



Your Homes  
Newcastle

## **Recruitment and Selection policy and procedure**

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## **Recruitment and selection policy**

### **Summary**

Your Homes Newcastle is committed to making sure its workforce represents the varied communities we serve. We aim to recruit the best person for the job, no matter what their gender, gender identity, race or ethnic origin, disability, sexual orientation, religion, belief or age.

We are committed to continually assessing our recruitment procedures and practices to remove barriers to employment for under-represented groups, and making sure we continue to recruit within the law and according to best practice.

Where appropriate, we aim to have a flexible recruitment process to meet the needs of the service, with a clear and consistent corporate procedure to make sure all requirements are met.

This policy and the supporting procedure have been developed to ensure we achieve these aims.

### **Introduction**

Line managers are responsible for recruitment in conjunction with HR. A line manager who wishes to recruit must first obtain approval as outlined in the recruitment procedure.

All vacancies will be advertised internally. Vacancies will be advertised externally where there is a need for specific professional expertise not currently available within the workforce. YHN reserves the right to invoke an 'internal first' policy of advertising vacant roles where jobs within the organisation are 'at risk' or in other similar circumstances resulting from budgetary restraints.

Existing employees are encouraged to apply for vacant posts if they have the appropriate qualifications, experience and skills.

YHN aims at all times to recruit the person who is most suited to the particular job. Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the competencies required for the job. Qualifications, experience and skills will be assessed at the level that is relevant to the job.

- Ring-fenced recruitment should be used in exceptional circumstances only i.e. for a temporary promotion opportunity. Where it is believed there is a need for ring-fenced recruitment outside of these circumstances a business case must be put together which is signed off by the HR manager and service director.
- Before beginning the process of recruitment, the line manager must ensure that there is an up-to-date job description for the post. The job description will describe the key elements of the job and which technical competencies are required for effective performance of the job.
- Before any recruitment advertisement is placed, HR will carry out a review of staff awaiting redeployment, occupying single status red circle positions or those named on a TUPE list. Where a candidate from the above categories is deemed suitable to be assigned into the role, the advertisement will not be progressed.

- When a vacancy arises within 6 months of being filled managers may appoint or shortlist one of the previously unsuccessful applicants without advertising the position, as long as the applicant meets the competencies. This is restricted to an identical position only (grade and job title) and will again be subject to the recruitment priority protocol above relating to redeployment, red circle positions and employees on the TUPE list.
- YHN is committed to meeting legislative requirements to promote equality of opportunity and to promote diversity within its workforce. The Corporate Equality Policy will apply at all stages of recruitment and selection. Short-listing, interviewing and selection will always be carried out without regard to gender, gender reassignment, sexual orientation, marital or civil partnership status, colour, race, nationality, ethnic or national origins, religion or belief, age, pregnancy or maternity leave or trade union membership.
- The Equality Act 2010 allows employers to decline to recruit applicants who are over the employer's normal retirement age where this is 65. Employers can also decline to recruit applicants who are within six months of this age on the date of their application. YHN's normal retirement age is 65 and, therefore, reserves the right to reject applicants who are aged 64½ or over.
- It should be noted that the default retirement age is to be reviewed by the Government in April 2011 and any changes resulting from this review may lead to policy change.
- Any candidate with a disability will not be excluded unless it is clear that the candidate is unable to perform a duty that is intrinsic to the role, having taken into account reasonable adjustments. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of his or her disability.
- All disabled applicants are able to 'opt in' to the Guaranteed Interview Scheme. This means that disabled candidates who meet the minimum requirements of the job as set out in the job description and competencies will be guaranteed an interview if they choose to exercise this option.
- Line managers conducting recruitment interviews will ensure the questions they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview will focus on the needs of the job and skills needed to perform it effectively. A record of every recruitment interview must be made and passed to the HR department where it will be retained for a suitable period of time. On no account should any job offer be made during or at the end of an interview.
- Psychometric testing will be used as part of the recruitment process only with the prior approval of the HR department. Any test used must have been validated in relation to the job, be free of bias, and be administered and validated by a suitably trained person.
- It is YHN policy that the successful applicant will be asked to undergo a pre-employment medical examination with the Occupational Health Department. Any offer of employment will be conditional on the result of this medical examination being satisfactory to YHN.

