

HR08

Recruitment and Selection Policy

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1.0 Policy Statement (Purpose / Objectives of the policy)

- 1.1** To provide a framework for managers and resourcing teams to effectively recruit high quality employees whose personal values and behaviours are aligned to the Trust values.
- 1.2** To ensure a robust, fair and consistent recruitment process is undertaken in line with NHS Pre-Employment Check Standards and adherence to employment legislation to ensure that the right staff with the right skills, training and experience employed to work in a timely manner.
- 1.3** To ensure the Trust recruitment process is completed using the Trac system. Trac is the electronic recruitment and applicant management system used by the Trust to complete the full, end to end, recruitment process; from advertising to induction booking.

2.0 Definitions

All other terminologies are explained fully in the relevant sections of the policy.

JNC: Joint Negotiation Committee

CQC: Care Quality Commission

DBS: Disclosure Barring Services

UKVI: UK Visas and Immigration

KPI: Key Performance Indicator

3.0 Accountabilities

- 3.1** The Head of Resourcing is directly responsible for facilitating the implementation of this policy.
- 3.2** The Head of Resourcing will be accountable for the revision of this policy which will be necessary from time to time as a result of changes in law or in the light of experience when applying the procedure.
- 3.3** The HR Directorate will ensure that managers are supported in the implementation of this policy.
- 3.4** Appointing Managers will be responsible for recruitment (in conjunction with the Resourcing Team), undertaking appropriate learning in order to comply with this policy and for the accurate maintenance of records in line with this policy.
- 3.5** Appointing Managers will be responsible for conducting a fair, equitable transparent and timely recruitment process in accordance with the Trust's policies and procedures and with relevant employment legislation. In addition, appointing managers are to ensure that all applications are shortlisted and interviewed fairly and consistently in accordance with

the Equality Act 2010.

3.6 The Resourcing Team is responsible for supporting managers with an effective and comprehensive recruitment process. This should be undertaken as efficiently and proactively as possible whilst maintaining a high standard of customer service. The Resourcing Team will ensure compliance with relevant employment legislation and best practice throughout the recruitment process from advertising vacancies, setting up interviews to undertaking pre-employment checks in accordance with the NHS Employment Check Standards.

3.7 Recruitment and selection procedures for medical staff must be referred through the specific process within the Medical Resourcing Team.

3.8 The Divisional Teams and the People & Organisational Development Committee will be responsible for monitoring the implementation and review of this policy to ensure it reflects national standards and best practice.

4.0 Policy Detail

4.1 Recruitment and Selection

It is Trust policy that all recruitment and selection processes and procedures reflect best practice and enable the recruitment of the most suitable person for every vacancy. In order to promote employee development, secondments and internal recruitment may be considered as the first option. For hard to fill posts, Directorates and Divisional Teams should consider all available options which may include a skills analysis of the job role and recruiting at a lower level with a view to providing a development programme. Alongside this Recruiting Managers should consider appropriate advertising opportunities to ensure the target audience is reached.

It is Trust policy that the full recruitment process shall be undertaken and managed using the online system, Trac. This includes vacancy control, advertising, shortlisting, interviews, monitoring of pre-employment checks and issuing of contracts.

The recruitment and selection procedures aim to promote best practice and to create a suitable framework to enable managers to recruit fairly and effectively. They must be followed whether recruiting an employee or a bank worker. They are not intended to constrain or restrict an individual manager's style in the application of recruitment and selection of employees and bank workers but to achieve the following;

- 4.1.1 Recognise that selection decisions are investment decisions' i.e. getting this right; leads to employees committed to the values, aims and objectives of the Trust and ensures employees are able to contribute to them. Haphazard decisions can lead to high employee turnover, inefficiency, disciplinary, capability and ill health costs etc.
- 4.1.2 Identify the criteria against which to select the most suitable candidate by use of an up to date job description and person specification which determines the precise mix of qualifications, experience, aptitude and competencies needed by applicants.

- 4.1.3 Promote the use of professional and effective interview techniques.
- 4.1.4 Facilitate a sound decision against pre-determined selection criteria ensuring the recruitment process is both efficient and cost effective.
- 4.1.5 Ensure consistency of treatment for all applicants and employees across the Trust.
- 4.1.6 Ensure that The Royal Wolverhampton NHS Trust meets all legal obligations with an aim to ensure no employee, job applicant or trainee receives less favourable treatment directly or indirectly on the grounds of sex, race, colour, nationality, ethnic or national origin, disability, marital status, sexual orientation, gender reassignment, responsibility for dependents, age, trade union or political activities, religious or spiritual beliefs, or is disadvantaged by any conditions or requirements which cannot be justified.

5.0 Financial Risk Assessment

1	Does the implementation of this policy require any additional Capital resources	Yes – No
2	Does the implementation revenue resources of this policy require additional	Yes - No
3	Doe the implementation of this policy require additional manpower	Yes - No
4	Does the implementation of this policy release any manpower costs through a change in practice	No
5	Are there additional staff training costs associated with implementing this policy which cannot be delivered through current training programmes or allocated training times for staff	No
	Other comments	

6.0 Equality Impact Assessment

An equality analysis has been carried out and it indicates that:

Tick	Options
	A. There is no impact in relation to Personal Protected Characteristics as defined by the Equality Act 2010.

7.0 Maintenance

This policy will be reviewed every three years or earlier if warranted by a change in standards or if changes are deemed necessary from internal sources.

8.0 Communication and Training

8.1. The Policy will be implemented by the following methods:

- Line Managers should direct the contents of this policy to their staff;
- The policy will be published and made available on the intranet.
- Training for E module - Online Recruitment and Selection training module will be advertised through Recruiting intranet pages, Trust Brief, Trac admin user updates, staff briefings and on the Training Directory of My Academy.
- Promotion in line with [Inclusive Recruitment Toolkit](#)
- Each Clinical Director/ Group Manager/ Senior Matron/ Directorate Manager and/ Department Manager is responsible for the communication of this policy to their staff and ensuring they access and log their training sessions on the Trust's training database.
- Advice can be sought at any time from the Resourcing Team or the HR Directorate.

9.0 Audit Process

9.1 The Head of Resourcing has overall responsibility for the update and maintenance of this policy.

9.2 The Divisional Team, as well as the People and Organisational, Workforce & Development Committee will be responsible for monitoring its implementation and reviewing this policy to ensure it reflects national standards and best practice ensuring we are safe and effective.

Criterion	Lead	Monitoring method	Frequency	Committee
Review of Recruitment KPIs	Resourcing Manager	Trac System	Bi Monthly (Every two months)	Operational Workforce Group
Review of Recruitment KPIs	Resourcing Manager	Trac System	Every four months	People and Organisational Development Committee
Audit Pre-employment checks	Resourcing Team Leader	Trac System	Annual	Operational Workforce Group and People and Organisational Development committee

E-learning training compliance	Resourcing Manager	Trac System	Every four months	Operational Workforce Group and People and Organisational Development Committee
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10.0 References

The list below is not exhaustive as new employment legislation is always in the process of being implemented

Care Quality Commission Health and Social care Act 2008 (Regulated Activities) Regulation 2014: Regulation 18 Available at:

<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-18-staffing> (Accessed 26/03/2019).

Data Protection Act 2018 Available at:

<http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted> (Accessed 26/03/2019).

Equal Pay Act 2010

<https://www.legislation.gov.uk/ukpga/2010/15/section/78> (Accessed 26/03/2019).

Equality Act 2010 The Protected Characteristics

<https://www.legislation.gov.uk/ukpga/2010/15/section/4> (Accessed 26/03/2019).

Employment Act 2010

<https://www.legislation.gov.uk/ukpga/2010/15/contents> (Accessed 26/03/2019).

Employment Equality (Repeal of Retirement Age) Regulation 2011

<https://www.legislation.gov.uk/uksi/2011/1069/contents/made> (Accessed 02/06/2020).

Fixed Term (Prevention of Less favourable Treatment) Regulations

2002 <http://www.legislation.gov.uk/uksi/2002/2034/contents/made> (Accessed 26/03/2019).

Freedom of Information Act 2000

<https://www.legislation.gov.uk/ukpga/2000/36/contents> (Accessed 26/03/2019).

National Minimum Wage Legislation 1998.

<http://www.legislation.gov.uk/ukpga/1998/39/contents> (Accessed 26/03/2019).

NHS Employers Employment Checks 2017

<https://www.nhsemployers.org/your-workforce/recruit/employment-checks> (Accessed 26/03/2019).

NHS Employers Language Competency: Good Practice for employers.

2018 <https://www.nhsemployers.org/-/media/Employers/Publications/Language-competency-guidance.pdf> (accessed 25/03/2019).

Part-Time (Prevention of Less Favourable Treatment) Regulation 2000

<http://www.legislation.gov.uk/uksi/2000/1551/contents/made> (Accessed 26/03/2019).

Rehabilitation of Offenders Act 1974 <https://www.legislation.gov.uk/ukpga/1974/53>
(Accessed 26/03/2019).

Visa and immigration operational guidance <https://www.gov.uk/topic/immigration-operational-guidance> Accessed 26/03/2019).

The Working Time Regulations. 1998

<http://www.legislation.gov.uk/uksi/1998/1833/contents/made> (Accessed 26/03/2019)

Part A - Document Control

Policy number and Policy version: HR08 – V8.0 Version / Amendment History	Policy Title Recruitment and Selection Policy	Status: Final		Author: Resourcing Manager Chief Officer Sponsor: Chief People Officer
	Version	Date	Author	Reason
	1	Oct 2003	Terms and conditions working group	Original Policy
	2	March 2008	Terms and conditions working group	Review Date
	3	Sept 2010	Terms and conditions working group	NHSLA Requirements
	4	Nov 2011	Terms and conditions working group	NHSLA Requirements & Integration of PCT and RWHT policy CQC Outcome 14
	5	Nov 2014	Deputy HR Manager/Head of HRSS	Review Date and Legislation Changes
	5.1	July 2016	HR Manager – Advisory	Minor changes to flexible working appeal process
	5.2	June 2018	Senior Resourcing Manager	Review Date and Legislation Changes
	6	July 2019	Head of Resourcing	Following Centralisation of resourcing, the implementation of Trac, the applicant management system and the removal of related policies from the Recruitment and Selection Policy, it has become necessary to re-write the Recruitment and Selection policy

	7		Head of Resourcing	Incorporated a reviewed and updated employment check procedure into the main Recruitment and Selection policy. Additional guidance included on DBS and fit and proper persons checks.
	7.1	August 2020	Head of Resourcing	Minor amendment to hyperlinks in Appendix 3.
	7.2	June 2021	Head of Resourcing	Addition of Appendix 6 – 45 Day Streamlined Recruitment Timeline – KPI Dates
	7.3	September 2021	Head of Resourcing	Inclusion of Attachment 1, Removal and Associated Expenses Procedure
	7.4	November 2021	Head of Resourcing	Inclusion of Attachment 2, Template Job Description and Person Specification
	8.0	April 2023	Resourcing Manager	Overall review and update in line with updated UKVI legislation. Inclusion of Fixed Term Workers procedure.

Intended Recipients: All staff requiring details in relation to recruitment.

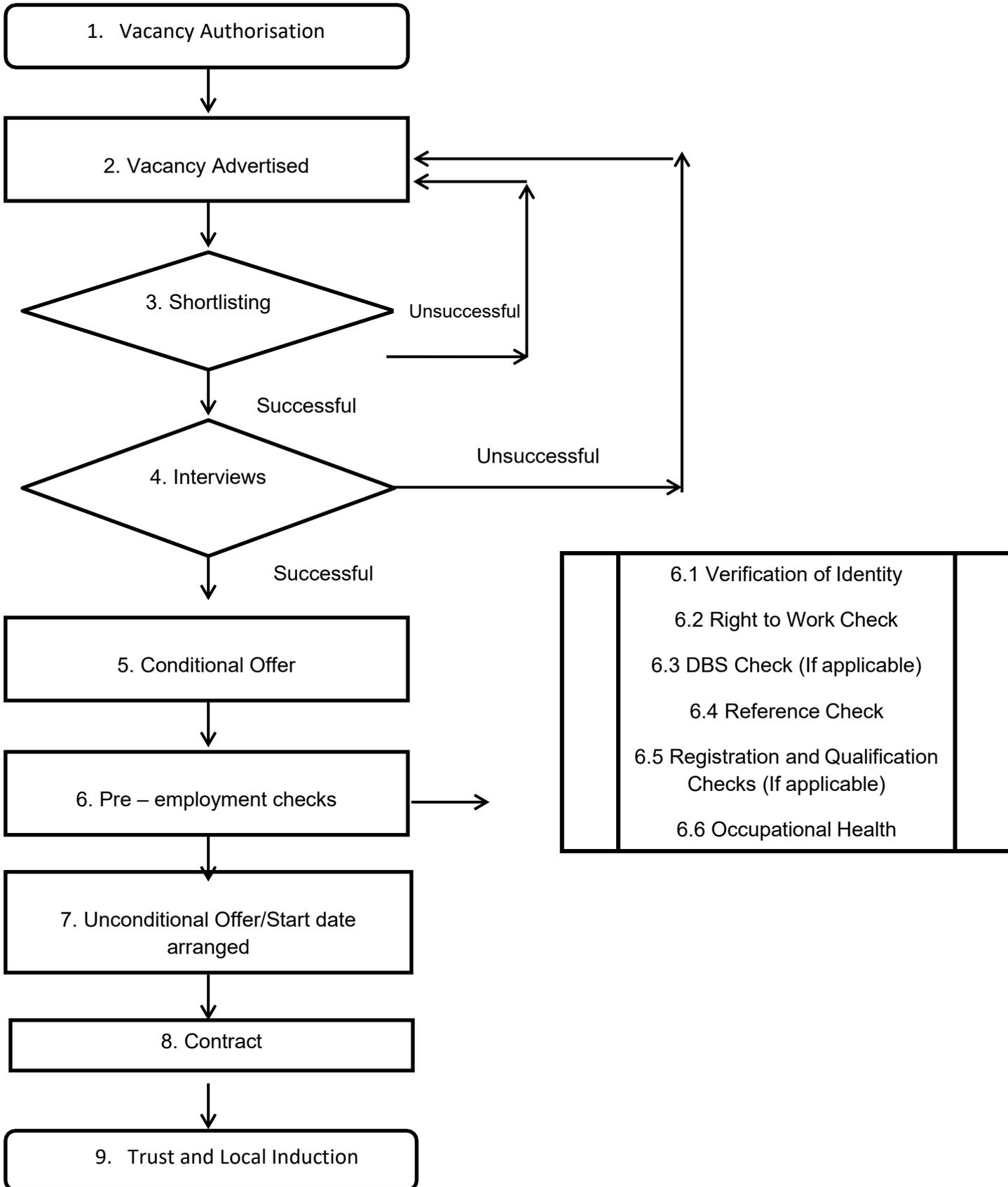
Consultation Group / Role Titles and Date:

Name and date of Trust level group where reviewed	Trust Policy Group – June 2023
Name and date of final approval committee	Trust Management Committee – June 2023
Date of Policy issue	July 2023
Review Date and Frequency (standard review frequency is 3 yearly unless otherwise indicated – see section 3.8.1 of Attachment 1)	Every 3 years, next review June 2026

<p>Training and Dissemination: Advice and support is available from the Resourcing Team and Resourcing Managers as and when required by managers and staff. Guidance and training documents will be available on the recruiting managers intranet pages. Recruitment and Selection E-Learning course is available on My Academy.</p> <p>Attract and Retain groups have been established discuss key initiatives, best practice and policy updates in conjunction with to feedback and update from key stakeholders.</p> <p>Each Clinical Director / Group Manager / Matron / Directorate Manager / Department Manager is responsible for the communication of this policy to their staff. Advice can be sought at any time from the HR Directorate.</p>	
<p>To be read in conjunction with:</p> <p>HR51 - Pay Policy</p> <p>HR24 – Secondment Policy HR30 - Agenda for Change Policy</p> <p>HR05 – Equality of Opportunity Policy</p> <p>HR21 - People Working Across Organisational Boundaries Policy</p> <p>Management of Leavers Procedure</p> <p>Inclusive Recruitment</p> <p>Recruitment and Selection Procedure DBS Procedure</p> <p>Fit and Proper Persons Procedure</p>	
<p>Initial Equality Impact Assessment (all policies): Completed Yes</p> <p>Impact assessment (as required): Completed NA</p>	
<p>Monitoring arrangements and Committee</p>	<p>The Head of Resourcing has overall responsibility for the update and maintenance of this policy.</p> <p>The Divisional Teams, as well as the People & Organisational Development Committee will be responsible for monitoring its implementation and reviewing this policy to ensure it reflects national standards and best practice</p>
<p>Document summary/key issues covered. It provides a framework for managers and resourcing teams to effectively recruit high quality employees whose personal values and behaviours are aligned to the Trust values.</p> <p>To ensure a robust, equitable and consistent recruitment process is undertaken in line with NHS Pre-Employment Check Standards and adherence to employment legislation to ensure that right staff with that right skill, training and experience is employed to work in a timely manner.</p> <p>To ensure the Trust recruitment process is completed using the Trac applicant and candidate management system.</p>	
<p>Key words for intranet searching purposes</p>	<p>Recruitment, Selection, Resourcing</p>

Appendix 1

Recruitment Flowchart – Overview



Appendix 2

Recruitment and Selection Procedure

1.0 Procedure Statement

- 1.1 This procedure is designed to direct managers in ensuring that recruitment and selection practices allow them to secure the best employees for the post while ensuring that the process is transparent and fair for candidates.

2.0 Accountabilities

- 2.1 As detailed in the Recruitment and Selection Policy.

3.0 Procedure Detail / Actions

3.1 Overview

- 3.1.1 The Trust always aims to recruit the person who is most suited to the particular job. Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against criteria for the job. Qualifications, experience and skills will be assessed at the level that is relevant to the job.

- 3.1.2 Under the Data Protection Act 2018, an individual has the right to request access to any personal information held about him or her in a manual or computer-based file. A job applicant (whether successful or unsuccessful) may submit a request to an employer to which he or she has applied in respect of access to any file containing data about him or her, for example interview notes. Individuals who present a subject access request must be provided with access to their personal information normally within one month and at no charge in line with General Data Protection Regulation (GDPR). Guidance must be sought from the Governance Department to assess the validity of the request prior to any information being disclosed.

3.2 Equal Opportunities

- 3.2.1 The Trust is committed to Equality and Diversity. Line Managers must therefore, ensure that they do not discriminate either directly or indirectly at any stage of the recruitment and selection process.
- 3.2.2 The Trust is committed to applying its Equality of Opportunity Policy at all stages of recruitment and selection. Shortlisting, interviewing and selection will always be carried out without regard to gender, race, colour, nationality, ethnic or national origin, disability, marital status, sexual orientation, gender reassignment, responsibility for dependents, age, trade union or political activities, or religious or spiritual beliefs.
- 3.2.3 Furthermore, any candidate with a disability will not be excluded unless it is clear that the candidate does not meet the minimum criteria outlined in the person specification. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of his or her disability. All

applications with a disability who meet the minimum requirements of the job as set out in the job description and person specification will be guaranteed an interview.

- 3.2.4 In order to monitor the effectiveness of its Equality of Opportunity Policy in the recruitment and selection process, the Trust requests equal opportunities monitoring information for all applications. The Trust is committed to developing its workforce profile, so it is representative of the communities it serves. The Trust reviews recruitment monitoring outcomes for their impacts on equality and based on the data will address any issues related to accessibility or inclusion for applicants and new starters.

3.3 Recruitment Process

- 3.3.1 The Trust uses the applicant and candidate management system, Trac, for the end to end recruitment process. All managers are required to manage their activities using the Trac system. Training to support using the Trac system is available on 1- to-1 basis as well as group sessions. The Resourcing Team also provides helpdesk support in assigning usernames and passwords to access the system.

3.4 Reviewing posts as they become vacant

- 3.4.1 Vacancies may arise as a result of an employee leaving or transferring to another post, a change of workload or restructuring within the Directorate. Where a post becomes vacant the recruiting manager will assess the need to recruit to replace like for like or consider if there are any viable alternatives. For example, changing the hours or revising the role and level of responsibility. This will take into account the immediate and future staffing needs in addition to changing organisational requirements. The post may not necessarily need to be filled.
- 3.4.2 Where significant changes to the service, re-configuration or development are being proposed, there will be a requirement to formally consult with the appropriate Trade Union Representatives and individuals. For further advice please refer to the HR Framework.
- 3.4.3 When an existing member of staff hands in their notice, please ensure to follow the [Leavers Procedure accordingly](#). Before any advert/ Vacancy Control Process (VCP) is created in Trac, the relevant [termination form](#) must have been completed. Finance will not approve any new vacancy request if they have yet to receive the termination form. Not submitting the form in a timely manner could cause a delay in advertising of the role.

