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CORPORATE REPORT

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1. Introduction

The Mental Welfare Commission needs to attract and retain high quality people. This policy sets out our recruitment and selection standards which ensure we are fair, systematic and efficient, and promote equality of opportunity for all in our recruitment and selection.

The recruitment procedures outline the processes aligned to recruitment and selection at the Commission.

2. Scope

This policy applies to the recruitment and selection of all staff to the Mental Welfare Commission for Scotland.

3. Responsibilities

All Commission staff involved in recruitment or selection must ensure they read, understand and follow this policy and associated procedures. The Head of Corporate Services is responsible for the consistent application of this policy in all our recruitment and selection activity and, with Human Resources, ensures that appropriate advice and support is made available to those involved.

All staff involved in recruitment and selection at the Commission must receive appropriate training.

4. Recruitment and Selection Principles

- Everyone appointed to a post within the Commission must be selected on merit and on the basis of fair and open competition.
- Applicants must be given equal and reasonable access to adequate information about the job and its requirements, and about the selection process.
- Applicants must be considered equally on merit at each stage of the selection process
- Selection must be based on relevant criteria which should be applied consistently to all candidates
- Selection techniques must be objective and free from bias
- Equality of opportunity must apply throughout each recruitment activity
- As part of the Commission's commitment to the two ticks disability symbol, 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.

To apply these principles effectively, we need to ensure that:

- Job opportunities are advertised appropriately and shared as widely as possible to ensure open competition for each opportunity
- Selection is fair and objective at each stage
- We choose the best candidate for the job
- We can demonstrate that we have applied our recruitment principles at each step of the process
- Staff involved in recruitment and selection activity receive training in the Commission's recruitment procedures and the legal context relating to recruitment and selection.
- Where appropriate, reasonable adjustments during recruitment and at work are made to help people with disabilities obtain, and remain in, employment.

5. The Equality Act

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.

6. Data Protection

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act 1998 (DPA). Applicants will have the right to access any documentation held on them in accordance with the Data Protection Act 1998 (DPA). The Commission retains completed application forms for a period of 12 months. Recruitment paperwork relating to the successful candidate will be transferred to their personnel file and retained for the period of their employment.

RECRUITMENT PROCEDURES

1. Authority to Recruit

The first steps in any recruitment process are establishing and verifying the need to recruit, and obtaining the authority to do so. The Operational Management Group (OMG) has responsibility for the decision whether to recruit. Human Resources will manage the recruitment processes alongside the recruiting manager.

Vacancies occur due to the following reasons:

a) Creation of a new post

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 Human Resources:

- job description
- person specification
- business case outlining the need for the post

The HR Manager will arrange for the post to be evaluated through the current job evaluation process

This will be given to the OMG for approval, following which the Head of Corporate Services will liaise with HR to initiate the recruitment process.

b) Replacement

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.

Roles and responsibilities should also be reassessed at this point to consider whether the post can be better defined. The Head of Corporate Services must then approve any proposed alterations to the post details and authorise recruitment.

If the duties of the post have changed significantly, a re-evaluation of the role may be necessary and this will be arranged by Human Resources.

Human Resources will keep a record of any alterations to job descriptions, person specifications and/or re-grading.

2. The Application Pack

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. Contents 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.

The main contents are:

a) 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

b) Person Specification

This highlights the minimum and essential criteria that a candidate requires in order to fulfil the role. In addition it outlines any desirable criteria. Human Resources will review all specifications to ensure that the criteria listed do not discriminate against any particular group.

For example stating that a number of years experience are required could discriminate on the basis of age. The document must reflect the job description but, most crucially, describe the person capable of properly undertaking the job.

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

c) 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.

d) Equal Opportunities Monitoring Form

We ask all applicants to complete this questionnaire to enable us to assess the effectiveness of our recruitment 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.

3. Advertising the Vacancy

All Commission vacancies will be advertised online on an appropriate website and in some circumstances in a professional journal and published on our website. (Very few roles will be advertised in the national press). In addition the Commission may decide to widen

advertising for some roles to target underrepresented minority groups – for example advertising in ethnic press. For some roles the advert may also be disseminated via a particular organisation.

