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Recruitment Policy

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1 Recruitment Advertising Policy Statement

This policy is in line with the Council's Standing Orders G7 Advertisement of Vacancies:

'all vacant posts that are to be filled (except for posts that are weekly waged or of a seasonal nature or for less than three months total duration) shall be advertised ***in such a way as is likely to bring them to the attention of persons who are qualified to apply for them.***'

This shall not apply where within six months of filling a similar vacancy that was previously advertised, applicants interviewed for that post can be directly appointed or re-interviewed, without the need to advertise.

All vacancies should be authorised by Establishment Control (MyView processes) before they can be advertised. Vacancies will be advertised internally first for redeployment opportunities, unless it is evident that this would lead to difficulties in filling the vacancy (i.e. it is known that the Council does not have the skills or knowledge that the post requires internally). This must be considered by the Establishment Control Panel before advertising externally. In certain situations, HR can authorise going straight to external advert.

Apprenticeship vacancies must also be submitted to the Establishment Control Panel before they can be advertised. Student Placements or work experience opportunities (which are unpaid) do not need to be advertised publicly and targeted recruitment can be used.

In all cases, candidates must undergo the Council's usual recruitment and selection process to ensure they meet criteria for the post. This should be in line with the process outlined in the Recruitment Toolkit, available from the Human Resources intranet page.

Advertising of Temporary/Fixed Term to Permanent Posts

Where a post has previously been filled on a fixed-term basis:-

- **For less than twelve months and now have approval to be made permanent – the permanent** post will need to be advertised and recruited to via the recruitment and selection process. The current post-holder will be able to apply for the post.
- **For twelve months or more and now have approval to be made permanent –** post will be made permanent as long as the original fixed term appointment had previously been advertised in line with the recruitment and selection process. The post-holder will be made permanent in the post as long as they continue to meet the requirements of the job.
- In situations where a fixed-term post has been filled for 12 months or more, for example, due to **maternity cover or sickness cover**, and the post-holder resigns and the post becomes vacant, this must also be advertised in accordance with the established procedure.

Where there is a need for a fixed-term post to become permanent, this **must** be discussed in the first instance with Human Resources and approved via Establishment Control (MyView processes).

1.2 Secondments

Posts that were originally advertised on a secondment basis and now become permanent must be re-advertised in line with the usual recruitment and selection process, regardless of the length of time the current secondee has been in the post. Secondments must be approved via Establishment Control (MyView processes) before they can be advertised.

Where a Talent Management Programme has been agreed and implemented, secondees can be recruited on a permanent basis to a vacant role provided they have been through a formal interview process to secure the secondment in the first place. Where redeployees have been identified following a restructure, they will be given the option to apply for suitable vacancies within a Talent Management Programme if they meet the essential criteria for the role, or could do so with training.

1.3 Extending Temporary or Fixed Term Contracts

Where an appointment has been made to a post on a temporary or fixed term basis, the existing employee's temporary contract may be extended without the need for any advertisement, subject to the approval of Establishment Control. Line managers **must** also consult with Human Resources in any case where an existing employment contract is to be extended.

Line managers are reminded that where an employee's continuous service exceeds 12 months in a temporary or fixed term post (with or without extension); they will gain statutory employment rights similar to other permanent employees. This relates to entitlement to employment rights only and will not make the post-holder permanent in the post.

1.4 Key Skills Posts

There are some posts within the Council where it can be clearly demonstrated that there are significant recruitment and retention difficulties.

These posts are often referred to as Key Skills posts i.e. those where certain key skills and knowledge are required in order to operate the service.

Retention, Referral and Relocation Schemes have been developed in order to specifically attract and retain employees with Key Skills. More information is available on the policies and Guidance section on MyView.

2. The Recruitment Process & Responsibilities for Recruitment

It is Torbay Council's policy that line managers are responsible for recruitment [in conjunction with the Human Resources Department for senior appointments].