3.5 Job Description and Person Specification

- 3.5.1 An up-to-date job description and person specification must be provided with the Vacancy Control Process (VCP) to describe the duties, responsibilities and level of seniority associated with the post and the contribution to the Trust for which the job holder will be held accountable. A well-prepared job description and person specification enable those involved in the recruitment process to focus on the

requirements of the job and set clear expectations for the potential recruit.

3.5.2 Significant changes to job descriptions and person specification must be reviewed by the Agenda for Change Team.

3.5.3 More information and support in using inclusive language in job descriptions is outlined in [the Inclusive Recruitment Toolkit](#).

3.6. Recruitment Sources

3.6.1 Internal vacancies

The Trust encourages employee development and to promote from within wherever possible. Where it is anticipated there are qualified candidates within the Trust the post can be advertised internally only.

All vacancies will be advertised via Trac on the Trust Intranet site.

3.6.2 Internal Secondment/Acting-Up Opportunities

Where an internal secondment/acting-up is being considered on a short-term basis, usually no more than 12 months, advice should be sought from the Resourcing Team. Such an opportunity may be ring fenced for internal applicants or to a specific team or type of role, in order to deliver key priorities or in response to urgent business needs. The pool of candidates will be those who have the appropriate knowledge, skills and experience to undertake the temporary appointment in the most effective manner.

If the role is to be extended or made permanent, it must be formally advertised and subject to the usual recruitment process.

3.6.3 At Risk employees

Individuals who are at risk and are on the redeployment register will be given priority if they meet the essential criteria and require minimal training. This process is outlined in the Redeployment Policy.

3.6.4 Employment Agencies/Consultants

After all other options have been considered, Agencies or Consultancies may be able to source candidates. Fees are largely dependent on the service offered. As an indication, a fee of 11-20% of annual salary may be charged for a basic service rising to 20-30% of salary for a 'search' assignment. Agencies will on occasions also charge a fee if a person who is working through an agency then applies for a permanent position, even if the agency has not been involved in any form of formal recruitment and selection process.

It is important to be clear what services are required from an agency and to select an agency from the preferred framework such as Health Trust Europe and Crown Commercial Services.

Off framework agencies must not be engaged without the Procurement Team reviewing terms and conditions and approval from the Chief Operating Officer.

Further advice should be sought from the Resourcing Team and Procurement Department before proceeding.

Please refer to Engagement of Temporary Workers Procedure for guidance on engaging short term temporary workers.

3.6.5 Unsolicited Applications

Unsolicited speculative applications may be received from time to time. Line Managers may wish to acknowledge such applications advising candidates to refer to current vacancies as advertised on the Trust Website. There is no legal requirement to maintain unsolicited applications. However, if you have directed an applicant to apply for a job on the basis of their unsolicited application, managers are advised to maintain a copy of this document in line with the relevant retention period.

3.7 Fixed Term Contracts

Vacancy approval for temporary and fixed term appointments must be gained through the same authorisation VCP. The same recruitment and selection procedures as set out in this policy will also apply. However, the advert must clearly state that the post is of either a temporary or fixed-term nature and the reason for the fixed term contract. Also, this must be made clear to candidates during the interview process.

3.7.1 Temporary and fixed term appointments must only be used in the following circumstances:

- To undertake a clearly identified, time-limited project and/or service develop
- To cover for long term, planned absences of staff in post e.g. maternity leave or sickness;
- Secondment (please refer to the [secondment policy](#));
- When organisational change is planned in the near future, which will result in permanent jobs being at risk;
- When funding is limited.

3.7.2 Temporary and fixed term appointments should be for no more than 23 months. Any employee who has been continuously employed for four years or more on a series of successive fixed-term contracts are automatically deemed to be permanent employees (that is, employed on an indefinite contract), unless the employer can show there is a good business reason not to do so such as statutory instrument applies. Further fixed term worker guidance is available on the Intranet.

3.7.3 Employees may be entitled to statutory redundancy payments after 2 years'

service if the reason for non-renewal is redundancy.

- 3.7.4 For periods of less than 6 months, a manager may need to recruit to a post as an acting up opportunity. The normal recruitment process does not need to be carried out; however, if the need is likely to continue for more than 6 months the post must be advertised within the Trust.
- 3.7.5 If a post is advertised in the first instance as being temporary or fixed-term and at a later stage it will be made permanent or becomes permanent, then VCP must be submitted for vacancy approval. Current employees on fixed term contract should be then ringfenced to the vacancy in the first instance. Further guidance is available within the Fixed term worker procedure.

3.8 Submitting a Vacancy Request

- 3.8.1 [Ensure that the termination form as been completed and submitted to Finance via ESR.](#)
- 3.8.2 When recruiting managers wish to fill a vacancy, they must complete a VCP Request (new vacancy authorisation request) via Trac. Firstly, the budget holder is added as an approver, followed by the generic divisional finance lead. Further approval level guidance prompts are set out in Trac when adding the relevant authorisers.
- 3.8.3 Where there has been a change to the duties and responsibilities within a job description or where a new post has been created, the job description and person specification will require Agenda for Change panel job evaluation in accordance with the agreed process. As part of the approval process posts will be considered to see if the role is applicable for an apprenticeship.
- 3.8.4 Once a vacancy has been submitted by a manager, this will need to be approved by the budget holder, finance, workforce, divisional panel and Executive panel. The Resourcing Team will be in contact with the manger regarding advertisement once the full approval process has taken place.

3.9 Advertising

- 3.9.1 All posts, including secondment opportunities, must be advertised through the Resourcing Team(s). They will only be processed following the receipt of:
- An approved vacancy at all approval levels through Trac;
 - An up to date advert, job description and person specification uploaded into Trac.
- 3.9.2 Job adverts are a key opportunity to accurately portray a positive image of the role, department and wider Trust. They should aim to attract suitable applicants, in the most cost-effective manner. They must only include the specific job-related criteria that are required for the post. Managers must ensure that the wording used is not potentially discriminatory; adverts must also include information relating to Genuine Occupational Qualifications and DBS requirements (where applicable). More information and support in using inclusive language in job adverts is outlined in [the Inclusive Recruitment Toolkit](#).
- 3.9.3 All external posts will appear on the Trust Intranet, Trust website, NHS Jobs

website (www.jobs.nhs.uk), Health JobsUK.com and Find a Job. If this fails to fill the vacancy, the recruiting manager may consider a further publication. Guidance will be available from the Resourcing Team on other publications, which may include social media, local, national or professional publications. The exceptions to the above which need to be discussed with HR are:

- When there are exceptional circumstances requiring appointments of less than one month's duration;
- Posts identified as being dealt with in accordance with the [Trust's Organisational and Workforce Change Policy](#);
- Alternative employment opportunities for staff on long term sick in substantive posts (in line with HR13 [Supporting and Managing Staff Attendance at Work Policy](#)).

- 3.9.4 Advertising externally in a publication may be required for certain types of specialist roles. The recruitment manager and the Resourcing Team will agree the publication to be used and the fee to be recharged to the recruiting manager's budgets.
- 3.9.5 When a "positive action" recruitment initiative is being undertaken, the advert needs to reflect this by stating "we actively encourage applications from all sections of our community". More information and support on inclusive advertising, sourcing and positive action adverts is outlined in [the Inclusive Recruitment Toolkit](#).
- 3.9.6 When informal enquires are made, managers need to ensure that all enquiries are responded to in a timely and consistent manner, ensuring that there is no preferential treatment and referring the enquirer to current vacancies as advertised on the TrustWebsite.
- 3.9.7 When informal visits take place, managers are advised that this must not form part of the interviewing process.

3.10 Closing Dates

- 3.10.1 Closing dates for all vacancies are usually one or two weeks from the point of advert. There is no minimum closing advertising length; however it is best practice to always display an accurate closing date. For example, Healthcare Assistant and entry level administration roles do not need to be advertised for a full week due to the volume of applications. The recruiting manager must discuss with the Resourcing Team when they wish to extend or close a vacancy. Best practice strongly advises that it better to extend an advert, rather than close a vacancy early to applicants.
- 3.10.2 Additional application form questions in the form of filtering and blocking questions can reduce the number of unsuitable applications received. Moreover, it can offer more targeted insight to the skills and requirements listed on your person specification. Examples include; ' Please provide an example of when you demonstrated excellent customer service skills', ' Please outline your knowledge of NHS Employment Checks Standards' To explore utilizing additional questions for your prospective applications, please contact the Resourcing Team.

3.11 Application Forms

- 3.11.1 All application forms are electronic and will be obtained as part of the application process for a post via the Trust Website and NHS Jobs. Paper applications will not be accepted unless there are exceptional circumstances.
- 3.11.2 The application form is separated into two parts, personal information and application form. Under the Department of Health guidance, in conjunction with the Equality Act 2010 to promote fairness and equality, recruiting managers will not see the personal information section of candidate's application form.

3.12 Re-advertising

- 3.12.1 If the advert does not generate suitable applications the recruiting manager should consult with the Resourcing Team to determine whether re- advertising the post, including reviewing the recruitment literature, person specification criteria, advertising platforms and the timing of recruitment is likely to result in a wider or more suitable field of candidates. As with the initial review of a vacancy role, it may be worth considering alternative hours or level of responsibility. Alternatively, the recruiting manager may wish to re-advertise under the same parameters several times.

3.13 Shortlisting

- 3.13.1 Shortlisting is the process of identifying those candidates to be invited for interview; this is done by assessing individuals against the person specification information loaded into Trac. When the advert has closed, the shortlisting panel will receive an email outlining the number candidates who have applied and instructions on how to complete the online shortlisting on Trac.
- 3.13.2 At the VCP stage, recruiting managers will have inputted the shortlisting criteria for the post. This should be based on the person specification and what should reasonably be assessed from the application information (for example, knowledge, experience and qualifications). The assessment of subjective criteria, such as an individual's personal attributes or skills should be excluded from consideration at shortlisting stage and dealt with at interviews. The reasons for not shortlisting a candidate MUST be based on the person specification criteria – no other reason is permitted.
- 3.13.3 Shortlisting should be conducted by at least two members of the interview panel; the panel should remain the same for all applicants. Shortlisting must be completed within 5 working days of the advert closing date.
- 3.13.4 Candidates that score the highest during the shortlisting should be invited to interview. Trac will rank the highest scoring applications. Detailed reasons for whether or not candidates have been shortlisted must be recorded. Using the Trac shortlisting functionality this can be completed online and will be saved automatically.
- 3.13.5 Once the interview details have been provided the Resourcing Team will contact all candidates to provide the outcome of the shortlisting via Trac.

3.13.6 All candidates are entitled to request feedback from the recruiting manager if their application has not been successful.

3.13.7 Disability Confidence and shortlisting

Trac will highlight to managers any candidates who have declared a disability.

In order to comply with the Trust's Equality of Opportunity Policy and with Trust status under the Disability Confident Scheme, all candidates with a disability who meet the job-related criteria for the post will be guaranteed an interview. This commitment applies to all vacancies, internal and external, without exception.

During the recruitment and selection process, the recruiting manager must ensure that they comply with the Trust's commitments when dealing with candidates who have disabilities. Due consideration must be given to ensure that the Trust is providing equality of opportunity to all prospective candidates. This will include aspects such as considering the location for interview, making suitable modifications to any tests or interview process. Resourcing Team should be contacted if you require further guidance on this.

3.13.8 Disability Confident key considerations are explored in appendix 1 on [Inclusive Recruitment Toolkit](#).

3.14 Interview Process

3.14.1 The recruiting manager will need to arrange a date for the interview at the start of the process and book a room and equipment needed. One week's notice should be given to applicants invited to interview where possible. The longer candidates are not informed of the outcome of their application, the more likely they are to receive and accept a job offer elsewhere and withdrawn from the Trusts recruitment process.

3.14.2 Once the shortlisting is complete, managers must update the Trac system with the interview details including:

- Interview times;
- Interview and report to location; or MS Teams
- Interview panel;
- The format of the interview, and whether any tests, case studies or presentations will be involved and if the candidate is required to prepare anything;
- Any documentation to be included in the interview invitation such as organigrams, department or Trust specific information.

3.14.3 The Resourcing Team will set up the interviews in Trac and communicate with the candidates. Candidates will be asked if they have a disability or any special requirements for the interview. The Resourcing Team will confirm with them if they have any special requirements at the interview. The interview panel must ensure reasonable adjustments are made for candidates with a disability. For example, booking a ground floor room or ensuring lift access if a candidate is using a wheelchair. For more advice on reasonable adjustments please contact

the Resourcing Team.

3.14.4 The purpose of the interview is to:

- Gain sufficient information about the candidate to determine whether they meet the criteria for the post and are capable of fulfilling the functions of the post;
- Provide candidates with relevant information about the post so that they can make an informed choice about whether they want to work for the Trust;
- Leave the candidate with a good impression of the Trust as an organisation which has a fair, equitable and transparent recruitment practices.

3.14.5 In all cases value based and structured interviews are recommended by the Trust.

The key requirements of a structured interview are set out below.

- Questions planned carefully in advance of the interview relating to the needs of the role and the skills required to perform it effectively.
- All candidates are asked the same questions which are not, in any way, discriminatory or unnecessarily intrusive, ensuring a fair and reliable process.
- Answers are scored using the agreed rating system. The interview assessment/scoring sheet can be found on the Recruiting Manager Intranet page and will also be emailed to you as part of the interview set up process.

3.14.6 A value based interview will include questions which focus on the candidate's values and behaviours aligned to the Trust's values and behaviours.

3.14.7 The panel should ensure there is sufficient flexibility to enable the asking of supplementary questions that are relevant to the requirements of the job and in order to ensure that the interview is a two-way process.

3.15 Interview Panel

3.15.1 Interview panels must consist of a minimum of two people including the direct report/line manager.

3.15.2 At least one panel member must have completed the Recruitment and Selection E-Learning course and undertake any additional training as and when it is updated.

3.15.3 The Panel Chair will usually be the Recruiting Manager and it will be the Recruiting Manager's responsibility to invite appropriate individuals to participate in the interview panel.

3.15.4 Occasionally a post requires the post-holder to be professionally accountable to another officer who is not the employee's manager. In such cases that individual will be a full member of the interview panel.

3.15.5 Where professional assessors are included in the interview panel they will be chosen for their knowledge and experience. For advice on the use of professional assessors, contact the HR Department.

- 3.15.6 It is vital that the composition of the interview panel is balanced and that all candidates view the panel as balanced. Whilst it may be impractical for interview panels to replicate the ethnic, gender, age and disability profile of candidates, every effort must be made to make them reasonably representative.
- 3.15.7 Cultural Ambassadors have an important role as observing members of a Recruitment Panel. They are vital in helping to eliminate bias and discrimination in our own recruitment and selection processes and they also help us to demonstrate our commitment to equality, diversity and inclusion and fairness within recruitment in line with the Equality Act 2010. A requirement to ensure Cultural Ambassadors are part of our interview and selection process is included within The Trust's recruitment and selection policy.
- 3.15.8 Where a Cultural Ambassadors is required to support the interview panel the Resourcing Team will notify the recruiting manager and facilitate the co-ordination of this.
- 3.15.9 For roles utilising the services of cultural ambassadors as part of the interview panel, a positive action interview record document will also need to be complete alongside all other interview documentation. The Resourcing Team will provide copies of this paperwork to interview panels.
- 3.15.10 Individual panel members must take fact based and legible records of all candidates' responses at the interview. All confidential documentation relating to the successful candidates must be uploaded to Trac within 2 working days of interview. The department are responsible for storing the unsuccessful candidates interview notes for a period of 12 months.
- 3.15.11 Under the General Data Protection Regulation (GDPR) a candidate may request copies of all interview notes and assessment papers along with the scoring matrix used. These requests will be supported by the Resourcing Teams.

3.16 Selection Methods

- 3.16.1 Where it is identified that a selection interview will not sufficiently confirm the skills and abilities in the person specification, it is possible to undertake additional tests as part of the recruitment process., group exercises, situational judgment exercises, in-tray exercises, role plays, presentations, written exercises, etc. It is essential that the type of selection test used has a direct relevance to an aspect or aspects of the person specification criteria and to the job itself. Any test used must have been validated in relation to the job, be free of bias, and be administered and validated by a suitably trained person. For example, if the ability to work as part of a team is an essential requirement of a post, then it would be appropriate to use a group exercise to observe how candidates work within a team.
- 3.16.2 Online and video interviewing are ways of conducting interviews with candidates without needing to meet them face to face. This is a viable alternative should a traditional interview not be possible. The Trust currently promotes the use of Microsoft Teams to facilitate this. For more information and guidance on [online](#)

[interviewing, click here.](#)

3.16.3 It is essential that the necessary reasonable adjustments are made in the administration of tests for candidates who have a disability. For example a candidate with dyslexia must be allowed additional time to complete any type of written test; candidates with visual impairments may need to have written instructions given to them in a large font or be given the use of a text magnifier. The recruiting manager and interview panel are responsible for ensuring reasonable adjustment request requirements are met. For more information, please read the [inclusive recruitment toolkit](#) or speak to the Resourcing Team.

3.17 Making an Appointment

- 3.17.1 The decision of the panel must be based on the information received during the interview selection process and should be the candidate who in the view of the panel best meets the essential criteria for the post.
- 3.17.2 The Recruiting Manager is responsible for informing candidates verbally if they have been successful or not. This should be done as soon as possible.
- 3.17.3 The lead interviewer must update Trac with the outcome of the interviews. If additional appointments are made, the recruiting manager must complete an additional vacancy request and gain the necessary approval before the offer can be confirmed.

3.18 Feedback to Candidates

- 3.18.1 All appointing managers must contact unsuccessful candidates and provide constructive feedback if required based on the reason listed or notes taken at the interview. Care must be taken to ensure that anything said to unsuccessful candidates matches the reasons listed on the interview record sheet. An offer of more detailed feedback must be given to all candidates at a time that suits both parties.
- 3.18.2 All applicants have the right to receive feedback. Anyone who believes they have been denied equality of opportunity or treated unfairly may pursue a complaint through the recognised procedures.

3.19 Interview Expenses

- 3.19.1 Interview expenses will be paid at the discretion of the Deputy Chief Operating Officer / Group Manager or equivalent level in discussion with the Head of Resourcing, but they are not routinely offered to candidates. Exceptions for Medical and Dental staff apply where they are stipulated in the terms and conditions of service. Where reimbursement is given, an interview expenses claim form must be completed in line with Trust Policy.

3.20 Determining Salaries on Offer of Appointment

- 3.20.2 For new entrants to the NHS, or those progressing to the higher band, individuals will automatically be started at the bottom, entry level pay point. For those with existing NHS experience, the Trust will match to salary point they are currently

being paid.

- 3203 Should recruiting managers feel it is appropriate to negotiate a starting salary with a candidate, accounting for previous experience and existing salary, a formal 'Non Standard Starting Salary Application' must be completed. For information on starting salary please refer to the [Trust Pay Policy \(AfC\)](#).
- 3204 Salaries for medical posts should be offered in accordance with the appropriate terms and conditions of employment. In all cases the most current payslip should be requested and verified. Any request for a higher salary outside the normal progression should be discussed with Resourcing Team.
- 3205 This approval process requires an explanation and justification for the non-standard salary request and must be authorised by the Chief Finance and Chief People Officer. Recruiting Managers must not verbally agree a salary with a candidate prior to seeking necessary authorisation.

3.21 The Conditional Offer of Appointment

The Resourcing Team will compile and issue a formal offer letter via Trac. The offer will be conditional, subject to pre-employment clearances relevant to the post as per NHS Employers Pre-Employment Check Standards. The Resourcing Team will carry out all pre-employment checks and this will be managed via the Trac system. Recruiting managers can log on at any time to review them. These will include:

- Identity Check
- Right to Work Check
- Professional Registration and Qualification Checks
- Employment History and Reference Check
- Criminal Record Check
- Occupational Health Check

3.20.1 Identity Check

The Resourcing Team will endeavor to verify a candidate is who they say they are by seeing and reviewing original identity documents and validating their authenticity. If this check is not satisfied the offer of employment cannot proceed to the unconditional stage.

- **Attributable** – the evidence of a person's identity that they are given at birth (including their name, date and place of birth) and any subsequent change(s) of name.
- **Biographical** – a person's personal history including education and qualifications, addresses, and employment history.

As part of the conditional offer letter, candidates will be invited to book and attend a face to face meeting with the Resourcing Team. This is the primary

method of obtaining the required original documentation as well as providing an opportunity to compare the photograph with the individual present. In addition, it provides an opportunity to question the individual regarding any documentary evidence presented.

