



AGENDA ITEM

5

**Joint Consultative Committee –
23 August 2016**

- **Recruitment & Selection Policy;**
- **PVG and Criminal Convictions
Checking Policy;**
- **Gender Based Violence Policy**

Falkirk Council

Title: Referral from Joint Consultative Committee
Meeting: Executive
Date: 27 September 2016
Submitted By: Director of Corporate & Housing Services

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval of the policies which were referred to the Executive, by the Joint Consultative Committee on 23 August 2016.

2. Recommendations

- 2.1 **The Executive is asked to approve the immediate implementation of the following policies:**

- 1) Recruitment & Selection Policy;**
- 2) PVG and Criminal Convictions Checking Policy;**
- 3) Gender Based Violence Policy**

3. Background

3.1 Recruitment & Selection Policy

The main changes reflect legislation, best practice and guidance received as follows:

- Extends the guaranteed interview criteria to include looked after children and continuing care/care leavers;
- Includes guidance on references for drivers;
- Aligns the policy to the updated Rehabilitation of Offenders Act;
- Updated to reflect the move to on-line processes, directing applicants to apply via myjobscotland and removing the option of hard copy applications;
- Terminology in the policy has been changed to reflect pension scheme changes and other system changes.

3.2 PVG and Criminal Convictions Checking Policy

This policy has been reviewed in accordance with legislation, best practice and guidance from Disclosure Scotland. The main changes include:

- Reference to additional employee security checks to allow access to specific systems;
- The removal of the Rehab of Offenders declaration form, in line with legislative changes;
- Clarity on responsibilities of Countersignatories and processes in line with Disclosure Scotland advice;
- Information on how to make a referral to Disclosure Scotland.

3.3 Gender Based Violence Policy

This policy has been reviewed in accordance with the HR policy review timetable and takes account of the Equally Safe, Scotland's Strategy for preventing and eradicating violence against women and girls and takes account of best practice. The main changes are as follows:

- The the scope and definition has been widened to include all gender based violence rather than just domestic abuse and consequently the title of the policy has also been changed

4. Consultation

- 4.1 This has followed the Council's Policy Consultation process with Services and Trade Union representatives. .

5 Implications

Legal

- 5.1 In relation to the Recruitment & Selection Policy, the policy has been changed to take account of changes in legislation and pension schemes. In relation to the PVG and Criminal Convictions Checking Policy, the policy has been changed to take account of changes in legislation. In relation to the Gender Based Violence Policy, the policy has been changed to take account of guidance relating to Equally Safe.

Risk

- 5.2 In relation to the Recruitment & Selection Policy, there is a risk of individuals not applying for posts, given that the reference to paper applications has been removed. If however, an applicant is having difficulty applying online as a result of this, support will be provided to individuals where required.

6. Equalities

- 6.1 An EPIA was carried out for all policies. These EPIA's demonstrate that the proposals are robust; there is no potential for discrimination and opportunities to promote equality have been taken.

7. Conclusions

A number of changes have been proposed to improve process and increase efficiency. In addition, the amendments are in line with legislation. Full consultation has taken place with Services and Trade Unions and no major adverse issues have been identified.

Director of Corporate & Housing Services

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Date: 19 September 2016

Appendices

1. Recruitment & Selection Policy Report
2. Recruitment & Selection Policy
3. Appendix 8 – Step Check & UKBA Requirements
4. Appendix 9 – Guidance on Employment References
5. Appendix 15 – Guaranteed Interview Scheme, not shortlisted
6. PVG and Criminal Convictions Checking Policy Report
7. PVG and Criminal Convictions Checking Policy
8. Gender Based Violence Policy Report
9. Gender Based Violence Policy

List of Background Papers:

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

None

Title: Recruitment & Selection Policy
Meeting: Joint Consultative Committee
Date: 23 August 2016
Submitted By: Director of Corporate & Housing Services

1. Purpose of Report

- 1.1 The purpose of this report is to present a revised Recruitment & Selection Policy of the most recent proposed changes.

