

HEALTH AND SOCIAL CARE



RECRUITMENT & SELECTION FRAMEWORK

OCTOBER 2018



RECRUITING TO DELIVER FOR OUR PEOPLE

FOREWORD

'Health & Wellbeing 2026 - Delivering Together' sets out a transformational agenda for Health and Social Care (HSC) in delivering services to the population of Northern Ireland. 'Delivering Together' recognises that in order to develop a world class service we must continue to recruit and retain the highest calibre of staff.

The Health & Social Care Workforce Strategy 2026 - Delivering for Our People, sets out ambitious goals which will drive and support this reform. It is therefore vital that the Recruitment and Selection arrangements within the HSC system supports this through a modern approach which is clear, open and transparent at every stage of the process.

This HSC Recruitment and Selection Framework is intended to provide consistency across HSC organisations, in a streamlined process recognised as the HSC branded approach, but with flexibility to allow each organisation to best suit its particular needs.

Each HSC organisation will adopt this framework to guide the recruitment and selection process. Whilst the document sets out some information on the preparations required by managers, its focus is on the key elements beyond these initial preparations. Each organisation will also have local information available on the arrangements for the creation and approval of requisitions to the point where they are transferred to the Recruitment and Selection Shared Service Centre (RSSC) for processing.

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1.0 INTRODUCTION

1.1 The ability of the HSC to consistently deliver high quality, continuously improving, compassionate care and support is dependent upon the recruitment and selection of employees who are well matched to jobs, committed and understand the importance of collective leadership.

1.2 Effective recruitment and selection will help attract, recruit and retain our valuable workforce. It is therefore important to ensure that the recruitment and selection process, based on best practice is innovative in approach and is clear, open and transparent. Inevitably it requires time and effort in order to have a workforce in place which can help deliver better outcomes for our population.

1.3 This Framework is intended to provide an outline to HSC organisations on the process for the recruitment and selection of all staff to the HSC and is designed to:

- ensure the organisation meets all its legal obligations¹ as a minimum to ensure equality of opportunity;
- ensure the people most suited to the jobs are appointed solely on the basis of merit;
- ensure all those involved in recruitment and selection have clear procedures to follow at each stage of the process;
- provide clarity on the stages in the recruitment and selection process including who is responsible for what at each stage.

1.4 The recruitment process is often the first introduction and personal experience a person has of the HSC. It is important that the experience is positive for candidates, whether they are successful or not in getting the job. Managers who are well trained and possess the knowledge and skills to conduct a well-organised selection process will help to provide that positive experience.

¹ For ease the legislation underpinning the recruitment and selection process is detailed at section 14. Managers are advised to read this section and seek clarification as required.

2.0

SCOPE OF FRAMEWORK

2.1

This Framework applies to all non-medical appointments to the HSC and should be read in conjunction with other relevant documents including but not limited to:

- any circular, guidance or legislation related to the recruitment and selection process in general;
- the Healthcare Leadership Model;
- the HSC Senior Executive Recruitment and Selection Code (January 2017);
- waiting list Principles and Practice.

3.0

PRINCIPLES

3.1

The HSC recruitment and selection principles are based on:

- **MERIT** – the recruitment and selection process will be based on the individual’s knowledge, skills, abilities, competencies and qualifications.
- **FAIRNESS** – the recruitment and selection process will be fair, reliable, robust, monitored and auditable.
- **EQUITY** – the recruitment and selection process will be free from discrimination, prejudice and bias.
- **CONSISTENCY** - the recruitment and selection process will ensure any appointment made within the HSC will be compliant with all current employment and equality legislation.
- **TRANSPARENCY** - the recruitment and selection process will be set against criteria in the personnel specification and job description.

3.2

Selection for posts in the service should ideally integrate an assessment of both the likely ability of the candidate to perform in the role (competency) as well as ensuring the values of the person align to the values of the organisation (values based).

3.3 Managers must be appropriately trained in line with the requirements of the employing organisation before participating in the recruitment and selection process. This will not only ensure they are competent in the legislative framework but can undertake an objective assessment using best practice models appropriate for the post to ensure a robust decision making process.

3.4 Ultimately the aim is to attract and retain people who are best matched to the specific job and who are able to perform effectively and contribute positively to the organisation in which they are employed. In order to achieve this and engage the highest calibre of employees, we must recruit from as wide and diverse a group of applicants as possible.

3.5 Confidentiality must be observed at all times. Anyone found not to be observing this principle intentionally or otherwise may be subject to formal disciplinary action including dismissal.

3.6 Candidate experience is important to ensuring that the HSC is seen as 'an employer of choice'. Those involved in the recruitment process should take time to treat all candidates with dignity and respect, living out the values of the HSC organisations, through the recruitment and selection process.