In order to satisfy NHS ID check standards, candidates must present a combination of documents including photographic ID and proof of address evidence. Full information pertaining to the combination of acceptable documents is outlined in the Identity Checks Standard:

<https://www.nhsemployers.org/publications/identity-checks-standard>

3.20.2 Documents in different names:

Employers should only accept identity documents in different names where the applicant can provide supporting documentary evidence of their name change. Such documentary evidence may include:

- a marriage or civil partnership certificate
- a decree absolute/civil partnership dissolution certificate
- a deed poll certificate
- a recognition certificate.

3.20.3 Retaining Copies

In all cases, a photocopy or scan of each document must be taken and retained on file. All the photocopies/scanned copies must be signed, dated and certified by the person taking the copy/making the scan. This information will be uploaded onto Trac and later downloaded in the recruitment file and recorded on ESR.

3.22 Right to Work Check

3.22.1 A Right to Work check is undertaken on all candidates to determine whether they have the legal right and permission to work in the UK. To avoid discrimination, the Trust will complete a right to work check on all prospective employees before they join the Trust. Assumptions must not be made about a person's right to work or immigration status on the basis of their colour, race, nationality, ethnic or national origins, or the length of time they have been in the UK.

3.22.2 The Home Office have [provided guidance which outline acceptable Right to Work checks](#) that must be obtained to verify someone's right to work in the UK. There are no other forms of acceptable evidence other than those stipulated in List A and List B. These documentation lists are built into Trac and form part of the interactive checklist emailed to candidates.

Right to work checks are concerned only with an individual's right to work in the UK and are undertaken as part of the face to face meeting, in conjunction with verification of identity. The Resourcing Team will take a copy of the original right to work documentation, sign and verify it before uploading and recording the date and type of documents checked in Trac. Alternatively, an individual can provide access to their share code for an online right to work check to be undertaken and recorded. This information will be transferred and stored onto ESR, including any

expiry and time limit dates

[More information on the full NHS Employment check standard surrounding Right to Work can be viewed here.](#)

3.22.3 Employing EU, EEA and Swiss citizens

3.22.4 As of 1st July 2021, an EU passport or national identity card alone is no longer valid proof of someone's right to work in the UK. The Resourcing Team will check EU, EEA and Swiss Citizens right to work online using the individuals prescribed share code. Points-based immigration system

For non-UK, or Irish Citizens, or those without relevant right to work evidence, such as a spousal visa, settled or pre-settled status the Home Office have introduced points-based immigration system. This regulates the number of individuals wishing to work, train or study in the UK and requires all applicants to meet a specific set of requirements for which they will score points. This predefined list includes job type and minimum salary, among other elements. Visas, through a Certificate of Sponsorship (CoS) can then be granted to those who gain enough points (70). These preliminary checks will be undertaken by the Resourcing Team prior to issuing a conditional offer letter. For working at the Trust, the most prevalent visa types are:

- **Skilled Worker Route – (Previously known as Tier 2). This includes Health and Care Visa** which applies to qualified doctors, nurses, allied professionals and other professionals working in either health or social care. The Trust will provide a Certificate of Sponsorships should individuals meet the required points criteria. A full list of eligible professions for the Health and Care Visa and their standard occupational classification (SOC) code can be found on the [GOV.UK website](#).

Student Visa – (Previously known as Tier 4). Many students, but not all, can work for a limited number of hours whilst in the UK studying. A student visa allows individuals to work a maximum of 20 hours per week (Monday, 7-day period) during term time. They are entitled to work full time, outside of term time, after a course ends and during holiday periods. Therefore an individual on a student visa cannot be offered full time employment. A copy of the individuals term dates must be provided to the Trust.

- Graduate Visa - If an individual is in the UK, holder of a current student (Tier 4) visa, and has successfully graduated from their course, they can apply for a graduate visa. They are not required to have a job offer to apply for this. This has a 2-year validity before being required to switch to a different type of visa, for example, skilled worker (which the Trust would be required to sponsor, if the role was eligible).

3.22.5 Certificate of Sponsorships

For candidates that meet the above minimum eligibility criteria for a Skilled Worker/Health and Social Care visa, the Trust will issue a Certificate of Sponsorship (CoS). This will only be completed once all necessary pre-employment checks have been completed. Once the CoS has been assigned to the applicant, they have 12 weeks to apply for their visa. There are two types of CoS, defined below, which dictate the next steps.

- An Undefined CoS – This is an application made by an individual who is in country and can apply to either switch the type of visa (from student to Skilled Worker) or change the employer (from another NHS Trust to RWT).
- A Defined CoS – This application is made by an overseas individual not currently based in the UK. This route requires lengthier Home Office checks before the visa is issued. Recruitment via this method will not meet the Trust time to hire target.
- A successful candidate that currently holds a visa with another employer; will require the Trust to apply for a further certificate of sponsorship (change of employment) prior to them commencing in post.
- Employees must ensure that comply with certificate of sponsorship rules and restrictions – such as supplementary employment and unpaid leave.
- Managers must notify the Resourcing Team immediately if there are changes to sponsored employee employment such as a reducing in hours or if approval have been given for unpaid leave. Further advice is available from the Resourcing Team and Intranet.

3.22.6 Statutory Excuse

If the Trust is found to be employing an illegal worker or having not carried out the required checks correctly, it is at risk of receiving a civil penalty. This could be a fine of up to £20,000 per illegal worker, in addition to losing the ability to sponsor visas. Conversely, if the appropriate right to work check was conducted and UKVI guidance followed, the Trust will have a statutory excuse against liability for a civil penalty.

3.22.7 Follow-up checks

For individuals whose right to work is time-limited, the Resourcing Team will contact managers and candidates in order to arrange for their right to work documents to be checked again when it's due to expire.

If satisfactory evidence of continued right to work in the UK is not provided prior to the expiry date of the current visa, Resourcing Team will liaise with HR Advisory Team and line managers, the individual may be required to cease duties for the Trust until this has been resolved.

3.23 Professional Registration and Qualification Checks (if required)

3.23.1 Professional Registration and Qualification checks are undertaken to ensure that prospective candidates are qualified and competent to fulfil their role. There are two parts to this employment check which is carried out by the Recruiting Manager and Resourcing Team.

The Recruiting Manager completes the first part of the professional registration and qualification check during the interview process. Where candidates are expected to hold a minimum qualification, evidence of such should be requested as part of the interview invitation. For example, if the role requires an NVQ or Degree, the candidate should provide this certificate as evidence for the interview panel.

For healthcare professional roles that require a candidate to hold valid professional registration, the Resourcing Team will check their status with the relevant regulatory body. Professional regulation is intended to protect the public, making sure that those who practice a health profession are doing so safely. Following a successful interview, the Resourcing Team will check the following information:

- The applicant is actually the person registered with the regulatory body;
- There are no restrictions to their registration that would affect their ability to undertake the role;
- There are no pending investigation on their fitness to practice that would need to be considered.

3.23.2 Healthcare Professional Alert Notices (HPAN)

An alert notice is a way of notifying NHS bodies, or other organisations providing services to NHS bodies, about registered health professionals whose performance or conduct will pose a significant risk of harm to patients, staff or the public.

In accordance with the Healthcare Professionals Alert Notices Directions 2006, the Resourcing Team will check notified HPAN alerts to ensure that there is no information held on prospective employees. If an individual is subject to an alert notice, the Trust will check if there are any restrictions which would prevent them from undertaking duties of the role applied for.

3.23.3 Language Skills

All individuals who are involved in delivering NHS services require a proportionate level of both written and oral English language proficiency to allow them to undertake their role effectively and safely.

Regulatory bodies set professional standards to which all registrants must comply. As part of their registration process, they undertake a range of checks to assure that healthcare practitioners are suitable to practice in their profession. This includes an assessment of their ability to communicate effectively with patients and colleagues.

Requirements for registration with a professional regulatory body may differ depending on whether applicants are UK nationals, EEA nationals and international graduates. These variations can be found in the above referenced guidance.

3.23.4 Professional registration bodies are:

- General Medical Council (GMC)
- Nursing & Midwifery Council (NMC)
- Health and Care Professions Council (HCPC)
- General Pharmaceutical Council (GPhC)
- General Dental Council (GDC)
- General Optical Council (GOC)
- General Osteopathic Council (GOOSC)
- General Chiropractic Council (GCC)

3.24 Employment History and Reference Check

An employment history check begins with the appointing manager and interview panel cross referencing activity with the candidate application and discussing any potential gap of employment during their interview.

Once a conditional offer of employment has been issued, an employment history and reference check is undertaken by the Resourcing Team to verify the candidates information provided as part of their application. In addition, it helps provide information relating to an individual's previous employment/training to help aid the recruitment decision.

There is no legal requirement for employers to provide a reference. Data protection laws have significantly impacted the type and amount of information organisations are likely to provide in response to the Trusts reference request. **Employers will not provide subjective information relating to performance or personal opinions.** References will include the following minimum information:

- Where the candidate has been employed/studied or volunteer;
- Dates of this activity (period of time covered);
- Position held or course undertaken;
- Any recent or ongoing disciplinary action or referrals;
- The reason for leaving (if known);
- *May or may not include sickness information.*

3.24.1 NHS to NHS employees – A minimum of one reference obtained from the current or most recent NHS employer. Appointing managers and/or the Resourcing Team have to discretion to decide to request additional references to cover a longer time period.

3.24.2 New NHS appointees – The Resourcing Team will request references to cover the previous three years of employment/study/activity prior to the Trust application. The number of references will vary from candidate to candidate. Where it is not possible for candidates to validate three consecutive years of activity, a character

reference will most likely be requested.

3.24.3 Internal Trust staff - One reference will be requested by the Resourcing Team, if required by the receiving line manager as part of the internal recruitment process.

All references received will either be returned via Trac, or uploaded for the recruiting manager or line manager approval. Line managers will have the opportunity to review the reference provide and either mark as 'success' or 'request clarification'. The later action should not be taken if a factual reference has been provided and, you as a manager require information on the personal attributes.

3.24.4 Negative information

References should not be used as the sole judgment for withdrawing an offer of employment. If negative information is highlighted on the reference, the recruiting manager should contact the relevant Resourcing Manager (General or Medical) or the Divisional HR Manager.

For full guidance and further information to references, please see the [NHS employment check standard](#).

3.25 Criminal Record Check

All candidates will be asked about their background and to disclose certain criminal convictions and/or warnings. All candidates will be asked to complete a self-declaration form as part of the conditional offer. The nature and number of questions answered depends on whether a DBS is required and which level. There are three levels of DBS used within the Trust:

- Standard (patient facing admin such as a ward clerk);
- Enhanced (Chaplain);
- Enhanced with barred lists; children and/or adults (Nurse, AHP, Doctor).

Not all roles are eligible for a DBS check; patient access, frequency, supervision and undertaking of regulated activities are the contributing and deciding factors over which level of check, if any, is required. These parameters are established under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. More information can be found using the [Eligibility Tool](#).

If a DBS is required, the Resourcing Team will request the appropriate level via Trac and receive automated notifications on its status.

More information on role eligibility, positive disclosures undertaking of DBS checks can be found in the [DBS procedure](#). In addition, the full [Right to Work Checks can be found here](#).

3.26 Occupational Health

All roles are conditional based on a satisfactory work health assessment clearance. It is unlawful to ask a candidate to complete a pre-offer/application

health screening. Further details of this can be found in the Equality Act 2010. As part of the conditional offer, all prospective employees of the Trust are issued with the relevant work health assessment form. The candidate complete and returns this directly to occupational health along with their immunisations history (for clinical roles only).

The Occupational Health Team will review each declaration and contact the candidate if further assessment is required. The Trust have a duty of care to ascertain whether there are any additional requirements or reasonable adjustments to be taken into consideration. The Occupational Health Team will provide detail of the clearance and any associated requirements to the Resourcing Team who will either update Trac will full clearance or contact the manager for confirmation to proceed.

Further information can be found using the [NHS Employment Check Standard: Occupational Health](#).

3.27 Successful International Applicants

For directly recruited international applicants (not via the Clinical Fellowship Programme Team) the department, must consider requests to support with costs and arrangements for flights and accommodation as part of their relocation offer.

3.28 Withdrawing a Conditional Offer

- 3.28.1 If consideration is being given to withdraw an offer, candidates should first have an opportunity to explain or clarify their circumstances. For example, they may have lost access to their inbox meaning they did not receive the offer letter and follow up emails in order to accept the position. If references are received containing, sickness or reason for leaving, it may be necessary to seek more information from the candidate or referee in order to rule out the possibility of a simple misunderstanding or mistake. Prior to any discussions taking place with the candidate or decisions made on how to proceed, managers to seek guidance from the relevant Resourcing Manager and/or Divisional HR Manager.
- 3.28.2 Given the possibility of bias and subjectivity, caution should be exercised before any decision is taken to withdraw a job offer, particularly on the grounds of one or more poor references. In all cases the recruiting manager should take advice from HR prior to discussing an unsatisfactory reference with a candidate. In addition, advice should be sought from Occupational Health if the reason for the intended withdrawal is based on health or sickness absence.

3.29 Fit and Proper Person

- 3.29.1 The Trust is required to take proper steps to ensure Directors (both Executive and Non-Executive) are fit and proper for the role. [Use the following link for the full guidance](#), below contains a summary of the necessary check to confirm that persons appointed to these roles are:

- Of good character;
- Have the appropriate qualification, are competent and skilled (including that they show a caring and compassionate nature and appropriate attitude);
- Have the relevant experience and ability (including an appropriate level of physical and mental health, taking into account of any reasonable adjustments);
- Exhibit appropriate personal behaviour and business practice; and
- Have not been responsible for, or knowingly contributed to, or facilitated any serious misconduct or mismanagement in carrying on a regulated activity.

3.30 Unconditional Offer/Contract of Employment

3.30.1 It is a legal requirement to ensure that a new member of staff receives a written Statement of Terms and Conditions of Service (contract of employment) prior to their commencement within the Trust. This will be sent out by the Resourcing Team in conjunction with the unconditional offer letter once all employment checks have been completed and a start date agreed.

3.31 Induction

3.31.1 Effective recruitment goes beyond interviewing, selecting and offering the post to the successful candidate but ensures liaison between the individual and the Trust until they arrive on their first day. Induction is then a vital part of introducing the individual to the Trust.

3.31.2 All new employees will be booked onto the relevant mandatory Trust Induction. Healthcare Support Workers, Nursing staff and Medics will all attend a role specific face to face induction. Healthcare Support Workers will have a start date that equates to an induction date. They will attend a full 5 day induction and report to the ward the following week for duties.

3.31.3 Standard Trust Induction is now online and is access via My Academy accounts issued by the Education and Training Team. The Resourcing Team will 'book' candidates onto Induction and issue the relevant training links once a start date has been finalized.

3.31.4 The Resourcing Team must book new employees on the next available Trust Induction via Trac. Candidates and line managers will be sent a booking confirmation email containing all the induction information.

3.31.5 The manager must also complete a 'Local Induction Checklist' so that they can carry out a local induction and cover issues such as fire drills, Health and Safety, workplace assessments etc. A copy of the Local Induction Checklist and new starter resources can be found on recruiting manager intranet pages. Managers can also find 30,60 and 90 day stay conversation documents to support new starters first few months in the Trust.

3.32 Removal and Relocation Expenses

For information about the payment of removal expenses please refer to Removal and Associated Expenses Policy.

3.33 Proof of Driving License

If it is an essential requirement of the job that the applicant needs to drive, the line manager must request a copy of the applicant's driving licence at pre-employment checking stage. Under Trust Policy the employee is required to ensure that they are covered under their personal car insurance to drive for business purposes and a copy of the insurance certificate must be taken and placed on the personnel record. Without proof of business insurance, the individual will not be able to claim relevant expenses.

3.34 Retire and Return

The recruitment process for individuals who are looking to continue work for the Trust after retirement is detailed in the [Work Life Balance / Family Friendly \(Leave\) Policy](#). In summary, should an individual wish to retire, they will need to give four months notice to employee services/payroll. Once the manager has completed the termination form, they can provide the details of the staff member to Resourcing. An offer letter will be sent via Trac, employment standards check data reviewed in ESR and any missing information will be captured and a new contract issue prior to the return date.

3.35 Honorary Contracts and Letter of Authority

3.35.1 In addition to its core workforce, The Royal Wolverhampton NHS Trust may engage the services of persons who are not paid employees to carry out regular or ad-hoc work on behalf of the Trust.

3.35.2 A Letter of Authority can be issued for an individual employed by another NHS organisation, but who carries out work at The Royal Wolverhampton NHS Trust. The Resourcing Team will verify that the substantive employer will need to confirm that all pre-employment checks have been completed in line with the NHS Employment Check Standards and to the required level for the duties they will be undertaking.

3.35.3 An Honorary contract authorises non-NHS employed individuals to carry out duties at the Royal Wolverhampton NHS Trust. Workers undertaking such a role will be subject to the same level of pre-employment checks as a substantive employee in line with the Trust's Recruitment and Selection Policy and NHS Employment Check Standards. The Resourcing Team will undertake all the relevant pre-employment checks and issue an Honorary Contract as required.

3.35.4 For more information, refer to the Working Across Organisational Boundaries Policy, in conjunction with the Honorary Contract and Letter of Authority Procedure.

3.36 Joining the bank

All staff joining the Trust have the opportunity to join the Trust bank. Trust employees only required a recommendation from their current line manager. Further information for employees can be found on the [Jobs/ Careers Temporary Staffing Bank intranet page](#).

3.37 Personal Files

- 3.37.1 The recruiting manager will receive an electronic file within 3 working days of the employee starting. It is the responsibility of the recruiting manager to store the file as appropriate i.e. as electronic or paper file. Please refer to [HR09 Personal Files Policy](#) for more information.
- 3.37.2 Where the employee is transferring, arrangement between the new and previous manager should be made to transfer the personal file.
- 3.37.3 The file is downloaded from Trac.
- 3.37.4 A personal file is the property of the Trust at all times although the Data Protection Act 1998 (DPA) supported by GDPR legislation provides right of access for the individual to information held on them in this way. It is a confidential file and must be treated as such, in line with the Trust's confidentiality guide at all times.

3.38 Complaints

All complaints surrounding the process of recruitment and selection will be handled in the first instance by the recruiting manager. If the candidate is unsatisfied with the response, the complainant must write to the Head of Resourcing providing details.

3.39 Key Performance Indicators

The Trust has a number of KPIs in place to monitor time to hire for posts across the Trust as detailed in the bi monthly Trac metrics reports.

- 3.40 All employees and workers must adhere to the Trust Anti Fraud and Anti Bribery Policy [GP_02_policy_printable_version.pdf \(xrwh.nhs.uk\)](#); and guard against fraud, any suspicions of fraud/ bribery must be reported in line with the policy. Where an objective investigation has found evidence of fraud, bribery or corruptions; the range of available sanctions that may be pursued includes:
- criminal prosecution. The LCFS will work in partnership with NHSCFA, the police and/or the Crown Prosecution Service to bring a case to court. Outcomes can range from a criminal conviction to fines and imprisonment;
 - civil action can be taken against those who commit fraud, bribery and corruption to recover money and/or assets which have been fraudulently obtained, including interest and costs. including action to freeze assets and recover losses;
 - disciplinary action by the Trust where an employee is suspected of being involved in a fraudulent or illegal act; and warranted, staff may be reported to their professional body as a result of a successful investigation/prosecution.

Disclosure and Barring (DBS) Procedure

1.0 Procedure Statement (Purpose / Objectives of the procedure)

The purpose of this procedure is to outline how the Trust uses criminal record and Disclosure Barring Service checks to recruit the most suitable candidates, without prejudicing applications from ex-offenders.

- 1.1 The Royal Wolverhampton NHS Trust (the Trust) has a duty of care to protect the safety and wellbeing of patients. Therefore, the Trust has in place measures to ensure that it does not employ anyone who might be considered unsuitable to work with or have access to vulnerable patients. One of the checks in place for the above purpose is a criminal record and Disclosure Barring Service check (DBS).
- 1.2 This adheres to the six NHS employment check standards, of which one is Convictions.
- 1.3 As an organisation using the DBS to ascertain candidates' suitability for positions, the Trust fully adheres to the DBS Code of Practice. It aims to treat all applicants equitably and not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction, spent conviction or other information revealed.
- 1.4 Criminal records will be taken into account for recruitment purposes only when a conviction is relevant. Having a spent or unspent conviction, caution, reprimands or final warnings on a criminal record:
- Will not necessarily prevent successful candidates from taking up employment within the Trust;
 - Whilst in post, will not necessarily prevent existing employees from continuing their employment with the Trust.