2. Recommendation

- 2.1 It is recommended that Committee agrees the changes to the Recruitment & Selection Policy and refers it to the Executive for approval and immediate implementation.

3. Background

- 3.1 The proposed amendments to the Recruitment & Selection Policy can be categorised into changes as a result of: policy, legislation/guidance received, process changes and systems changes as explained below:

Policy changes:

- Guaranteed interviews are currently available for individuals with disabilities. This is proposed to be extended to looked after children and continuing care/care leavers in line with Falkirk Council's Corporate Parenting Strategy. Appendix 15 has been added to include text for writing to guaranteed interview scheme candidates.

Legislation/Guidance:

- The information on pensions has been updated to reflect the changes to the pension schemes;
- The Rehabilitation of Offenders Form has been removed due to a change in legislation. Information on criminal records checks has been updated and the PVG flowchart has been removed as it is now contained in more detail in the PVG & Criminal Convictions Checking Policy (see separate report);
- Information on eligibility to work in the UK, security checks and baseline health questionnaires have been updated in line with guidance received. Appendix 8 has been updated to include information on the 3 step check for identity documents.

Process:

- The policy has been updated to advise that correspondence with candidates should be via the myjobscotland portal which applicants use to apply;
- The information on hard copy application packs has been removed as these are no longer required;
- The pre-employment checklist has been renamed recruitment checklist and the requirement to ask the applicant to sign the application form has been removed as advice confirms this is no longer required;
- The guidance on references has been amended to ask extra questions for drivers as has the section on baseline health questionnaires.

System Changes:

- The policy has been updated to include references to the Council's recruitment portal, Talentlink and the intranet site Inside Falkirk.

4. Considerations

- 4.1 The policy has been reviewed and consulted on to take account of legislation and best practice. The changes made provide an improvement to the policy and improve efficiency where possible.

5. Consultation

- 5.1 Consultation was carried out with Services and Trade Union representatives. Comments were considered and changes made where appropriate.

6. Implications

Financial

- 6.1 There are no financial implications from the proposal.

Resources

- 6.2 There will be a reduction in paperwork and administration due to the improved use of technology.

Legal

- 6.3 The policy has been changed to take account of changes in legislation and pension schemes.

Risk

- 6.4 There is a risk of individuals not applying for posts, given that the reference to paper applications has been removed. If however, an applicant is having difficulty applying online as a result of this, support will be provided to individuals where required.

Equalities

- 6.5 An EPIA was carried out. The EPIA demonstrates that the proposal is robust; there is no potential for discrimination and opportunities to promote equality have been taken.

Sustainability/Environmental Impact

- 6.6 The reduction in the use of paper and increased use of electronic systems is in line with the sustainability policy and reduces waste.

7. Conclusions

- 7.1 A number of changes have been proposed to improve process and increase efficiency. In addition, the amendments are in line with legislation. Full consultation has taken place with Services and Trade Unions and no major adverse issues have been identified.

Director of Corporate & Housing Services

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Date: 18/07/16

APPENDICES

Recruitment & Selection Policy

Appendix 8 – The 3 Step Check

Appendix 9 – Guidance on Employment References

Appendix 15 – Guaranteed Interview Scheme, Not Shortlisted

List of Background Papers:

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

None



FALKIRK COUNCIL

**RECRUITMENT
&
SELECTION
POLICY**

**Including Recruitment & Selection
Complaints Procedure**



INDEX

		PAGE
PART 1	POLICY STATEMENT	
1.1	Policy Statement	3
PART 2	POLICY	
2.1	Introduction	3
2.2	Scope	3
PART 3	STAGE 1 - THE VACANCY & ADVERTISING	
3.1	Existing Posts – Vacancy Management	4
3.2	New/Redesigned Posts – Approval Process	5
3.3	Advertising and Application Process	6
	STAGE 2 – SELECTION	
3.4	Shortlisting	8
3.5	Recruitment Checks	10
3.6	Interview Process	14
	STAGE 3 – POST INTERVIEW	
3.7	Interview Outcomes & Offer	16
3.8	New Start Process & Documentation	17
3.9	Induction	18
3.10	Pension Arrangements	18
PART 4	IMPLEMENTATION	
4.1	Responsibilities	19
4.2	Monitoring and Review	19
	APPENDICES	
1	Recruitment & Selection Complaints Procedure	
2	Job description template	
3	Person specification template	
4	Establishment Change - Implementation Approval Process	
5	Appointment Procedure for Head/Depute Headteacher Posts	
6	a) Shortlisting Matrix	
	b) Shortlisting Analysis Form & Summary Sheet	
7	Recruitment Checklist	
8	UK Border Agency Requirements	
9	Guidance on Employment References	
10	Excluded & Exempted Posts from Rehabilitation of Offenders Act	
11	Pre-employment Disclosure/PVG Scheme Clearance Form	
12	Interview Assessment Record	
13	Interview Scoring Matrix	
14	Standard Recruitment Template Letters:	
	a) Recommendation for employment subject to checks	
	b) Offer of permanent employment	
	c) Offer of temporary employment	
	d) Offer of secondment	
15	GIS not shortlisted – template text	

PART 1 POLICY STATEMENT

1.1 POLICY STATEMENT

Falkirk Council is committed to providing a quality service whilst safeguarding and promoting the welfare of vulnerable people. The Council therefore recognises that effective recruitment, selection and retention of high calibre employees are central to this process.

The Council is committed to applying its Equal Opportunities Policy at all stages of the recruitment and selection process. Shortlisting, interviewing and selection will always be carried out without regard to age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, marital or civil partnership status, political opinion or trade union membership.

Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of their disability. All disabled applicants who meet the essential requirements of the job as set out in the job description and person specification will be guaranteed an interview.

PART 2 POLICY

2.1 INTRODUCTON

Successful recruitment depends upon attracting applicants with appropriate levels of skill and qualifications, who will identify with the goals and values of the Council, and see themselves as making a positive contribution towards them.

The Council's recruitment and selection process must attract sufficient suitable applicants in a cost effective way, while ensuring potential applicants are not discriminated against.

Under the Data Protection Act 1998, an individual has the right to request access to any personal information held about them in a manual or computer-based file. Thus a job applicant (whether successful or unsuccessful) may submit a request to the Council for access to interview notes, references, etc.

Where an applicant wishes to raise a complaint regarding the recruitment and selection process within Falkirk Council, they should be issued with the Recruitment and Selection Complaints Procedure (Appendix 1).

2.2 SCOPE

This policy applies to all potential and existing employees. Those involved in undertaking recruitment and selection are representing the Council and must therefore promote the Council in a positive manner. The Panel Chairperson must be trained and panel members should be trained in the Council's Recruitment and Selection procedures before participating in any part of the process. Human Resources (HR) are available to advise on all recruitment issues.

PART 3 RECRUITMENT AND SELECTION PROCESS

STAGE 1 – THE VACANCY & ADVERTISING

The process to be followed will depend on whether the post is an existing or new post as detailed below.

3.1 EXISTING POSTS – VACANCY MANAGEMENT

Before recruiting additional staff to fill a 'vacant' post consideration should be given to available internal resources which may result in an efficiency saving for the Service including the following areas:

