



<b>Policy Title: Recruitment &amp; Selection Policy</b>	<b>Policy Number: HR-POL-19</b>
<b>Issue Number: 006</b>	<b>Date of first issue: June 2004</b>
<b>Date of last review: June 2024</b>	<b>Date of next review: April 2027</b>
<b>Lead person : HR Manager</b>	<b>Approved by:Board</b>
	<b>Date approved:June 2024</b>

### General Note

The Mental Welfare Commission acknowledges and agrees with the importance of regular and timely review of policy statement and aims to review policies within the timescales set out.

New policies will be subject to a review date of no more than one year from the date of first issue.

Reviewed policies will have a review date set that is relevant to the content (advised by the author) but will be no longer than three years.

If a policy is past its review date then the content will remain extant until such time as the policy review is complete and the new version published.

<b>1.</b>	<p><b>Policy Statement</b></p> <p>The Commission promotes a culture where employees are recruited on the basis of ability without discrimination or prejudice.</p> <p>Recruitment is an investment decision with long term implications. Successful recruitment is more than filling a vacancy, it depends on finding applicants with the appropriate level of skills, knowledge, competence and experience who will identify with the aims and values of the Commission and make a contribution towards it.</p> <p>The Commission needs to attract and retain high quality people. This policy sets out the Commission's recruitment and selection standards which ensures a fair, systematic and efficient recruitment and selection process, promoting equality of opportunity for all.</p> <p>This policy does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.</p>
<b>2.</b>	<p><b>Scope</b></p>

Document: Policy Template	Version No: 1.0	Version date: 14/08/2024
Author: Policy & Procedures Group	Page 1 of 22	

	<p>This policy applies to substantive and temporary recruitment within the Commission. It does not include agency workers, students or appointments where a separate process applies.</p> <p>This policy is intended to ensure a fair and consistent approach to all Commission employees. In line with our Equality, Diversity, Inclusion and Human Rights Policy HR-POL-04, the Commission will ensure the prevention and elimination of discrimination between persons on grounds of the Equality Act 2010 Protected Characteristics: age, disability, gender reassignment, marriage or civil partnership, religion or belief, pregnancy or maternity, race, sex and sexual orientation.</p>	
<b>3.</b>	<b>Roles &amp; responsibilities</b>	
	<b>3.1</b>	<b>Chief Executive (CE)</b>
		<ul style="list-style-type: none"> <li>The Chief Executive has responsibility as accountable officer for the budget and will make the final decision on signing off the vacancy approval form.</li> </ul>
	<b>3.2</b>	<b>Executive Leadership Team (ELT)</b>
		<ul style="list-style-type: none"> <li>To ensure Commission-wide compliance with this policy.</li> <li>The relevant ELT member for the business area has responsibility for authorising the recruitment through the vacancy approval form.</li> </ul>
	<b>3.3</b>	<b>Recruiting Managers</b>
		<p>With advice and assistance from HR, recruiting managers are responsible for:</p> <ul style="list-style-type: none"> <li>Completing the Commission's recruitment and selection e-learning modules on LearnPro.</li> <li>Reviewing the job description and person specification to ensure they are accurate and up to date.</li> <li>Obtaining the appropriate approval to recruit to a position through the vacancy approval form.</li> <li>Participating in the recruitment and selection process.</li> <li>Understanding their responsibilities under the Equality, Diversity, Inclusion &amp; Human Rights policy HR-POL-04 and the LearnPro mandatory training module on Equality, Diversity &amp; Rights (Foundation).</li> <li>Ensuring reasonable adjustments are made to ensure any candidate with a disability is able to attend for interview e.g. they can access the venue.</li> <li>Agreeing with the recruitment panel the questions that will be asked of each candidate at interview.</li> <li>Declaring prior knowledge of a candidate.</li> <li>Completing prescribed documentation for example:- <ul style="list-style-type: none"> <li>shortlisting forms</li> <li>interview assessment sheets</li> <li>interview scoring forms.</li> </ul> </li> </ul>
	<b>3.4</b>	<b>Interview Panel</b>

		<ul style="list-style-type: none"> <li>• Participating in the recruitment and selection process.</li> <li>• To understand their responsibilities under the Equality, Diversity, Inclusion &amp; Human Rights policy HR-POL-04 and the LearnPro mandatory training module on Equality, Diversity &amp; Rights (Foundation).</li> <li>• To undertake shortlisting of applicants in a timely fashion against the person specification (if applicable).</li> <li>• To declare prior knowledge of a candidate.</li> </ul>
	<b>3.5</b>	<b>HR</b>
		<ul style="list-style-type: none"> <li>• To ensure that appropriate advice and support is made available to those involved in recruitment and selection.</li> <li>• To provide professional HR advice on grading of posts, content of job descriptions, person specifications, advertising and appropriate salary levels.</li> <li>• To place job adverts.</li> <li>• To carry out pre-employment checks.</li> <li>• To issue written offers of appointment and contracts of employment.</li> <li>• To undertake any other tasks agreed to as part of the recruitment timescales drawn up with the recruiting department (e.g. inviting short-listed candidates to interview, taking up references, issuing regret letters).</li> <li>• To monitor and review the recruitment process.</li> <li>• To ensure all managers involved in recruitment and selection receive appropriate training and to monitor LearnPro to ensure compliance.</li> </ul>