4.0 AN OVERVIEW OF THE PROCESS

4.1 There are 3 main 'controllers' of the Recruitment and Selection process namely:

- The Manager
- The local Human Resources Team
- The Recruitment and Selection Shared Service Centre (RSSC)

4.2 Whilst the precise process will vary from one organisation to another, the key responsibilities are as follows:

The Manager – is responsible for:

- Reviewing the need for the post and the banding – if a new post this will include having the post banded under the evaluation process.
- Preparing an accurate Job Description to allow the applicant to understand the post which is available.
- Preparing an accurate Personnel Specification. This is fundamental to the whole process and is the document RSSC rely on for posting advertisements or for matching posts to available waiting lists. The agreed

format must be followed and the criteria must be clear to ensure clarity of understanding throughout the process.

- Ensuring the correct information is in the Organisational Management Structure – if a new post this would include having a position created.
- Raising the requisition on the recruitment system.
- Ensuring the requisition is fully approved and arrives with the local Human Resources Team.
- Identifying the panel for shortlisting / Interview and advising RSSC.
- Agreeing panel dates and advising RSSC.
- Booking rooms for the selection process and advising RSSC.
- Advising RSSC of the outcome of shortlisting.
- Advising RSSC of the outcome of interview.
- Making decisions about any issues arising at the pre-employment checks stage.
- Advising RSSC of the agreed start date when pre-employment checks are completed.

The local Human Resources Team

- Reviewing the requisition as received from the Manager to ensure that all information is contained therein.
- Quality assuring the Job Description and Personnel Specification.
- Ensuring all local approval processes have been followed.
- Reviewing the post against any local HR redeployment lists.
- Releasing the post to RSSC for action.
- Offering advice to managers on issues arising during the selection process.

The RSSC

- Assessing the requisitions on receipt to ensure all necessary information is available and determining whether to advertise or fill from an available waiting list.
- Advertising posts.

- Following the closing date releasing the shortlisting details to the panel.
- Following shortlisting advising applicants of the outcome and inviting those successful at shortlisting to the selection stage (usually Interview).
- Following selection advising applicants of the outcome and completing pre-employment checks.
- Liaising with the Manager when there are any issues with the pre-employment checks.
- Advising the Manager when checks are completed.
- Data Transfer of information to Human Resources.

5.0 ATTRACTING THE RIGHT APPLICANTS

5.1 The HSC has in place an advertising strategy which sets out the commitment to advertising all posts widely using a combination of approaches appropriate to the post being advertised. All posts will be advertised on the HSC dedicated website and may also appear in other advertising channels including, for example, job centre online; social media; printed media and radio.

5.2 Where necessary, due to organisational change for example, the HSC may restrict eligibility. This will be a matter for the employing authority to determine.

6.0 APPROACHES TO SELECTION

6.1 It is recommended that selection processes should be 'blended' to incorporate a variety of methods of selection which include both competency and value based approaches.

Methods of Selection

6.2 There are a wide range of methods of selection which can be adopted such as:

- online occupational based assessments;
- assessment centres;

- stakeholder events;
- interviews, including Multiple Mini Interviews (MMI).

6.3 The HSC has developed a supporting toolkit entitled '*Methods of Selection - A Menu of options*' which should be read in conjunction with this framework.

6.4 HSC Organisations' approaches to selection should take cognisance of and incorporate any agreed affirmative or positive action measures that they may have in place as a result of their statutory Article 55 (three-yearly) reviews. Further information should be sought from HR if this applies.

7.0 GOVERNANCE

7.1 It is vitally important that all panel members are absolutely impartial in their roles as voting members on panels. For this reason in advance of shortlisting all panel members must declare whether or not they have any personal or private business relationship or connection with any of the applicants which could call into question their impartiality as a panel member. This may include where a panel member is or has been involved in any matter of dispute with an applicant.

7.2 Such matters must be handled carefully in a manner to ensure that no other panel member is unduly influenced. A panel member with any concerns should speak to their local HR team for advice prior to commencing shortlisting/ at time of considering the Governance questionnaires. Normally the panel chairperson will decide whether their impartiality could reasonably be called into question and whether or not the individual concerned is required to withdraw from the selection process. There is no such discretion in the case of an Independent External Assessor² who must be asked to withdraw.

7.3 If a panel member needs to withdraw from this process and if this creates a problem for the panel constitution, contact Human Resources who will assist managers in resolving the matter.

7.4 Any attempt by a candidate, either directly or indirectly, to influence any member of a panel to favour their application, other than through the legitimate selection process, will result in automatic disqualification of the candidate. Such activity is known as canvassing.

² It is good practice to have an Independent External Assessor participate in panels for posts at Band 8A or above – see section 8.3 for further details

TRAINING OF PANEL MEMBERS

- 7.5** It is a requirement that panel members must be appropriately trained in the area of recruitment and selection, including the requirements of the legislation relating to equality of opportunity and are conversant with all related guidance. Information on training requirements can be obtained from local Human Resources Departments.

CONFIDENTIALITY

- 7.6** All correspondence and information arising out of the recruitment and selection process must be treated by all concerned in strictest confidence. Any member of staff found to be in breach of this rule of confidentiality may be subject to disciplinary action. In particular the panel have a specific responsibility for the handling and storage of the file and all associated documentation while it remains in their custody.