Filling vacant posts

- **Restructuring existing jobs** – this is an opportunity for managers to review the existing establishment and make any changes to meet Service demands. Any changes should be made in consultation with existing jobholders and their Trade Union representatives, HR and relevant Heads of Service. Changes must be reflected in the job description (Appendix 2) and person specification (Appendix 3). This may result in a change of grade therefore this should be referred to HR for guidance on re-grading/job evaluation. Training opportunities may need to be considered to ensure this transition is effective. Where posts are redesigned approval will be necessary in accordance with section 3.2 below.
- In considering long term workforce planning issues within a Service, the manager may wish to consider **advertising the post on a temporary basis** to allow flexibility or consider whether the working hours or patterns could be adjusted. Other situations may occur where temporary appointments arise rather than permanent. This should be discussed with HR and Trade Union representatives.
- **Redeployment of employees** – refer to the Rehabilitation and Redeployment Policy and Procedure. Consideration should be given to current employees, modern apprentices, and graduates who are proceeding through the redeployment process before advertising or interviewing other applicants. Further information should be sought from HR.
- **Modern Apprentices/Trainee Posts** – consideration should be given to appointing Modern Apprentices or trainees for posts which are hard to fill. Further information should be sought from HR or the Employment and Training Unit.
- **Budgets must be approved** before opting to recruit on a permanent, temporary or casual basis including acting up, secondments, sickness absence or maternity leave, placements or Modern Apprentice programmes. Further information is contained within the Temporary Employment Policy and the Casual Employment Policy.

Once a decision has been taken to fill an existing post (in accordance with the above checks) the following documents will be required to allow the vacancy to proceed:

Job Description

This is a broad statement of the purpose, scope, duties and responsibilities of a post and is used throughout the recruitment process. All job descriptions must include Gaelic as

essential or desirable, as appropriate to the post and in line with the Council's Gaelic Language Plan. All job descriptions should be reviewed on a regular basis to ensure that they remain relevant. If changes are made, advice in relation to grading/job evaluation should be sought from HR. The job description template can be found at Appendix 2.

Person Specification

This outlines the essential and desirable criteria required for the post. Essential criteria are those attributes that are absolutely necessary to carry out the duties of the post. Desirable attributes are those which would help the applicant to perform the job more effectively, but are not fundamental requirements of the post. Criteria should be non-discriminatory in line with the Equal Opportunities Policy. All person specifications must include Gaelic as essential or desirable, as appropriate to the post and in line with the Council's Gaelic Language Plan. The person specification is used to develop the job description and for shortlisting purposes, therefore it should not normally be included in application packs. The person specification template can be found at Appendix 3.

Chief Officer Posts

The recruitment process for a Chief Officer post is normally undertaken by Elected Members. Approval to appoint to a Chief Officer post on a permanent basis must normally be obtained from Council. Advice on this process is available from HR.

3.2 NEW/REDESIGNED POSTS – APPROVAL PROCESS

3.2.1 Creating a new/redesigned post

If the need for a new post is identified, the following steps should be taken:

- Confirm available funding for the post with your Service Accountant;
- Create a job description and person specification;
- Pass the job description and person specification with a completed grading request form to HR for grading;
- Obtain approval to create the post by submitting the relevant implementation report - see section 3.2.2;
- Consult with relevant Trade Unions throughout the process.

3.2.2 Approval for new/additional posts

The introduction of any new post requires approval. The level of approval depends on the type of post:

- All new permanent posts and temporary posts of over 2 years in duration require Executive Committee approval;
- All temporary posts under 2 years require Chief Executive approval unless the vacancy is for 6 months or less when Service Director approval is required.
- Redesign of existing posts which result in a change of grade within current staffing levels are subject to Chief Executive approval.

Approval Process

Establishment Change - Implementation Approval Process – Chief Executive/Service Director Approval

Implementation reports are required for (a) all new posts that do not require approval from Committee; and (b) changes to existing posts that result in a change of grade. Refer to the Establishment Change Implementation Approval Process Form in Appendix 4.

Committee Report – Executive Committee Approval

All new permanent posts which are additional to the agreed establishment and/or cannot be implemented within existing budget require approval from Executive Committee. The report should contain similar information to an Implementation Report, but presented in the style of a Committee Report. Long-term temporary posts (over two years) also require Executive Committee approval.