The Rehabilitation of Offenders Act 1974

- 1.5 The Trust meets the requirements under section 2 of the Rehabilitation of Offenders Act 1974 to ask exempted questions. Applicants who are offered employment with access to children, vulnerable adults or in other positions of trust will be required to undergo a DBS check before an appointment can be confirmed. The certificate issued will include details of cautions, reprimands and final warnings as well as convictions.
- 1.6 **Rehabilitation of Offenders Act 1974 - (Exceptions) Order 1975** gives individuals the right not to disclose details of 'spent' offences if asked about their criminal record. However, a number of professions are except from this provision such as healthcare, roles working with children (under 18), and roles working with adults. Ex-offenders applying for roles that are exempt from this order must disclose details of both spent and unspent convictions.
- 1.7 **Self - Disclosure** - dependent on the nature of the position applied for, prospective employees are requested to disclose any unspent and spent convictions (that are not subject to the filtering rules) as part of the recruitment process. This information

is only disclosed to the relevant individuals and at the appropriate time.

2.0 Definitions

Criminal Record Check – pre-employment check carried out by the Trust comprises a Self-Disclosure, a Disclosure & Barring Service (DBS) Check, and, where appropriate, an Overseas Police Check.

Disclosure & Barring Service (DBS) – allows employers to access the criminal record history of people working or volunteering, or seeking to work or volunteer in certain positions, especially those that involve working with vulnerable groups. The DBS is an executive non-departmental public body, sponsored by the Home Office. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

Overseas Police Check ('Certificates of Good Character') - a DBS only contains information on cautions and convictions within the UK. As such, if a candidate has spent a significant amount of time living overseas or has only recently moved to the UK, then the Trust would try to obtain a criminal record check from the country or countries they were living in.

Police Act 1997 (Criminal Records) - Regulations 2002 as amended by the Police Act 1997 (Criminal Records) (Amendment) Regulations 2013 are the legal regulations which are relevant to deciding whether a person undertakes work which satisfies the criteria for enhanced criminal records certificates and barring information.

Regulated activity - within the context of this procedure refers to the activities a person who is listed on the DBS barred lists and is prohibited from doing under the Safeguarding Vulnerable Groups Act 2006.

Positive Disclosure - a DBS check/certificate or record that is returned revealing a conviction, caution or relevant information.

Further information about regulated activity with adults can be found on the [UK government website](#).

Further information about regulated activity with children and statutory guidance on supervision can be found on the [UK government website](#).

4.0 Accountabilities

RWT, as with all NHS organisations, is required to provide evidence to the Care Quality Commission that they comply with the NHS Employment Check Standards.

4.1 Responsibilities

4.1.1 Recruiting Managers

4.1.2 Managers are responsible for initially determining the level of DBS check required for

roles within their services and for ensuring that all eligible applicants have a criminal record disclosure before issuing a start date.

- 4.1.3 Managers are responsible for exploring with the candidate any convictions or information highlighted on the self-declaration form. This information should be considered when assessing a candidate's suitability for a role within the Trust.
- 4.1.4 Managers are responsible for conducting DBS risk assessments in the very exceptional circumstances that an individual is required to commence employment with the Trust before a DBS disclosure has been received.
- 4.1.5 Line Managers are required to act on any information provided to them regarding the DBS, or convictions status of their staff (i.e. cautions, reprimands, warnings or any other sanction), seeking appropriate advice and support from their Divisional HR Advisory Manager.

4.2 Resourcing Team

- 4.2.1 The Resourcing Team will provide advice and guidance in relation to the application of this procedure, supporting managers to request the appropriate level of check.
- 4.2.2 The Resourcing Team is responsible for checking the level of DBS check requested by the manager prior to advertising the vacancy and submission of individual forms for countersigning.
- 4.2.3 The Resourcing Team will be responsible for the collection and verification of the candidate ID documentation required for each DBS submission.
- 4.2.4 The Resourcing Team is responsible for ensuring that all pre-employment checks, including a criminal record check if appropriate, are completed to the NHS Employers standard prior to a candidate commencing employment with the Trust (unless a fully authorised DBS risk assessment has been received).

4.3 Human Resources Department/Advisory Team

- 4.3.1 The HR Advisory Team is responsible for supporting and advising managers of a candidate's suitability to continue with a prospective or confirmed offer of employment in instances where a positive DBS has been received.
- 4.4 **Staff** - As outlined in the [Standards of Behaviour and Conduct Procedure](#), staff are required to comply with the Trust rules and standards at all times in addition to all statutory requirements and relevant codes of conduct

5.0 Procedure Detail

5.1 Level of DBS Disclosures and Eligibility

Disclosure applications are electronically processed, on behalf of the Trust, by *Trac* and *Capita*. There are three levels of checks that can be carried out through our eDBS providers.

5.1.2 **Standard Checks** - The certificate will contain details of both current and spent convictions, cautions, reprimands and warnings that are held on the Police National Computer which are not subject to the filtering rules. A standard check can be requested for individuals who have access to patients as part of their normal duties. An example role would be a Ward Clerk or Medical Secretary if working in patient areas eg ward based.

This does not include posts that have no contact with patients or only limited or incidental contact with patients, similar to that of a visitor. Having access to patient records and sensitive data does not qualify for a standard DBS check.

5.1.3 **Enhanced Checks without barred list information** - Enhanced checks contain the same information as Standard check certificate and any non-conviction information held by the local police force, where thought relevant to the application.

5.1.4 **Enhanced Checks with barred list information (adult, children's or adult and children's [barred lists](#))** - To carry out a barred list check *the applicant must be involved in undertaking Regulated Activities for that group* (adults or children). Where individuals are undertaking activities with both adults and children it would be appropriate to check against both barred lists. However, it is *not acceptable* to check both lists because someone might need to cover another area in an emergency. See 5.2.2 concerning frequency.

5.2 **Regulated Activities** - There are six categories within the new definition of regulated activity these include where the individual will be providing any one of these activities as part of their role:

- healthcare
- personal care
- social work
- assistance with cash, bills or shopping
- assistance with the conduct of their own affairs
- conveying services.

5.2.1 The Department of Health and Social Care and the Department of Education have produced two factual notes which the Trust may helpful to use when considering which positions might fall eligible under regulated activity:

- [Regulated activity with adults](#)
- [Regulated activity with children](#)

5.2.2 'Regulated activity' also includes a person providing 'unsupervised' teaching, training or instruction or caring for or supervision of children where these activities are carried out on a 'frequent' basis. To have a DBS check for 'regulated activity', the post holder must be involved in providing one of the above activities at least once a week on an ongoing basis, more than 4 days in a 30 day period, or at any time between the hours of 2am and 6am.

The full definition of regulated activity as defined by the Safeguarding Vulnerable Groups Act 2006 can be found in the [Department of Health publications](#).

5.2.3 Requesting a DBS check for an ineligible position is unlawful under the terms of the Rehabilitation of Offenders Act 1974. If an individual knowingly applies for a DBS check for a post which is not included in the Exceptions Order 1975 then they would be committing an offence.

5.3 The Recruitment Process - obtaining a DBS check

5.3.1 There are six NHS Employment Check Standards that outline the type and level of checks employers must carry out before recruiting staff into NHS positions; these are applicable to all staff. One of the required standards is a criminal record check. Further [guidance on undertaking criminal records checks](#) can be found on the NHS Employers site.

5.3.2 When recruiting to a position at RWT, the recruiting manager will be responsible for selecting the level of DBS check required for the position as part of the vacancy review. Managers are encouraged to use the above information in conjunction with the interactive [NHS eligibility tool](#) for determining if a check is required, along with the appropriate level. The HR department will offer guidance and support if requested.

5.3.3 Managers are required to select the level of DBS check when creating a VCP on Trac. This will determine the number and type of convictions that questions are asked about on the application form. All candidates are asked to disclose if they have any convictions, irrespective of whether a DBS check is requested at the point of application. However, where a DBS is required, subsequent follow up questions will be completed relevant to the level and barred lists.

5.3.4 The shortlisting stage is completely anonymous, with only the Resourcing Team able to access whether a candidate has declared any convictions on their application form. Managers will not see any conviction related information until they download the interview pack for those invited to interview. Here, they will see the any declarations that candidates have made in related to the Rehabilitation of Offenders Act 1974.

5.4 Successful Candidates

Once a successful candidate has been verbally offered the position, the Lead Interviewer will update the Trac system with the outcome. Upon moving to Offer: Pending, the lead will have the option of again selecting the level of DBS check required; the original status will have been pulled through from the vacancy advert.

5.4.1 All candidates will be required to complete a model declaration form as part of the offer process. There are two types of declaration forms:

- **Form A** – is used for the purpose of obtaining information on positions which are exempt under the Rehabilitation Act about spent and unspent convictions (i.e. a DBS check is required);

- **Form B** - is used for the purpose of obtaining information on positions which are non-exempt and where employers can ask for current unspent convictions and cautions (including reprimands and final warnings) only (i.e. a DBS check is not required).

5.4.2 For roles that require a DBS check, the successful candidate will be asked to complete an online DBS application form on receipt of their conditional offer sent via Trac. In conjunction, candidates will need to attend a face to face ID check and provide enough documentation to satisfy the DBS level before the application can be submitted.

5.4.3 Once a result has been received, the Trac system will automatically be updated with clearance, certificate number and issue date. The Resourcing Team will then update ESR. If the result has been returned satisfactory, the Trust does not need to see the original DBS certificate. For a positive disclosure result see point 6.

5.4.4 As with all NHS pre-employment checks, the written offer of employment/engagement is still conditional dependent on the outcome of the DBS check.

5.5 Update Service and Portability

5.5.1 The [Update Service](#) is an online subscription for standard and enhanced (with barred lists) checks, allowing applicants to keep their DBS certificates registered and up to date. In turn, this allows employers to view an applicant's certificate. Individuals must pay the annual subscription cost of £13 and retain their original copy of the DBS certificate. If a prospective candidate confirms that they are registered with the Update Service and holds the original certificate of the required level, the Resourcing Team will ask to see this as part of the face to face checks. Moreover, they will conduct an online status check to see if any relevant information has been identified about the individual since their certificate was last issued. If the check is satisfactory, it will negate the need for the individual to apply for an additional DBS certificate.

5.5.2 If the level of disclosure required by the Trust differs from that maintained on the update service, the prospective candidate will be asked to complete a new DBS application. For prospective employees, the Trust does not accept portable DBS checks or those done by any other organisations. All staff directly employed or engaged by RWT will require a DBS check at point of entry to the Trust.

The exception to the above is doctors in training on rotation, where a copy of a Disclosure issued within the last three years should be seen and validated.

5.6 International Candidates – certificate of good standing

For candidates who currently reside overseas, the DBS cannot access records held outside of the UK. Therefore, NHS Employers strongly recommend employers request a certificate of good conduct or an overseas criminal records check when recruiting from overseas. [More information regarding overseas police checks can be found on the DBS website.](#) The Resourcing Team will request a copy/evidence of the certificate of good standing and save this to the candidate's file. Following entry to the UK, a DBS check will be carried out as normal at three months; which enable the employee to hold the documentation required for

the DBS check. Honorary Contracts

Individuals wishing to hold Honorary Contracts or Certificates of Authority with the Trust (e.g. visiting surgeons, endoscopy nurses etc) will only be issued with an certificate of Authority where their NHS employer can demonstrate compliance with all NHS Employment Check Standards, including Criminal Record and Barring checks. If the NHS employer cannot evidence such compliance, the individual will need to complete a new application. Candidates on a Honorary contract who are not substantively employed by an NHS Trust will be required to undertake a new DBS, as detailed in the honorary contract policy.

5.7 Students

The Nurse Education Team or equivalent will be provided with disclosure and conviction related information in addition to clearance for all prospective students prior to their undertaking university placements at RWT. The Trust will not complete a new DBS check for any visiting students.

5.8 Volunteers

Volunteer recruitment is managed by the Patient Experience Team. They are responsible for ascertaining the level of check required, providing the candidates details on how to apply for the DBS check, conducting ID documentation checks and recording the outcome on the volunteer database.

6. Positive DBS Disclosure

6.1 In the event that the DBS is returned with a positive disclosure, the Resourcing Team will contact their recruiting manager and ask that they arrange with the candidate to provide the original certificate for review.

6.1.1 The recruiting manager should arrange to meet with the applicant to discuss the contents of the disclosure certificate. After which, a fair, non-discriminatory assessment should be undertaken. When considering disclosure information managers should assess:

- The nature of the offence,
- The relevance to the post in question,
- The age at which it was committed,
- Whether the applicant has a pattern of offending behaviour/ and subsequent offences or change in behaviour/attitude.
- The context and any circumstances surrounding the offending behaviour and the explanation offered by the individual,
- Whether the applicant's circumstances have changed since the offending behaviour, and
- Whether the candidate declared the information to the Trust prior to the disclosure being returned.

NHS Employers have produced [guidance for recruiting managers](#) (published in September 2019) in handling positive disclosure discussions. Please also refer to [Appendix 3.1](#) below.

- 6.1.2 After consideration and following a satisfactory conversation, the recruiting manager completes and emails a copy of [Positive Disclosure Risk Assessment](#) to the relevant HR Divisional Manager or Resourcing Manager. The original version should be retained by the recruiting manager to form part of the personal file.
- 6.1.3 Possession of a criminal record will not automatically make an applicant unsuitable for employment with the Trust. Conditional offers of employment will only be withdrawn when it is deemed inappropriate or unsafe for the employment to proceed. However, refusal to share or discuss the contents of a DBS disclosure could lead to the withdrawal of an offer of employment. Should the offer of employment need to be withdrawn, this shall be confirmed in writing by the relevant HR Divisional Manager or Resourcing Manager.
- 6.1.4 Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 6.1.5 The Trust will not keep any photocopy or scanned copy of the DBS certificate.

7.0 Starting work prior to receipt of DBS check

It is strongly recommended that no individual commences employment with the Trust with outstanding pre-employment check clearance. This relates to all NHS employment checks, including the appropriate DBS check.

In very exceptional circumstances, the Trust may decide to appoint candidates prior to the receipt of full DBS clearance. The recruiting manager must ensure that a full risk assessment has been undertaken and approved by the relevant HR Divisional Manager and Head of Service.

8.0 Existing Staff

- 8.1 Where an internal applicant has been offered a new post which demands the same or lower level of disclosure, a new disclosure check is not required provided a satisfactory DBS check has been carried out and the evidence off such recorded. Current employees who do not have an existing DBS check, or if the role requirements differ, will complete a new application as outlined in 4.6.
- 8.1.2 The Trust does not routinely complete DBS rechecks for existing staff, as there is no legal requirement to do so. However, for roles where there is an Ofsted or CQC requirement such re-checks will be undertaken and managed locally by the relevant Head of Service.
- 8.1.3 All staff have an obligation under the NHS Terms and Conditions of Service to the Trust they are employed by or volunteering with, to disclose if they subsequently become subject to any convictions, police cautions, conditional cautions or other similar offences at any point during their term of appointment. For more information on this and how it should be managed, please refer to the [HR03 Disciplinary Policy](#).

8.2 Referrals to the DBS

The Trust has a legal duty to refer a member of staff engaged to work in regulated activity to the Disclosure and Barring Services where the following two conditions are met.

Condition 1

Permission for the individual to engage in regulated activity with children and/or vulnerable adults has been withdrawn, or the individual has been moved by the Trust to another area

of work that isn't regulated activity. This includes situations when the Trust would have taken the above action, but the person was redeployed, resigned, retired or left.

Condition 2

The Trust believes that the person has carried out one of the followed:

- Engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm, or
- Satisfied the harm test in relation to children and/or vulnerable adults, e.g. there has been no relevant conduct but a risk of harm to a child or vulnerable still exists, or
- Been cautioned or convicted of a relevant offence.

Where the two conditions are met, an identified Senior Manager will undertake the referral on behalf of the Trust, in line with the guidance available from the DBS.

The definitions of relevant conduct and relevant offences, as well as the barring referrals guidance are available on the DBS website (<https://www.gov.uk/guidance/barring-referrals>).

9. References

NHS Employers – [Role Eligibility for DBS checks](#)

NHS Employers - [Positive Disclosure: A Discussion Guide](#)

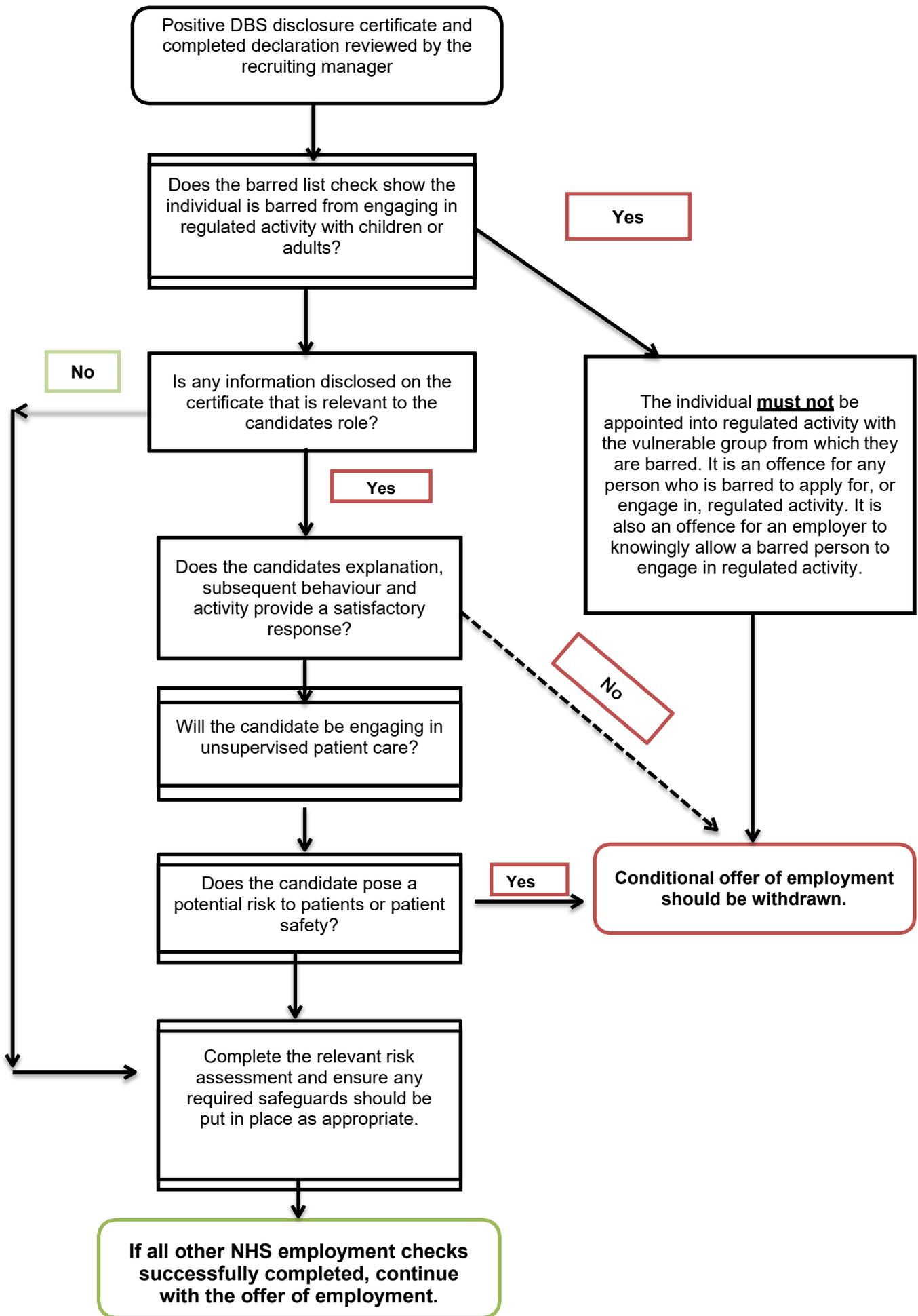
11.0 Appendices

[DBS Risk Assessment Form.doc](#)

[Positive DBS Disclosure Risk Assessment Form](#)

[Positive Disclosure: A discussion guide](#)

Positive DBS Decision Tree



Appendix 3.1

To be completed where an individual is to commence employment in a post involved in the care of vulnerable adults pending clearance from the Disclosure Barring Service

Details of Applicant	
Name of applicant:	
Has applicant disclosed previous criminal conviction?	Y/N If yes, please give details:
Has the applicant worked in a similar role during their previous period of employment?	Y/N If yes, please give details:
Have you received a reference from the above employer?	Y/N
Does the applicant have a continuous history of employment?	Y/N If no, please give details of gaps:
Has the applicant signed the Trust disclosure form?	Y/N
Date Disclosure Application sent to DBS	/ /
Details of post	
Title of post:	
Impact on department in the event of a temporary vacancy	
Details of department/environment in which postholder will undertake duties	
Does the position involve unsupervised care of patients?	Y/N
If yes , can this element of the job be excluded until disclosure is received?	Y/N
If no , can the post holder be adequately supervised until disclosure is received? (i.e. ensure the postholder is not left alone with patients)	Y/N
Recruiting Manager Details:	
Recruiting Manager (signature)	
Print Name	
Date	
Postholder can commence employment after satisfactory completion of all conditions other than disclosure i.e references, Occupational Health Yes/No	
Head of Department/Department Lead	
HR Manager (signature)	
Print Name	
Date	

Appendix 3.2

Positive Disclosure Risk Assessment

To be completed by the line manager, with support of the HR Department whenever a positive DBS disclosure has been received. Once completed, please return to your relevant HR or Resourcing Manager.