SUMMARY

- 7.7** The overall process within the HSC can be divided into four main stages, all of which are closely inter-related. These are:
- i. Preparation
 - ii. Recruitment
 - iii. Selection
 - iv. Evaluation

8.0 PREPARATION

- 8.1** A vacancy can arise in many different ways. It may be because:
- i. someone leaves or is unavailable for work for an extended period of time;
OR
 - ii. organisational change gives rise to a new post for new services, increased service demands or change of skill mix; OR
 - iii. workforce planning identifies a need for new staff due to consideration of the existing workforce profile.

8.2

No matter what the reason, when a vacancy arises line managers **must** decide what is required, prepare a suitable Job Description / Personnel Specification, ensure the post is appropriately job evaluated and raise a requisition on the recruitment system. Consideration should also be given to the anticipated assessment process at this early stage to ensure that appropriate information can be incorporated into the applicant pack / advertisement. This is particularly important where it is anticipated that a process other than a traditional interview will be used.

Panel Membership

8.3

Panels must be constituted in accordance with the following general principles:

- i. All panels will normally have three voting members³ who are employees of the organisation, one of whom will normally be the line manager for the post.
- ii. For high volume entry level posts, which are usually aimed at creating a waiting list of suitable applicants, it is permitted for panels to proceed with two voting members.
- iii. In most circumstances the panel would normally include two persons from the respective profession as a minimum.
- iv. Panel members should be appropriately trained in the area of recruitment and selection.
- v. Panel members will normally be of a more senior grade than the grade of the post they are interviewing for. In exceptional circumstances⁴ a panel may be convened with a panel member of a similar grade as the vacancy.
- vi. For senior posts at Band 8A or above, and / or where posts are of a technical nature, it is good practice to include an independent external assessor as a panel member.
- vii. Each panel will have a chairperson, who will be responsible for the operation of the panel. In multi-panel situations there will also be a chair of chairs who will preside over necessary panel decisions required after the main selection process has concluded.
- viii. To support HSC equality obligations, every reasonable effort must be made to ensure that panels are, where practicable, appropriately 'balanced' in terms of gender and community background as a minimum. Advice on this can be sought from local HR Departments.

3 Some exceptions do exist such as for Senior Executive recruitment where the HSC Senior Executive Recruitment and Selection Code should be followed.

4 Exceptional circumstances might be where a post is very specialised and the only appropriate expert is at the same level or where legislation dictates that a particular postholder must be part of the panel.

8.4 It is the responsibility of the recruiting manager (normally the chair) to ensure that a panel is set up in accordance with the above principles.

9.0 RECRUITMENT

9.1 As already alluded to at paragraph 5.1, the HSC has a dedicated website where all posts will be advertised with supporting documentation. Each vacancy will have an application form available and therefore no CV's will be accepted.

9.2 Posts will normally be publically advertised unless the organisation concerned is managing a period of change. In such circumstances the organisation may require recruitment to be limited to a specific group of staff in order to avoid redundancy situations. In these instances the criteria will clearly state who is eligible to apply.

9.3 The HSC promotes the use of on-line applications albeit, some organisations continue to accept manual applications.

9.4 Applicants are responsible for ensuring the full and accurate completion of their application form. If during pre-employment checks or following employment it is discovered that an applicant has knowingly withheld information during the recruitment and selection process, this will be treated as a serious breach of trust and may lead to withdrawal of any offer / dismissal if already employed.

9.5 During shortlisting, panels must only consider the information presented in the application form.

9.6 Applicants are encouraged to complete an Equal Opportunities Monitoring Form. The purpose of monitoring is to enable the HSC to meet the statutory requirements as set out under the Fair Employment Legislation and to assess the extent to which equality of opportunity is being achieved. Where applicants fail to provide the community background information, a residuary method of determination will be applied.

9.7 Applicants' completed Equal Opportunities Monitoring Forms will not be available to the selection panel at any point and will only be used for the purposes outlined above. The HSC is responsible for monitoring this information:

- i. To assess the fairness and effectiveness of recruitment and selection processes and if necessary to make recommendations for improvements.
- ii. To develop appropriate positive action/affirmative action initiatives if necessary.

- iii. To instigate a thorough examination of the reasons for any disparity, if any sign of direct or indirect discrimination is detected.
- iv. To meet the statutory requirements as set out under the Fair Employment Legislation.

10.0 SELECTION

PRE – SHORTLISTING

- 10.1 In the event of there being a limited response, normally interpreted as two or fewer applicants, and **BEFORE** the panel see who the applicants are, the panel may determine whether or not there has been a sufficient response.
- 10.2 If, taking account of information on the likely pool, it is deemed that there has been an insufficient response, the post will be re-advertised and the original applicants notified accordingly that they do not need to re-apply and their application will be considered following any re-advertisement.
- 10.3 If following a second advertisement, there are no further applicants the panel must normally proceed to consider the original applications in the agreed manner.
- 10.4 Prior to commencement of shortlisting the panel may decide to use the desirable criteria, as stated in the personnel specification, at the shortlisting stage. This decision **must** be taken and recorded **before** any of the application forms are viewed by the panel members.