The requirement to obtain approval must therefore be taken into account when determining timescales for establishing and recruiting to posts.

Job descriptions and person specifications as detailed in section 3.1 will be required in order to proceed.

3.3 ADVERTISING AND APPLICATION PROCESS

Once approval has been given and before recruitment commences the post can be added to the establishment via HR Forms Online using the 'request a new post ID' functionality. This is accessed through Inside Falkirk. A password is required and it must be an authorised user who completes the request which can take up to 48 hours for a post to be created.

The recruitment process below is generic to all posts; however there are exceptions for the recruitment of Head and Depute Headteachers for which Appendix 5 must be adhered to.

Falkirk Council manages and advertises all vacancies on "myjobscotland" which is a national shared recruitment portal for Scotland's local authorities. The portal can be accessed at www.myjobscotland.gov.uk. Managers should refer to the 'National Recruitment Portal – "Talentlink" Guidance Notes for Managers and Support Staff' for process guidelines which are available on Inside Falkirk.

Once the appropriate level of approval has been obtained as outlined in section 3.2 above, recruitment can proceed as follows.

3.3.1 Recruitment Advertising Request

The following documents and information are required before a post can be advertised:

- Online Recruitment Advertising Request (all sections must be completed);
- Names of all people requiring access to the vacancy online (for administration and shortlisting) – see section 3.4;
- Job description and person specification – see section 3.1 including requirement for membership of any professional body eg GTC, SSSC, PVG;
- Requirement for a criminal conviction check, e.g. PVG or Disclosure for Safer Recruitment purposes;
- Pre-selection questions if appropriate to be used as initial screening questions on “myjobscotland” – these should be based on the essential criteria of the person specification, Baseline Personnel Security Standard (BPSS) checks and are subject to HR approval – see section 3.5.2;
- Short advert – see section 3.3.2;
- Planned dates for shortlisting and interview (if available).

3.3.2 Advertising

Generic adverts are held by HR for regularly advertised posts. For posts being advertised on “myjobscotland” only, a longer advert may be used as no additional cost is incurred. To minimise recruitment costs, a short advert is required for any external advertisement. HR has final approval, therefore adverts may be altered.

The advert and job description should be forwarded to the Recruitment Team using HR Forms Online. HR will add the relevant closing date to all adverts received which will also be forwarded to the advertising agency/advertiser, if appropriate, along with other relevant standard text where this is identified by the Manager, such as Disclosure/PVG check. In the case of national press adverts, HR will ensure that a final proof copy of the press advert is sighted by the recruiting manager, along with details of the advertising costs, where time scales permit.

Where Gaelic has been included as an essential criteria for a post, the job advert must also be produced in both Gaelic and English, in line with the Council’s Gaelic Language Plan. It should be noted that this may add to the recruitment timetable to enable translation of the advert.

3.3.3 Choosing Advertising Source(s)

There are a number of different options for advertising vacancies depending on the nature of the post:

- Internal only vacancies will be advertised on Inside Falkirk;
- All other posts will be advertised on Inside Falkirk, “myjobscotland” and Job Centre Plus. This is a cost effective way of advertising vacancies and consideration should be given to using this advertising source alone to minimise recruitment costs;
- Professional/Managerial/Teaching – as above but also national press, professional journals and additional websites can be considered if appropriate, but only after an unsuccessful attempt using “myjobscotland”.

Depending on the vacancy and associated costs, appropriate advertising sources should be selected in consultation with HR and within budget constraints. The use of recruitment agencies should only be considered in very exceptional circumstances and only after consultation with HR and appropriate Trade Unions. All appropriate procurement and HR paperwork must be completed if an agency appointment is being made.

3.3.4 Recruitment Cycle

Recruitment requests must be submitted using HR Forms Online and will normally be processed by HR within three working days, with a closing date of two weeks after advertising. All jobs will be advertised using “myjobscotland”, however if this is unsuccessful, adverts may also be placed in appropriate media.

