

Recruitment and Selection

Policy and Procedures

2023 Review of policy and compliance

There are no suggested changes to the policy.

We are satisfied that we are in full compliance with this policy.

Contents

- 1 Scope
- 2 Principles
- 3 Overview of process
- 4 Identifying the type of vacancy and salary
- 5 Drawing up the Job Description and Person Specification
 - Job description
 - Person specification: overview
 - Person specification: making criteria clear, specific and measurable
 - Person specification: essential and desirable criteria
 - Person specification: equality of opportunity
- 6 Publicising vacancies
 - Internal and external publicity
 - Advertisements and information packs
- 7 Sifting and shortlisting
 - Panel composition
 - Sifting process
- 8 Interviews
 - Panel composition
 - Interview notification
 - Interview process
 - Interview questions and assessment
 - Questions about health and disability
 - Interview results
- 9 Appointments
 - Conditional offers
 - Notification of terms and conditions of employment
 - Induction
 - Probation
- 10 Reserve candidates
- 11 Equal opportunities – further notes
 - Protected characteristics and unlawful discrimination
 - Positive discrimination and positive action
 - Reaching a diverse range of potential candidates
 - Sifting and interview panel decision-making and records
 - The meaning of “disability”
 - Reasonable adjustments
 - Questions relating to health and disability
- 12 Policy review

1 Scope

This policy and procedures document applies to the recruitment and selection of all employees except the Director, whose appointment is a matter for the Trustees. The document also applies to the recruitment of staff seconded to the Trust from outside bodies, subject to any variations set out in the agreement governing their secondment.

For the purposes of this document “staff” means employees and secondees.

This policy and procedures document applies to temporary promotions or transfers, fixed-term appointments and permanent appointments. It does not apply to the short-term use of temporary agency staff.

2 Principles

The Trust intends that its recruitment and selection procedures will follow the Trust’s Equal Opportunities Policy Statement and employment legislation, also taking into account good practice guidelines.

The Butler Trust is committed to promoting equality, fairness and respect, and opposes all forms of unlawful or unfair discrimination, victimisation, harassment, bullying, and insulting or abusive behaviour.

All selection decisions will be based on a candidate’s:

- ability to do the job
- ability to make a contribution to the Trust’s effectiveness
- potential for development.

3 Overview of process

The following steps should be followed when filling vacancies.

- a Identifying the type of vacancy and salary
- b Drawing up a job description and person specification
- c Publicising vacancies internally and/or externally, as appropriate
- d Sifting and shortlisting
- e Holding interviews
- f Making appointments

Good practice relating to equal opportunities is noted within these steps. Those involved in recruitment and selection should also read the additional guidance in Section 11 (Equal opportunities – further notes).

4 Identifying the type of vacancy and salary

The Director will decide if employment vacancies should be filled on a full-time, permanent basis, or on a temporary, fixed-term and/or part-time basis.

In the case of an employment vacancy lasting up to a year, for example due to maternity leave, one approach is to seek to fill the vacancy through temporary promotion or transfer of a current member of staff. The process of selection and appointment will be the same as for an external appointment. It should be made clear that temporary promotion or transfer will not result in automatic substantive promotion or transfer, nor will staff on temporary promotion or transfer be treated any more favourably than other candidates if the substantive post subsequently becomes vacant.

A temporary promotion or transfer will normally be for a maximum of one year. In exceptional circumstances, the Director may decide to extend this for a further period of up to one year.

In all cases other than temporary promotion, transfer or where someone is at risk of redundancy employment vacancies should be open to both internal and external applicants.

The Director will decide the salary for each vacancy.

5 Drawing up the job description and person specification

The job description describes the position (the role and the working environment); the person specification describes the characteristics and competencies of a suitable candidate for the position. The person specification therefore forms the basis for selection of the most suitable person to fill the vacancy.

Job description

The job description should set out the key tasks and responsibilities of the post. It should include:

- the job title
- the job title of the person to whom the postholder will report
- the job title(s) of staff who will report to the postholder, if any
- the location of the job
- a summary of the general nature and objectives of the job
- a list of the main responsibilities and tasks.

The detail of how to carry out tasks should not be given; any written procedures should be in a separate document which may be referred to in the job description.

Any necessary requirements should be stated, including the following:

- working hours
- any requirement to travel for work
- any requirements regarding attendance in the office
- the need to work flexibly in a small team, helping colleagues when necessary irrespective of grade
- any need for early starts, late working and/or overnight stays in order to attend meetings or events or to carry out tasks (for office based staff, it should be stated that this is occasional)
- a brief statement of the employee's equality and diversity responsibilities.