<b>4.</b>		<b>Operational system</b>
	<b>4.1</b>	<b>Recruitment and Selection Principles</b>
		<ul style="list-style-type: none"> <li>• Everyone appointed to a post within the Commission must be selected on merit and on the basis of fair and open competition.</li> <li>• Applicants must be given equal and reasonable access to adequate information about the job and its requirements, and about the selection process.</li> <li>• Selection must be based on relevant criteria which should be applied consistently to all candidates.</li> <li>• Selection techniques must be objective and free from bias.</li> <li>• Equality of opportunity must apply throughout each recruitment activity.</li> <li>• As part of the Commission's commitment as a Disability Confident employer, candidates who declare that they have a disability and demonstrate that they meet the essential short-listing criteria through their application form, will be offered an initial interview if they opt into the scheme.</li> </ul>
	<b>4.1.1</b>	<b>To apply these principles effectively, the Commission will look to ensure that:</b>

		<ul style="list-style-type: none"> <li>• Job opportunities are advertised appropriately and shared as widely as possible to ensure open competition for each opportunity.</li> <li>• Selection is fair and objective at each stage.</li> <li>• The best candidate is chosen for the job.</li> <li>• The Commission can demonstrate that the recruitment principles have been applied at each step of the process.</li> <li>• Employees involved in recruitment and selection activity receive training in the Commission’s recruitment policy, associated procedures and the legal context relating to recruitment and selection.</li> <li>• Where appropriate, reasonable adjustments during recruitment and in employment, are made to help people with disabilities obtain, and remain in, employment.</li> </ul>
	<b>4.2</b>	<b>The Equality Act</b>
		The Commission will ensure that equality of opportunity is promoted through all recruitment and selection activities. In conjunction with the provisions of the Equality Act 2010, no unlawful discrimination will occur during any recruitment and selection process on the grounds of sex, race, disability, age, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity, and religion or belief. All managers participating in recruitment and selection processes will be provided with training on the provisions of the Equality Act 2010.
	<b>4.3</b>	<b>Data Protection and Confidentiality</b>
		<p>The Commission is committed to maintaining strict confidentiality during the recruitment and selection process.</p> <ul style="list-style-type: none"> <li>• All applications and documents will be handled and treated in strict confidence and safeguarded at all times by all employees involved in the recruitment and selection process.</li> <li>• All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act 2018 (DPA) and UK General Data Protection Regulation. Applicants will have the right to access any documentation held on them in accordance with the Data Protection Act 2018 (DPA) and UK General Data Protection Regulation.</li> <li>• The Commission retains completed application forms for a period of 12 months.</li> <li>• Recruitment paperwork relating to the successful candidate will be transferred to their HR file and retained for the period of their employment in line with the data retention periods.</li> <li>• All information relating to a Disclosure Scotland/Protecting Vulnerable Groups Scheme will be handled and stored in strict confidence according to relevant legislation and regulations.</li> </ul>
	<b>4.4</b>	<b>Recruitment Process</b>
	<b>4.4.1</b>	<b>Authority to recruit</b>
		The relevant ELT member for the business area, has responsibility for the initial decision whether to recruit and authorising the recruitment through the vacancy approval form. It is important to note that no post will be advertised without a signed and fully completed vacancy approval form.

	<b>4.4.2</b>	<b>Vacancy Approval Process</b>
		<p>The first step in the recruitment process is establishing and verifying the need to recruit and obtaining the authority to do so. Once a manager identifies a staffing requirement for a recruitment vacancy, they should draft a vacancy approval form. The recruiting manager is responsible for completing the vacancy approval form and the Finance Manager, HR Manager and ELT member, as appropriate, complete relevant sections of the vacancy approval form and the Chief Executive as Accountable Officer gives final approval.</p> <p>Vacancies occur due to the following reasons:</p> <ul style="list-style-type: none"> <li>• <b>Creation of a new post</b></li> </ul> <p>The need for any new post will be determined against the business plan and budget. The relevant manager should produce the following documents with assistance from HR:</p> <ul style="list-style-type: none"> <li>• job description</li> <li>• person specification</li> <li>• business case outlining the need for the post to be included in the vacancy approval form.</li> </ul> <p>Please refer to the Commission’s guide to writing job descriptions and person specifications.</p> <p>The HR Manager will arrange for the post to be evaluated or benchmarked through the current job evaluation process if appropriate. This will then be given to the relevant ELT member and CE for approval.</p> <ul style="list-style-type: none"> <li>• <b>Replacement</b></li> </ul> <p>If the vacancy is to replace a leaver, the opportunity should be taken to review the job description and person specification and decide whether the knowledge, skills, qualifications and competencies for the role remain the same.</p> <p>Roles and responsibilities should also be reassessed at this point to consider whether the post can be better defined.</p> <p>If the duties of the post have changed significantly, a re-evaluation of the role may be necessary and this will be arranged by HR.</p> <p>HR will keep a record of any alterations to job descriptions, person specifications and/or re-grading.</p>
	<b>4.4.3</b>	<b>Application Pack</b>
		<p>The purpose of the application pack is to provide information about the advertised role, what the Commission does and what it has to offer as an employer. It also explains the application process. Content will vary depending on the post involved and the information included will be agreed between HR and the recruiting manager before the post is advertised.</p>

The main contents are:

- **Job Description**

A written statement of the main duties and responsibilities of the role.