Exceptions to this process may be justified where:

- a) The post is a temporary one and;
- b) Where the need to fill the post is pressing and therefore usual advertising timescales would delay filling the post.
- c) 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.

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.

Where possible interview dates will be identified in the advert.

Timescales:

In deciding upon timescales, the following must be taken into account:

- a) Adequate time must be given to candidates to apply
- b) Time must be built in for short listing, arranging interview(s) and carrying out interviews
- c) Deadlines for submission of details of the post, via our advertising agent, to journals etc.
- d) Time needed for sending out and receiving written references

3.1. Procedure for placing advertisements

The procedure for arranging job advertisements is as follows:

- The line manager prepares the job advertisement in discussion with Human Resources and in accordance with the guidelines set out below. The relevant publication(s) to be used and the dates the advert will appear are agreed by the line manager and Human Resources.
- 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. In the case of online adverts, Human Resources will make the arrangements for this to be uploaded onto the relevant website. Further to this Human Resources will also make arrangements for the advert and associated application pack to be uploaded onto the website.
- In the case of an advert in a journal or the national press, HR will forward the agreed draft (to the appropriate publication) with details of the issue dates that have been agreed. The following process will follow this:
 - Publisher confirms receipt and provides copy for approval along with indicative costs or raises any issues/problems in need of clarification/correction.

- Human Resources confirms or amends the copy and any other aspects of the advert, such as dates and costs.
- Human Resources authorises publication once approval from Head of Corporate Services has been given.
- Human Resources raises the purchase order and arranges sign off once approved.
- Human Resources 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.
- When the copy has been accepted and finalised with the supplier, Human Resources will make arrangements for the advert and associated application pack to be uploaded to the website.

3.2 Avoidance of discrimination in advertising

The Commission must ensure that all advertisements are in accordance with the Equality Act. For example adverts should avoid the use of language which might imply preference being given to candidates of a certain age such as “mature”, “young” or “energetic”. They should also avoid specifying a required number of years’ experience.

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. The GOR defence can be used across all protected characteristics except disability.

3.3 Two Ticks Disability Symbol

As part of the Commission’s commitment to fair and open competition and recognition of our responsibilities as an equal opportunities employer, the Commission has committed to being recognised as an employer who is positive about disabled people.

As part of this recognition, the Commission has committed to offer an interview to all applicants who declare themselves to have a disability so long as they demonstrate that they meet the essential criteria for a job vacancy. The ‘two ticks’ disability symbol features on all appropriate recruitment documentation.

4. Processing Applications Prior to Short Listing

- Closing the receipt of applications:
In the case of 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 and the recruiting manager.
- Assessing the response:
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 anonymous main body of all 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.

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.

5. Short Listing and Interview Planning

Panel members will hold a short listing meeting (with HR if required) to determine:

- Which candidates will be invited for interview, including any candidates with a disability who have demonstrated that they meet the essential short listing criteria
- The questions to be asked at interview
- Whether additional selection criteria will be used such as a presentation, written exercise or aptitude test
- The format of the interview and any test if applicable

Post short listing administration:

- If HR has not been involved in the short listing process, the line manager must advise them of the candidates (by candidate number) who have been selected for interview.
- HR will then contact candidates with potential interview dates and times. This is likely to be done via telephone so that candidates can discuss options for interviews if they can't attend as planned. Once dates and times have been agreed HR will send letters of invitation to the selected candidates.
- This letter 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.
- The letter 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
- All applicants applying electronically will receive an electronic acknowledgment. This also advises that if the applicant has not heard from the Commission within four weeks of the closing date, they will not be invited for interview.

6. The Interview

- 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.
- Individual panel members will be provided with an interview assessment form for each candidate to complete at the end of their interview. Panel members should also keep their interview notes.
- At interview, consideration must be given to any reasonable adjustments to the job, work environment or provision (and positioning of) equipment required to recruit a suitable disabled candidate.
- The panel must rank all candidates who are suitable for employment in order of suitability.