Information about the environment should be provided where relevant. For example, if attendance in the office is required and the building has access restrictions such as no lift, this should be stated.

Person specification: overview

The person specification should cover the abilities and attributes needed to carry out the tasks and responsibilities in the job description, divided into five key areas:

- Qualifications, education and training
eg: A First Aid qualification approved by the Health and Safety Executive
- Knowledge
eg: Knowledge of the criminal justice sector
- Experience
eg: Experience of organising conferences or other events
- Skills and abilities

eg: Ability to work accurately, including checking and correcting own work

- Qualities and attributes
eg: The ability to work effectively as a member of a small team, jointly with colleagues and alongside them.

All criteria in the person specification should be directly related to the job. The criteria should include qualities and attributes relevant to the working environment of the Trust, including:

- commitment to diversity and equality of opportunity
- willingness and ability to work flexibly in a small team
- willingness and ability to travel, work unsociable hours and make overnight stays (give an indication of the frequency, for example “occasionally” for office-based staff).

Person specification: making criteria clear, specific and measurable

The criteria listed in the person specification should be clear and specific. They should be measurable during the selection process, for example by asking the candidate to give examples from their experience or to complete a task.

Example 1:

Not clear/specific/measurable	Clear/specific/measurable
Some database experience.	Experience of using a database to update records and find information. An understanding of why it is important for data entry to be accurate and consistent.

Person specification: essential and desirable criteria

Criteria in the person specification should be divided into 'essential' and 'desirable'. Essential criteria are abilities or attributes which the candidate must already have in order to do the job. Desirable criteria are abilities or attributes that are useful but not essential to carry out the job, or which can be acquired after taking up the post. Desirable criteria can be used to select between good candidates who all meet the essential criteria.

Example 2:

Area	Essential	Desirable
Skills and abilities	A good working knowledge of Microsoft Word: the ability to create, format, edit, save and print documents.	Intermediate or advanced knowledge of Microsoft Word, including tables and mail merge.

Person specification: equality of opportunity

If academic or professional qualifications are stated in the person specification, the words “or equivalent” should be added to allow for alternatives such as overseas qualifications.

Specifying a particular level of education or qualification could be seen as indirect age discrimination unless it is justified by the requirements of the job. Thought should be given to whether the requirement is for a qualification or for the skills that are usually associated with it. For example, it may be more appropriate to specify skills such as “ability to carry out research, analyse information and write reports” rather than “educated to degree level or equivalent”.

Generalisations such as “a minimum of two years’ administrative experience” should not be used; they could eliminate otherwise suitable candidates and may be viewed as indirect age discrimination. The specific experience or skills required should be stated instead, for example “experience of keeping paper and electronic records” or “ability to prioritise and organise work to meet targets and deadlines”.

6 Publicising vacancies

Internal and external publicity

In the case of temporary promotion or transfer, the post should be advertised internally by email, giving a minimum of seven working days for the submission of applications.

At the Director’s discretion, in consultation with the Governance working group, a permanent position may be advertised internally in the first instance. Otherwise, other posts should be advertised both internally and externally simultaneously. In either event, internal candidates and external applicants should be considered under the same process.

For all vacancies which are advertised internally, staff on annual, maternity, paternity, adoption, sickness or other leave should be notified by the most appropriate means, including email, telephone or letter.

Vacancies which are advertised externally should in all cases be publicised on the Trust’s website. In addition, other appropriate media should be considered, such as newspapers or external websites or intranets. The Director may decide to use one or more recruitment agencies, alone or in combination with other recruitment methods, in which case the agency or agencies may be asked to publicise the vacancy on the Trust’s behalf.

Advertisements and information packs

Job advertisements should state the following, at a minimum:

- the job title for the vacancy
- the closing date for applications
- where potential applicants can obtain further information.

An information pack should be made available to potential applicants, which should include:

- the job description and person specification
- the status of the post, eg permanent, secondment or fixed-term
- if it is a fixed-term post, a statement that the contract will initially be for a specified period and may be extended or made permanent at a later date*
- a note of the induction and probation arrangements which will apply to the post
- the application procedure
- the closing date
- where possible, the likely date for the interviews
- any applicable information about salary, annual leave entitlement, flexible working and pension arrangements
- the Trust's Equal Opportunities Statement
- any appropriate background information about the role and the Trust.