SHORTLISTING

- 10.5 Shortlisting of candidates is the responsibility of the panel and must be done in a disciplined and systematic way that is both efficient and fair. The purpose is to decide which applicants meet the essential criteria, and desirable criteria if it has been decided to apply this, as stated on the Personnel Specification. Only those applicants who meet these criteria, as demonstrated on the application form, will be shortlisted and called for the next stage of the selection process.
- 10.6 In instances where it has been determined that the panel will proceed directly to the next stage of the selection process i.e. when there is no shortlisting stage⁵, this must be notified to applicants at the time of advertisement to ensure they are aware of their responsibility to meet the essential criteria, as

5 This is usually reserved for entry level posts where the criteria is completely factual such as holding a specific qualification or professional registration.

stated in the Personnel Specification and demonstrate this on their application form. If it is later identified during the pre-employment check stage, that a successful candidate does not meet the essential criteria, their application will cease to be processed further.

10.7 Shortlisting criteria will be applied as at the closing date for the post unless the advertisement clearly states otherwise, for example, when it is known that examination results are imminent or professional registration is pending.

10.8 A basic principle to be adhered to in the shortlisting process is that only information contained on the application form may be considered for shortlisting purposes. A panel should not make assumptions about qualifications or experience.

10.9 The panel chairperson will be responsible for finalising the shortlisting and notifying RSSC when this is completed. They must also provide details to facilitate issuing of the interview invites, such as the venue the interviews will take place in, along with the duration of each interview etc.

10.10 Where it is deemed necessary to have an external representative on the interview panel, and they are to be part of the shortlisting process, it will not be possible for this to be completed online. In these circumstances, an off line record must be kept of the shortlisting decisions.

Potential Issues at Shortlisting

10.11 Sometimes a panel has difficulty understanding a part of the application such as an unfamiliar qualification. In such instances the local Human Resources team can be approached to clarify the equivalency of the qualification.

10.12 If it comes to light that an error has been made when setting or advertising the criteria in the Personnel Specification it may be necessary to close the post and re-advertise it using the correct criteria.

Preparation for Selection Process

10.13 Once the panel have completed the shortlisting they must consider the next stage of assessment. This should include whether or not a test or presentation will be used as part of the assessment process.

10.14 Panels should be mindful of their responsibilities under the Disability Discrimination legislation and should look out for any reasonable adjustments required for persons declaring a disability. It should be noted that the duty of reasonable adjustment under the Disability Discrimination Act applies at all stages of the selection process. Some examples might include waiving/ adjusting the requirement to meet shortlisting criteria, assistance with the completion of application forms or adjustments to the interview process to facilitate the participation of a candidate who has a disability. Please refer

to Section 14 of this framework. Further guidance and advice on this can be sought from organisations' Human Resources Departments when this situation arises.

10.15 In the case of a post which has no shortlistable criteria, the panel will proceed directly to the preferred selection method. In such instances the various checks made at the shortlisting stage, for example for Governance issues, will be undertaken prior to the next stage of selection commencing. Please refer to Section 7 of this document for further information in relation to Governance.

10.16 The aim of the selection process is to collect the information required to assess how well the applicant meets the specific requirements of the job.

10.17 The traditional interview is still the most widely used method of selection within the HSC. However, a wide range of other methods / techniques are available either in place of, or to support, the interview process aimed at identifying those individuals with the particular skills / abilities necessary for successful job performance. For more detailed information on this aspect, please refer to the HSC 'Methods of Selection - A Menu of options' document which should be read in conjunction with this Framework.

10.18 The panel should meet prior to the selection process to prepare/confirm their assessment method, questions, expected answers, scoring, and passmark.

10.19 Irrespective of the selection tool used, all methods of assessing the candidate should be based on the Job Description and Personnel Specification. The focus should test the skills, experience, knowledge, values, behaviours and competence of applicants with scoring against the expected answers attached to each question.

MARKING SYSTEM

10.20 It is essential that all involved in the selection process follow the agreed marking system to ensure complete objectivity and good decision making.

10.21 When using traditional interviews panel members should take the opportunity at the end of each interview to ensure that their notes are complete and all evidence has been recorded. This will ensure that each panel member is using the same evidence to make their individual assessments.

10.22 The principle of any scoring system is that all panel members must have clarity of application. Below is a sample on the basis of a 0-10 rating scale. Each panel member (*including Assessors*) should individually mark each candidate on the basis of the agreed rating scale for each question/requirement.

0-2 *This should be awarded where a candidate's response is not satisfactory and they have failed to provide a sufficient level of competence of the area in question.*

3-4 *This should be awarded where a candidate's response is borderline acceptable in terms of demonstrating competence of the area in question. If a candidate is consistently scoring at this level across the set of questions it is likely they will not be appointable.*

5-7 *This should be awarded where the candidate's response has demonstrated a good level of competence of the area in question.*

8-10 *This should be awarded where the candidate's response has demonstrated an excellent level of competence of the area in question.*

10.23

Panels may choose to weight a particular question. This means the question will have a higher value than other questions. Weighting is applied by multiplying the score for a particular question by a number greater than 1 but usually no more than 3.