*Job descriptions must be:*

- Reviewed, amended and available prior to advertising a post.
- Updated as necessary and re-evaluated where appropriate.
- In an agreed format.
- Accurate, clear and detailed.
- Non-discriminatory (particularly in terms of the provisions of the Equality Act).

The Commission's agreed job description format includes the following information:

- Job title
- Job purpose
- Reporting lines
- Scope
- Role of the Commission
- Key result areas
- Assignment and review of work
- Communications and working relationships (internal and external to the organisation)
- Most challenging part of the job
- Qualifications and experience required.

- **Person Specification**

This highlights the minimum and essential criteria that a candidate requires in order to fulfil the role. Candidates who do not meet all minimum essential criteria will not be shortlisted. In addition, it outlines any desirable criteria. HR will review all specifications to ensure that the criteria listed do not discriminate against any particular group.

The specification gives candidates an outline of the criteria against which they will be assessed as well as providing the recruiting manager with a tool for short-listing and interviewing.

- **Standard Employment Information**

This provides an outline of the general terms and conditions of the post such as salary, hours of work, place of work, reporting arrangements, holidays and any particular working arrangements such as the flexi-time scheme if appropriate.

- **Equal Opportunities Monitoring Form**

All applicants are asked to complete this questionnaire to enable the Commission to assess the effectiveness of the recruitment campaign in

		attracting applicants from all sectors of the community. The form is completed anonymously and separated from the application form so that it cannot be matched to a particular candidate.
	<b>4.4.4</b>	<b>Advertising the vacancy</b>
		<p>Internal vacancies</p> <p>Employees will be notified of internal vacancies via email by HR. Timescales are likely to be shorter than for an external vacancy; usually about 10 days to 2 weeks, though this timescale may be extended to give applicants time to prepare an application form if additional selection methods are used for a particular recruitment. The application form for internal vacancies may be a shortened version of the application form.</p> <p>External vacancies</p> <p>All Commission vacancies will be advertised on the 'work with us' section of the Commission website, online on an appropriate website including social media such as LinkedIn, and in some circumstances in a professional journal and published on the Commission's website.</p> <p>In addition, the Commission may decide to widen advertising for some roles to target underrepresented minority groups – for example advertising in ethnic press. Adverts may also be disseminated via a particular organisation/network.</p> <p>Exceptions to this process may be justified where:</p> <ul style="list-style-type: none"> <li>• The post is a temporary one and;</li> <li>• Where the need to fill the post is pressing and therefore usual advertising timescales would delay filling the post.</li> <li>• Or where it is known that the candidates with the skills required for the role are unlikely to be found through the normal routes for advertisement.</li> </ul> <p>In these circumstances, the use of agencies for the recruitment or supply of staff may be appropriate. If, however, the post is likely to be made permanent or to extend beyond a period of twelve months, the post must be advertised as above.</p> <p>Where possible, interview dates will be identified in the advert.</p> <p><u>Timescales:</u></p> <p>In deciding upon timescales, the following must be taken into account:</p> <ul style="list-style-type: none"> <li>• Adequate time must be given to candidates to apply;</li> <li>• Time must be built in for short listing, arranging interview(s) and carrying out interviews;</li> <li>• Deadlines for submission of details of the post, via the Commission's advertising agent, to journals etc;</li> </ul>

		<ul style="list-style-type: none"> <li>• Time needed for sending out and receiving written references.</li> <li>• Time needed for application to Disclosure Scotland / protecting vulnerable groups scheme (PVG)</li> </ul>
	<b>4.4.5</b>	<b>Advertisements</b>
		<p>The procedure for arranging job advertisements is as follows:</p> <ul style="list-style-type: none"> <li>• The recruiting manager prepares the job advertisement in discussion with HR and agree the he relevant publication(s) to be used and the dates the advert will appear.</li> <li>• A closing date for applications should be set that provides sufficient time for candidates to request and receive application packs and submit their application. The minimum recommended time frame for this is two weeks.</li> <li>• In the case of online adverts, HR will make the arrangements for this to be uploaded onto the relevant website. Further to this HR will also arrange for the advert and associated application pack to be uploaded onto the Commission website.</li> <li>• In the case of an advert in a journal, HR will forward the agreed draft (to the appropriate publication) with details of the issue dates that have been agreed.</li> </ul> <p>The following process :</p> <ul style="list-style-type: none"> <li>• Publisher confirms receipt and provides copy for approval along with indicative costs or raises any issues or problems in need of clarification or correction.</li> <li>• HR confirms or amends the copy and any other aspects of the advert, such as dates and costs.</li> <li>• HR authorises publication once approved by the recruiting manager.</li> <li>• HR checks the actual appearance of the advertisement(s) against the agreed copy to ensure the vacancy is portrayed as intended and that relevant dates are valid.</li> <li>• When the copy has been accepted and finalised with the supplier, HR will make arrangements for the advert and associated application pack to be uploaded to the website.</li> </ul>
	<b>4.4.6</b>	<b>Avoidance of discrimination in advertising</b>
		<p>The Commission will ensure that all advertisements are in accordance with the Equality Act. Discrimination is only lawful where a genuine occupational requirement (GOR) can be proven, for example requiring a female worker in a women’s crisis centre.</p>
	<b>4.4.7</b>	<b>Disability Confident</b>
		<p>As part of the Commission’s commitment to fair and open competition, and recognition of the Commission’s responsibilities as an equal opportunities employer, the Commission has committed to being recognised as a disability confident employer and to good practice in employing disabled people.</p> <p>The Commission operates a Job Interview Guarantee (JIG) scheme which means that if an applicant has a disability and meets the essential criteria</p>
Document: Policy Template		Version No: 1.0
Author: Policy & Procedures Group		Version date: 14/08/2024
		Page 8 of 22