Part A - Employee Details

Applicant name:			
Post applied for/ current post:			
Level of Disclosure:	Enhanced with barred List(s) <input type="checkbox"/>	Enhanced <input type="checkbox"/>	Standard <input type="checkbox"/>
Division and Directorate:			
Date of assessment			
Line Manager			
HR Manager			

Part B – Details of the Offence

Offence(s):		
Date of conviction(s):		
Sentence(s) received:		
Age at time of offence(s):		
Length of time since conviction(s):		
Did the application declare any of the disclosure information? If not, has the applicants provided an explanation for this?	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Part C – Risk Assessment

<p>Does the applicant agree that the information provided on the DBS is correct?</p> <p>If not, why?</p>	
<p>Have the individual's circumstances changed since the offence(s)?</p>	
<p>Are there any mitigating circumstances? <i>e.g. peer pressure, financial, lack of judgement etc</i></p>	
<p>Does the applicant regret the matter/s?</p> <ul style="list-style-type: none"> - <i>What is their attitude towards the matter/s now?</i> - <i>Would they do anything differently?</i> - <i>Have they demonstrated any efforts not to re-offend?</i> 	

Post Related Information and Associated Risks

<p>1. Is the offences(s) relevant to the post?</p>	
<p>2. Does the nature of the role present any opportunities for the post-holder to reoffend in a place of work?</p>	
<p>3. What is the nature of the role and what level of contact will the individual have with children/ vulnerable adults? (eg – direct, indirect or no contact)</p>	
<p>4. Does the post involve direct responsibility for finance or item of value?</p>	
<p>5. Will the applicant be required to work unsupervised with patients at any time?</p>	
<p>6. Have suitable references been obtained and ID checked?</p>	

<p>In light of all of the above do you consider employing the individual to be a high/medium or low risk? Please state why.</p>	
<p>Can any safeguards be implemented to reduce/ remove any risks if the appointment is considered to be a medium or low risk? (e.g. – no unsupervised contact)</p>	

Part D - Appointing Managers Recruitment Decision

<p>Following the appropriate discussion with the candidate and taking into account all of the information provided, please outline how you wish to proceed:</p>		
<p>Line Manager Signature:</p>		
<p>Print name and job title:</p>		<p>Date:</p>
<p>HR Signature</p>		
<p>Print name and job title</p>		<p>Date:</p>

Appendix 4

FIT AND PROPER PERSONS TEST

The fit and proper persons requirement (FPPR) is a statutory requirement for all care providers registered with the Care Quality Commission (CQC) to ensure the suitability of all their Directors and those acting in an equivalent capacity.

The requirement was brought into force for NHS bodies from 27th November 2014 by the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Regulation 5 and came into force for all other CQC registered providers in April 2015.

The aim of the regulation is to ensure that all board level appointments of NHS foundation trusts, NHS trusts and special health authorities carrying on a regulated activity are responsible for the overall quality and safety of that care, and for making sure that care meets the existing regulations and effective requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. This regulation is about ensuring that those individuals are fit and proper to carry out this important role.

What the regulation means in practice

The Royal Wolverhampton NHS Trust has an obligation to ensure:

That we only employ Directors and Non-Executive Directors who are fit to undertake their role.

The Trust has a range of processes and test in place to assess the fitness of Directors and Non Executives these include:

- ✓ Checking employment history;
- ✓ Checking the Right to Work in the UK;
- ✓ Reference checking;
- ✓ Undertake regular checks to ensure all accreditations and certifications are up to date (GMC, NMC, etc.);
- ✓ Checking all academic certifications;
- ✓ Requesting a medical declaration every 3 years;
- ✓ Undertaking a DBS check every 3 years (Criminal History Check);
- ✓ Requesting a declaration of interest (conflict of interest) at every monthly board meeting and annually;
- ✓ A Companies House check;
- ✓ Search of Insolvency and Bankruptcy Register;
- ✓ Search of the Disqualified Directors Register;
- ✓ Ensuring all Directors and Non-Executives have an annual appraisal.

The checks enable the Trust to provide assurance to the CQC and others, including patients and staff, that Directors and Non-Executive Directors are of good character, do not carry any convictions, and by reason of their health are able to make sound judgements and have the necessary skills, competence and experience to undertake their roles.

Responsibilities

1. It is the responsibility of the **Chairman** to discharge the requirement placed on the Trust to ensure that all directors satisfy the requirements of the Fit and Proper Persons Test, both on appointment and on an ongoing basis, and to provide an annual report to the Board.
2. The - Chief People Officer is responsible for:
 - 2.1. ensuring consistent application of the policy during the appointment process and ensuring that all appropriate documentation is completed, retained and available to the Care Quality Commission for inspection on request;
 - 2.2. maintaining the records of completed Fit and Proper Person declarations and managing the annual declaration process to ensure assurance of the ongoing fitness of directors;
 - 2.3. ensuring all Board directors complete an annual Fit and Proper Persons declaration;
 - 2.4. undertaking an annual review of compliance on behalf of the Chairman, including the preparation of an annual assurance report for the Board.
3. **Individuals covered by the scope of this policy** are responsible for:
 - 3.1. signing the relevant self-declaration ([Appendix 2](#) for applicants and [Appendix 3](#) for existing staff) to confirm that they are a fit a proper person, both on appointment and on an annual basis;
 - 3.2. providing evidence of their qualifications, experience and identity documents on appointment or on request to confirm the competencies relevant to their position;
 - 3.3. identifying any issues which may affect their ability to meet the statutory requirements on appointment and bringing these issues on an ongoing basis and without delay to the Chief People Officer or the Chairman.
4. **Staff** are responsible for raising any issues of concern via the appropriate Trust policies and procedures, for example through the Freedom to Speak Up - Raising Concerns (Whistleblowing) Policy.
5. Where **third party providers** are contracted for the purpose of the search and selection of directors, either interim or substantive, those third party providers will be required to:
 - 5.1. state in the candidate brief that the post is subject to the Fit and Proper Persons Requirement (FPPR);
 - 5.2. ask candidates at an early stage whether there are any factors which would impact on their ability to sign the Trust's FPPR self-declaration;
 - 5.3. undertake referencing on behalf of the Trust in line with the Trust's policy and the NHS Employers requirements;
 - 5.4. undertake qualifications checks on the successful candidate.

Fit and Proper Persons

6. Regulation 5 of the Regulations sets out the criteria a director or equivalent must meet, specifically:
 - 6.1. must be of good character;
 - 6.2. must have the qualifications, competence, skills and experience which are necessary for the relevant office or position or the work for which they are employed;
 - 6.3. must be able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the office or position for which they are appointed or to the work for which they are employed;
 - 6.4. must not have been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity or providing a service elsewhere which, if provided in England, would be a regulated activity;
 - 6.5. none of the grounds of unfitness specified in Part 1 of Schedule 4 apply to the individual.
7. To meet the requirements of Regulation 5, the Trust must be able to demonstrate that appropriate systems and processes are in place to ensure that all new directors and existing directors are, and continue to be, fit and that no appointments meet any of the unfitness criteria set out in Schedule 4 of the Regulations.

Unfit

8. A person will be deemed 'unfit' if they:
 - 8.1. are an undischarged bankrupt or a person whose estate has had sequestration awarded in respect of it and who has not been discharged;
 - 8.2. are the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland;
 - 8.3. are a person to whom a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986;
 - 8.4. have made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it;
 - 8.5. are included in the children's barred list or the adults' barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland; or
 - 8.6. are prohibited from holding the relevant office or position, or in the case of an individual from carrying on the regulated activity, by or under any enactment.

Good Character

9. A person will not be of good character if they:
 - 9.1. have been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence; and/or
 - 9.2. have been erased, removed or struck off a register of professionals maintained by a regulator of health care or social work professionals.

Determining Misconduct and Mismanagement

10. Determining whether there has been serious misconduct or mismanagement is a matter for the Trust. The Trust recognizes that context is paramount. When considering mismanagement and misconduct the Trust needs to consider these in relation to; the services the Trust provides, the role of the individual and the possible impact on the Trust or confidence in its ability to carry out its mandate and fulfil its duties in the public interest.

Mismanagement

11. Mismanagement means being involved in the management of an organisation or part of an organisation in such a way that the quality of decision making and actions of managers falls below any reasonable standard of competent management. The following are a non-exhaustive list of examples of behaviour that may amount to mismanagement:
 - 11.1. transmitting to a public authority, or any other person, inaccurate information without taking reasonably competent steps to ensure it is correct;
 - 11.2. failing to interpret data in an appropriate way;
 - 11.3. suppressing reports where findings may be compromising for the organisation;
 - 11.4. failing to have an effective system in place to protect staff who have raised concerns;
 - 11.5. failing to learn from incidents, complaints or when things go wrong;
 - 11.6. repeated or ongoing tolerance of poor practice, or failure to promote good practice, leading to departure from recognised standards, policies or accepted practices;
 - 11.7. continued failure to develop and manage business, financial or clinical plans;
 - 11.8. failing to model and promote standards of behaviour expected of those in public life, including protecting personal reputation, or the interests of another individual, over the interests of people who use a service, staff or the public; or
 - 11.9. failing to implement quality, safety and/or process improvements in a timely way, where there are recommendations or where the need is obvious.

Misconduct

12. The following non-exhaustive list of examples are likely to amount to serious misconduct:
 - 12.1. disrespect in the work place;
 - 12.2. failing to comply with lawful instructions;
 - 12.3. breach of confidentiality;
 - 12.4. fraud or theft;
 - 12.5. any criminal offence other than minor motoring offences;
 - 12.6. assault;
 - 12.7. sexual harassment of staff;
 - 12.8. bullying;
 - 12.9. victimisation of staff who raise legitimate concerns;
 - 12.10. any conduct that can be characterised as dishonesty, including:
 - 12.10.1. deliberately transmitting information to a public authority or to any other person, which is known to be false;
 - 12.10.2. submitting or providing false references or inaccurate or misleading information on a CV;
 - 12.10.3. disregard for appropriate standards of governance, including resistance to accountability and the undermining of due process;
 - 12.10.4. failure to make full and timely reports to the board of significant issues or incidents, including clinical or financial issues.

Further guidance on factors to consider around concerns regarding serious misconduct or mismanagement is available in [Regulation 5: Fit and Proper Persons: Directors – Guidance for providers and CQC inspectors.](#)

Trust Process

Pre-Appointment

13. The Trust expects its directors and senior leaders to set the tone and culture of the organisation. Therefore, it is important that in making appointments the Board takes into account the values of the Trust and the extent to which candidates provide a good fit with those values. Values-based interviews, or values-based questions in other interviews, will be used.
14. Where the Trust deems specific qualifications necessary for the role, this should be made clear from the outset of the recruitment process and any candidate appointed must be able to demonstrate that they hold such qualifications.
15. When appointing to director level (or equivalent), the Trust will make every effort to ensure that all available information is sought to confirm the individual meets all of the requirements of the “Fit and Proper Persons Test”.
16. All appointments to applicable posts will be conditional on the following satisfactory checks:
 - 16.1. Standard employment checks as per the Trust’s Recruitment and Selection Procedure and NHS Employers Check Standards;
 - 16.2. For a person who will be acting in a role that falls within the definition of a “regulated activity” as defined by the Safeguarding Vulnerable Groups Act 2006 (as amended) this will also include an enhanced Disclosure and Barring Service (DBS) check;
 - 16.3. Additional checks upon which appointment/employment will be conditional include:
 - 16.3.1. search of insolvency and bankruptcy register;
 - 16.3.2. search of Companies House register to ensure that no Board member is disqualified as a director;
 - 16.3.3. search of the Charity Commission’s Register of Removed Trustees;
 - 16.3.4. a web search of the individual;
 - 16.3.5. satisfactory completion of the ‘Fit and Proper Person Self-Declaration Form’ contained in [Appendix 2](#).
17. A detailed checklist will be completed and retained on the director’s personal file along with copies of the relevant documentation. When necessary this will be made available to the CQC for the purpose of audit and inspection.
18. The Trust will have regard to information on when convictions, bankruptcies or similar matters are considered ‘spent’. However, there is no time limit for considering serious misconduct or mismanagement in a previous role.
19. An individual may only be determined as suitable despite not meeting the characteristics outlined in *Schedule 4, Part 2* (the ‘good character’ test) following report and debate at the relevant nominations committee and report and recommendation at the Council of Governors (for non-executive directors) or the Board of Directors (for executive directors). Decisions and the reasons for decisions must be recorded in the minutes at all stages, with external advice sought as necessary.
20. Where a prospective candidate is deemed not to meet the fit and proper person test under this Policy the Chief People Officer will notify the candidate of this as soon as is reasonably practicable.

21. A failure, refusal or partial compliance by a candidate to comply with any of the procedures or checks set out in this policy will immediately disqualify that person from the proposed appointment.

Ongoing Assurance

22. The fitness of directors will be reviewed on an annual basis so that the Chairman is assured that all directors remain fit and proper for their roles. All checks will be overseen by the Chief People Officer or their nominated deputy. An annual appraisal process will also be carried out.
23. Relevant directors and employees will be required to complete and sign an annual self-declaration (contained in [Appendix 3](#)), which will be retained on their personal file.
24. Following the annual review, the Chief People Officer will draft an assurance report to the Board on behalf of the Chairman.

Upon Identification or Notification of a Concern or Issue

25. If it becomes apparent that circumstances exist, or have arisen, whereby an individual may not be considered to meet all the requirements of a fit and proper person, the Chief People Officer shall inform the Chairman (or the Senior Independent Director if the person in question is the Chairman) who will address this in the most appropriate, relevant and proportionate way on a case by case basis.
26. In some circumstances it may be appropriate for the Chairman (or Senior Independent Director) to instruct the Trust to carry out an initial fact finding exercise.
27. Following the initial fact finding exercise, if it is clearly and demonstrably unsubstantiated, a record of the concern, along with the action taken and outcome will be made and kept on file. No further action should be taken.
28. If following the initial fact finding exercise the concern is felt to be substantiated the Trust shall commission an investigation.
29. Where an individual's fitness to carry out their role is being investigated appropriate measures will be considered to minimize any risk to service users, staff or the Trust. This may include restriction from duties or suspension on full pay/emoluments (as applicable) to allow the Trust to investigate the matters of concern. Any suspension or restriction from duties will be for no longer than necessary to protect the interests of service users or the Trust and/or where there is a risk that the director's presence would impede the gathering of evidence in the investigation.
30. Should there be sufficient evidence to support a conclusion that the individual does not or no longer satisfies the fit and proper persons criteria, then the Trust shall take such action that is necessary and proportionate to ensure that the office or position in question is held by an individual who meets that requirement.
31. As such, the Trust may terminate the appointment of the director. In considering the termination of a director's employment the Trust shall act reasonably and shall afford the director a right to present arguments as to why their employment should not be terminated, to call witnesses or present other evidence and to be accompanied by a colleague or trade union representative. Insofar as applicable the director shall be afforded a right of appeal.

32. Where appropriate, the Trust must also inform other organisations about concerns or findings relating to an individual's fitness, for example, professional regulators, the CQC and other relevant bodies, and support any related enquiries or investigations carried out by others.

Training

33. There is no mandatory training associated with this procedure. Ad hoc training sessions based on an individual's training needs will be defined within their annual appraisal or job plan.

Monitoring Compliance

34. Compliance with the document will be monitored in the following ways.

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Review of all Board directors' ongoing compliance with FPP	Internal File Review	Chief People Officer	Annual	Chairman/Trust Board

In addition to the monitoring arrangements described above the Trust may undertake additional monitoring of this policy as a response to the identification of any gaps or as a result of the identification of risks arising from the policy prompted by incident review, external reviews, or other sources of information and advice.

This monitoring could include:

- Commissioned audits and reviews
- Detailed data analysis
- Other focused studies

Results of this monitoring will be reported to the nominated Committee.

References

- ✓ The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- ✓ Regulation 5: Fit and proper persons: Directors [Regulation 5: Fit and proper persons: directors - Care Quality Commission \(cqc.org.uk\)](#) and Regulation 20: Duty of Candour (Care Quality Commission) [Regulation 20: Duty of candour - Care Quality Commission \(cqc.org.uk\)](#)
- ✓ NHS Employers Employment Check Standards.
- ✓ Insolvency Act 1986.
- ✓ Safeguarding Vulnerable Groups Act 2006.
- ✓ Police Act 1997.
- ✓ Standing Orders for The Royal Wolverhampton NHS Trust..
- ✓ Fit and Proper Persons Regulations in the NHS – What do providers need to know? (NHS Providers).
- ✓ Fit and Proper Persons Requirement for Directors (NHS Employers).
- ✓ Revised Code of Practice for Disclosure and Barring Service Registered Persons, November 2015 (Home Office)

Annexes

- 35. Annex 1
 - 35.1. Schedule 3: Information Required in Respect of Persons Employed or Appointed for the Purposes of a Regulated Activity.

- 36. Annex 2
 - 36.1. Annual Declaration for Directors & Non-executive Directors in Post
 - 36.1.1. Completed at least Annually

- 37. Annex 3
 - 37.1. Schedule 3: Information Required in Respect of Persons Employed or Appointed for the Purposes of a Regulated Activity

- 38. Annex 4
 - 38.1. Annual Checklist
 - 38.1.1. Completed at least Annually

- 39. Annex 5
 - 39.1. DBS Check Recording
 - 39.1.1. DBS Check Record Template

Annex 1

Schedule 3: Information Required in Respect of Persons Employed or Appointed for the Purposes of a Regulated Activity

1. Proof of identity, including a recent photograph.
2. Where required for the purposes of an exempted question in accordance with section 113A(2)(b) of the Police Act 1997, a copy of a criminal record certificate issued under section 113A of the Act together with, after the appointed day and where applicable, the information mentioned in section 30A(3) of the Safeguarding Vulnerable Groups Act 2006 (provision of barring information on request).
3. Where required for the purposes of an exempted question asked for a prescribed purpose under section 113B(2)(b) of the Police Act 1997, a copy of an enhanced criminal record certificate issued under section 113B of that Act together with, where applicable, suitability information relating to children or vulnerable adults.
4. Satisfactory evidence of conduct in previous employment concerned with the provision of services relating to:
 - a. Health or social care, or
 - b. Children or vulnerable adults.
5. Where a person (P) has been previously employed in a position whose duties involved work with children or vulnerable adults, satisfactory verification, so far as reasonably practicable, of the reason why P's employment in that position ended.
6. In so far as is reasonably practicable to obtain, satisfactory documentary evidence of any qualifications relevant to the duties for which the person is employed or appointed to perform, this should include evidence of any professional registration (if required for the post).
7. A full employment history, together with a satisfactory written explanation of any gaps in employment.
8. Satisfactory information about any physical or mental health conditions which are relevant to the person's capability, after reasonable adjustments are made, to properly perform tasks which are intrinsic to their employment or appointment for the purposes of the regulated activity.
9. For the purposes of this Schedule:
 - a. 'the appointed day' means the day on which section 30A of the Safeguarding Vulnerable Groups Act 2006 comes into force;
 - b. 'satisfactory' means satisfactory in the opinion of the Commission;
 - c. 'suitability information relating to children or vulnerable adults' means the information specified in sections 113BA and 113BB respectively of the Police Act 1997.
10. All remind pre-employment checks and declarations have been made and directed prior to appointment.

Annex 2

FIT AND PROPER PERSON **EXECUTIVE DIRECTOR AND NON-EXECUTIVE DIRECTOR - SELF DECLARATION**

1. Executive Director roles in the NHS are positions of significant public responsibility and it is important that those appointed can maintain the confidence of the public, patients and NHS staff. The Royal Wolverhampton NHS Trust (RWT) has a duty to ensure that anyone who we appoint to the Board of Directors are of good character and will ensure an open and honest culture across all levels of the organisation. The “Fit and Proper Person” requirements are set out in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
2. By signing the declaration below, you are confirming that you are a “fit and proper person” outlined at (3), that you do not fall within any of the categories outlined at (4) or (5) below and that you are not aware of any pending proceedings or matters which may call such a declaration into question in the future.
3. The regulations require you are:
 - (a) of good character;
 - (b) have the necessary qualifications, competence, skills and experience;
 - (c) are able by reason of your health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the office or position;
 - (d) also considering and declaring any ‘spent’ convictions, disqualifications, bankruptcy or any other bars or judgements against you covered by the requirements in this declaration.
4. Do any of the following conditions apply to you? You are asked to confirm that you are not:
 - (a) a person who has been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence;
 - (b) a person who has been sentenced to imprisonment for three months or more within the last 5 years;
 - (c) a person who has been erased, removed or struck off a register of professionals maintained by a regulator of health care or social work professionals;
 - (d) an undischarged bankrupt, or a person whose estate has had a sequestration awarded in respect of it and who has not been discharged;
 - (e) the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland;
 - (f) a person to whom a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986(40);
 - (g) a person who has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it;
 - (h) included in the children’s barred list or the adults’ barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland;
 - (i) a person who has been responsible for, privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity, or discharging any functions relating to any office or employment with a service provider.