It is YHN policy to seek the successful candidate's consent for YHN:

- to request two written references
- to carry out documentary checks to obtain proof of the candidate's right to work in the UK
- to carry out a CRB check where appropriate
- to ask for documentary proof of qualifications. Any offer of employment will be conditional on these being satisfactory to YHN

## **Scope**

The content of this document is to provide managers with a guide to YHN's policy and the legal background to recruitment and selection, as well providing a procedure to be used as a working document.

The policy and procedure is designed to be succinct and to give managers adequate information for conducting a recruitment campaign, in conjunction with HR, without being a cumbersome document.

Recruitment and selection at YHN is procedurally driven and the documents attached in the appendices have been designed to be self-explanatory and, as such, provide comprehensive guidance on their use and application within each individual template.

Advice and guidance can be sought from HR at all stages of the recruitment process.

## **Relationship to other policies and procedures**

Other policies which are related to the recruitment and selection policy and procedure include:

- creation and grading of posts
- temporary promotion manager guide
- redeployment scheme
- internal transfer
- appointment of agency workers through the Comensura agreement
- criminal Records Bureau (CRB) guidelines.

This list is not intended to be exhaustive.

## **The types of recruitment this policy and procedure apply to**

This policy and procedure apply to the recruitment and selection of staff employed on permanent, temporary, and fixed term contracts of employment. It also applies to the recruitment and selection of casual workers who are engaged on a casual worker agreement.

## **Legal context**

### **Equality Act 2010**

All job applicants are protected against discrimination because of sex, marital or civil partnership status, gender reassignment, race, disability, age, sexual orientation, religion or belief and pregnancy or maternity throughout every stage of the recruitment process.

Any candidate who is treated in a discriminatory way at a selection interview, or who is rejected for employment because of gender, race, etc may bring a complaint of discrimination to an employment tribunal, provided that the claim is lodged within three months of the date of the alleged discriminatory act.

The Equality Act 2010, however, provides an exception to this where an employer will not be classed as having discriminated if an individual is not recruited because of his or her proximity to retirement. This exception applies where the applicant is over the employer's normal retirement age where this is 65 or above or, if the employer does not have a normal retirement age, the age of 65. It also applies where a person would, within a period of six months from the date of his or her application to the employer, reach the employer's normal retirement age or, if the employer does not have a normal retirement age, the age of 65.

Employers are prohibited under s.60 of the Equality Act 2010 from asking candidates questions about their health before including them in a shortlist or offering them a job, except in specified circumstances. While asking about an applicant's health will not in itself amount to disability discrimination, if an employer relies on information that a candidate reveals in an answer to a question about health, this could be evidence of disability discrimination. The circumstances in which an employer is entitled to ask questions on health include:

- to establish whether or not an applicant will be able to complete one of the stages of the recruitment process, for example an interview;
- to establish whether or not the employer will need to make reasonable adjustments for an applicant to complete one of the stages of the recruitment process;
- to establish whether or not an applicant will be able to carry out a duty that is intrinsic to the role for which he or she is applying, having taken into account the employer's duty to make reasonable adjustments;
- to establish the diversity of applicants, for example in an equal opportunities monitoring form.

The Equality and Human Rights Commission has the power to enforce a breach of the prohibition on asking questions about an applicant's health.

### **The Children's Act 2004**

The Children's Act 2004 introduced the Child Index which will contain information on all children. This means that a wider group of staff will need to be checked by the CRB than in the past.

### **Criminal Records Bureau checks (Police Act, 1997)**

In summary, CRB checks are needed for staff working with children and/ or vulnerable adults. More detail on this is available in the CRB guidance on the intranet.

CRB disclosures are carried out for YHN by a third party provider. It is our policy that, where a satisfactory CRB disclosure is required for a role, no member of staff will be allowed to begin working in the role before a satisfactory disclosure is received.

## **Local Government and Housing Act 1989**

Under the Local Government and Housing Act 1989, certain staff are politically restricted (not able to take part in political activities or take up a political office, for example, as a member of parliament). These include staff who (with some exceptions):

- regularly advise the organisation or a committee, or speak on our behalf to journalists or broadcasters; and
- hold certain posts, for example, political assistants.

Under the Local Government Act 1989, companies must appoint staff based on their skills and experience.

## **Data Protection Act 1998**

Under the Data Protection Act 1998, an individual has the right to request access to any personal information held about him or her in a manual or computer-based file. This means that a job applicant (whether successful or unsuccessful) may submit a request to an employer to which he or she has applied in respect of access to any file containing data about him or her, for example interview notes. Individuals who present a valid written request must be given copies of the relevant data in permanent form within 40 calendar days.