Adverts may be delayed in circumstances where the post has been identified as a potential suitable match under the Rehabilitation and Redeployment Policy and Procedure.

3.3.5 Application Process

Applicants should apply online via “myjobscotland”. Applicants can access information about the vacancy and the Council on the website. The advert can be viewed online and the job description can be downloaded. Applicants can register on the website and submit job applications online, including equal opportunities monitoring information, which will prompt an electronic acknowledgement. Services may wish to submit additional information about the post and/or services which can also be made available to applicants on the website.

3.3.6 Completed Applications

Applications for employment must be made by completing a Falkirk Council Application Form on “myjobscotland”. This ensures that all applicants provide consistent information enabling the panel to shortlist against the essential and desirable criteria. CVs are not accepted for any post and if submitted, applicants will be informed of this by HR.

Application forms can be made available in alternative formats, on request, in accordance with the Council’s Equal Opportunities Policy.

Completed applications must be submitted online by the advertised closing date. Late applications will not be considered. Where an applicant has applied online they will receive an automatic email confirming receipt of their application.

STAGE 2 – SELECTION

3.4 SHORTLISTING

Shortlisting should be carried out as soon as possible after the closing date of the job advert, normally within two to three weeks. Correspondence with candidates should be carried out via “myjobscotland”. Should there be a delay in shortlisting, the Service is responsible for advising all applicants.

3.4.1 Selection of the Interview Panel

To ensure that fair recruitment takes place it is recommended that **three** panel members are appointed, however a minimum of two people may interview for lower graded posts or where extenuating circumstances arise. As far as reasonably practicable the panel should be balanced in terms of gender and include line management. The Panel Chairperson must be trained and panel members should be trained in Recruitment and Selection before participating in any part of the process.

A Chairperson must be appointed to take responsibility for the whole recruitment process and panel members should stay the same throughout the process. If a panel member has a personal relationship with an applicant, for example a relative or friend, they should declare this interest and a decision should be taken as to their ability to remain impartial. A replacement panel member may be appointed if there is any doubt. This also applies to Elected Members involved in the recruitment of Chief Officers.

Where multi-agency panels (ie including panel members from organisations external to the Council) are used, all panel members will be appropriately trained from the relevant organisation.

In some instances it may be appropriate to include service users or Parent Councils in the interview process. Any third parties must have an understanding of the principles of recruitment and comply with the processes and procedures detailed within this policy. Services in conjunction with HR will develop specific guidance as required to meet the needs of their service users, which will be discussed with Trade Unions as required. The 'Appointment Procedure for Headteacher/Depute Headteacher Posts' at Appendix 5 includes guidance in relation to Parent Council involvement in the recruitment process.

Any attempt to influence the decision of the interview panel in favour of a particular applicant will be considered as canvassing. Any such incidents should be immediately referred to the Head of Human Resources & Business Transformation.

In the case of interviews for **Headteachers and Depute Headteachers**, the interview panel should be appointed in accordance with Scottish Schools (Parental Involvement) Act 2006, Appointments (Scotland) Regulations 2007. A copy of the 'Appointment Procedure for Headteacher/Depute Headteacher Posts' can be found at Appendix 5.

3.4.2 Shortlisting Process

The interview panel should shortlist the applications online on "myjobscotland" using the essential criteria established in the person specification and desirable criteria if necessary. Should a high volume of applications be received for a post, the panel reserves the right to enhance the criteria to facilitate shortlisting. Applicants will be shortlisted, provided the criteria is met, regardless of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, marital or civil partnership status, political opinion or trade union membership.

Only application forms of those shortlisted for interview should be printed in line with the Council's sustainability objectives.