All recruiting managers must ensure that they are suitably trained in order to recruit for Torbay Council. This is to ensure that their recruitment and selection knowledge is up to date and that all safer recruitment processes and procedures are followed and applied consistently. Corporate face-to-face training is available on iLearn, please go to the All Managers area, recruiting managers are expected to undertake **both** the e-learning module and to also attend face-to-face training where available.

A line manager who wishes to recruit someone must complete the Establishment Control process via MyView, Me Tab on My Forms. For more information please see the **Recruitment Toolkit Step Two Evaluation and Approval**.

Where recruitment is planned to fill a vacancy created by a leaver, the line manager must put forward a business case and determine whether the post is critical to the service delivery of the Council. Job analysis of all vacancies should be undertaken to assess the need for the post to continue or to continue in its present form. If the line manager wishes to upgrade a post, or create a new post, justification for this must be presented to the relevant Management team and also the Establishment Control Board. Managers are also required to consider whether the post is suitable as an apprenticeship

It is Torbay Council's policy that all vacancies will be placed on the Council's intranet or internet sites. Line managers are responsible for ensuring that those employees who do not have access to a computer are given access to vacancies via appropriate means. Existing employees are to be encouraged to apply for vacant posts if they have the appropriate qualifications, experience and skills.

Torbay Council aims at all times to recruit the person who is most suited to the particular job, with the exception of redeployment situations where the recruitment decision has to be based on whether the candidate (redeployee) could perform the job with reasonable training and guidance. Recruitment decisions will be made on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, experience and skills will be assessed at the level that is relevant to the job.

Before embarking on the process of recruitment, the line manager must ensure that there is an up-to-date job description for the post and a clearly drafted employee specification. These must be written following the Council's guidance and templates which can be found under 'Step 1 Getting Started' of the recruitment toolkit pages on the Council's intranet: <http://insight/information/hr/recruitment-toolkit/>

The job description will describe the duties, responsibilities and level of seniority associated with the post, whilst the employee specification will describe the type of qualification(s), training, knowledge, experience, skills, aptitudes and competencies required for effective performance of the job.

New job descriptions and changes to current job descriptions must be submitted to the Job Evaluation team for consideration to ensure that the correct grade is allocated to the post.

For further information, please refer to the Re-evaluation Policy, available on My View.

Where the job is to be advertised, the proposed advertisement must be submitted to the Recruitment Team for processing.

2.1 Redeployment

Whilst Torbay Council always seeks to appoint the best candidate for each job, individuals on the Council's Redeployment Register must take priority. Therefore, a post will normally be advertised internally first and candidates who are in a redeployment situation are encouraged to apply. Any employee who is on the Redeployment Register and applies for an internal or external vacancy will be guaranteed an interview if they can demonstrate that they could meet the requirements of the job with a reasonable amount of training or reasonable adjustment. The employee must be interviewed on a priority basis, i.e. before any other interviews with other potential candidates are scheduled.

This is in line with the Council's Redeployment policy, which can be found on the Policies and Guidance section on MyView.

2.2 Avoiding Discrimination

Line managers conducting recruitment interviews will ensure that 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 retained for one year. On no account should any job offer be made during or at the end of an interview to ensure that there has been opportunity to consider *all* candidates fairly on an equal basis. HR guidance 'How to Interview' is available from the Human Resources intranet page, as follows:-

<http://insight/rt-how-to-interview.doc>

Any candidate with a disability will not be excluded unless it is clear that the candidate does not meet the essential criteria outlined in the employee specification. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of his/her disability. Torbay Council is a '2 ticks' disability symbol holder and is assessed annually on its ability to meet the standard. For more information, please see the Council's Employment of People with a Disability policy, available from the Policies and Guidance section of MyView.

Further advice on making reasonable adjustments may be sought from Human Resources.

Psychometric testing may be used as part of the recruitment process. 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.

The Council may use **Positive Action** during the recruitment process where it reasonably thinks that people with a protected characteristic are under-represented in the workforce or suffer a disadvantage

connected to that protected characteristic. Human Resources can provide further guidance in regard to the circumstances where positive action may be permitted.