## **Working time directive**

The working time directive says that workers over the age of 18 must not work (on average) more than 48 hours a week (40 hours a week for people under 18).

We must tell all applicants that they cannot work over 48 hours a week.

## **Preventing illegal working**

We must make sure that our employees are allowed to work in the UK under the Immigration, Asylum and Nationality Act 2006, which came into force on 29 February 2008.

We must make sure that the documents presented as proof belong to the selected applicant, and that they allow the applicant to do the type of work they are being appointed to do.

The proof of eligibility to work in the UK will either show an ongoing right to work in the UK or it will show an entitlement to work in the UK for a limited period only.

## **Recruitment and selection procedure**

### **Summary**

The following procedure should be used in conjunction with the recruitment and selection flow chart which provides a discrete summary of the process from start to finish; and the recruitment and selection policy.

The recruitment and selection procedure is broken down into five stages:

1. What to do when a vacancy arises
2. Advertising
3. Short-listing
4. Interviewing / selecting the right candidate
5. Pre-employment checks and appointment

## **Recruitment and selection procedure**

### **Introduction – Role of the Recruiting Manager**

Recruitment processes generally take place without unnecessary delays or complications. Managers, however, should be aware that recruitment campaigns need to be conducted fairly and transparently as applicants are able to challenge decisions if they feel they have been unfairly excluded by being rejected either at short-listing or appointment stages.

As such, where an applicant is not shortlisted for interview (or appointed after interview) they are able to make a complaint to an Employment Tribunal and the organisation is then duty bound to disclose all documents relating to short-listing and appointment in order to demonstrate that a fair and transparent procedure was applied to all candidates. It is therefore of paramount importance that documentation at all stages of the recruitment process is completed fully and accurately.

The manager's role in the recruitment process is crucial. All Recruiting Managers must have received appropriate training in recruitment and selection. If you require refresher training or are unsure of the YHN policy please contact a member of the HR team.

In addition, there may be unavoidable delays in the process as external bodies may not process information as quickly as we would like. This is covered in more detail later in the procedure.

### **1. What to do when a vacancy arises**

You should inform one of the HR Representatives as soon as you are aware of a vacancy that you need to fill.

The Recruiting Manager needs to complete the Recruitment Approval form. The Recruitment Approval form needs to be signed off by the Director of Service and Director of Finance, and Finance Manager – Revenue who will allocate a position number, before passing to HR.

If the position is a new position or filling maternity leave then the Recruiting Manager must complete an OU02 form.

The Recruiting Manager should supply the authorised form to HR along with the competency-based job description, the draft advert and short-listing weighting form.

Managers should note that Comensura should only be used for vacancies which are planned to last less than 13 weeks.

## **Job description**

Before advertising a vacancy it is good practice to review the content of the job description to ensure it accurately reflects the role. Where changes are needed these should be discussed with any existing job holders and trade unions. Any proposed changes to the job description should be within the scope of the role and existing job description and this should not be used as an opportunity to re-evaluate the role unless there is a specific business need for this.

## **2. Advertising**

The Recruitment Approval Form asks you to identify where you would like your position advertised. Your preference will be considered by HR, although HR will check if there are any redeployment or transfer candidates suitable for your vacancy before advertising.

Where a position is to be advertised externally, YHN will place the advertisement on the intranet, YHN internet, Jobs North East website, Equality Britain, Shaw Trust and Newcastle Futures. Other websites or publications will be considered if there are sound business reasons for doing so and a budget is available.

Currently (December 2010) YHN is adopting an 'internal first' approach for all Admin type positions graded as Y4. The rationale for this approach is to reduce costs and use internal expertise from posts at this level which include the corporate administrative pool staff.

In addition, YHN has an open-ended advertisement for administrative pool staff on the external website. This is recognised as a way of attracting new entrants to the pool who will subsequently gain broad organisational experience since these staff have the potential to work in all areas of the organisation.

HR will use the draft advert provided to create a final advert. The advert will be returned to the recruiting manager for authorisation.

HR will arrange the advertisement of your vacancy on the websites and publications agreed. The advert will generally run for 14 days.