The shortlisting matrix (Appendix 6a) and/or the shortlisting analysis form and summary sheet (Appendix 6b) may also be used. Once the short list has been finalised and agreed, the panel chairperson should make arrangements to::

- inform all applicants of the outcome ie, either (a) not shortlisted or (b) invite for interview, using “myjobscotland”;
- if there is only one or there are no suitable applicants, contact HR for advice.

3.4.3 Guaranteed Interview Scheme

Disability

Should the essential minimum criteria be met, an interview will be guaranteed for those applicants who indicate on the application form that they are disabled.

If a Guaranteed Interview Scheme applicant has not been shortlisted or appointed after interview, the Chairperson of the interview panel must advise the applicant in writing of how/where they failed to meet the criteria. This should be done using “myjobscotland”. Template text can be found at Appendix 15.

Looked after children, those in continuing care and care leavers

Should the essential minimum criteria be met, an interview will be guaranteed for those applicants who indicate on the application form that they are a looked after child, are in continuing care or are a care leaver (up to age 26). This is in line with Falkirk Council's Corporate Parenting Responsibility and Family Firm Approach.

3.5 RECRUITMENT CHECKS

There are a number of checks which must be satisfactorily met before any offer of employment is made. The Recruitment Checklist (Appendix 7) will assist managers in ensuring all relevant checks are undertaken. Further information is also provided below on the various checks which may require to be undertaken.

The Chairperson of the panel has overall responsibility for:

- ensuring that all checks are conducted;
- undertaking visual checks to ensure the document(s) and dates of birth against the appearance and apparent age of the applicant correlate;
- checking for obvious discrepancies eg ensuring that any United Kingdom Government endorsement (stamps, vignettes etc) entitle the potential employee to do the type of work on offer and that any expiry date has not passed.

3.5.1 Eligibility to work in the UK

Under the Immigration, Asylum and Nationality Act 2006, specified documents must be checked and copied to establish that an individual has the right to work in the UK. **All applicants invited for interview** should be asked to provide proof that they are entitled to live and work in the UK. To avoid a civil penalty, **original** documents must be presented and checked. The required documents are listed on the recruitment checklist at Appendix 7.

With regards to an individual's eligibility to work in the UK there are three basic steps to conducting the right to work check;

1. Obtain original versions of one or more of the acceptable documents;
2. Check the documents in the presence of the holder of the documents; and
3. Make copies of the documents, retain the copies and a record of the date on which the check is made. Please see attached table (Appendix 8) showing these steps in more detail.

If applicants are not from the UK further information regarding pre-employment checks should be obtained from HR and reference should be made to the Overseas Criminal Records Checks Policy. Appendix 8 also provides further information in relation to the UK Border Agency requirements for applicants from the EEA, A8 Accession States, A2 countries and non-EEA countries.

Where the appropriate evidence has not been provided or if there is any doubt with regard to validity of documentation, a recommendation for and/or offer of employment should not be made. Advice should be sought from HR and Governance before progressing the application.

Where it has been agreed to allow employment through a recruitment agency, it should not be left up to the recruitment agency to undertake these checks. The criminal liability still lies with the Council as the employer to ensure that these checks have been carried out and are satisfactory. Where however, the worker remains an agency employee, this will be the responsibility of the recruitment agency.

3.5.1.1 Certificate of Sponsorship

A certificate of sponsorship is a unique reference number given when the Council processes a non-EEA applicant through the Sponsor Management System. This process is aimed at enabling the Council to recruit individuals from outside the EEA to fill a skilled job that cannot be filled by an EEA worker.

The Council will be able to apply to sponsor skilled migrants in specific situations. There is a cap on the number of Certificates of Sponsorship available, therefore it may not be possible for the Council to sponsor an applicant. **If a Certificate of Sponsorship will be required the recruiting manager must contact the Council's Employee Resources Team Leader if possible before interview and in all circumstances before any offer of employment is made.**

HR has access and authorisation to process the applicant's details on the government system and will therefore record this information within Resourcelink for monitoring and reporting purposes. Following recruitment of non-EEA nationals, the manager will have specific responsibility under the regulations to monitor and conduct annual checks to ensure continued authority to remain in the UK. Failure to carry out these checks may result in a civil penalty being incurred.