		<p>outlined within the person specification, an applicant can opt into the scheme and will be guaranteed an interview. The Disability Confident logo features on all the Commission’s job packs.</p> <p><b>Reasonable Adjustments</b></p> <p>The Commission is committed to making reasonable adjustments to prevent disabled applicants from being placed at a substantial disadvantage by any physical feature of the premises, or by any provision, criteria or practice.</p> <p>If applicants choose to inform the Commission of a disability, or could reasonably be expected to know that they might have difficulty during the recruitment and selection process because of a disability, the Commission will investigate reasonable adjustments to the working environment or arrangements that could overcome the barriers faced by those applicants.</p> <p>If the applicant subsequently joins the Commission, reasonable adjustments can be made to his or her work location and working arrangements.</p> <p>When deciding whether or not an adjustment is reasonable, the Commission will consider:</p> <ul style="list-style-type: none"> <li>• The effectiveness of the adjustment in preventing the disadvantage;</li> <li>• The practicality of the adjustment;</li> <li>• The financial and other costs of the adjustment and the extent of any disruption caused;</li> <li>• The extent of financial and/or other resources;</li> <li>• The availability to the Commission of financial or other assistance to help make an adjustment, e.g. through the Access to Work Scheme and the support of Jobcentre Plus.</li> </ul> <p><b>Positive Action</b></p> <p>The Commission is committed to ensuring it is inclusive in terms of recruiting and selecting from a wide and diverse pool of people and where appropriate, will take necessary steps to encourage people from groups that are under-represented or with a past track record of disadvantage or low participation to apply for jobs.</p>	
	<b>4.4.8</b>	<b>Processing applications prior to shortlisting</b>	
		<p><b>Closing the receipt of applications:</b></p> <p>In the case of exceptional mitigating circumstances, e.g. post delays or electronic media failures, the date by which applications can be received may be extended. The decision to accept or reject a late application will be made by HR in discussion with the recruiting manager.</p> <p><b>Assessing the response:</b></p> <p>As applications are received, HR will remove the front page of the application which includes the applicant’s personal information and contact details and allocate the applicant a candidate number. The Right to Work in the UK and disability box will also be deleted along with the applicant’s signature.</p>	
Document: Policy Template		Version No: 1.0	Version date: 14/08/2024
Author: Policy & Procedures Group		Page 9 of 22	

		<p>The anonymous main body of the application forms will then be given to the recruiting manager along with a short-listing form as soon as possible after the closing date. HR will advise (based on the size of the response) whether or not a pre-sift exercise should be conducted.</p> <p>The Commission operates the principle that applicants who do not meet all of the essential criteria in the person specification should not be invited for interview by the Commission.</p>
	<b>4.4.9</b>	<b>Shortlisting and interview planning</b>
		<p>The short-listing meeting presents an opportunity to discuss the structure of the interview(s).</p> <p>Panel members will hold a short-listing meeting (with HR if required) to determine:</p> <ul style="list-style-type: none"> <li>• Which candidates will be invited for interview. A review will need to be undertaken after initial short listing, with HR, to check if there are any disabled candidates, under the Disability Confident guaranteed interview scheme, who meet all the essential criteria which means they have scored as acceptable/satisfactory across all essential criteria and may be offered an interview. To avoid unconscious bias and potential discrimination, the disabled candidates are not specifically highlighted in the paperwork sent to panel members prior to short-listing.</li> <li>• The questions to be asked at interview. Competency based interview questions should be agreed at this stage to enable the recruiting manager to compile interview assessment sheets.</li> <li>• Whether additional selection criteria will be used such as a presentation, written exercise or aptitude test.</li> <li>• The format of the interview and any test if applicable.</li> </ul>
	<b>4.4.10</b>	<b>Post short-listing administration:</b>
		<ul style="list-style-type: none"> <li>• If HR has not been involved in the short-listing process, the recruiting manager must advise them of the candidates (by candidate number) who have been selected for interview.</li> <li>• HR will then email the candidates with their interview times.</li> <li>• If the interview date has not been confirmed on the advert, then adequate notice must be given to candidates to prepare for interview.</li> <li>• This email will contain details of the location and time of the interviews, identify the panel members, provide travel information, identify a contact on arrival, and detail any documents that the candidate should bring with them. In accordance with the Immigration, Asylum and Nationality Act 2006, all candidates will be asked to bring an appropriate form of identification with them to interview. This is to ensure that appropriate right to work checks are carried out in advance of any selection process.</li> <li>• The email will also outline that the Commission will accommodate candidates with a disability at interview with regards to access, special facilities or extra time to allow them to participate fully at interview.</li> </ul>