5. In addition, the following conditions disqualify you from appointment as Executive Director of the Trust. You are asked to confirm that you are not:
- (a) a chair or member of the governing body of a clinical commissioning group, or employees of such group;
 - (b) a serving MP or MEP or a candidate for election as MP or MEP;
 - (c) a person who has been dismissed (except by redundancy) by any NHS body;
 - (d) a person whose earlier appointment as chair or Executive or Non-Executive Director of an NHS trust was terminated;
 - (e) under a disqualification order under the Company Directors Disqualification Act 1986; and / or
 - (f) a person who has been removed from trusteeship of a charity.

Part 1 – Unfit Person Test

I hereby confirm that:

- i. I am NOT an undischarged bankrupt or a person whose estate has had sequestration awarded in respect of it and who has not been discharged.
- ii. I am NOT subject to a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland.
- iii. I am NOT a person to whom a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986.
- iv. I am NOT a person who has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it.
- v. I am NOT included in the children's barred list or the adults' barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland.
- vi. I am NOT a person who is prohibited from holding the relevant office or position, or in the case of an individual from carrying on the regulated activity, by or under any enactment.
- vii. I am NOT a person who has been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity, or discharging any functions relating to any office or employment with a service provider.
- viii. I am NOT prevented by reason of my health, after reasonable adjustments have been made, from properly performing tasks which are intrinsic to the office or position to which I have been appointed or to the work for which I am employed.

Part 2 – Good Character requirements

I hereby confirm that I am a person of good character and:

- i. Have NOT been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence.
- ii. Have NOT been erased, removed or struck off a register of professionals maintained by a regulator or health care or social work professionals.

Part 3 – General Declaration requirements

I hereby confirm that:

- i. I am NOT subject to any investigation, or have been notified of such or under any performance management regime for any reason.
- ii. I am NOT aware of any incident or issue in my previous employment which may affect my status as a fit and proper person to fulfil my role.
- iii. I am NOT aware of any incident or issue which may affect my status as a fit and proper person to fulfil my current/potential role.
- iv. I have nothing in my professional or personal life which, if brought into the public domain may cause embarrassment or disrepute to the Trust or render me unfit to hold office or otherwise place the Trust in breach of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- v. I have read, understood and will adhere to the Trust's Fit and Proper Persons Policy.

Part 4 - Employee Declaration of Interest, receipt of Board Code of Conduct

I hereby confirm that the declarations I have made to the Directors Declarations of Interest as of the date recorded include any and all relevant interests including:

- ✓ All business/other interests or positions of authority held which are relevant and material to your employment by the Trust.
- ✓ Directorships (including non-executive directorships) in companies;
- ✓ Ownership or part-ownership of private companies, businesses or consultancies likely, or possibly seeking, to do business with the NHS;
- ✓ Majority or controlling shareholdings in organisations likely, or possibly seeking, to do business with the NHS;
- ✓ Positions of authority in charities or voluntary organisations in the field of health and social care activities;
- ✓ Any connection with a voluntary or other organisation contracting for NHS services;
- ✓ Research funding/grants that may be received by an individual or his/her department;
- ✓ Interests in pooled funds that are under separate management.
- ✓ Any other Declarations of potential or actual Conflict of Interest as defined by the Trust Conflict of Interests Policy
- ✓ Any other employment or business, or other relationship that you have, or a family member or close associate has, that conflicts, or might reasonably be viewed as conflicting, with the interests of the Trust.
- ✓ Any member of staff who comes to know that the Trust has entered into or proposes to enter into a contract in which he/she or any person connected with him/her has any pecuniary interest (direct or indirect) must disclose that interest in writing to the Trust as soon as practicable.

The disclosure of this information is a requirement of the Codes of Conduct and Accountability in the NHS, and section 7.2 of the Trust's Standing Orders, the Code of Conduct for Trust Boards and the Trust Conflict of Interests Policy.

Part 5 - Code of Conduct for Boards

I hereby confirm receipt of, and my agreement to abide by the Code of Conduct for Trust Boards and the Trust Standing Orders.

Part 6 – Other names used, aliases, registrations under maiden or other names*.

I hereby confirm that:

Initial	Choose which applies and initial as appropriate
	I have no other names under which I am known. or
	I have other names under which I am known. They are listed below.

As part of the Fit and Proper Persons requirements, the Trust has to undertake searches relating to Directors. It is therefore important that if you are known by and/or conduct business under another name, that it is declared.

*Other names include identities used on Social Media accounts e.g. Twitter, Instagram, Facebook et al. If the names is linked to a social Media presence also include the Social Media channel e.g. Twitter, Facebook et al. Add any further names below.

Name 1	
Name 2	
Name 3	
Name 4	
Name 5	
Name 6	
Name 7	
Name 8	

Part 7 – Other company names at a different registered address*.

I hereby confirm that:

Initial	Choose which applies and initial as appropriate
	I have no other companies or interests registered elsewhere. or
	I have other companies or interests registered elsewhere. They are listed below.

Trading name	Registered Company Address (if other than home address*)

Declaration

Initial or N/A	Declaration
	I confirm that I do not fit within any of the categories listed parts 1-5 inclusive and that there are no other grounds under which I would be ineligible for appointment.
	I confirm that I am a Fit and Proper Person to continue as an Executive Director / Non-Executive Director of the Trust (Annex 2 Part 1)
	I confirm that I meet the standards for Good Character (Annex 2 Part 2).
	I confirm that I am not subject to any of the General Declaration items (Annex 2 Part 3)
	I confirm that my declarations of interest are correct as per the Declaration (Annex 2 Part 4 plus list of current Declarations)
	I confirm receipt of the reminder regarding the Board Code of Conduct (Annex 2 Part 5)
	I confirm that I have declared any other names used or aliases including any used on Social Media (Annex 2 Part 6)
	I confirm that I have declared any other company names operating from a registered address other than my home address (Annex 2 Part 7)
	Given the information outlined above, I wish to declare the following information which may be relevant to my role as an Executive Director of The Royal Wolverhampton NHS Trust as part of this declaration:
	I undertake to notify the Trust immediately of any change of circumstances that may affect my eligibility to remain in post.

Name	Signature
Job title	Date

When completed, please return this form to: Keith Wilshere, Group Company Secretary, Hollybush House, New Cross Hospital, WV10 0QP, or email to: keith.wilshere1@nhs.net

Annex 3

Fit and Proper Persons Requirements – New Applicants Employment Checklist

This checklist must be completed by the Chief People Officer for all appointments to positions covered by the scope of the Trust's Fit and Proper Persons Policy.

If an agency or executive search organisation is engaged to assist with the appointment process, the Director of Workforce must ensure they are made aware of the requirements and standards that have to be met and will need to provide documentary evidence of compliance.

Name:	
Position:	
Date:	

Identification Checks	Yes	No	Comment(s)/ Date when check completed and who completed by
Verification of ID as per the right to work checklist			
Confirmation of any restrictions to right to work in the UK			
Confirm documents seen and that copies have been taken and verified.			
Employment History			
Confirmation of a full employment history			
Any gaps in employment history have been clearly documented and explained. Checks for potential issues and conflicts of interest should be reviewed			
Qualification Checks			
Original certificates verified for mandatory qualifications			
Confirm copies taken and verified			
Disclosure and Barring Service Checks			
Standard DBS disclosure received prior to commencing work Confirm e-DBS undertaken and			
Enhanced DBS in place for a person who will be acting in a role that falls within the definition of a "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006.			
Professional Registration			
Evidence of professional registration checked on appointment Details of professional body and registration			
References			
Reference from current employer			
References to cover last 3 years			
Occupational Health			
Completed Health Declaration form received			
OH clearance received			
Details of any reasonable adjustments recommended by			

Fit and Proper Persons Checks			
Completed Fit and Proper Persons Test Declaration Form received. If any cause for concern highlighted discuss with the Director of Workforce and Chairman and record outcome of discussion.			
Check and print copy of check against disqualified directors list (http://wck2.companieshouse.gov.uk/dirsec)			
Check and print a copy of check against Bankruptcy and Insolvency register (https://www.insolvencydirect.bis.gov.uk/eiir/)			
Check and print a copy of check against Removed Charity Trustees register (http://apps.charitycommission.gov.uk/trusteeregister/search.aspx)			
Completed internet based web search: Details of search engines used (e.g. www.google.com) Details of word searches that were used (e.g. name + NHS)			
Completed social profile search Details of websites used (e.g. www.linkedin.com , www.twitter.com , www.facebook.com)			

Approvals/Confirmations	Date	Tick to confirm	Name and Signature
Confirmation all the above checks have been completed			

Fit and Proper Persons Requirements – Annual Checklist

This checklist must be completed by the Company Secretary for all appointees in positions covered by the scope of the Trust's Fit and Proper Persons Policy. If an agency or executive search organisation is engaged to assist with the search process, the Company Secretary must ensure they are made aware of the requirements and standards that have to be met and will need to provide documentary evidence of compliance.

Name:	
Position:	
Date:	

Disclosure and Barring Service Checks			
Standard DBS disclosure undertaken when due			
Confirm e-DBS undertaken and date received form completed			
Enhanced DBS in place for a person who will be acting in a role that falls within the definition of a "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006.			
Professional Registration – appropriate to role			
Evidence of professional registration checked on appointment			
Details of professional body and registration			
Occupational Health			
Completed Health Declaration form completed in line with due			
OH clearance received			
Details of any reasonable adjustments recommended by			
Fit and Proper Persons Checks			
Completed Fit and Proper Persons Test Declaration Form received.			
Check and print copy of check against disqualified directors list (http://wck2.companieshouse.gov.uk/dirsec)			
Check and print a copy of check against Bankruptcy and Insolvency register (https://www.insolvencydirect.bis.gov.uk/eiir/)			
Check and print a copy of check against Removed Charity Trustees register (http://apps.charitycommission.gov.uk/trusteeregister/search .)			
Completed internet based web search: Details of search engines used (e.g. www.google.com)			
Details of word searches that were used (e.g. name + NHS)			

<p>Completed social profile search</p> <p>Details of websites used (e.g. www.linkedin.com, www.twitter.com, www.facebook.com)</p>			NHS Trust
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Approvals/Confirmations	Date	Tick to confirm	Name and Signature
Confirmation all the above checks have been completed			

Annex 5 – DBS Recording

In line with the Revised Code of Practice for Disclosure and Barring Service Registered Persons, November 2015 (Home Office) and the parts referring to the confirmation, copying and handling of DBS Certificates, in each case to comply with the F&PP Recording requirements and the handling of DBS information the original DBS Certificate must be seen by an appropriate officer of the Trust (CEO, Director or Director delegate, Company Secretary).

They must complete the required information on the template form and sign as the witness of the original certificate which must be returned to the individual. No copy may be taken and no copy placed on file. The completed DBS Recording Template only will be placed in the Personal File of the relevant individual.

DBS Recording Template

DBS

Data Collection Proforma

Please complete all sections of this form, keep one copy on the personal file and send a copy to Workforce Information Team, Hollybush House

Candidate First Name:

Candidate surname:

Position:

Date of Issue:

Unique reference number:

Was there any information revealed on the DBS Certificate?

If **YES** please contact the HR Manager for your area for further advice.
Do not confirm start date until this advice is sought

Witness to the original DBS Certificate being provided

Manager Name:

Manager Signature:

Date:

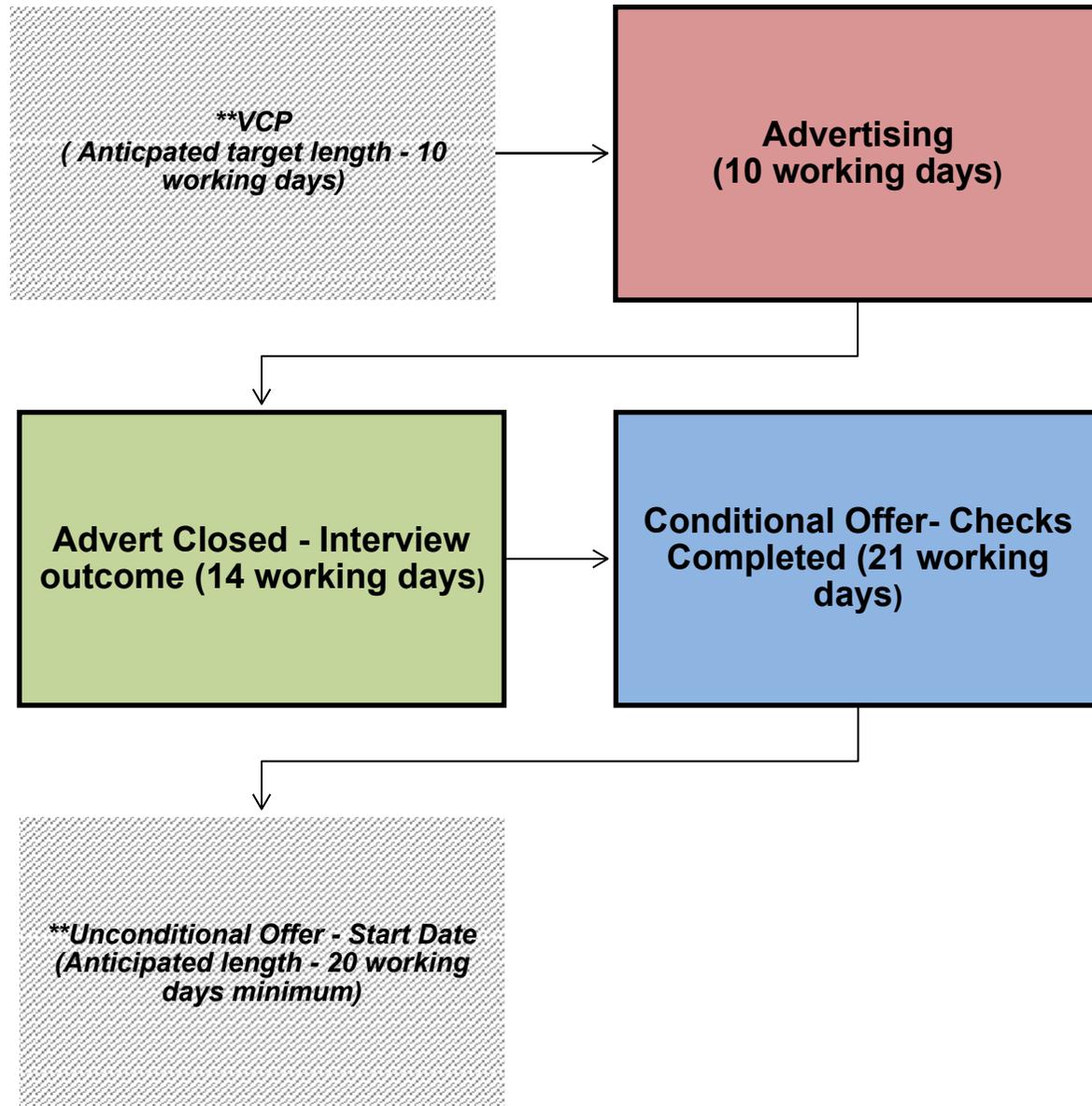
**Keep one copy of this completed proforma on the personal file and send a copy to Workforce Information Team, Hollybush House
DO NOT TAKE PHOTOCOPIES OF DBS CERTIFICATES**

	Recruitment Stage	Description	* Role	Streamlining KPI
1	** VCP (10 working days)	VCP <ul style="list-style-type: none"> - Create vacancy authorisation request - Budget Holder - Divisional Panel (meet weekly) - Finance Approval - Exec Panel (meet every Wednesday) - Once fully approved, Resourcing Team confirm advert required and content 		
2	Advertising	Advert Published – Advert Closing Advert sent to HR Advisory for Redeployment Check	RT	
		Advert published by the Recruitment Team on Trac and NHS Jobs	RT	
		Advert live to Closing date (advert length) <ul style="list-style-type: none"> - High volume application roles can be advertised between 2 - 5 days - Harder to fill or standard roles – 10 days 	RM	10
3	Shortlisting	Closing Date – Interview Date Resourcing Team close advert, important applications and send for shortlisting	RT	1
		<ul style="list-style-type: none"> - Shortlisting panel score all candidates and make selection for interview - Lead shortlisters moves vacancy to interview and provides Resourcing Team with interview details (through Trac) 	RM	5
4	Interview	Interviews set up by Resourcing Team; invites and regret emails sent	RT	1
		Interview invites sent to actual interview date	RM	5
		Interview Date – Offer Pending <ul style="list-style-type: none"> - Lead interviewer updates interview outcomes on Trac - Successful interview notes attached to candidate Trac record - Vacancy moved to Offer by the manager 	RM	2
5	Offer	Offer Pending – Conditional Offer Resourcing Team check and issue conditional offer letter	RT	2
		Conditional Offer to Checks OK (pre-employment checks)	RT	21
6	** Unconditional Offer (20/ 30 working days dependent on notice)	Unconditional Offer - Candidate Starting (notice period)		
			Total	45

45 Day Streamlined Recruitment Timeline – KPI Dates

***Role –** Task responsibility
RM = Recruiting Manager
RT =Resourcing Team

****** Denotes a process outside of Resourcing control. Both VCP and Unconditional Offer are not areas that are controlled by the Resourcing Team. Whilst included as part of the overall process, they cannot have influence of the timescales.



Fixed Term Workers Procedure

1.0 Procedure Statement (Purpose / Objectives of the Procedure)

This procedure is designed to ensure fixed term contracts are managed in-line with legislation and ensuring the process is transparent and fair for employees.

2.0 Accountabilities

As detailed in the HR08 Recruitment and Selection Policy.

3.0 Procedure/Guidelines Detail / Actions

3.1 Fixed term employment contracts – Overview

This guidance provides information to ensure a consistent approach across the Trust in relation to the employment of staff on fixed term contracts.

The guidance is intended to ensure that all staff employed on a fixed-term contract are treated fairly and equitably and ensure that the Trust complies with its legal obligations in relation to this staff group.

Fixed-term contracts should only be used in specific circumstances described below. When entering into a fixed term contract, consideration should be given as to why it needs to be a fixed term contract rather than a permanent contract, and these reasons should be clearly documented in the recruitment paperwork and explained to the staff member concerned. The following sections outline the rights of fixed-term workers, when such contracts should be used, and how to end them.

3.2 What is a fixed term contract?

A fixed-term contract is an employment contract that is agreed for a fixed period, i.e. they have a defined beginning and end date. A fixed term contract should have a reason such as specific task/ project or maternity cover. This contract should only be used when circumstances make it inappropriate to employ an individual under a permanent contract.

Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 governs fixed term appointments. The basis of the Regulations is that employees on fixed term contracts should not be treated less favourably than comparable permanent employees working in the same establishment in relation to:

- Terms and conditions (pay, benefits, access to occupational pension scheme, etc.), albeit on a pro rata basis (where appropriate).
- By being subjected to any other detriment by an act, or deliberate failure to act, of their employer.

“Any other detriment” is construed widely and “less favourable treatment” is not limited to differences in terms of employment. Fixed-term employees should not be subjected to any disadvantage which is not applied to permanent employees, for example, not being given access to promotion opportunities, or

being selected for redundancy on the basis of their fixed-term status.

Fixed-term employees also have the right to be informed of any permanent vacancies in the establishment at which they work. The requirement relates to all “available” vacancies and not just those that are “suitable”.

3.3 When to use a fixed term contract

Fixed-term contracts give the advantage of bringing in specific skills and labour as and when they are needed. There are three types of situations when a fixed-term contract may be suitable:

- When a role is needed for a specified time period, set in advance;
- When a role is required to undertake a specified task;
- When a role is required because a specified event will or will not take place.

The reason for establishing a fixed-term contract should be clear and specific. It is important that the reason is shared with the employee upon the commencement of the contract, to provide important clarity around the nature of the role

The use of fixed-term contracts may be justified by reference to one or more of the following reasons:

- To cover for specific absences, e.g. sickness and maternity leave
- Where there is a demonstrable need in the short-term for defined, specialist input or where there is evidence that the post requires specialist expertise or experience not already available within the Trust.
- Where funding is only guaranteed for a fixed term period.
- Where the contract is clearly defined as being for training or career development for a specific, limited period (e.g. trainee programme).
- Where business demand can be clearly demonstrated as being subject to particularly uncertain fluctuating demand

The above list is not intended to be exhaustive, and it is recognised that other situations may arise where a fixed-term contract is appropriate.

