NHS Education for Scotland

Recruitment and Selection Policy Statement

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1. Introduction

NHS Education for Scotland (NES) aims to be an exemplar employer within the NHS. It acknowledges that a fundamental step in achieving this is to recruit the best people through the adoption of best practices in recruitment and selection procedures. NES recognises the importance of recruiting appropriately skilled and qualified staff to enable it to fulfil its aims. NES also recognises that the recruitment and selection process will, in many cases, be the first point of contact that a potential employee will have with the organisation and considers it essential therefore that those involved with recruitment portray a positive and accurate image of the organisation.

- NES places a high importance on its recruitment practices. These are based on the values of fairness and equality of opportunity, which are reflected in the NES Equal Opportunities Policy. The NES Recruitment and Selection procedures ensure in practice the ways in which equality is achieved and are underpinned by the values of fairness and equality of opportunity. It is transparent, effective and based on best practice and aims to reflect the cultural diversity of Scotland.

2. Statement of Principles

In promoting best practice in recruitment and selection the following principles will apply to all employees: Equal Opportunities principles, as outlined below, will be applied consistently throughout the recruitment and selection process. This is considered essential in promoting a fair and equal recruitment and selection process to all prospective candidates, whether internal or external candidates.

- NES recognises the importance of training in the recruitment and selection process and therefore considers it essential that those taking part in recruitment and selection are skilled in using the appropriate procedures and are aware of equal opportunities legislation across all protected characteristics (i.e. age, disability, ethnicity, gender, sexual orientation, pregnancy and maternity, marriage and civil partnership, gender reassignment) and best practice in recruitment and selection.

- NES will ensure that in the interests of openness and transparency, all appropriate vacancies will be advertised both internally and externally using the most appropriate media in order to attract quality applications from the widest field. The NES Organisational Change policy will apply, in circumstances where redundancy and/or redeployment may be necessary. NES will advise all agency workers of vacant posts in order to give them the same opportunity to apply as comparable
employees as per Agency Worker Regulations. Agency workers may not be able to apply for posts where there is a genuine headcount freeze.

- NES will, on an ongoing basis, review its recruitment policies and procedures to ensure that they continue to apply to the current and future needs of the organisation and comply with appropriate legislation.

2.1 Fitness to Practise

Prospective NES employees for all qualified nursing, allied health profession and medical posts may be required to provide documentary evidence of current registration with the relevant professional/regulatory body at the interview stage if applicable to the post. The HR Department will check prospective employees’ registration with the relevant professional body before an offer of employment is made. In addition, prospective employees who are required to be registered with a professional/regulatory body as a condition of their employment will be required to complete and sign Fitness to Practise Declaration before any offer of employment is confirmed. The HR department will conduct annual checks to ensure that registration is kept up to date.

It should be noted that this will only apply where there is an objective justification showing that such fitness to practise is intrinsically relevant to the post.

2.2 Disclosure and Protecting Vulnerable Groups (PVG)

As part of its pre-employment checks, NES will identify any posts requiring a Basic, Standard or Enhanced Disclosure check and ensure that a satisfactory disclosure document is provided prior to making an unconditional offer of employment. If the post involves working with children or protected adults (“Regulated” work) the employee will require to obtain PVG registration with Disclosure Scotland. NES will ensure that the prospective employee is not barred for undertaking “Regulated” work prior to making an unconditional offer of employment.

NES will adhere to all requirements relating to The Protecting Vulnerable Groups Scheme (PVG Scheme), which delivers on the provisions outlined in the Protection of Vulnerable Groups (PVG) (Scotland) Act 2007.

As is the case with other criminal convictions prospective employees would be required to disclose any unspent convictions related to abuse. Furthermore, depending on the nature of the role, prospective employees may also be required to disclose spent convictions as part of the application process. It is presently the case that a number of professional bodies, such as the NMC, require registered professionals to disclose not only any convictions, but also any charges which are being brought against them.
2.3 Preventing Illegal Working

From 27 January 1997, employers have had a duty to check that all new employees are entitled to work in the United Kingdom according to the Nationality Immigration and Asylum Act (2002). NES requires all candidates to bring evidence of their right to work in the UK at interview stage. No offer of employment can be made until NES has evidence that the immigration requirements have been met. NES will revalidate this information periodically in line with immigration legislation.