As part of the application procedure, all applicants should be asked:

- to confirm their 'right to work' in the UK
- to disclose any unspent convictions
- whether there are any aspects of the Job Description which they could not fulfil. It should be made clear that the Trust's recruitment and selection process will be based on suitability for the post and will not discriminate against a candidate on the grounds of a disability if reasonable adjustments can be made to allow them to participate in the selection process and/or carry out the role.

*For a fixed-term post the information for potential candidates should state that a fixed-term contract will initially be for a specified period and may be extended or made permanent at a later date. Thus, where a member of staff has been recruited on a fixed-term contract via an advertised and competitive process, in the event that the post is extended or becomes permanent the appointment may be extended or made permanent without further competition.

7 Sifting and shortlisting

Panel composition

The sifting panel must consist of at least two people and will normally include the Director. Other panel members may be existing members of staff, Trustees or representatives of external bodies as appropriate to the role.

If a recruitment agency is used in combination with other methods of publicising the vacancy, or if more than one recruitment agency is used, all applications should be seen by the Trust's shortlisting panel. If a single recruitment agency is to receive all the applications, the initial sifting may be carried out by the agency following a briefing from a member of Trust staff.

Panel members and recruitment consultants should be provided with this policy and procedures document and the Trust's Equal Opportunities Policy Statements.

Sifting process

Panel members should be asked to declare any conflict of interest to the other members of the panel. If a conflict is declared, a formal record should be kept of the issue, the considerations and the decision taken.

Shortlisting must be against the essential and desirable criteria set out in the person specification and the candidate's suitability for the responsibilities and tasks set out in the job description.

Applicants will be considered on the basis of whether they seem capable of undertaking the duties of the post and the strength of their suitability relative to other applicants.

8 Interviews

The next step in the selection process is a formal interview, even when there is only one applicant recommended by the sifting panel.

Interviews for internal candidates will follow the same format as interviews for external candidates.

Panel composition

Normally, the interview panel should consist of the same members as the sifting panel. The panel must always consist of at least two people.

Panel members should be provided with this policy and procedures document and the Trust's Equal Opportunities Policy Statements.

Interview notification

Applicants invited to interview should normally be given at least seven working days notice of interview. Where possible, the notification should include information about the format of the interview, including whether there will be an assessment task.

The invitation to attend should include a clear opportunity for the candidate to indicate any reasonable adjustment required to accommodate any disability the candidate may have.

The Trust may consider a discretionary contribution towards the cost of reasonable travel expenses incurred by a candidate attending an interview.

Interview process

Panel members should be asked to declare any conflict of interest to the other members of the panel. If a conflict is declared, a formal record should be kept of the issue, the considerations and the decision taken.

Depending on the nature of the role, interviews might normally be expected to last between 40 and 60 minutes, including a ten minute period for assessment and discussion after seeing the candidate.

As appropriate, the selection process may include other recruitment stages such as second or subsidiary interviews and assessment tests or tasks.

Interview questions and assessment

Interview questions should be set by the panel in advance. They must be based on the essential and desirable criteria set out in the person specification and the candidate's suitability for the duties and tasks set out in the job description. The same questions should be asked of each candidate, with the opportunity for panel members to elicit more information if needed by asking follow-up questions based on the candidate's responses.

The candidate's ability to meet some of criteria in the job description and person specification may be evaluated by other means such as practical tasks and assessment tests.

A summary of the decisions taken, and the reasons for them, should be recorded by the panel.

Questions about health and disability

Section 11 (Equal opportunities – further notes) gives guidance on what is considered a disability and examples of reasonable adjustments. It lists all the circumstances in which questions relating to health and disability may be asked prior to a job offer.

Questions relating to health and disability may be asked at the interview in order to decide whether an applicant can carry out a function that is essential ("intrinsic") to the job, for example manual lifting or daily attendance in the office.

If the Panel is aware that the candidate has a disability or other condition that might affect his or her ability to fulfil all essential aspects of the role effectively, this should be discussed with the candidate. It should be made clear that the Trust is aware of its obligations under disability and equality legislation, and would make any reasonable adjustments in this regard which were required by the most suitable candidate for the post.

The reasons for essential requirements should be explained clearly, for example a requirement to attend the office each day might be in order to deal with incoming telephone calls, incoming and outgoing post, collections, deliveries, building issues, contractors and visitors.

Interview results

The standard procedure for advising non-successful external applicants is by letter as soon as possible after the conclusion of the interview process, and in any event no later than five working days afterwards.

If requested, feedback to unsuccessful candidates may be given by the panel chair. This is good practice, but it is not mandatory.