Managers must always consider the appropriate employment terms before a vacancy is filled. It is not acceptable to offer a position on a fixed term basis to test the performance of an individual.

3.4 Minimum notice period

Fixed-term employees have the right to a statutory minimum notice period of:

- 1 week if they've worked continuously for at least 1 month but less than 2 years
- 1 week for each year worked continuously, if they've worked continuously for 2 years or more (up to a maximum of 12 weeks' notice)

If the Trust ends a contract without giving the proper notice, the employee may be able to claim breach of contract.

It is important to be aware of whether an employee engaged under a fixed term contract has continuous service with the Trust, having been employed in other roles. This will affect the notice they are entitled to receive and other employment rights.

3.5 The limit on renewing a fixed term contract

Any employee who has been continuously employed for four years or more on a series of successive fixed-term contracts are automatically deemed to be permanent employees (that is, employed on an indefinite contract), unless the employer can show there is a good business reason not to do so such as statutory instrument applies. This includes cases where the original contract has been renewed or extended, or where a different contract has been entered into after the expiry of the original contract. This does not include cases where there has only been one fixed-term contract (of whatever duration) that has not been renewed or extended.

It is important to note that a gap between two contracts does not necessarily break continuity or prevent there being a renewal. The usual rules on continuity of employment apply.

Therefore, it is extremely important to consider the reasons behind any renewal of a fixed term contract.

4.0 Actions

4.1 Considering employment under a fixed term contract

The recruiting manager needs to consider why a fixed term rather than permanent contract is deemed appropriate. The reasons should be clearly document in when creating a vacancy request in Trac.

4.2 Prior to the expiry date of a current fixed term contract

Before a fixed term contract is due to expire, it is the line manager's responsibility to consider the appropriate way forward and write to the employee to arrange a meeting with them to discuss this. This meeting must take place no later than one month before the expiry of the Fixed Term Contract, (the template letter for the

outcome of the meeting can be found in E1a), although an earlier meeting may be necessary to allow sufficient time for consultation and the giving of notice. This is important because if the Fixed Term Contract is not properly terminated in accordance with its notice requirements, it can lead to the Fixed Term Contract automatically renewing. The member of staff has the right to be accompanied at any meetings held as part of this process by a work colleague or a trade union representative.

4.3 Renewing a contract or making permanent

Before renewing or offering a permanent contract, a line manager must add the job opportunity on Trac to have Executive and Finance approval.

If there are more employees than available positions to renew or make permanent the opportunity should be ringfenced to all employees in the affected job role and band to ensure equity. Further advice can be obtained from either the HR Advisory Team or the Resourcing Team.

A note should be added to Trac to inform the Resourcing Team that a hidden link should be emailed to the line manager for the employees to apply; a selection process must be undertaken. The vacancy would only be advertised internal or external if none of the current post holders wish to apply.

The Resourcing Team would then complete the conditional offer to the successful candidate and submit a change form or advise the line manager to complete Manager Self Service on ESR.

If there is only one candidate and one available position; the line manager must attach the outcome letter on Trac (E1b) and the Resourcing Team will issue new contract and submit a change form or advise the line manager to complete Manager Self Service on ESR.

It is important that the employee is provided either confirmation that the existing Fixed Term Contract will apply (with notice/end date provisions amended as necessary), or that they are issued a new Fixed Term Contract with the term/termination date being included. The employee should be required to sign and return the agreement letter/new Fixed Term Contract to indicate their agreement.

4.4 Working longer than the contracted end date

If an employee continues working past the end of a contract without it being formally renewed, there's an 'implied agreement' that the end date has changed and a risk that the contract will be deemed to have become permanent.

The line manager must still write to the employee to arrange a meeting with them to discuss their contract and follow the same process either for renewing or ceasing the contract.

4.5 If a contract is not renewed

Non-renewal of a contract is a dismissal in law. While it is always appropriate to be clear about the reason for non-renewal, where an employee has at least 2 years' service with the Trust, there is the additional risk of an unfair dismissal claim. In such cases, the manager needs to be satisfied that the reason for non-renewal falls within one of the five potentially fair reasons for dismissal (conduct, capability, redundancy, illegality or some other substantial reason) and follows a fair procedure. Advice from the HR Advisory Team should be sought about the reasons for non-renewal.

Employees have the right:

- not to be unfairly dismissed after 2 years' service
- to a written statement of reasons for not renewing the contract

They may be entitled to statutory redundancy payments after 2 years' service if the reason for non-renewal is redundancy.

Whilst the ACAS Code of Practice expressly states that it does not apply to the non-renewal of fixed-term contracts, it is recommended that it is followed.

If there is no further requirement for the position; or the employee has been unsuccessful as part of a selection process the line manager must issue the outcome letter to the employee (E1b) and follow the standard leavers process.

4.6 Right of appeal

In most circumstances, it will be appropriate to offer an employee whose contract is not renewed, the opportunity to appeal against the decision not to renew. The appeal rights should be set out in the outcome letter.

4.7 What happens if the Trust wants to end the contract earlier?

The line manager must write to the employee using E1a and arrange a meeting with them to discuss their contract and issue the outcome letter to the employee (E1b). It is important that the Fixed Term Contract contains provision for terminating the contract prior to the termination date, and the contractual provisions regarding giving notice must be followed. The procedure outlined above regarding terminating a Fixed Term Contract should be followed.

4.8 What happens if the employee wants to end the contract earlier?

The employee must submit their resignation, the line manager should arrange to speak to them to discuss the resignation and the reasons why. If the employee wishes to continue with their resignation line managers should follow the management of leavers procedure [HR Advisory Toolkit \(xrwh.nhs.uk\)](https://www.xrwh.nhs.uk/hr-advisory-toolkit).

This procedure is supported by the following attachments:

[Attachment 1 – Fixed Term process flow](#)

[Attachment 2 ECa Invite to meeting](#)

Attachment 3 ECb Meeting outcome letter

5.0 Equipment Required

None

6.0 Training

None

7.0 Financial Risk Assessment

1	Does the implementation of this document require any additional Capital resources	No
2	Does the implementation of this document require additional revenue resources	No
3	Does the implementation of this document require additional manpower	No
4	Does the implementation of this document release any manpower costs through a change in practice	No
5	Are there additional staff training costs associated with implementing this document which cannot be delivered through current training programs or allocated training times for staff.	No
	Other comments	

8.0 Equality Impact Assessment

See attached policy

9.0 Maintenance

Head of Resourcing and Resourcing Manager to review, update and maintain along with recruitment and selection policy and any legislative updates.

10.0 Communication and Training

11.0 Audit Process

This policy supports delivery of the following Trust strategic objective: Support our Colleagues We will be inclusive employers of choice in the Black Country that attract, engage and retain the best colleagues reflecting the diversity of our populations.

Failure to comply to the procedure may result in disciplinary procedure being invoked.

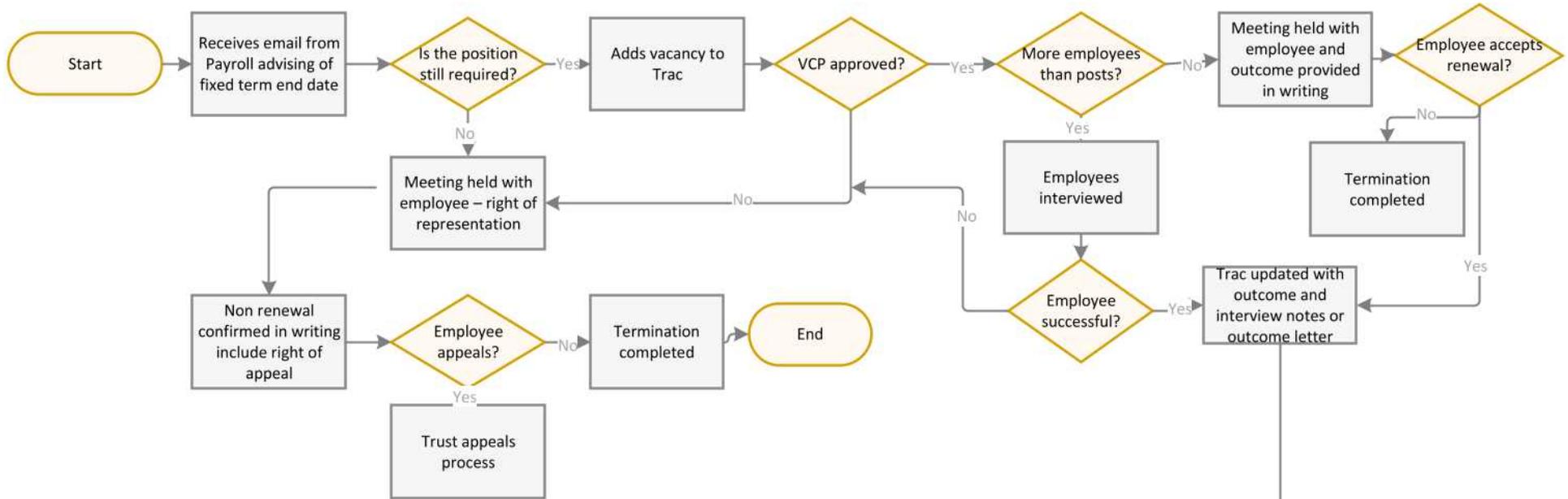
Criterion	Lead	Monitoring method	Frequency	Evaluation
Compliance of fixed term contracts end dates	Resourcing Manager	Reports generated and monitored within the Resourcing Team. Data accuracy presented.	Quarterly	Operational Workforce Group

11.0 References - Legal, professional or national guidelines

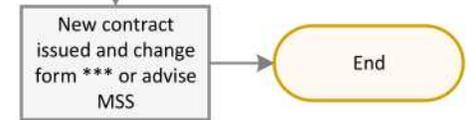
Fixed-Term Employees (Prevention of Less favorable Treatment Regulations 2002) [Fixed-term employment contracts: What counts as a fixed-term contract - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/222222/Fixed-term-employment-contracts-What-counts-as-a-fixed-term-contract-GOV.UK.pdf)

Fixed term renewal / termination

Manager



Resourcing Team



[INSERT LETTERHEAD]

[DATE]

**Private and Confidential
For Addressee Only**

[NAME]
[ADDRESS]

Dear [NAME],

Re: Fixed term contract – invite to meeting to review

I am writing to let you know that in accordance with your fixed term contract, your current appointment as [JOB TITLE] is due to end on [DATE]. As you are aware your current contract is a temporary [role/position] which expires on [DATE].

I would like to invite you to attend a meeting with me on [DATE] at [TIME] in [VENUE] (note: sufficient notice must be provided in line with employee contract) to discuss the current situation regarding your post.

Delete as applicable - please refer to employee contract of employment. [An outcome of this meeting could be [confirmation that your contract will automatically terminate on [DATE] without the need for notice] OR [your employment is terminated with notice in accordance with your terms and conditions of service].

At this meeting you will be given the opportunity to discuss the situation in more detail and it will be an opportunity for you to make any representations you wish regarding the expiry of your fixed term contract.

You can choose whether you wish to attend the meeting alone or be accompanied by either a colleague who is a member of Trust staff or a representative of a recognised Trade Union. Should you wish to be accompanied I do recommend that you get in touch with your chosen companion as soon as possible so that they are able to begin making arrangements to attend. If you wish to bring a companion, please let me know their name [no later than two working days before the meeting]. You will be responsible for providing copies of any paperwork for your companion. You should ensure that you do this in good time in order that they can prepare for the meeting.

Please let me know whether you can attend this meeting by [DATE]. If you are unable to attend the meeting arranged, please contact me at the earliest opportunity so that we can arrange an alternative date to enable the meeting to happen at the

earliest opportunity. If I do not receive a response from you, I will take this as an acknowledgment that you are able to attend the meeting. Should you not wish to meet I will confirm the outcome in writing to you.

[IF APPLICABLE:] I shall be accompanied at this meeting by **[NAME]**, **[TITLE]**.

If you have a disability, which means particular arrangements have to be made to enable you to attend, or if you require any support to assist you during the meeting, please contact me.

Should you wish to access a copy of the Fixed Term Workers Procedure, this is available on the Trust's Intranet under HR Policies and Procedures (XXX).

In the meantime, should you have any queries regarding the contents of this letter, or should you require any further support, please do not hesitate to either contact me on **[INSERT CONTACT NUMBER]**.

Yours sincerely,

[NAME OF MANAGER]
[JOB TITLE]

[INSERT LETTERHEAD]

[DATE]

**Private and Confidential
For Addressee Only**

[NAME]
[ADDRESS]

Dear [NAME],

Re: Fixed term contract – confirmation of expiry of fixed term contract

Thank you for meeting with me on [INSERT DATE], the purpose of which was to discuss the termination of your fixed term contract, which took place in line with the Fixed Term Workers Procedure (xxx). **EITHER** You chose to be accompanied by [NAME], your colleague/your trade union representative **OR** You were reminded of your right to be accompanied by a trade union representative or colleague who is a member of Trust staff, however, you confirmed that you had chosen to proceed unaccompanied. **[IF APPLICABLE:]** I was also accompanied at this meeting by [NAME], [TITLE].

[INSERT DETAILS OF DISCUSSION THAT TOOK PLACE INCLUDING REASON FOR FIXED TERM CONTRACT NOT BEING RENEWED]

*During our meeting I explained, you were employed on a [DURATION] fixed term contract for the purpose of [REASON FOR FIXED TERM CONTRACT] and as such, your fixed term contract **by reason of redundancy** will terminate on [INSERT DATE].*

During the meeting we discussed whether there were alternative positions within the team/ department; however, I advised you that there were currently no available positions.

We discussed that there were [NUMBER] of vacancies; as part of a competitive selection process you have on this occasion been unsuccessful. [PROVIDE REASONS AS TO WHY THEY WERE UNSUCCESSFUL].

During the meeting you advised me that you are seeking alternative positions at the end of the fixed term contract.

*We also discussed the opportunity to join the Trust Temporary Staffing Bank; you declined, or you stated that you were interested, and I advised you that I would email the Temporary Staffing Team to progress rwh-tr.NMB@nhs.net ** delete as applicable.*

Check your employee contract of employment

*[Your contract will automatically terminate on [INSERT DATE] without the need for notice. Please accept this letter as confirmation that your fixed term contract is terminating on [INSERT DATE] as previously notified to you] OR [You are entitled to [four/ eight/ twelve] week notice to end your employment with The Royal Wolverhampton Trust in accordance with clause XX of your fixed term contract/length of service ** Use if there is no automatic termination and you need to serve notice. We will require you to work your notice.*

Therefore your employment as [JOB TITLE] will terminate on [INSERT DATE]. You will be paid by the organisation in the usual manner on [INSERT DATE].

If you disagree with the decision to terminate your employment you have the right to appeal the decision. If you wish to appeal please write to [ME/NAME] within [5] working days of receipt of this letter.

In the meantime, you are also invited to apply for any suitable vacancies that arise (internal & external) advertised within the Trust which can be viewed on <http://jobs.royalwolverhampton.nhs.uk/>.

I am sorry that I have been unable renew your contract. Please be assured that I have given significant consideration to my decision, although I acknowledge that this is not the outcome that you had hoped for. In the meantime, should you have any queries regarding the contents of this letter, or should you require any further support, please do not hesitate to either contact me on [INSERT CONTACT NUMBER].

I would like to sincerely thank you for your commitment and dedication to the Trust. I appreciate how you have supported the Trust and your valued contribution to the care of all of our patients. I hope you have enjoyed your time with the Trust and wish you every success in your future career.

Yours sincerely,

[NAME OF MANAGER]
[JOB TITLE]

C/c: *Personal file*

Removals and Associated Expenses

1.0 Procedure Statement

- 1.1 This procedure is designed to assist managers in ensuring that new employees reimbursed fairly for reasonable expenditure in relocating to take up employment with the Trust. In addition it provides transparency to new employees on what claims are and is not permissible, and outlines the options available to them.

1.0 Accountabilities

- 2.1 As detailed in the policy, HR08.

2.0 Procedure Detail / Actions

3.1 Overview

- 3.1.1 This policy sets out the Trust's approach to the payment of removal expenses and replaces Section 26 of the General Whitley Council Terms & Conditions of Service (England and Wales).

3.2 Eligibility

- 3.2.1 The policy applies to:

- All newly appointed staff of the Trust, both full time and part time, whose basic whole time salary on appointment is in excess of £30,000 per annum (pro-rata).
- to existing employees, both full and part time, whose basic salary is in excess of £30,000 per annum (pro-rata) that are required to move home as a result of a Trust-initiated change of work base.

- 3.2.2 Eligibility may be extended to employees whose posts do not fall within the categories listed above at the discretion of the Chief People Officer.

- 3.2.3 The policy does not apply to employees who move home for personal reasons.

- 3.2.4 The policy does not apply to medical staff appointed to the training grades or those appointed to posts equivalent to those in the training grade. Reimbursement of removal expenses for appointees to these posts will be paid in accordance with the Postgraduate Dean's Removal Expenses Policy.

- 3.2.5 Employees may be eligible for the appropriate removal expenses set out in this policy where their permanent residence, before taking up their new post with the Trust, was greater than 10 miles road distance from their base hospital. Employees living within 10 miles road distance from their new base hospital will not be entitled to assistance with removal expenses.

- 3.2.6** The only exception to this may be those employees who provide an out of hour's emergency on call service and those employees whose terms and conditions of service require them to live within 30 minutes driving time of their base hospital. Such employees may be eligible for removals expenses if a move of residence within the 10 mile radius will result in a substantial reduction of driving time to reach their base. This will be at the discretion of the appropriate Executive Director and the Chief People Officer.
- 3.2.7** Employees who reside outside of 10 miles road distance from their base hospital before taking up their new post who choose to relocate to a new residence which remains outside of the 10 mile radius will only be entitled to assistance with removal expenses at the discretion of the appropriate Executive Director and the Chief People Officer unless their Terms and Conditions of Service specify alternative arrangements.
- 3.2.8** Removal expenses will not normally be offered to employees on Fixed Term/Locum contracts however, agreement may be given to assist with all, or a percentage of, expenses at the discretion of the appropriate Executive Director and the Chief People Officer via a Human Resources Manager.
- 3.2.9** Where an employees partner also relocates to take up a post (whether within or outside of the NHS) to which he/she is entitled to removal expenses, the Trust will expect removal expenses to be shared with the partner's employer.
- 3.2.10** Where an employee is a home owner in the old area and intends to purchase a property in the new area they will only be entitled to limited assistance with removals if they do not sell their property in the old area.
- 3.2.11** Employees eligible for removal expenses will be required to commence the relocation process within six months of the date of taking up their appointment.
- 3.2.12** Employees eligible for removal expenses will be required to have obtained approval of their application for expenses prior to commencement in post.
- 3.2.13** Employees relocating from residences outside of the United Kingdom are entitled to limited expenses. Travel costs and subsistence allowances will only normally be paid if incurred within the United Kingdom. Expenses associated with the sale of properties owned overseas will not normally be paid. Agreement to pay these expenses, or a proportion of, is at the discretion of the Chief Executive.
- 3.2.14** Employees who intend to relocate their main home or children in advance of taking up their post with the Trust (e.g. to enable children to begin a new term/school year) must liaise with their line manager who, in turn, must seek the advice of the Human Resources Department.

3.3 Approval and Repayment Requirements

- 3.3.1** Approval to pay removal expenses is given by the appointing officer who must, before the interview, seek the advice of their Executive Director and the Chief People Officer via a Human Resource Manager.

- 3.3.2** Approval in principle must be obtained from the appropriate Human Resource Manager by the appointing officer prior to the offer of appointment being made by the completion of an Agreement of Removal Expenses Form included at [Appendix A](#).
- 3.3.3** It will be the Appointing Officer's responsibility to ensure that a signed copy of the Agreement of Removal Expenses Form ([Appendix A](#)) is sent to the appointee together with the confirmation of appointment letter.
- 3.3.4** Employees who are eligible for removal expenses will be required to give an undertaking to remain in the employment of the Trust for a minimum period of two years from the date of completion of relocation. This undertaking is contained within the Agreement of Removal Expenses Form in [Appendix A](#).
- 3.3.5** Employees who leave the Trust's employment within two years of the date of completion of their relocation (other than on the grounds of retirement, or redundancy) will be required to repay a proportion of their removal expenses as follows:

Months of completed service at the time of leaving	Percentage to be repaid
Up to 6 months	100% of amount paid
From 6 months up to 12 months	75% of amount paid
From 12 months up to 18 months	50% of amount paid
From 18 months up to 2 years	25% of amount paid

- 3.3.6** The 'relocation date' is the date of completion of the move into the permanent residence, that is the date of the move into the newly purchased property or the date of the move into rented accommodation in the new area.
- 3.3.7** Repayment of expenses will be from the employee's final salary payment (as laid out within the Agreement Form, at [Appendix A](#)). Employees wishing to make alternative repayment arrangements, for example a phased repayment over the contractual period of notice, must discuss their proposals with their line manager who in turn must discuss this with the Human Resources department. Any variation to the requirement of repayment being made from the employee's final salary must be with the agreement of both parties.
- 3.3.8** It will be the responsibility of the employee's line manager to notify the Finance Department of any variation of the repayment agreement.
- 3.3.9** Should an employee resign from their post within the first two years of completion of their relocation their Line Manager must notify the Finance Department immediately in order that the appropriate deduction of removal expenses may be made from the employees' salary. The Line Manager must notify the employee of the action taken.