		<p><b>Practical or Psychometric Tests</b></p> <p>Where relevant to the nature or level of the post, the use of appropriate practical and/or psychometric tests used in conjunction with other selection methods has been shown to predict job performance more reliably than selection interviews alone. It is therefore accepted good practice that tests be incorporated as part of the selection process if appropriate/applicable.</p> <p>However, the selection, administration and interpretation of certain psychometric tests will be carried out by an appropriately registered member of the British Psychology Society. HR will ensure:</p> <ul style="list-style-type: none"> <li>• Candidates are informed about how the test(s) relate(s) to the selection process;</li> <li>• Test results are confidential;</li> <li>• Candidates are given the opportunity to receive confidential feedback.</li> </ul>
	<b>4.4.11</b>	<b>The interview</b>
		<ul style="list-style-type: none"> <li>• In most circumstances, forty-five minutes will be allocated for each interview. Exceptionally, interviews might be scheduled for thirty minutes, the scheduling of interviews for any less than thirty minutes is not recommended.</li> <li>• Individual panel members will be provided with an interview assessment form from HR to complete for each candidate at the end of their interview.</li> <li>• At interview, consideration must be given to any reasonable adjustments to the job, work environment or provision of equipment required to recruit a suitable disabled candidate.</li> <li>• The interview panel must rank all candidates who are suitable for employment in order of suitability.</li> <li>• The interview panel's completed interview assessment forms and notes must be passed over to the interview panel chair who will complete the combined documentation form and submit to HR following the interview. These must make clear the decision that has been reached and reasons for this decision. Interview notes are important evidence in defence of any subsequent allegation of discrimination and will therefore be kept by HR for a period of 12 months.</li> <li>• The successful candidate will be notified by the interview panel chair verbally of the interview panel's decision as soon as is practicable.</li> <li>• Unsuccessful candidates will be notified as soon as practicable after the appointment has been confirmed with the successful candidate.</li> <li>• The method and approach for communicating the outcome to the unsuccessful candidates will be agreed between HR/interview panel chair and may take the form of a telephone call or email (if they cannot</li> </ul>

		be reached by telephone, after two attempts) and candidates will be offered the opportunity of post-interview feedback.
	<b>4.4.12</b>	<b>Composition of the Interview Panel</b>
		<p>For all vacancies there must be a minimum of two people on the interview panel, one of whom should be the relevant recruiting manager.</p> <p>In some circumstances, it may be appropriate to have an appropriately experienced external panel member.</p> <p>For Executive level and practitioner positions, it is preferred to have a panel member with lived experience wherever possible. Consideration will also be given to gender balance on the panel.</p>
	<b>4.4.13</b>	<b>Confirming the Interview Panel</b>
		HR will consult with potential panel members to confirm their availability for any short listing/planning meeting for interviews.
	<b>4.4.14</b>	<b>The form of the Interview Panel</b>
		<p>The recruiting manager will usually act as Chair of the Interview Panel. The Chair after discussion with other panel members, is responsible for ensuring that a structure for the interview is agreed in advance and this structure is consistently applied for each candidate.</p> <p>The interview structure needs to cover:</p> <ul style="list-style-type: none"> <li>• Timings for the interview.</li> <li>• Information to be given to the candidate and by which member of the panel.</li> <li>• Planned questions to be asked and how they are organised between the panel.</li> <li>• The scoring methodology to be used.</li> </ul> <p>Following the interview(s), the chair is responsible for collating all interview notes and candidate scores. All paperwork should be passed to HR following the completion of the interviews.</p>
	<b>4.4.15</b>	<b>Conflicts of Interest</b>
		<p>All candidates are asked to advise in their application form whether they are related to, or have a business or personal relationship with, a Board member or employee of the Commission. This allows HR to judge whether they need to take any steps to ensure non-involvement in the recruitment process. HR will advise the interview panel of any conflict of interest where the candidate has advised of this in the section on their completed application form.</p> <p>A panel member must stand down where a conflict of interest arises. In these circumstances, a replacement panel member will be appointed.</p> <p>If a panel member believes that a conflict of interest may exist (e.g. they feel that they may not be able to demonstrate the necessary level of objectivity</p>

		<p>during the interview), they must discuss the matter fully with the Chair. If it is agreed that a conflict of interest does exist, the arrangements above will be applied.</p> <p>If these circumstances apply to the Chair, they must review the matter with HR in order that a decision can be taken as to how best to resolve the situation.</p>
	<b>4.4.16</b>	<b>Post Interview Feedback</b>
		<p>The Commission will provide post interview feedback to any successful and unsuccessful candidates who wish to receive feedback. Candidates who are not shortlisted for interview will not receive feedback on their application beyond the fundamental reason i.e 'did not meet all essential criteria', or similar.</p> <p>Feedback should be provided by the Chair of the panel wherever possible. Advice should be sought from HR on providing feedback.</p> <p>Feedback must be honest, constructive, and positive. The discussion that takes place may cover a range of issues, e.g. presentation technique, perceived level of preparation for the interview, questions asked by the candidate, advice on future applications.</p> <p>Feedback is a two-way process and it may be appropriate to also seek the applicant's views on the recruitment process and interview. Information gathered will be fed back into the recruitment process and, where appropriate, to panel members.</p>
	<b>4.4.17</b>	<b>Short term internal vacancies</b>
		<p>Where a short-term vacancy arises, for example to cover an internal secondment, the Commission may look to fill this internally in the first instance. This approach gives employees the opportunity to expand their skills and experience by either "stepping up" into a more senior position or diversifying into a different area of the business.</p>
	<b>4.4.18</b>	<b>Conditional offer of employment</b>
		<p>The recruiting manager or HR will contact the successful candidate by telephone as soon as possible to make a conditional offer of employment.</p> <p>The starting salary will normally be the first point on the salary scale for the role. The Chair of the Interview Panel has discretion to appoint to the second point on the salary scale. However, no offer of employment should be made at a starting salary above the second point within the grade without agreement from the relevant Executive Director in discussion with HR.</p>
	<b>4.4.19</b>	<b>Pre-employment checks</b>
		<p>All offers of employment are conditional on pre-employment checks which will depend on the type of role and may include the following:</p>