10.24

It is recommended that panels set a total minimum score a candidate must reach, as independently assessed by each panel member, to be considered for appointment.

10.25

Scoring is done individually by each panel member (including Assessors). A total score is allocated to each candidate, by each interviewer, who should place the candidates in a rank order based on merit. Panel members should be mindful of the potential impact of wrongly totalled scores or mistakes in their ranking. For this reason it is recommended that all panel members have another panel member check their total scores and ranking.

10.26

Once each panel member has completed their independent assessment the chairperson should ask that each panel member reveal their scores and individual ranking for each candidate. This should be plotted onto a Summary Score Sheet.

10.27

Panel Members should discuss discrepancies between scores but care should be taken to ensure a panel member is not coerced into changing their scores unless they have evidence from the interview to support the change. Each panel member is equally accountable for the decision making process.

10.28

Notes should be made about the discussions and process adopted and how the final decision was reached, so that information is available if a complaint or claim of unlawful discrimination is made.

10.29

To support the final decision making process, the **rank** for each candidate by each panel member should be totalled, and on the basis of these total **ranks** an overall **rank order** of candidates should be made on the summary score sheet.

10.30

The candidate with the top total **rank** is the most appointable candidate based on the Merit Principle.

10.31 Panels should remember that if none of the candidates performed to an acceptable standard they should not appoint. Alternatively if more than one candidate was appointable, the panel may consider selecting a reserve candidate (s) however this should only happen where the panel are confident that they would be content for that person to be appointed in accordance with paragraph 11.8. The panel may also wish to consider creating a waiting list and this should be done in accordance with paragraph 11.9.

10.32 In the instance of multiple panels, the total scores and ranks will be fed into the HSC spreadsheet designed for use with multiple panels⁶. Where this results in joint rank orders then account will be taken of the position of the individual against the average weight 'plus or minus' of the panels average scores awarded and if this still results in a joint ranking then the individuals performance against the lead/highest rated questions will be considered.

What to Do Once a Decision is Finalised

10.33 Panels should ensure that final decisions are submitted to RSSC through the recruitment system as no action can be progressed until such has been completed. In the case of multiple panels, separate off line arrangements will be agreed between RSSC and the chair of chairs.

10.34 All documentation relating to the recruitment and selection process should be returned to the local HR Team for onward transportation to the RSSC.

11.0 THE APPOINTMENT

Notifying Outcomes

11.1 Letters to successful and unsuccessful candidates should normally be issued simultaneously. All correspondence will be by email unless no email address is available.

11.2 In some instances the panel chairperson may choose to contact the applicants personally prior to advising the RSSC to progress the formal outcomes process. Where this is determined by a panel, ALL candidates must be contacted in person starting with the unsuccessful and then the successful. Panels should be aware of the need for all candidates to hear in a timely manner and should not take this approach where this is likely to delay outcomes or there is a high risk that not all candidates can be contacted personally.

⁶ This is available from the RSSC.

11.3

For areas of shortage where there are more posts than applicants, arrangements may incorporate alignment of successful applicants to available posts on the day of interview. In some instances outcomes may also be notified to candidates on the day of interview as part of the overall approach.

11.4

The appointee will receive a conditional offer which will be subject to the satisfactory completion of a number of pre-employment checks as follows:

- i. **IDENTITY CHECKS;** this must include photographic ID and may be influenced by the documents required for eligibility to work in the UK and / or Access NI applications.
- ii. **ELIGIBILITY TO WORK IN THE UK;** Guidance is available for the recruitment of staff who are not UK-nationals, regarding Home Office requirements to prevent illegal working. This guidance should be referred to where the appointment of applicants who are not UK-nationals is being considered.
- iii. **REFERENCES;** References provide a valuable tool in determining the suitability of an applicant. They provide information on the reliability, character and experience of an individual as witnessed by a former employer, education authority or other suitable professional. This is particularly important given the nature of the service provided by the HSC and reliance placed on members of staff in delivering services. Within this context, all appointments to the HSC are all made subject to satisfactory references being received. The panel are responsible for ensuring that the referees provided are appropriate.

Panel members are not prohibited from providing an applicant with a reference, should they be asked to do so. However where an alternative is available this would be the preferred option.

Assessors are prohibited from providing applicant references as the purpose of the assessor is to provide independent professional advice.

- iv. **DISCLOSURE CERTIFICATES AND PERSONAL DECLARATIONS;** - Appointees will be asked to complete a personal declaration regarding any cautions, convictions or bind overs and in relation to any ongoing referral to the Disclosure and Barring Service (DBS). Where an individual is the subject of investigation by the DBS the employing authority may need to consider the withdrawal of offer dependent on the anticipated timeframe of investigation and service needs to fill the position. If the case remains pending at this stage the conditional offer will be withdrawn. This is purely to meet service needs and in no way attributes any blame to the individual, nor does it debar the person from applying to the organisation again in the future.

Successful candidates appointed to regulated positions will be subject to the appropriate disclosure checks. Where required, this will be obtained in the form of an Enhanced Disclosure Check through Access NI.