- The panel must hand their interview assessment forms and notes to Human Resources 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.
- The successful candidate will be notified verbally of the panel's decision as soon as is practicable. The decision should be confirmed with the candidate in writing by Human Resources within 48 hours. Where there is a delay in taking a decision, for whatever reason, each candidate interviewed should be informed of this and given an indication of when a decision is expected to be made.
- A letter will be sent to all unsuccessful interviewees and will offer candidates the opportunity of post-interview feedback.

6.1 Composition of the Interview Panel

All members of an Interview Panel must have had formal training in interview techniques, (particularly in the avoidance of discrimination) and be aware of the implications of any recent legislation which is applicable to the recruitment and selection process.

For temporary vacancies, i.e. of twelve months duration or less, there will be two people on the interview panel, one of whom must be the intended line manager. The second member will be agreed between Human Resources and the relevant line manager.

For permanent management and practitioner vacancies, there will be a minimum of two people on the Interview Panel, one of whom must be the relevant team leader or line manager. The other panel member/s will be another team leader/member of the Executive team, or the Chief Executive or a Board member as appropriate. In some circumstances it may be appropriate to have an appropriately experienced external panel member. 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.

For permanent administrative vacancies there will be a minimum of two people on the panel. One of these will be the relevant Casework Manager and the other will be another Casework Manager, the Operations and Improvements Manager or the Human Resources Manager.

6.2 Confirming the Interview Panel

Human Resources will consult with potential panel members to confirm their availability for any short listing/planning meeting for interviews.

6.3 The form of the Interview Panel

The line 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(s) is agreed in advance and this structure is consistently applied for each candidate. The interview structure needs to cover:

- Timings for the interview
- Information to be given to the candidate and by which member of the panel

- Planned questions to be asked and how they are organised between the panel
- The scoring methodology to be used

The short listing meeting presents an opportunity to discuss the structure of the interview(s). Interview questions should be agreed at this stage and passed to HR so they can compile interview assessment sheets.

Following the interview(s), the chair is responsible for collating all interview notes and candidate scores. All paperwork should be passed to Human Resources, within 7 working days following the completion of the interviews

The line manager or HR will contact the successful candidate by telephone as soon as possible to make a conditional offer of employment.

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 Head of Corporate Services.

Human Resources are then responsible for advising the unsuccessful candidates in writing in at the earliest opportunity. This letter will include the offer to provide feedback on request.

The Chair must ensure that all copies of applications and all interview administration paperwork are gathered from the Panel members and forwarded to Human Resources.

6.4. Conflicts of Interest

A panel member must stand down where a conflict of interest arises (for example, where a candidate is a relative of a panel member). In these circumstances, a replacement Panel member will be appointed.

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 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.

If these circumstances apply to the Chair, they must review the matter with the Head of Corporate Services in order that a decision can be taken as to how best to resolve the situation.

6.5 Interview Expenses

The Commission will reimburse receipted reasonable expenses for candidates who have travelled for an interview. This will be limited to reasonable costs of mileage or transport at public transport rates.

7. Post Interview Feedback

The Commission will provide post interview feedback to any successful and unsuccessful candidates who wish to receive it. Feedback should be provided by the Chair of the panel wherever possible. Advice should be sought from Human Resources on providing feedback. 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.

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.

8. Short Term Internal Vacancies

Where a short term vacancy arises, for example to cover a period of maternity leave, the Commission may look to fill this internally in the first instance. This approach gives staff 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.

8.1 Advertising the Vacancy

Staff will be notified of internal vacancies via email by Human Resources. 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 will be a shortened version of the application form.