3.4 Scales of Reimbursement (Maximum Amounts)

3.4.1 The maximum level of reimbursement, subject to the provision of original receipted invoices will be up to:

Move from:	Rented accommodation	up to £4,000
	Owner occupied accommodation	up to £8,000

3.4.2 The above limits are inclusive of any VAT charges incurred in any transaction.

3.4.3 These scales will be reviewed on a three yearly basis in line with the policy review dates.

3.4.4 Under exceptional circumstances, for example 'hard to fill' posts, these amounts may be increased at the discretion of the Chief Executive. Such variations will not form a precedent within the Trust.

3.5 Summary of Reimbursable Expenses Within the Overall Limit

3.5.1 To be eligible for reimbursement, expenses must normally:

- be incurred by the employee, and
- be within the types of expenditure listed in section 4 - Eligible Expenses, below, and

3.5.2 Any variation to these conditions will require the approval of the Chief People Officer

3.6 Expense Claims

3.6.1 The scale of reimbursement is maximum levels. Employees eligible to receive reimbursement of expenses will be responsible for paying their expenses in full and will be reimbursed by the Trust on production of original receipts/supporting documentation showing the expenses incurred. Where specified in Section 4 – Eligible Expenses, below, payments will be made on the lower of two quotations supplied.

3.6.2 Expenses must be claimed using the Removal Expenses Claim form at [Appendix B](#) to which original receipts/supporting documentation showing expenses incurred must be attached.

3.6.3 All relocation expenses must normally be claimed before the end of the tax year following the year in which the job move takes place. This, and the requirement to provide the receipts/supporting evidence of payment, is to ensure that the Inland Revenue does not treat the payment as a taxable expense. It must be noted however, that if, in exceptional circumstances, the total sum reimbursed exceeds £8,000, then the excess will normally be taxable. Any tax liability, however it arises, will be borne by the employee.

3.6.4 All authorised expenses will be paid with the employee's salary by the payroll department and will only be taxed if the total amount paid exceeds the £8,000 limit set out by the Inland Revenue.

3.7 Taxable Benefits

3.7.1 Removal expenses reimbursed to any one employee above £8,000 are taxable in accordance with the Finance Act 1976.

3.7.2 The key elements identified by HM Inspector of taxes as taxable are as follows:

- the costs associated with the disposal of the property in the old area
- the costs associated with the purchase of a property in the new area
- the costs associated with the transportation of household effects
- any travel expenses related to the removal i.e. visits to the new area to search for accommodation
- any subsistence expenses related to the move i.e. food, accommodation, travel expenses

3.8 Procedure for the Authorisation and Claim for Removal Expenses

3.8.1 Appointing Officers must notify the Human Resources Manager for their Directorate if a prospective employee may be eligible to claim removal expenses. Such eligibility must be confirmed by the Human Resource Manager before the offer of removal expenses is confirmed.

3.8.2 The Line Manager of the new employee must ensure that an Agreement of Removal Expenses Form is completed, signed by both themselves and the prospective employee, and submitted to the appropriate Human Resources Manager. This must be done as soon as the prospective employee accepts the offer of employment.

3.8.3 The Human Resources Manager will return a copy of the authorised Agreement Form to the line manager who must ensure that a copy is retained on the employee's personal file and a copy is forwarded to the employee together with the confirmation of appointment letter. The original Agreement Form will be forwarded to the Finance Department by the Human Resources Manager.

3.8.4 Employees are strongly advised to seek the advice of the Human Resources regarding reimbursement of removal costs before committing themselves to any expenses.

3.8.5 Expenses must be claimed using the Expense Claim Form (on Trust intranet). It must be submitted to the line manager who must sign the form and forward it to the appropriate Human Resources Manager for verification together with original receipts/supporting documentation showing the expenses incurred. The Human Resources Manager will forward the claim to the Finance Department for payment.

3.8.6 Reimbursement of expenses will be made with the employee's salary. Claims for expenses which reach the Finance department by the 5th day of the month will be paid to the employee with their salary for that month. Claims for expenses which do not reach the Finance Department by the 5th day of the month will not be reimbursed with the employees' salary until the following month.

3.8.7 Providing that paragraph all expenses have been authorised, claims for reimbursement may be submitted either as and when expenses are incurred, or as a single claim on completion of the move to the new home.

3.9 Eligible Expenses

3.9.1 Owner Occupiers (Homeowners) and Renters Moving to Rented Accommodation:

<p>Removal of domestic belongings of the employee and household, including:</p> <ul style="list-style-type: none"> insurance of goods in transit and in store. storage costs if there is not a direct move to the new residence. travel costs in moving from the old to the new property. two quotations to be obtained for the removal, the lowest of which will normally be reimbursed. (Refer to Human Resources Department regarding any unusual items for which the most expensive of the two quotes is preferable).
<p>Disconnection at the old address and reconnection at the new address of public utilities and domestic appliances (e.g. plumbing of washing machine, re-direction of mail).</p>
<p>Travel and subsistence costs of up to 3 visits to the new area to search for accommodation by the employees and family plus one familiarisation visit to the new area (e.g. choosing schools etc.). Receipts for meals and accommodation must be provided and the rate of expenses paid will be in accordance with current Whitley Council rates.</p>
<p>Receipts for travel by public transport must be provided. Travel by car will be reimbursed at the current public transport rate.</p>
<p>Removing and refitting of fixtures and fittings (e.g. carpets, curtains) including the cost of adapting them in the new residence.</p>
<p>Council Tax arising on temporary accommodation where this is also being paid on the former home.</p>
<p>The lesser of current Whitley Council long term subsistence rates or actual expenditure for temporary accommodation, including temporary hospital accommodation which may be offered if available at a non discounted rate, if required by employee (and dependents where the employee is the sole carer) before the former home is sold. This will be for a maximum period of three months (or, in the case of rented property, before rent paid period runs out subject to a maximum of 8 weeks depending upon the period of the rental agreement). The Human Resources department will advise on the allowances that may be claimed.</p>
<p>Travel costs between former home and temporary accommodation in the period prior to the move of home (subject to a maximum of 8 weeks for rented property). Normal mileage allowances must be claimed (this does not count as business mileage for tax purposes).</p>

3.9.2 Renters Purchasing a Home

The expenses noted under 3.9.1 plus:

<p>The cost of any prepaid non-returnable rent paid on the former property after the move into the new property.</p>
<p>The cost of any tenancy arrangement fees charged by the agency letting the property on behalf of the owner.</p>
<p>The normal costs in buying a house, including:</p> <ul style="list-style-type: none"> the cost of one valuation or homebuyers' survey plus any specialist surveys recommended legal costs and associated stamp duty, search fees etc.; two quotations must be obtained and it is expected that the company providing the lower of the quotes will be the company chosen. mortgage arrangement fees.

3.9.3 Existing Homeowners Only

The expenses noted under 3.9.1 plus:

<p>The normal costs in buying and selling a house, including</p> <ul style="list-style-type: none">• the cost of one valuation or homebuyers' survey plus• any specialist surveys recommended• legal costs and associated stamp duty, search fees etc.; two quotations must be obtained and it is expected that the company providing the lower of the quotes will be the company chosen.• estate agents fees (including advertising costs; two quotations must be obtained and it is expected that the company providing the lower of the quotes will be the company chosen.• mortgage arrangement fees• mortgage redemption fees and penalties
Expenses as detailed above for a purchase aborted outside of the employee's control or as a result of the findings of the survey.
Costs of retaining and insuring the old property and keeping it secure, when unoccupied.

Employees do not have an automatic right to bridging loan fees and interest, or the advance of salary for house purchase. Agreement to these expenses are at the discretion of the Chief Executive and may only be considered where an employee is likely to suffer severe hardship without such assistance.

4.0 Equipment Required

4.1 None

5.0 Training

5.1 There is no formal training package provided in relation to this procedure, however, advice and guidance with regards to the application of this procedure can be sought from Divisional HR representatives.

6.0 References

6.1 None

**The Royal Wolverhampton NHS Trust
Application for Removal Expenses**

Name of Applicant:

Post Appointed To: **Grade / Scale:**.....

Department:..... **Date of Appointment:**

Location Of Post:.....

Previous Post:.....

Current Accommodation: [Tick One Only]

Rented:

Owner Occupied:

New Home Address:

Previous Home address:.....

.....

.....

.....

.....

Declaration

If I leave the employment of the Royal Wolverhampton NHS Trust within two years from the date of completion of relocation to my new home [other than by reason of redundancy/retirement], I agree to repay the amount granted on a sliding scale as laid out in the Removal Expenses Policy.

I agree to the Trust deducting these monies from my final salary or by an agreed phased repayment period which shall not extend beyond the termination date of my employment with the Trust. Should my final salary or the salary due to me within my contractual period of notice not be sufficient to cover the monies owed I agree to repay the said monies on terms which are mutually acceptable within a six month period of leaving my employment with the Trust. Nothing in this paragraph shall prevent my reaching alternative, mutually acceptable repayment arrangements with the Trust.

I declare that the information I have provided to support this application is correct.

Signature: **Date:**

Name [Block Capitals]:

Approval of Removal Expenses:

Maximum Removal Reimbursement Agreed: £.....

Managers Name [Block Capitals]:.....

Signature:

Date Original Forwarded To Finance Department:

Appendix B

The Royal Wolverhampton NHS Trust Removal Expenses Claim Form

I request that the Royal Wolverhampton NHS Trust reimburse the expenses detailed below in connection with my relocation of residence.

I confirm that these expenses are correct and have been paid by me, and attach the appropriate original receipts / supporting documentation.

Name of company	Brief description of service	Amount
Total		

Claimants Name [Block capitals].....

Claimants Signature: Date:

Post: Department:.....

Line Managers Signature:

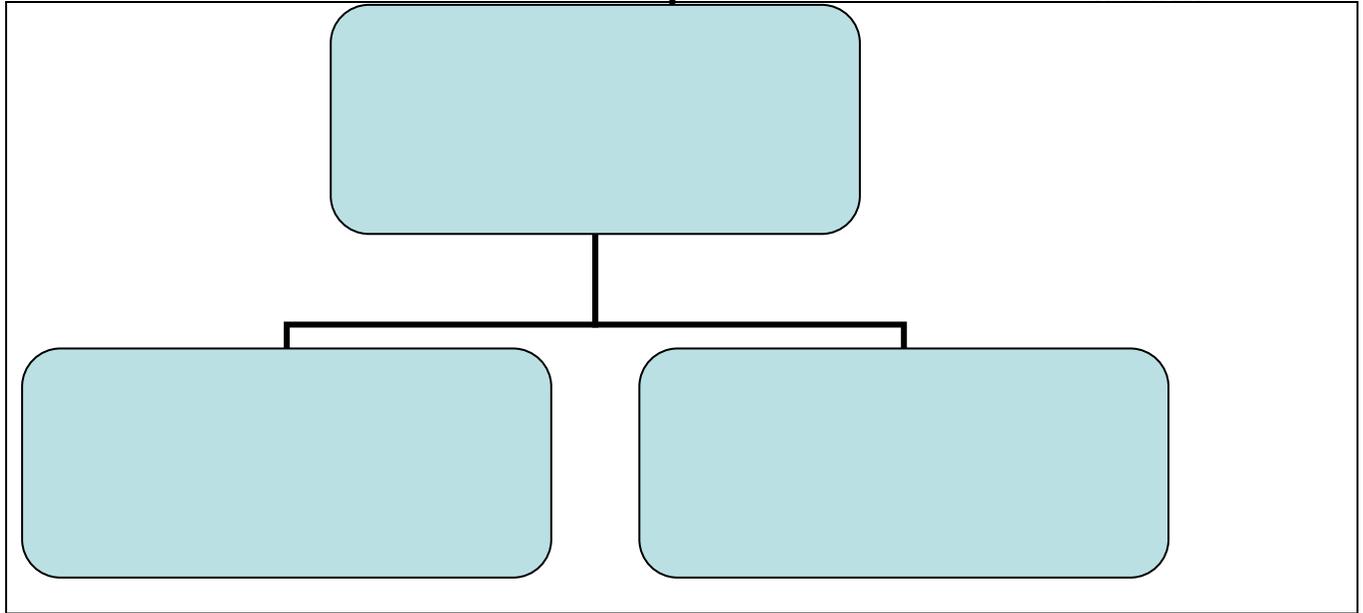
HR Managers Signature:

Date Forwarded To Finance:

JOB DESCRIPTION

1. Job Details							
Job Title:							
Band:	Band						
Reports to (Title):							
Trust Website	www.royalwolverhampton.nhs.uk						
Directorate:							
Department/Ward:							
JD Number:							
DBS Check Required:	<p><u>Delete as applicable – DBS Eligibility Tool</u></p> <ul style="list-style-type: none"> • Enhanced with Adults and Children’s Barred list • Enhanced Adults or Children’s’ Barred list • Enhanced DBS • Standard DBS • No DBS 						
<p style="text-align: center;"><u>Our Vision</u></p> <p>To deliver exceptional care together to improve the health and wellbeing of our communities</p> <p style="text-align: center;"><u>Our Values</u></p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td style="background-color: #0070C0; color: white;">Safe & Effective</td> <td style="background-color: #E91E63; color: white;">Kind & Caring</td> <td style="background-color: #90EE90;">Exceeding Expectation</td> </tr> <tr> <td style="background-color: #0070C0; color: white;">We will work collaboratively to prioritise the safety of all within our care environment</td> <td style="background-color: #E91E63; color: white;">We will act in the best interest of others at all times</td> <td style="background-color: #90EE90; color: white;">We will grow a reputation for excellence at our norm</td> </tr> </table> <p style="text-align: center;"><u>Joint Strategic Objectives</u></p> <div style="text-align: center;">  </div>		Safe & Effective	Kind & Caring	Exceeding Expectation	We will work collaboratively to prioritise the safety of all within our care environment	We will act in the best interest of others at all times	We will grow a reputation for excellence at our norm
Safe & Effective	Kind & Caring	Exceeding Expectation					
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	<table border="1"> <tr> <td data-bbox="495 180 737 302">Care</td> <td data-bbox="737 180 1365 302">Excel in the delivery of Care</td> <td data-bbox="1365 180 1446 302"></td> </tr> <tr> <td data-bbox="495 302 737 424">Colleagues</td> <td data-bbox="737 302 1365 424">Support our Colleagues</td> <td data-bbox="1365 302 1446 424"></td> </tr> <tr> <td data-bbox="495 424 737 546">Collaboration</td> <td data-bbox="737 424 1365 546">Effective Collaboration</td> <td data-bbox="1365 424 1446 546"></td> </tr> <tr> <td data-bbox="495 546 737 667">Communities</td> <td data-bbox="737 546 1365 667">Improve the health and wellbeing of our Communities</td> <td data-bbox="1365 546 1446 667"></td> </tr> </table>	Care	Excel in the delivery of Care		Colleagues	Support our Colleagues		Collaboration	Effective Collaboration		Communities	Improve the health and wellbeing of our Communities	
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Colleagues	Support our Colleagues												
Collaboration	Effective Collaboration												
Communities	Improve the health and wellbeing of our Communities												
<p>2. Job Summary</p>													
<p>The post holder will be responsible</p>													
<p>3. Main Duties & Responsibilities</p>													
<p>4. Organisational Chart</p>													



This job description is not intended to be an exhaustive list of duties and it may be reviewed and altered in the light of changed service needs and developments after discussion with the post holder.

Infection Prevention

Maintain a current knowledge of infection prevention and control practices and policies through annual mandatory updates and role specific training.

Demonstrate a current knowledge of infection prevention and control practices through the delivery of clinical care and maintenance of a safe environment in accordance with infection prevention and control practices and policies. Take part in infection prevention initiatives in the local area. Challenge infection prevention practices, reporting breaches using relevant Trust policies as appropriate (e.g. incident reporting policy).

Equal Opportunities Policy

It is the aim of the Trust to ensure that no job application or employee receives less favourable treatment on grounds of sex, disability, age sexual orientation, race, colour, nationality or ethnic or national origins or is not placed at disadvantage by conditions or requirements which cannot be shown to be justifiable. To this end, the Trust has an Equal Opportunity Policy and it is for each employee to comply with and contribute to its success.

Health and Safety

Employees must be aware of the responsibilities placed on them under the Health and Safety at Work Act (1974), and associated legislation, to maintain a safe working environment for both staff and visitors, to observe obligations under organisational and departmental Health and Safety Policies, maintaining awareness of safe practices and assessment of risk.

Data Protection

If required to do so, to obtain, process and/or use information held on computerised or manual records in a fair and lawful way in line with the Data Protection Act 2000. To hold data only for specific

purpose and not use or disclose it in any way incompatible with such purpose. To disclose data only to authorised persons or organisations, as instructed.

Customer Care

It is the aim of the hospital to provide patients and other service users with the best possible care and services. In order to meet this aim, all our staff are required at all times to put the patient and other service users first and do their utmost to meet their requests and needs courteously and efficiently. In order that staff understand the principles of customer care and the effects on their particular post and service, full training will be given.

Safeguarding

All employees have a responsibility to support the safety and well-being of children, young people and adults at risk of harm and to practice in accordance with legislation. Knowledge, skills and competency are to be maintained according to role and responsibilities in order to fulfil Safeguarding Children and Adults at Risk responsibilities. All employees are expected to comply with existing local Safeguarding policies and procedures, and Trust and Wolverhampton Safeguarding Children Board and Safeguarding Adults at Risk requirements.

Smoking Policy

The Trust provides a smoke-free work environment.

Confidentiality

The Trust is fully committed to encouraging its staff to freely contribute views on all aspects of health service activities, especially those on delivery of care and services to patients. However, you shall not, either during or after the end of your employment (however it is terminated), divulge to any unauthorised person confidential information relating to the Trust. This includes, but is not limited to, information covering patients, individual staff records, industrial relations, financial affairs, contract terms and prices or business forecasts.

Your obligations of confidentiality under this clause shall not prevent you from raising genuine concerns about healthcare, or a belief that criminal conduct, breach of a legal obligation, health and safety breaches or damage to the environment has been, is being, or is likely to be committed, or any information tending to show any of the above has been, is being, or is likely to be, deliberately concealed, provided that such disclosure is made in good faith and in accordance with the provisions of the Public Interest Disclosure Act 1998 and the Trust's Policy on Raising Concerns at Work-Whistle Blowing Policy, a copy of which is available from the Human Resources Department.

Development

The Trust is committed to supporting the development of all staff. All employees have a responsibility to participate in regular appraisal with their manager and identify performance standards for the post. As part of the appraisal process employees have a joint responsibility with their line manager to identify any learning and development needs in order to meet the agreed performance standards required of the post holder.

NHS Constitution

The Constitution establishes the principles and values of the NHS in England. It sets out rights to which patients, public and staff are entitled, and the pledges which the NHS is committed to achieve, together with responsibilities which the public, patients and staff owe to one another.

All NHS Bodies private and third sector providers supplying NHS services are required by law to take account of this Constitution in their decisions and actions.

A handbook accompanying the constitution may be found by going to [NHS Constitution for England - Publications - GOV.UK](#) that essentially provides further and more detailed explanation of each of the rights and pledges.

Criminal Records

This post is not subject to the Rehabilitation of Offenders Act (Exceptions Order) 1975 and as such it will be a submission for Disclosure to be made to the Disclosure and Barring Service to check for any previous criminal convictions is not necessary.

AfC PERSON SPECIFICATION

This document describes the qualities required for a post-holder that are not captured by the JD.

SPECIFICATION	DESCRIPTION	Rating Essential (E) or Desirable (D)	Method of Assessment Application Form (AF) / Interview (Int.) / Presentation (P) Test (T)
Qualifications <i>(This must include the level required to appoint to the post. Any requirement for registration should also be recorded here.)</i>		E	AF
		E	AF
		D	AF
Experience/Skills <i>(Type and level of experience required to fulfil duties)</i>		E	AF
		E	AF
		E	AF
		E	AF and Int.
		E	AF and Int.
		E	AF and Int.
		E	Int.

Flexibility <i>(Note here any flexibilities required by the post. e.g. Shift Working required, New tasks may need to be undertaken frequently.)</i>		E	Int.
Other <i>(Any other key issues not recorded elsewhere in JD or person spec.)</i>		E	AF
		E	AF and Int.
		E	Int.