Where the individual has a criminal record, the information on the disclosure certificate will be shared with the chair of the appointments panel (or in the case of waiting lists the recruiting manager) to ensure that a fair and balanced judgement can be made on the relevancy of the information available.

Where there is any discrepancy between the contents of the Disclosure Certificate and the information provided by the applicant on their Application Form and / or Personal Declaration, the offer will normally be withdrawn unless a reasonable explanation can be provided. This is on the basis that the honesty and integrity of the individual has been called into question. It may not necessarily mean that the convictions or cautions are considered materially relevant to the post which they have been offered.

- v. **OCCUPATIONAL HEALTH ASSESSMENT**; Offers of employment to all grades of staff are dependent on a successful pre-employment health assessment. All Pre-employment health assessments must be carried out prior to engagement in the service unless agreed otherwise with the Occupational Health Service.
- vi. **QUALIFICATIONS AND PROFESSIONAL REGISTRATION** (where appropriate).
- vii. **DRIVING LICENCE**, (where appropriate).

11.5

If any one of the pre-employment checks is not satisfactory consideration will be given as to whether or not the conditional offer should be withdrawn. Consideration may also be given to the withdrawal of offer in the event of unacceptable delays during the conditional offer process. All decisions relating to withdrawal will be the responsibility of the recruiting manager (normally the panel chair other than in the event of offers from a waiting list). This document should therefore be read in conjunction with the Process for Withdrawal of Offers.

Failure to Disclose

11.6

If during the course of pre-employment checks or indeed following employment it is discovered that an individual knowingly withheld information during the recruitment and selection process, irrespective of the relevancy of this to the appointment, this will be treated as a serious breach of trust and may lead to the withdrawal of any offer / dismissal, if employed.

Disabled Appointees - Reasonable Adjustment Meeting

- 11.7** Where the appointee has indicated the need for a Reasonable Adjustment in the post, a meeting will be held with the individual and line manager. This process may be supported by the local HR Team and / or Occupational Health. This meeting will be aimed at discussing what the required adjustments are and ensuring that provision can be made. Where an appointee fails to disclose their disability, the employer will be unable to provide a Reasonable Adjustment.

RESERVE CANDIDATES AND WAITING LISTS

- 11.8** **RESERVE CANDIDATES** – Where more than one candidate is deemed appointable, the panel may decide to appoint a first / second reserve candidate(s). Where the appointee is unable to take up employment, for any reason, the reserve candidate may be offered the position. Reserve candidates may be held for a period of three months from the first appointee takes up post and in the unlikely event that there is the requirement to fill the post again during that period, a reserve candidate may be offered the position without having to repeat the recruitment process.
- 11.9** **WAITING LISTS** - where it is deemed appropriate, a waiting list will be compiled for vacancies of the same grade and skills/requirements. In all instances if it is anticipated that a waiting list will be established following a selection process this must be made clear at the time of advertisement. Failure to do this will prevent panels from establishing a waiting list following a bespoke exercise.
- 11.10** Waiting lists held in RSSC are categorised either as 'cyclical' or 'bespoke.
- 11.11** Cyclical waiting lists are those which HSC organisations have agreed with RSSC should be maintained on an ongoing basis. They are typically used for high volume entry grade posts and are either Regional or Trustwide. Requisitions will be filled from these waiting lists on receipt at RSSC. Typically where a cyclical file is in place, managers will not be permitted to create separate waiting lists for the same job type / grade in their specific service area.
- 11.12** Bespoke waiting lists are those which have been created by a manager as a result of a specific advertisement where the manager has an expectation that further posts may arise in the coming months. Bespoke waiting lists are for a specific post in a specific Department.
- 11.13** RSSC have a set of agreed principles for managing waiting lists which are contained in a separate document.
- 11.14** Where an advertisement has included a statement that a waiting list may be created the panel should ensure that the reserve candidate is placed first on any resulting waiting list.

- 11.15** Waiting lists will normally be valid for a minimum of nine months from the date of interview and will not normally exceed 12 months. Only candidates who meet the required standard for the post should be placed on a waiting list, in rank order.

12.0 **APPLICANT FEEDBACK**

- 12.1** The purpose of providing feedback is for development purposes. Therefore all feedback given should be constructive focusing specifically on the performance of the particular candidate requesting the feedback, what went well and what they could have improved on.
- 12.2** Verbal feedback will, where possible, be made available to candidates on request. In most circumstances candidate feedback will only be available within a three month time frame from the date of interviews. Feedback should normally be provided by the chairperson however where this is not possible or would cause undue delay, another member of the panel can be nominated. Feedback should be conducted in private allowing sufficient time for adequate discussion.
- 12.3** Information regarding other candidates' results or performance must be kept strictly confidential. Feedback is not therefore about providing a comparison with other candidates but rather providing information on the candidates own performance in light of the assessment criteria (expected responses).
- 12.4** It is not normally feasible to provide feedback in writing for individual candidates. The only instance this may be considered would be where there is a high volume of applicants and the panel(s) determine a generic themed summary feedback approach may be beneficial. Any panel(s) identifying this should provide the summary feedback to RSSC at completion of the interview stage.