2.3 Candidate's Expenses

Successful and unsuccessful candidates can have subsistence and travelling expenses reimbursed. Appointing Officers must arrange for the Candidates Travelling Expenses Certification Form to be completed. The form and accompanying guidance on how to complete the form can be found in Step Six of the Recruitment Toolkit: <http://insight/information/hr/recruitment-toolkit/>

Candidates complete the form and return it to the Appointing Officer for approval. Once approved the Appointing Officer must send the form and supporting receipts straight to the Payments Section payments@torbay.gov.uk

3. Pre-Employment Checks

Line Managers are responsible for ensuring that satisfactory pre-employment checks are carried out. All offers of employment are subject to pre-employment checks being satisfactory. Employees will not be able to commence employment until all these checks have been undertaken and verified. A check of passports, driving licences, birth certificates or any other personal ID will be undertaken by Human Resources on the employees first day of employment (see Section 3.7). Appointing officers should request that any work visas or permits are brought to interview for checking in advance of any offer being made. These checks are designed to ensure eligibility to work, safe recruitment and also to address any risks of modern slavery and human trafficking. Please refer to guidance in the **Recruitment Toolkit**.

3.1 Eligibility to Work in the UK

The Immigration, Asylum and Nationality Act 2006 requires all employers in the UK to make basic document checks on every person, before they start work. By making these checks, employers can be sure they will not break the law by employing illegal migrant workers. *n.b. copies of passport, birth certificates etc should be verified – “original seen”, include the date and the signature of the person verifying.* <http://insight/information/hr/recruitment-toolkit/>

Under the Immigration Act 2016 a number of changes to the rules on employing illegal migrants including the criminal offence of employing an illegal worker came into force. For information on these changes please refer to the Eligibility to Work in the UK Guidance, which can be found on MyView, under My Documents.

A further check will also need to be conducted after twelve months for employees with limited leave to remain in the UK. This is in compliance with the Basic Personnel Security Standard as per the check process below – see Basic criminal record check.

British Citizens may demonstrate their right to work through their UK passport, even if the passport is out of date. Line Managers should ensure that the document photograph is consistent with the physical appearance of the applicant. Always request further evidence of status if you are unsure.

3.2 DBS Checks

It is a Line Manager's responsibility to check the criminal records of successful candidates where appropriate. DBS checks will be carried out and disclosure numbers will be recorded and retained in accordance with the Council's policy on DBS checks.

There are different levels of check available but under legislation an applicant **must** be eligible for a check before it can be undertaken.

Type of Check	What is Checked
Basic Disclosure (via Disclosure Scotland)	A Basic Disclosure certificate will check the Police National Computer (PNC) for details of all current criminal convictions (convictions considered unspent under the Rehabilitation of Offenders Act 1974). This applied to all employees with access to the Public Service Network (PSN).
Standard Disclosures	A standard level certificate contains details of all spent and unspent convictions, cautions, reprimands and final warning from the Police National Computer (PNC) which have not been filtered in line with legislation.
Enhanced DBS Check	An enhanced level certificate contains the same PNC information as the standard level certificate but also included a check of information held locally by police forces.
Enhanced Check and Barred List Check	An enhanced level certificate with barred list check(s) contains the same PNC information and check of information held locally by policy forces as an enhanced level check but in addition will check against the children's and/or adult's barred lists.

3.3. Health Assessment Questionnaire

It is Torbay Council's policy that **only** the successful applicant will be asked to complete a pre-employment Health Assessment questionnaire. The questionnaire is an online form and is sent to the applicant via email or hard copy (if required) by Human Resources Support. Any offer of employment will be conditional on the result of this Health Assessment being satisfactory to the Council. This may include a telephone screening appointment with our Occupational Health provider.

It is important that a start date is not agreed until clearance has been given by Occupational Health and any reasonable adjustments have been made for the successful candidate (where appropriate).