		<ul style="list-style-type: none"> <li>• Receipt of references that are satisfactory to the Commission. (One of the referee's must be the applicant's current or most recent line manager)</li> <li>• Gaps in Service Personal Statement</li> <li>• Right to work checks</li> <li>• Three forms of ID, one of which must be photographic evidence such as a passport or driving licence, and one giving current address.</li> <li>• Driving licence check (where necessary for the role – e.g. for car hire, personal car use).</li> <li>• Professional Qualifications/Statutory Register check</li> <li>• Occupational Health clearance</li> <li>• Membership of Protecting Vulnerable Groups Scheme</li> <li>• Disclosure Scotland application</li> <li>• Self-Declaration form for any criminal convictions</li> <li>• Overseas criminal convictions check</li> </ul>
	<b>4.4.20</b>	<b>IR35 Contractors and self-employed workers pre-employment checks</b>
		All self-employed persons who work for the Commission and who invoice the Finance Department for payment should as a minimum be required to provide documentary evidence of their identity, right to work, qualifications/professional registration (if applicable) prior to them undertaking work. IR35 contractors will also be added on LearnPro in order to monitor compliance data such as statutory and mandatory training.
	<b>4.4.21</b>	<b>Reference Checks</b>
		<p>All appointments at the Commission are subject to the receipt of a minimum of two satisfactory references. References are never used as the sole grounds on which to base a recruitment decision.</p> <p>The following principles apply in relation to seeking references for prospective employees within the Commission:</p> <ul style="list-style-type: none"> <li>• All jobs are offered on condition that a minimum of two satisfactory written references are obtained in respect of the applicant. This information should be included in the application pack and explained at interview and stated in the letter of appointment.</li> <li>• At least one reference should be from the candidate's current or most recent employer. If the candidate has not been in employment, a character reference/college report may be adequate. The references should ideally cover a minimum of 3 years' employment history.</li> <li>• Names of suitable referees should be requested to accompany the application and applicants advised that any job offer will be dependent on the receipt of satisfactory references. References will be taken up only for the successful candidate and consent will be sought before approaching referees.</li> <li>• A job description and person specification should be attached to the reference request.</li> <li>• HR is responsible for taking up written references on behalf of the Commission in order to maintain consistency in terms of both approach and record keeping within the organisation.</li> <li>• A candidate has the right of access to personal information held by a potential employer under the terms of the Data Protection Act and UK</li> </ul>

		<p>General Data Protection Regulation unless a reference has been given in confidence.</p> <p>Additional references will also be required if:</p> <ul style="list-style-type: none"> <li>• The candidate has been overseas for a single spell of three months or more, or a cumulative total of six months or more – the candidate should provide the Commission with details of the overseas employer.</li> <li>• An employer’s reference is not available – the candidate should provide details of another referee of some standing in the community (for instance a doctor, lawyer, MP, etc.)</li> <li>• The current employer’s reference provides no information on performance in role.</li> <li>• The candidate has been in full time education – a reference should also be obtained from the relevant academic institution.</li> <li>• The candidate has served in the armed forces or civil service during the previous three years – an employer’s references will be obtained from the relevant service or department.</li> <li>• Where there is an unexplained gap in the candidate’s application form it will be necessary to obtain verification of whatever explanation is given.</li> <li>• For periods of self-employment, evidence should be obtained (for example, from HM Revenue and Customs, bankers, accountants, solicitors, client references, etc.), to confirm the candidate’s business was properly conducted and was terminated (i.e. involvement in the business) satisfactorily.</li> </ul>
	<b>4.4.22</b>	<b>Right to work checks</b>
		<p>As an employer, the Commission has a responsibility to prevent illegal working in the UK by ensuring that all employees have the right to work here. Under the terms of the Immigration, Asylum and Nationality Act 2006, the Commission is required to make basic checks on everyone the Commission intends to employ.</p> <p>In order to comply with the Act, candidates, as appropriate, are required to provide acceptable original documents demonstrating their right to work in the UK.</p> <p>Acceptable documents for right to work checks are set out in Appendix 1.</p> <p>The documents are separated into:</p> <ul style="list-style-type: none"> <li>• <b>List A</b> Documents are for those with a permanent right to work in the UK and include documents such as a passport showing the holder is a British or Irish citizen or an EEA national with fully settled status, or a full birth certificate plus an official document providing the individual’s National Insurance number. List A documents give a permanent ongoing statutory excuse for the length of the individual’s employment, provided they are checked correctly.</li> <li>• <b>List B</b></li> </ul>