Interview Notes and References under Data Protection legislation

- 12.5** Under Data Protection legislation, applicants may request access to personal data which relates to them – this will include interview notes made by the appointment panel and references. The HSC has procedures in place for dealing appropriately with such access requests.

13.0 COMPLAINTS RELATING TO THE RECRUITMENT AND SELECTION PROCESS

- 13.1 The HSC recognises that from time to time individual applicants, normally those unsuccessful in their application, may feel there is a need to raise a complaint about some element of the process. As organisational grievance procedures are not appropriate for handling of complaints arising from the recruitment and selection process, all complaints about the recruitment and selection process will be managed under specific procedures for this purpose. Please refer to the Applicant Complaints Process.

14.0 LEGISLATION IN RECRUITMENT AND SELECTION

- 14.1 We must ensure that our recruitment policy and procedures are robust in terms of legislation and that our panels have received appropriate training in this area.

MEANING OF DISCRIMINATION

- 14.2 The anti-discrimination laws ban discrimination on the statutory equality grounds. The law uses terms such as direct discrimination; indirect discrimination; disability related discrimination; failure to comply with a duty to make reasonable adjustments; harassment and victimisation to describe the different types of discriminatory conduct which are banned. Further information about these terms is given below.

The statutory equality grounds

- 14.3 The anti-discrimination laws in Northern Ireland ban discrimination in employment on the grounds of sex; pregnancy and maternity leave; religious or similar philosophical belief; political opinion; race; sexual orientation and age. The laws also ban discrimination against people who are disabled; people who are married or who are in civil partnerships; and people who have undergone, are undergoing or who intend to undergo gender reassignment.

WHEN IS IT UNLAWFUL FOR AN EMPLOYER TO DISCRIMINATE?

- 14.4 The anti-discrimination laws ban discrimination in relation to the whole range of employment-related activities, from recruitment through to termination of employment, and even beyond (e.g. providing job references to former

employees). However, to focus specifically on recruitment and selection, it is unlawful for an employer to discriminate against job applicants and employees in the following circumstances:

Discrimination against job applicants

14.5

It is unlawful for an employer to discriminate against job applicants:

- i. in the arrangements made for determining who will be offered a job; or
- ii. by refusing or deliberately omitting to offer a person a job.

Discrimination against employees

14.6

It is unlawful for an employer to discriminate against employees:

- i. in their access to opportunities for promotion; or
- ii. by subjecting them to any other detriment.

DIRECT DISCRIMINATION

14.7

This usually occurs where an employer treats a job applicant or employee less favourably than he treats (or would treat) another person, in the same or similar circumstances, on one or more of the statutory equality grounds.

14.8

For example, it is direct discrimination to refuse to employ a job applicant because she is a woman, or pregnant; or because he/she is a Roman Catholic or a Protestant; or because he/she is an Irish Traveller; or because he/she is gay or lesbian; or because he/she is disabled; or because he/she is of a certain age (e.g. over 60 or under 20).

14.9

A recruitment or selection decision that is directly discriminatory will normally be unlawful unless: (a) in an age discrimination case, the decision can be objectively justified, or (b) in any other case, an employer can rely on a statutory exception, such as a genuine occupational requirement exception where the job needs to be done by a person who has a particular characteristic (e.g. the job holder needs to be a woman in order to preserve the decency and privacy of women service users who may be undressed).

INDIRECT DISCRIMINATION

14.10

This generally occurs where an employer applies to all job applicants or employees a particular provision, criterion or practice, but which has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people.

14.11 Indirect discrimination might arise in a recruitment situation in the following way: the employer sets and applies a particular job criterion to all job applicants; however, it has the effect of disproportionately excluding or disadvantaging people who are members of a particular equality group. For example: (a) if a job holder needs to have a degree and five years post qualification experience then the criteria effectively excludes people aged under 26 or 27 years and, thus, the combined effect of the two criteria could be indirectly age discriminatory against people under the age of 26 or 27 years; (b) requirements to have academic qualifications that can only be gained through local education systems (i.e. UK or Republic of Ireland) may effectively exclude many migrant workers who are otherwise eligible and qualified to do the work in question and, thus, could give rise to indirect race discrimination.

14.12 A recruitment decision that is indirectly discriminatory will normally be unlawful unless the decision (e.g. the job criterion in question) can be objectively justified.

DISABILITY-RELATED DISCRIMINATION

14.13 This occurs where an employer, without lawful justification, and for a reason which relates to a person's disability, treats a person less favourably than the employer treats (or would treat) other people to whom that reason does not (or would not) apply.

Failure to comply with a duty to make reasonable adjustments

14.14 This is another form of disability discrimination that occurs where an employer is under a duty to make reasonable adjustments for a particular disabled job applicant or employee and fails to comply with it. A failure to comply with the duty cannot be justified and is always unlawful.