9 Appointments

Conditional offers

- a. Successful candidates should be sent a letter making a conditional offer of employment subject to the verification of:
 - qualifications which are important to the job
 - receipt of two satisfactory references (from current or most recent employer(s) or educational establishments)
 - proof of identity and eligibility to work in the UK.

- b. The following paragraph should be included at the end of the conditional offer letter.

We will do our best to identify any issues relating to the conditions of your employment before you are due to start. However, you will appreciate that, whilst some matters can be checked quickly, others may take longer. If you start work and it subsequently transpires that any of the conditions set out above have not been satisfied, your employment will automatically terminate at that time.

- c. The conditional offer of employment should cover the main terms and conditions of employment, including a note of any probationary period. For fixed term appointments, it should be made clear that it is a fixed-term contract, and the start and end date should be given.
- d. If possible, the conditional offer letter should cover all the terms and conditions which have to be provided to new employees in a written statement of employment particulars (see below). If this can be done, there will be no need to provide a further statement within two months of the employee starting work.
- e. Successful candidates should be asked to confirm acceptance of the conditional offer in writing.
- f. Where an employee accepts the offer of a temporary promotion or transfer, the offer will be confirmed in writing for acceptance in writing by the employee. The following should be clearly stated:
- that the promotion or transfer is temporary
 - the anticipated duration of the promotion or transfer
 - any changes to the employee's terms and conditions for the duration of the promotion or transfer.
- g. The Director will consider any issues of concern arising from references or pre-appointment enquiries with other panel members, in confidence, and agree an appropriate course of action.

Written statement of employment particulars

A written statement of the terms and conditions of employment listed below has to be provided to an employee within two months of starting work. If these are included in the conditional offer letter there is no need to provide them again later.

All the particulars must be provided together. The written statement can refer to separate documents which are attached or appended, for example the job description and person specification, in which case the statement should clearly state what details are given in the attachments or appendices.

If one of the terms listed does not apply, the written statement must say this. It cannot simply be left out of the statement.

The following are the particulars which must be covered:

- the name of the employee and the name of the employer
- the job title or a brief job description
- the date when the employment will begin
- the pay rate and when salary payments will be made
- the hours of work
- the holiday entitlement
- where the employee will be working (if based in more than one place it should say this along with the employer's address)
- sick pay arrangements
- notice periods
- information about disciplinary and grievance procedures
- any collective agreements that affect the employment terms or conditions
- pensions and pension schemes
- if not a permanent employee, how long the employment is expected to continue, or if a fixed term contract the date the employment will end

Induction

An induction programme should be drawn up by the line manager. This should include:

- orientation to the Trust and the environment in which it works
- orientation to the role and the tasks involved
- orientation to the Trust's working practices and procedures, including those relating to fire safety, health and safety and equal opportunities.

All new staff should be provided with the staff handbook and copies of the Trust's policies and procedures.

The line manager should check the knowledge gained during induction and follow up on any points which are not clear to the new staff member.

Probation

For a permanent post, there will be a probationary period of 10 months. Members of staff who are in their probationary period will not have access to the full disciplinary procedure. In addition to any normal supervisory meetings, the line manager will hold formal review meetings with the new staff member at the intervals shown below, at which conduct and performance will be discussed.

First review	after three months in post
Second review	after six months in post
Final review	after nine months in post.

If, *at any time during the probationary period*, performance or conduct is not satisfactory, the staff member will be informed, told what improvements are necessary and given realistic and measurable targets or standards to reach within a given timeframe. This information will be confirmed to the staff member in writing. Support such as training or coaching will be offered, if appropriate.

If performance or conduct continues to be unsatisfactory, the staff member will receive written notification of this and be invited to a meeting to discuss it before a final decision about their continued employment is made.

If performance and conduct are satisfactory, the appointment should be confirmed at the end of the probationary period.

10 Reserve candidates

Where the interview process has identified more than one potentially suitable candidate for a vacancy, candidate details will be kept on file for a period of six months. Should the post become vacant again within that time, at the discretion of the Director the reserve candidates may be considered and invited for an informal interview to assess their suitability without additional recruitment action.

Should another, similar post become available during the six month period, the same conditions for considering reserve candidates would apply if the Director was satisfied that the job description and person specification, along with the sifting and interview criteria, were close enough to those for the original vacancy that the new vacancy could be considered an equivalent role. In all other cases, a new recruitment exercise should be carried out.

Reserve candidates will be informed that their application information will be held for this purpose.