8.2 Short Listing and Interview Planning

Panel members will hold a short listing meeting (with Human Resources if required) to determine:

- Which candidates will be invited to interview – all internal candidates are likely to be invited to interview unless:
- They have applied for a job that does not match their skill set and/or experience there are concerns over their attendance or performance record
- The questions to be asked at interview
- Whether additional selection criteria will be used
- The format of the interview

8.3 The Interview

- Interviews for short term internal posts will usually take between 30 and 45 minutes
- Panel members will be provided with an interview assessment form to complete for each candidate. Interview notes should also be kept by panel members
- The successful candidate will be notified verbally of the panel's decision as soon as possible
- Unsuccessful candidates will be notified as soon as practicable after the appointment has been confirmed with the successful candidate

8.4 Post Interview Feedback

All applicants who wish to receive feedback on their interview will be given the opportunity to have a one to one meeting with a panel member(s). All internal applicants are advised to take up this opportunity as any feedback will be useful to them in terms of planning future applications and their ongoing career development.

9. Pre-Employment Checks

The following verifications should be carried out prior to the confirmation of any offer of employment:

- That references are satisfactory (one of whom must be the applicant's current or most recent line manager)
- Driving licence (where necessary for the role – e.g. for car hire)
- Professional Qualifications – Human Resources are responsible for checking the original qualifications and registrations with appropriate professional bodies prior to appointment or, if necessary, after employment has commenced.

9.1 The following principles apply in relation to seeking references for prospective employees within the Commission:

- a. All jobs are offered on condition that 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. If this practice is followed and a reference subsequently proves to be unsatisfactory, the offer of employment can be withdrawn without fear of breach of contract.
- b. Two references are sought. At least one 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.
- c. 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.
- d. A job description and person specification should be attached to the reference request along with a stamped address envelope for return of the reference.
- e. Human Resources are 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.
- f. All reference material must be treated as a confidential document. A candidate has the right of access to personal information held by a potential employer under the terms of the Data Protection Act.

10. Statutory Registers

10.1 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.

10.2 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 practitioner staff 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.

10.3 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. Human Resources will do this check for all practitioner staff.

10.4 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.

10.5 Confirmation can normally be achieved by telephone or via the internet.

GMC – 0161 923 6402 or <http://www.gmc-uk.org>

NMC – 0207 631 3200 or <http://www.nmc-uk.org>

SSSC – 0845 60 30 891 or <http://sssc.uk.com>

11. Driving and driving licences

- Employees are not required to hold a driving licence but must be able to travel throughout Scotland. 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. 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.
- Employers must assure themselves as to validity of their employees' driving licences on an annual basis. Employees using their own cars while conducting work on behalf of the Commission should ensure that they are appropriately insured.

12. Disclosure Scotland Checks

12.1 The Commission require all staff to undertake a basic disclosure once they start working at the Commission.

12.2 The Commission require all Practitioner staff to undergo a PVG check. This will either be a full scheme membership application or a scheme member update (depending on whether the member of staff is already an existing member of the PVG scheme). This check will be carried out once the Practitioner has started at the Commission.

12.3 Should any basic Disclosure check or PVG check reveal any issue with the suitability of the new employee to their role at the Commission, HR will discuss this matter in further detail with the appropriate line manager and a decision will be taken on how to progress this matter appropriately. Depending on the nature of the issue raised, it may be necessary to dismiss the employee from their employment under the framework of the disciplinary policy.

12.4 Should the Commission receive further notification from Disclosure Scotland regarding an employee's membership of the PVG scheme at any point during their employment, HR will discuss this matter with the appropriate line manager and a decision will be taken on how to progress this matter appropriately. Depending on the nature of the issue raised, it may be necessary to dismiss the employee from their employment under the framework of the disciplinary policy.

12.5 If the Commission receives notification that an employee is barred from the scheme, we will take steps to ensure that the relevant professional bodies are also notified.

13. Contract of Employment

A contract of employment will be issued as soon as all the relevant pre-employment checks have been completed. The legal requirement is that a contract of employment must be issued within eight weeks of commencement of employment.

14. Exit Interviews

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.

Exit interviews are conducted by HR. Any issues arising from these interviews should be fed back to the relevant manager with a view to making any necessary adjustments, if appropriate.



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