All advertisements will include the text 'interviews are planned for DATE' to enable candidates set aside time should they be shortlisted for interview. It is expected that managers will keep to the advertised date unless there are exceptional circumstances which require the date to be changed.

**Vacancies are advertised online for all external vacancies.  
Use of different website or publications will impact on the length of time it will take to advertise your vacancy.**

## 2. Short-listing

When the vacancy has closed the Recruiting Manager will be contacted by HR who will provide a short-listing pack. HR will require 2 working days to prepare this.

The make up of the interview panel should include a gender balance where possible.

The pack should be returned to HR within one week with all forms completed. Guidance for completing these documents is provided within the short-listing guidance notes in the short-listing pack. The position will not progress until HR has received short-listing scores for **all** applicants.

When deciding on your interview dates it is important to note that the advertised interview date should be honoured unless exceptional circumstances prevent this. As interview dates have been included in the job advertisement, all candidates who are being invited to interview (both internal and external) will be given one week's notice of the interview date and time.

HR will write to the shortlisted candidates to invite them to interview and request any references they are able to do at this time. HR will ensure that references are requested for all candidates shortlisted for positions that require CRB clearance.

The Recruiting Manager will be responsible for booking the rooms for tests and interviews. They should also identify a member of their team who will be available to verify and photocopy the necessary identity documents which will be recorded on the candidate check list.

## 3. Interviewing

HR will provide the Recruiting Manager with an interview pack for each member of the panel. The interview pack will include an interview schedule which HR will compile three days prior to interview. The Recruiting Manager will be responsible for chasing any candidates that have not confirmed attendance after this time.

The member of the team identified at the short-listing stage must copy all documentation provided by the candidates when they arrive for interview. Details of the documents required to demonstrate eligibility to work in the UK can be found within the interview pack.

**Following the introduction of the Equality Act 2010 it is illegal for the interview panel to ask questions relating to the candidates sickness record, absence or disability**

The Recruiting Manager should contact all candidates by telephone to inform them of the interview outcome. The Recruiting Manager should then provide HR with all completed forms and application forms clearly showing notes and scores.

The Interview Panel is responsible for providing candidates with any additional feedback that is requested.

The use of tests or assessment centres in selection should be discussed with HR.

#### 4. Pre-employment checks

HR will write to all unsuccessful candidates unless the Recruiting Manager requests otherwise.

HR will write to the successful candidate with a conditional offer. The candidate will not be able to start their employment until HR has received:

- two satisfactory references
- medical clearance
- CRB clearance if relevant to the position

Internal candidates will only require one reference and CRB (if relevant to the position) as part of the vetting process.

**Please note that time scales for completing pre employment checks can vary due to the reliance on external parties. HR will try to receive satisfactory checks as quickly as possible. As a rough guide, allow two weeks for reference, two weeks for medical and at least six weeks for CRB clearance. No employee should start without all satisfactory checks.**

Once satisfactory pre-employment checks are received HR will contact the Recruiting Manager to discuss a start date for the successful candidate.

When a start date has been agreed HR will write to the new member of staff to advise them of the date and any instructions they will need for their first day at YHN. Details of how the new member of staff can access the YHN induction pack online are also included with this letter.

#### 5. Complaints

If anyone applying for a job feels that they have been discriminated against during any part of the recruitment and selection process, they have the right to complain in writing to the YHN Chief Executive within three months. The HR Manager will investigate the complaint and report back, with recommendations, to the YHN Chief Executive.

The YHN Chief Executive will decide what action, if any, to take and will tell the person who made the complaint what is going to happen.

##### **Solutions**

If the YHN Chief Executive upholds a complaint, the solution offered will usually be for the person who made the complaint to rejoin the selection process. Here are some examples of solutions:

- If someone is not included on the short-list and there is no justified reason for this, they may be put on the short-list for the job or for another appropriate vacancy.
- If the questions asked at the interview are considered to be unfair, the applicant's suitability may be reassessed and another interview arranged for that job or another

appropriate vacancy.

- If it is found that the person who made the complaint was the best person for the job, they may be offered either that job or another appropriate vacancy.
- If it is found that YHN has failed to make a reasonable adjustment for a disabled person who has been made a conditional offer of appointment and the post is still vacant, the adjustment will be made with an offer for that job.
- If it is found that YHN has failed to make a reasonable adjustment and the post applied for has been filled, we will make arrangements to interview the disabled person for another suitable vacancy and to make reasonable adjustments if the person is selected.