11 Equal opportunities – further notes

Protected characteristics and unlawful discrimination

The protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

It is unlawful to discriminate directly against a candidate on the basis of any of these characteristics. In most cases the following types of discrimination are also unlawful:

- indirect discrimination
(for example by setting a general criteria which disadvantages people with a protected characteristic, without a legitimate business reason for it)
- associative discrimination
(direct discrimination against a person because they associate with another person with a protected characteristic)
- discrimination by perception
(direct discrimination against someone because others think they possess a protected characteristic, whether or not they do).

For further information, please refer to Acas guidance (www.acas.org.uk/equalityact).

Positive discrimination and positive action

Positive discrimination on the basis of protected characteristics is unlawful when recruiting staff (except for a genuine occupational qualification or to comply with religious doctrines).

The Equality Act 2010 allows positive action as follows:

To allow employers, on a permissive basis, to apply voluntary positive action in recruitment and promotion processes when faced with two or more candidates of equal merit, to address under-representation in the workforce. This does not mean 'quotas' or giving someone a job just because they are a woman, disabled or from an ethnic minority – positive discrimination is not acceptable and is unlawful.

This provision should be used only with the approval of the Director.

Reaching a diverse range of potential candidates

Positive action to open up opportunities to a wide range of potential candidates, including those from under-represented groups, is allowed at the point of advertising vacancies. This could take the form, for example, of advertising in specialist publications as well as in the general press. However, advertising should not be targeted at only particular groups unless there is a valid, intrinsic restriction to that group (for example, publicising a NOMS secondment opportunity to NOMS staff).

Sifting and interview panel decision-making and records

Sifting panel members should make a written record of their assessment of each candidate and reasons for deciding whether the candidate should be shortlisted or not.

Interview panel members should write notes during or immediately after the interviews, recording relevant answers and details.

All panel notes will be kept in the Trust's files for six months following the conclusion of the recruitment process, and in the case of successful candidates these notes will form part of their confidential HR files. Panel members should bear in mind the provisions of the Data Protection Act 1998, which enable a candidate to see recruitment and selection notes relating to them. Panel members should also be aware that reasons for appointing or not appointing a particular candidate may be challenged under equal opportunities legislation.

The meaning of "disability"

The Disability Discrimination Act 1995 (now merged into the Equality Act 2010) gives the meaning of disability as "a physical or mental impairment which has a substantial and long-term adverse effect on [the person's] ability to carry out normal day-to-day activities". Acas guidance is to treat as a disability any ongoing condition which affects the ability to carry out normal day-to-day activities and which is likely to last for at least 12 months or which has already lasted for at least 12 months.

If more detailed guidance is needed, this can be found on the Equality and Human Rights Commission's website:
<http://www.equalityhumanrights.com/advice-and-guidance/your-rights/disability/>
or by contacting the Acas helpline.

Reasonable adjustments

Employers are required to make reasonable adjustments to accommodate a worker with a disability. The recruitment and selection process should be based on suitability for the post and must not discriminate against a candidate on the grounds of a disability if reasonable adjustments can be made to allow them to participate in the selection process and/or carry out the role.

Reasonable adjustments could be:

- making changes to the building or premises where the person works
- changing the way in which work is done
- providing equipment that will help the person do their job.

Some adjustments can be achieved by a change in working practices. For those which involve a cost, financial support may be available from schemes such as Access to Work. It may be necessary to agree to make reasonable adjustments on the condition that funding can be found, and/or to introduce the adjustments in stages.

Examples of reasonable adjustments are:

- allowing more flexible working hours
- allocating some of the tasks in the job description to another person, if this is feasible
- providing a larger computer screen
- replacing face to face meetings with telephone conferencing
- adjusting work and training arrangements to avoid day-long meetings.

The following should be considered when deciding if an adjustment is reasonable:

- how effective it will be in helping the person do their job
- whether it is practical to make the adjustment
- how much disruption, if any, will be caused to the organisation or other people
- how much, if anything, the adjustment will cost and how much money is available
- whether help is available with making the adjustment and towards its cost from a scheme like Access to Work.

Questions relating to health and disability

Under equalities legislation, up to the point of a job offer questions relating to health and disability may be asked only in order to:

- decide whether any reasonable adjustments are needed to allow the candidate to participate in the selection process
- decide whether an applicant can carry out a function that is essential (“intrinsic”) to the job, for example manual lifting
- monitor diversity among applicants
- take positive action to assist people with disabilities
- be assured that a candidate has a disability where the job genuinely requires the jobholder to have that disability.

12 Policy review

This policy will be reviewed annually or when there are changes to relevant legislation.

Michael Spurr
Chair

Simon Shepherd
Director

September 2023
To be reviewed September 2024