2.4 Data protection

NES will ensure compliance with the Data Protection Act and relevant codes of practice. The personal data provided will be used for the recruitment process and equal opportunity monitoring. We will maintain confidentiality at all times except where there is a conflict with our statutory obligations with regards to disclosure to regulatory bodies for clinical professions.

2.5 Health and Safety

In accordance with current legislation NES is committed to providing a healthy and safe workplace that supports the health, well being and welfare of all members of staff (and visitors).

3. Equal Opportunities Legislation

NES aims to create conditions whereby all applicants are selected and treated solely on the basis of their merits, abilities and potential to ensure no-one receives less favourable treatment, as outlined in the Equality Act 2010, on the grounds of gender, disability, religion, age, race [including colour, nationality, ethnic or national origin], sexual orientation, marital or parental status or other attributes [including beliefs or opinions, such as religious beliefs or political opinions], trade union/professional organisation membership or other irrelevant distinction.

NES will recruit on the basis of ability, skills, experience and aptitude for the vacant post and will select on merit based on information provided by applicants. This will not contain personal information such as title, name, date of birth, gender, ethnic origin, disability or reference to any other non-job related distinctions.

The Recruitment and Selection policy accords with equal opportunities legislation, which exists to prevent discrimination. Appendix 1 provides an outline of the relevant legislation.
NES will, on a two yearly basis, review its recruitment policies and procedures to ensure that they continue to apply to the current and future needs of the organisation and comply with appropriate legislation.

Ratified by the Staff Governance Committee on 19th January 2012
APPENDIX ONE

RELEVANT EMPLOYMENT LEGISLATION AND REGULATIONS

The Main Statutes of employment legislation currently include:

- Equal Pay Act 1970
- Race Relations Act 1976 – as amended by the Race Relations (Amendment) Act 2000
- Disability Discrimination Act 1995 and Disability Discrimination Act 2005
- Employment Rights Act 1996
- Working Time Regulations 1998
- Employment Relations Acts 1999 and 2004
- Immigration, Asylum and Nationality Act 2006
- Employment Act 2008
- Health and Safety at Work etc Act 1974

OTHER DISCRIMINATION LEGISLATION

Additional Statutes and Statutory Instruments dealing with discrimination include:

- The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (SI 2000/1551)
- Employment Rights Act 1996 (sections relating to Maternity and Dependant Carer Leave)
- Equality Legislation
- The Equality Act 2010

The Equality Act 2010 distils and extends existing discrimination legislation in order to provide a simpler, more consistent and more effective legal framework for preventing discrimination. The Act received Royal Assent on 8 April 2010 and its phased implementation commenced on the 1st of October 2010.

At the point at which the Equality Act is fully implemented, it will supersede all previous equalities legislation.
OTHER CURRENT LEGISLATION/GUIDANCE

- **Protection of Vulnerable Groups (PVG) (Scotland) Act 2007** - On 28 February 2011, the Scottish Government introduced a new membership scheme to replace and improve upon the current disclosure arrangements for people who work with vulnerable groups.

- The Immigration, Asylum and Nationality Act 2006 makes it a criminal offence for an employer to recruit individuals who have no permission to work in the UK.

- The Employment Relations Act 1999 includes a number of "Family Friendly" measures, including legislation to cover the European Parental Leave Directive.

- The Trade Unions and Labour Relations (Consolidation) Act 1992 protects employees from discrimination on the grounds of trade union activities or membership, or of non trade union membership.

- The 1974 Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Order 2003 governs an employer’s ability to make employment decisions based on an applicant’s past criminal convictions.

- The NHS Guidance – Fair for All: Working together towards culturally competent services (NHS Scotland HDL (2002) 1) outlines the responsibilities to be placed upon NHS organisations in delivering a culturally competent service.

EUROPEAN DIRECTIVES

- Equal Treatment Amendment Directive (2002/73/EC)
- Race Directive (2000/43/EC)
- Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services (2004/113/EC)
- Directive on equality between men and women in matters of employment and occupation (2006/54)

FORTHCOMING LEGISLATION