		<p>Documents are available to individuals who have a temporary or time-limited right to work in the UK and so employers must complete follow-up checks. The documents are separated into two different groups:</p> <ul style="list-style-type: none"> <li>• <b>Group 1</b> documents are time limited and the statutory excuse will apply until the individual's permission to work in the UK expires. Before expiry, organisations are required to carry out a follow-up check to determine whether the individual has a continued right to work in the UK from the date the original document expires.</li> <li>• <b>Group 2</b> documents require organisations to carry out and receive a positive verification notice from the Home Office in advance of employment. This creates a statutory excuse for six months, with a follow-up check required at the end of this period.</li> </ul> <p><b>Share Codes</b></p> <p>Candidates who have a UK Visa and Immigration Account (UKVI) with the UK Government, may be eligible to get a share code which should be shared with the Commission to prove immigration status. This is used with the online right to work checking service for employers as required/appropriate in line UK Government Employer guidance.</p> <p>Candidates may have an account if they have ever;</p> <ul style="list-style-type: none"> <li>• applied to the EU Settlement Scheme</li> <li>• used the 'UK Immigration: ID Check' app to prove identity when applying for a visa</li> <li>• created one when applying for a visa</li> <li>• created one to get access to an eVisa (an online record of immigration status)</li> </ul>
	<b>4.4.23</b>	<b>Criminal record checks</b>
		<p>Please refer to the Policy on the Use of Disclosures, Rehabilitation of Offenders and Protection when working with Vulnerable Groups (PVG's) which gives further guidance on Disclosures and PVG's including overseas criminal records checks.</p>
	<b>4.4.24</b>	<b>Medical checks</b>
		<p>The Commission will not ask any job applicant about their health or any disability until the person has been offered a job either outright or on a conditional basis.</p> <p>The successful candidate will be asked to complete a Pre-Employment Health Questionnaire.</p> <p>NHS Lothian Occupational Health will make an assessment of the candidate's fitness to carry out the post based on the information contained within the questionnaire. In certain circumstances further information is required before clearance can be given and Occupational Health may contact the candidate by telephone or request that they attend for an appointment. Clearance must be obtained before any new employee commences employment.</p>



		Clearance may be subject to the candidate attending for a Post-Employment appointment.
	<b>4.4.25</b>	<b>Statutory registers</b>
		<ul style="list-style-type: none"> <li>• Suitability for employment and standards of practice for many groups of professionals are regulated by means of professional registers. Individual members of each profession must specify specific requirements with regard to qualifications and experience in order to be admitted to the relevant register and are liable to removal from the register for failing to maintain appropriate standards in the exercise of their professional duty.</li> <li>• Accreditation by a relevant professional body is an important indicator for employers of both competence and suitability. The Commission has a duty of care to ensure that practitioners are qualified and competent to perform the duties for which they are employed, and that they do not represent a risk to clients, colleagues or themselves.</li> <li>• It is a mandatory requirement that a check is made, prior to any offer of employment, of the relevant professional register to verify that a candidate is currently registered at the level claimed. Such verification should also be undertaken periodically post-employment. HR will do this check for all practitioners.</li> <li>• Confirmation of an individual's presence on a register does not in itself alleviate the need to take all reasonable steps, consistent with equal opportunities and other relevant legislation, to fully assess candidates for employment. Confirmation can normally be achieved by telephone or via the internet.</li> </ul> <p>GMC – 0161 923 6402 or <a href="http://www.gmc-uk.org">http://www.gmc-uk.org</a>  NMC – 0207 631 3200 or <a href="http://www.nmc-uk.org">http://www.nmc-uk.org</a>  SSSC – 0845 60 30 891 or <a href="http://sssc.uk.com">http://sssc.uk.com</a></p>
	<b>4.4.26</b>	<b>Driving and driving licences</b>
		<p>Employees are not required to hold a driving licence but must be able to travel throughout Scotland.</p> <p>If employees do hold a driving licence and will drive during the course of their employment with the Commission, they must satisfy the following requirements:</p> <ul style="list-style-type: none"> <li>• The employee must hold a full driving licence valid within the UK covering the appropriate classes of vehicle, in the Commission's case a car.</li> <li>• The Commission will check the validity of employees' driving licences on an annual basis.</li> <li>• Employees using their own cars while conducting work on behalf of the Commission should ensure that they are appropriately insured, i.e. have business insurance cover, in line with HR-POL-08 Work-Related Driving Policy.</li> </ul>
	<b>4.4.27</b>	<b>Contract of employment</b>