3.4 References

It is Torbay Council's practice to seek the successful candidate's consent to seek two written references if an external candidate and to ask for documentary proof of qualifications. Any offer of employment will be conditional on both of these being satisfactory to the Council. For internal candidate's one reference from the current Line Manager is required.

References will always be verbally verified and this should be evidenced on the Employment Application Form. The Appointing Officer must seek assurance the individual is authorised to provide the reference.

Further information on references can be found in the Council's [Reference Policy](#).

3.5 Drivers Documentation

If a person uses their own vehicle for the purposes of their employment it is responsibility of the Line Manager to check for a valid driving licence, motor insurance and MOT certificate. Employees must have this information available for inspection.

Endorsements will need to be checked via an online service. Employees will need to access the site and register using their driving licence number, national insurance number and postcode to view their driving licence information and obtain a code. The Line Manager should receive the code from the employee in order to carry out a check.

The online checking procedure is available here: <https://www.gov.uk/view-driving-licence>

All employees must carry a copy of the Drivers Handbook Accident Supplement in the event of an accident whilst driving on Council business available from the intranet.

<http://insight/index/information/humanresources/conduct-perf-man.htm>

Employees must also read the information and guidance contained in the Drivers Handbook and Drivers Policy and Guidance and comply with the relevant vehicle checks.

<http://insight/index/information/humanresources/conduct-perf-man.htm>

3.6 Pre-Employment Checks and Human Resources best practice

It is essential that HR holds on a successful applicant's personnel file:

- QUALIFICATIONS AND PROFESSIONAL MEMBERSHIPS

Any relevant documents as proof of qualifications or membership to professional bodies relevant to the post as specified in Essential Criteria section of Person Specification within the Job Description.

- INTERVIEW QUESTIONS

A copy of the completed Panel interview questions pro forma.

- GAPS IN EMPLOYMENT OR TRAINING

Evidence that Line Managers have followed up any gaps in employment or training as indicated on the application form.

- REFERENCES

3.7 Document Security Checks – Day One of Employment

To ensure the safety and security of all staff, Human Resources will need to check all new starters' passports and driving licences (where applicable) on their first day of employment. It is essential that this takes place and new starters will be asked to report to Human Resources, Main Reception, Town Hall, Torquay. This should take place as their first appointment of the day to ensure that their documents are checked in compliance with security checking procedures. All offers of employment will request that the new starter brings their documentation in on day one for checking, if they fail to do so they will be sent home and their manager will be notified.

For further advice contact the HR Support Team hrrsupport@torbay.gov.uk

3.8 Pre-Employment Checks and Departmental Restructures

Internal references, qualifications and other employment checks information will not be required in restructures unless one or all of the following are met:

- The individual is moving to a new Directorate.
- The new role is significantly different and relevant checks are required for the new role.
- The role requires an essential qualification as outlined on the person specification that is different from the current requirements.

3.9 Pre-Employment Checks for Contractors and Agency Workers

Hiring Managers are responsible for ensuring that satisfactory pre-employment checks are carried out when using contractors and Agency Workers e.g. Consultants, self-employed practitioners, administration staff.

Checks such as:

- evidence of eligibility to work in UK
- evidence of criminal record check (if appropriate)
- General Social Care Council registration (if appropriate)
- Evidence of qualifications
- References

Contractors and Agency Workers should not commence employment until all these checks are verified.

Document security checks should also take place on day one of the worker's assignment with the Council. These will be the same security checks as all other new staff (see Section 3.7 above), all new agency workers (with the exception of Children's Services workers) should report to Human Resources, Main Reception, Town Hall, Torquay. The employment agency will notify all new agency workers of this process before their assignment starts, if an agency worker is unable to produce their documentation they will be sent home and the agency will be notified.

Hiring Managers should also advise Contractors and Agency Workers that they will be expected to adhere to the Council's policies relating to:

- Health & Safety
- IT Usage
- Code of Conduct

Contractors and Agency Workers are also expected to undertake mandatory iLearn training during their first week.

Further details about Agency Workers and employment checks can be found on MyView in the Policies and Guidance section.