14.15 An employer will be under a duty to make reasonable adjustments for a particular disabled job applicant or employee if the following conditions apply:

- i. the disabled person is at a substantial disadvantage compared to persons who are not disabled as a result of, any provision, criterion or practice applied by the employer, or any physical feature of premises occupied by the employer, and
- ii. the employer knows, or could be reasonably expected to know, that the disabled person is disabled and is suffering the said disadvantage, or is likely to.

14.16 Where the employer is under the duty, he/she is required to take such steps as are reasonable to take, in all the circumstances of the case, in order to prevent the disabled person from suffering the said disadvantage.

- 14.17** In a recruitment exercise, this could mean that the employer may, depending on what is reasonable in the circumstances, have to change or waive particular job selection criteria, or provide assistance to a disabled job applicant to help him/her to participate in a selection test or job interview.

HARASSMENT

- 14.18** Harassment is a form of discrimination that may occur across all or any of the statutory equality grounds. It usually occurs where a job applicant or employee is subjected to unwanted conduct that is related to a statutory equality ground with the purpose, or which has the effect, of violating the dignity or creating for them an intimidating, hostile, degrading, humiliating or offensive environment.

- 14.19** It is perhaps more likely to occur in practice in the course of employment in a normal workplace setting, but it could occur during a recruitment and selection exercise as a result of the manner in which a selection panel, or any of its individual members, behave towards a job applicant during the course of an interview (e.g. making sexist, racist or homophobic comments to a job applicant, or making derogatory comments to pregnant or disabled job applicants). Harassment cannot be justified and is always unlawful.

VICTIMISATION

- 14.20** This generally occurs where an employer treats an employee or job applicant less favourably than he treats (or would treat) another person, in the same or similar circumstances because the person has previously exercised their rights under the anti-discrimination laws, or has assisted another person to do so.

- 14.21** Victimisation is essentially a form of retaliation (e.g. the employer retaliates against a person who previously made a discrimination allegation against him/her by refusing on that account to offer them a job or promotion). Victimisation cannot be justified and is always unlawful.

- 14.22** Anyone who feels that they may have suffered unlawful discrimination under the above legislation may take legal action. The main route in this respect is by lodging a complaint with the Fair Employment Tribunal (FET) in the case of complaints of religious and/or political discrimination or an Industrial Tribunal (IT) in the cases of other equality legislation outlined above. The FET or IT can come to various decisions in a complaint including awarding compensation (unlimited).

The Role of the Equality Commission for NI

- 14.23** The Equality Commission for Northern Ireland is an independent public body established under the Northern Ireland Act 1998. On 1 October 1999, it took over the functions previously carried out by the Commission for Racial Equality for NI, the Equal Opportunities Commission for NI, the Fair Employment Commission for NI and the NI Disability Council.
- 14.24** Its duties and functions are set out in the legislation for which it has responsibility (including those pieces of legislation outlined above). It can provide advice and assistance to individuals who feel that they may have suffered discrimination under these pieces of legislation, and this may include supporting complaints that are brought before the Tribunal, both legally and financially. The Commission can also assist employers in matters relating to equal opportunities and also has enforcement powers. The Commission has introduced a Unified Code of Practice on the above legislation which amalgamates into one document the principles previously contained in various Codes of Practice.
- 14.25** In addition to the above, the general duties of the Commission include working towards the elimination of discrimination, promoting equality of opportunity and encouraging good practice and keeping the relevant legislation under review.

Office of the Northern Ireland Public Services Ombudsman

- 14.26** The Office of Northern Ireland Public Services Ombudsman (NIPSO) was established in April 2016. It replaces and expands the functions of the former offices of Assembly Ombudsman and Commissioner for Complaints, bringing them together into a single statutory office.
- 14.27** NIPSO provides a professional, independent, impartial and free service to the people of Northern Ireland. They:
- Provide for the public an independent review of their complaints where they believe that they have sustained an injustice or hardship as a result of the action or inaction of a public service provider (this is called "maladministration").
 - Ensure that public services improve as a result of the complaints that people bring to them.
 - Consider the grounds for complaint by reference to the Parliamentary and Health Service Ombudsman's "Principles of Good Administration".

If they find maladministration they may make recommendations to address it. NIPSO recommendations usually focus on providing remedy and redress for the complainant and on improving public services. They are an office of last resort and will generally only consider complaints after the public service provider has considered the issues of complaint through their formal complaints procedure.

The Rehabilitation of Offenders (Exceptions) Order (NI) 1979

14.28

This order lists exceptions to the Rehabilitation of Offenders (NI) Order 1978. It means that anyone who applies for a job in the HSC must declare any information about any criminal convictions they have ever had. The panel should check this information which can be taken into account when considering a candidate for a post. It may also be that a panel might want to ask about the offence so that it can make a judgement as to whether it is relevant to the post being filled. Human Resources can advise on such issues.

Protection of Freedoms Act (2012)

14.29

This Act includes the September 2012 changes which were made to the Vetting and Barring Scheme. The Protection of Freedoms Act (2012) amended the Safeguarding Vulnerable Groups Order (2006).

NOTES

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Delivering for Our People**

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Recruiting to deliver for our People.**

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