		A contract of employment will be issued as soon as all the relevant pre-employment checks have been completed. This must be provided when or before the individual starts employment.
	<b>4.4.28</b>	<b>Inductions</b>
		<p>The Commission’s Induction Policy HR-POL-XX reinforces the organisation’s commitment to the induction process for new employees.</p> <p>The aim of the policy is to help the employee:</p> <ul style="list-style-type: none"> <li>• understand their new role;</li> <li>• provide clear guidance about where they are in relation to the wider organisational structure;</li> <li>• function safely and effectively within their new working environment;</li> <li>• prepare for their future role within the organisation;</li> <li>• work to agreed standards and codes of practice relevant to their role.</li> </ul>
	<b>4.4.29</b>	<b>Exit Interviews</b>
		<p>An attempt should be made to obtain feedback from all employees who leave the employment of the Commission. This may provide useful information that will assist the future development of posts and may help retention in the future. Employee participation in completing an exit interview is always voluntary.</p> <p>Exit interviews are conducted by HR. In the absence of HR or where an employee does not wish to have HR carry out the exit interview, the exit interview can be completed by another manager. Any issues arising from these interviews should be fed back to the relevant manager with a view to making any necessary adjustments, if appropriate.</p>
<b>5.0</b>		<b>Risk Management</b>
		This policy will be reviewed every three years to ensure compliance with relevant and appropriate employment legislation.
<b>6.0</b>		<b>Related Documents</b>
		<ul style="list-style-type: none"> <li>• HR-POL-XX Induction Policy - new draft policy</li> <li>• HR-POL-08 Work-Related Driving Policy</li> <li>• Vacancy Approval Form – add as appendix</li> <li>• Guide to Writing Job Descriptions and Person Specifications. – add as appendix</li> <li>• Equal Opportunities Monitoring Form</li> <li>• Application Form</li> <li>• Shortlisting Assessment Form</li> <li>• Shortlisting Spreadsheet</li> <li>• Job Applicant Privacy Statement</li> <li>• Exit Interview Form – add as appendix</li> <li>• HR-POL-04 Equality, Diversity, Inclusion and Human Rights Policy</li> <li>• HR-POL-XX Policy on the Use of Disclosures, Rehabilitation of Offenders and Protection when working with Vulnerable Groups (PVGs)- new draft policy</li> </ul>

		<ul style="list-style-type: none"> <li>• HR-POL-08 Work-Related Driving policy</li> </ul>
<b>8.0</b>		<b>References</b>
		<ul style="list-style-type: none"> <li>• Equality Act 2010</li> <li>• Agency Workers Regulations 2010 UK</li> <li>• Data Protection Act 2018</li> <li>• UK General Data Protection Regulations</li> <li>• Immigration, Asylum and Nationality Act 2006</li> <li>• Disclosure Scotland</li> <li>• Equality &amp; Human Rights Commission</li> <li>• Health &amp; Safety at Work Act 1974</li> <li>• UK Border Agency</li> </ul>

## Appendix 1

### LISTS OF ACCEPTABLE DOCUMENTS FOR MANUAL RIGHT TO WORK CHECKS

As an employer, we have a responsibility to prevent illegal working in the UK by ensuring that our employees have the right to work here. Under the terms of the Immigration, Asylum and Nationality Act 2006, we are required to make basic checks on everyone we intend to employ.

**In order to comply with the act, candidates, as appropriate, are required to provide acceptable original documents demonstrating their right to work in the UK.** The documents are set out in two lists – list A and list B.

**List A** contains the range of documents which may be accepted for checking purposes for a person who has a permanent right to work in the UK. By viewing these documents we can establish a **continuous statutory excuse** for the duration of your employment with us.

**List B** contains the range of documents which may be accepted for checking purposes for a person who has a temporary right to work in the UK. By viewing these documents we can establish a **time-limited statutory excuse**.

Where a right to work check has been conducted by the Commission using the Home Office online right to work checking service, for example for candidates with a UK Visa and Immigration Account with the UK Government, the information is provided in real-time directly from Home Office systems and the Commission may not have a requirement to check the documents listed below. Please note that it will not be possible to conduct a Home Office online right to work check in all circumstances.

In circumstances in which an online check is not possible, the Commission needs to complete a manual check and physically view original documents.

Currently, the Home Office online service supports checks for a range of individuals, depending on the type of immigration documentation they are issued with. Biometric residence card (BRC), biometric residence permit (BRP) and frontier worker permit (FWP) holders are also only able to evidence their right to work using the Home Office online service. This means the Commission cannot accept or check a physical BRC, BRP or FWP as proof of right to work.

Please check with HR re your specific case if you are not clear on what is required.

#### List A

1. A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK. Definition includes those with a document which shows that the holder is entitled to readmission to the UK (RUK endorsement).
5. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or

Document: Policy Template	Version No: 1.0	Version date: 14/08/2024
Author: Policy & Procedures Group	Page 20 of 22	

has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

6. A birth or adoption certificate issued in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer. Definition includes a full birth certificate issued by a UK diplomatic mission (British Embassy or British High Commission).
7. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

**List B Group 1- documents where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay**

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question. This includes a current passport endorsed with a stamp showing an individual has been granted leave to enter and there are no work-related conditions attached. If, under the conditions of the individual's leave, work was restricted or prohibited the endorsement placed in the individual's passport would explicitly set that out as a condition.
2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
3. A current immigration status document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

**List B Group 2-documents where a time-limited statutory excuse lasts for six months**

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU (J) to the Jersey Immigration Rules or Appendix EU to the immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

Document: Policy Template	Version No: 1.0	Version date: 14/08/2024
Author: Policy & Procedures Group	Page 21 of 22	

5. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Document: Policy Template	Version No: 1.0	Version date: 14/08/2024
Author: Policy & Procedures Group	Page <b>22</b> of <b>22</b>	