3.10 Public Health Recruitment

Public Health advertise on NHS websites for some health related posts whilst also advertising on Torbay Council's website. The NHS application form is different to Torbay Council's and is accepted by Human Resources as part of the pre-employment check process.

Public Health Line Managers are responsible for ensuring that the following satisfactory pre-employment checks are carried out:

- Evidence of eligibility to work in UK including immigration status/Tier 2 sponsorship if applicable
- Evidence of criminal record check (if appropriate)
- References – three references which must include two positions with separate employers and as a minimum cover a period of three years employment and/or training history.
- Professional registration – proof of and must be current
- Evidence of qualifications – relevant documents as proof of qualifications or membership to professional bodies relevant to post as specified in the Job Description/Person Specification

4. Related Documents

Further details about the recruitment process can be found under the following policies, available from the **Recruitment Toolkit** on Insight:

- Equal Opportunities in Employment
- Agency Workers
- Employment of People with a Disability

- Induction Policy and Guidelines
- Checking Eligibility to Work in the UK
- Redeployment Policy
- Reference Policy
- Relocation Policy

Additional information regarding the recruitment process can be found under the following policies, available under Policies and Guidance on MyView:

- Employing Apprentices
- Key Skills Policies
- Secondment Policy
- Temporary Jobs Policy
- Volunteer Policy
- Work Experience

Scope

This policy applies to all employees of the Council. A separate policy exists for school employees.

Equality Statement

Torbay Council is committed to applying its equal opportunities policy at all stages of recruitment and selection. Short listing, interviewing and selection will always be carried out fairly and consistently and this policy will be applied equally regardless of an individual's sex, sexual orientation, disability, marital or civil partnership, race (including an individual's ethnicity and national origins), pregnancy or maternity, religion or belief, gender reassignment, age or trade union membership.

Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox – HRpolicy@torbay.gov.uk

History of Policy Changes

Date	Page	Details of Change	Agreed by:
		Change of process to consider internal advertising in the first instance	SSG October 2008 TJCC December 2008 for information
21.11.08		Widening of policy to cover the recruitment process and the role and responsibilities of line managers	For TJCC 11 December 2008
08.12.09		Review of Policy to cover changes to the pre-employment check process	TJCC December 2009 for information

18.10.10	1,3	Review of Policy covering the responsibilities of line managers and pre-employment checks. Equality statement and paragraph added regarding discrimination.	TJCC for info December 2010
08.02.11	2,3, 4, 7,8	Review of policy covering advertising of temporary/fixed term to permanent posts, update re-establishment control, link to JE process for new/changed jobs, positive action and the addition of pre-employment checks for Agency Workers and Contractors.	SSG 1 st April 2011
August 2013	4	Update with paragraph relating to Redeployment, clarification of process. Updates to CRB to refer to DBS process instead.	
February 2014	5,6	Update with paragraph relating to payment of candidates travelling & subsistence expenses, types of DBS checks carried out by Torbay Council and changes to the pre-employment medical questionnaire process	
May 2014	8	Inclusion of Public Health application process and pre-employment checks.	
July 2014	5,6	Update to edibility to work in the UK and basic criminal record checks	July 2014
April 2015	2, 3 + 7	Inclusion of secondees on the Talent Management Programme. Inclusion of Key Skills Policies information. Inclusion of Drivers Handbook, Drivers Policy & Guidance	TJCC 3.4.15
June 2015	8	Update on changes to the driving licence and introduction of an online service to check endorsements.	
November 2015	11	Update to Related Documents with links to additional recruitment policies	
September 2016	P 7,8, 9, 10	Update to Pre-Employment checks (various) and to address legislation changes, MyView process changes	
March 2018	P5 P7	Include new paragraph re: recruitment and selection training – face to face and iLearn module Update to Pre-Employment checks and out of date passports	TJCC 9.2.18

June 2019	8, 11 + 12	Updates to include Document Security Checks – new starters and agency staff.	TJCC 13.2.19 – for information only
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Policy to be reviewed if operational/legislation changes require it.