above.	Yes	No
Will the job holder be regularly caring for children or vulnerable adults? As per the access definition above.	Yes	No
Will the job holder be required to be a “named person” for the Authority in respect of gaming, lottery or entertainment licences?	Yes	No

If the answer to any of these questions is YES, a DBS check will be required. See Appendices 3 and 5 for further information and level of check required.

Managing Personal Relationships

1. Application

- 1.1 Job applicants will be required to declare on their application any personal/work relationship.
- 1.2 The aim is to protect all staff of the organisation in situations where a personal relationship exists, or develops, so that staff cannot be accused of a conflict of interest, bias or be the subject of allegations from other staff or the organisation.
- 1.3 In the majority of situations where a line management relationship exists the organisation will not support staff working together where they have a close personal relationship as described.

2. Personal Relationships

- 2.1 A personal relationship includes any relationship where a close family relationship exists, for example, mother, father, daughter, son, sister, brother (and including step and in-laws) partner, ex partner (including spouse or cohabitee), civil partner.
- 2.2 The scope of the term “personal relationship” applies to prospective staff who have a relationship with a current member of the organisation’s staff, or where a relationship starts during employment with the organisation.

3. Examples of Potential Conflict of Interest/Bias

- 3.1 Situations where a personal relationship may expose staff to conflict of interest or bias include, but are not restricted to, the following:
 Perceived or alleged breaches of probity
 Unfair advantage/favoritism
 Breach of confidence/confidentiality
 Harassment or bullying.
 Employee relations issues
 or
 Any other issues perceived to be gained from the overlap of a personal and professional relationship.

4. Personal Relationship between Staff with No Line Management Relationship

- 4.1 This policy does not automatically prevent staff or prospective staff who have a personal relationship (described in section 2) from working together whilst employed by the organisation.
- 4.2 However, the existence of such a relationship must either be declared at the time of appointment/promotion or, if the relationship develops during their employment. Where there is a relationship this must be discussed with either their line manager or if more appropriate with a HR representative. Such a declaration will be strictly confidential.
- 4.3 Staff may normally continue to work together in the same team or department where this is appropriate, providing there is no conflict of interest and/or no line management relationship.

5. Personal Relationship Between Staff With a Line Management Relationship.

- 5.1 Where a personal relationship exists, a prospective member of staff will not be appointed into a post which results in a line management relationship with someone with whom they have a personal relationship.

- 5.2 Where a personal relationship develops whilst working for the organisation, members of staff who are in a line management or supervisory relationship at work must not be involved with recruitment, selection, promotion, appraisal, pay or any other management activity or process involving the other member of staff.

DECLARATION OF SECONDARY EMPLOYMENT

1. I do / do not (delete) have secondary employment / private practice (delete).

2. I undertake to notify any changes to my manager who will inform the People and OD Team without delay.

To be completed by the employee

<u>Signed</u>	
<u>Name (print)</u>	
<u>Job Title</u>	
<u>Department</u>	
<u>Work Location</u>	
<u>Number of contracted hours per week for the organisation</u>	
<u>Date</u>	

To be completed by the manager

<u>Name of Line Manager (print)</u>	
<u>Job Title of Line Manager</u>	
<u>Date</u>	
<u>Signature of Line Manager</u>	

Employee: please complete the secondary / practice employment proforma overleaf before returning to the People and OD Team.

DETAILS OF SECONDARY EMPLOYMENT

(Strike through if not applicable)

<u>Name of Employer</u>	
<u>Nature of Employment</u>	
<u>Average hours per week (average based on a 17 week period)</u>	
<u>Date commenced</u>	

DETAILS OF PRIVATE PRACTICE

(Strike through if not applicable)

<u>Name of Business</u>	
<u>Nature of Business</u>	
<u>Estimated average hours per week (average based on a 17 week period)</u>	
<u>Date Commenced</u>	

Please return your complete form to

Leedsccg.hrgeneral@nhs.net

Equality Impact Assessment

Title of policy	Recruitment and Selection Policy
Names and roles of people completing the assessment	Ian Corbishley HR Manager

Date assessment completed	12/09/20	
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1. Outline	
Give a brief summary of the policy	Recruitment and Selection Policy is designed to support managers in providing a fair, consistent and effective approach to the recruitment of all employees, in accordance with employment law and best practice.
What outcomes do you want to achieve	To ensure the policy complies with legislation and takes place effectively, efficiently and fairly.

2. Analysis of impact			
This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to; eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	Are there any likely impacts? Are any groups going to be affected differently? Please describe.	Are these negative or positive?	What action will be taken to address any negative impacts or enhance positive ones?
Age	Yes, candidates of a younger age may potentially be adversely affected if the job description states x amount of years experience.	Negative	Job description templates are in place which do not use x years of experience in terms of language.
Carers	No		
Disability	Yes, disabled candidates who meet the essential criteria are guaranteed an interview under the two ticks scheme. Specialist access and adjustments to the selection process can also be requested.	Positive	The policy makes provisions to support disabled candidates and this is integrated into recruitment documentation and procedures.
Sex	No		

Race	No		
Religion or belief	No		
Sexual orientation	No		
Gender reassignment	No		
Pregnancy and maternity	No		
Marriage and civil partnership	No		
Other relevant group	No		
If any negative/positive impacts were identified are they valid, legal and/or justifiable? Please detail.	<p>The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. Makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic. The policy provides a clear and equitable process for all candidates and prospective employees. Positive action may be applied to roles where the organisation reasonably thinks the candidate has a protected characteristic that is under represented in the workforce or that people with that characteristic suffer a disadvantage connected to that characteristic. In this case it is not unlawful to recruit or promote a candidate who is of equal merit to another candidate.</p>		
4. Monitoring, Review and Publication			
How will you review/monitor the impact and effectiveness of your actions	Recruitment statistics are monitored against the protected groups as necessary. Training and support is provided to managers to ensure they follow sound recruitment and selection processes.		
Lead Officer	Ian Corbishley	Review date:	12/09/20
5. Sign off			
Lead Officer	Ian Corbishley		
Director	Sabrina Armstrong	Date approved:	14/01/20