3.5.2 Personnel Security Checks

There are a number of security checks which may be required dependent on the nature of the post. This should be noted in the job description and person specification. There is more detail on the nature of these checks in the PVG and Criminal Conviction Checks Policy.

3.5.3 References

Information regarding attendance, ill health or disability must not be requested from previous employers prior to interview. Services are required to take up two appropriate and satisfactory employment references prior to confirming any offer of employment, and the recommendation letter will advise the candidate that references will now be taken up.

The purpose of seeking references is to obtain objective and factual information about an applicant's suitability for a post and should inform and support appointment decisions. References should be requested via Talentlink. The Chair of the interview panel must ensure that references are received and scrutinised, and any concerns are resolved satisfactorily, before the offer of employment is confirmed.

'Guidance on Employment References' provides further information (Appendix 9). This document must be read in addition to this Policy and complied with before any offer of employment is made in the interest of safe recruitment practice.

3.5.4 Baseline Health Questionnaire

All applicants invited for interview must be advised that, if successful at interview, they will be expected to complete a Health questionnaire.

Once the preferred candidate has been selected, a Baseline Health Questionnaire should be emailed to the candidate via the Occupational Health online system as part of the recruitment checks.

If the Occupational Health Adviser has any queries regarding the questionnaire, they may invite the candidate for a medical interview or a medical examination. If the candidate refuses to complete the questionnaire, or attend an Occupational Health interview or examination, this would mean that the conditions for appointment had not been satisfied, and the manager must obtain advice from HR.

Further details may be required for driving posts and/or posts that may require Occupational Health Surveillance e.g. HAVS.

3.5.5 Qualifications and Driver's Licence Checks

Where a specific qualification, membership of a registered body or equivalent alternative is required as a criterion for the job, including the requirement to drive to perform duties, evidence of this must be checked prior to the job offer being made. The original documents must be checked and a copy of the original certificate(s) and/or licence should be taken and retained on file. For posts which require driving, references must contain the relevant driving questions.

3.5.6 Criminal Record Checks

The government has enacted legislation for regulated work with children and adults through establishing lists of adults disqualified from engaging in this type of work. It is a criminal offence for individuals who have been disqualified from regulated work with children and/or adults to apply for a position working with these groups or for the Council to employ an individual on either of the lists in that type of regulated work.

Human Resources, in consultation with Services, maintain a list of posts requiring Disclosure/Protection of Vulnerable Groups (PVG) checks. The ‘PVG & Criminal Conviction Checking Policy’ must be read in addition to this policy and complied with before any offer of employment is made in the interest of safer recruitment practice. The requirement for a Disclosure/PVG check should be made clear on the advert. All checks required will be carried out through Disclosure Scotland.

3.5.6.1 Disclosure/PVG Checks

At least three forms of identification, including national insurance number, photographic and address verification should be checked at interview, with relevant information noted as detailed in the Recruitment Checklist (Appendix 7).

For posts requiring PVG Scheme membership, managers will be required to ask candidates at interview whether they have existing PVG Scheme membership or not. The process to be carried out can be found in the PVG and Criminal Conviction Checking Policy. PVG Scheme membership is required for regulated work ie posts working with children and/or vulnerable adults.

Disclosure and PVG application forms are available from the business support team appropriate to each Service or HR.

The relevant application form and mandate form should be sent to the candidate with the recommendation for appointment letter. Candidates must be asked to complete these and return in a sealed envelope.

Once the relevant Disclosure/PVG certificate has been received from Disclosure Scotland, the manager should refer to the flowchart in the PVG and Criminal Conviction Checking Policy to check whether any further documentation is required. If any convictions are noted, these should be risk assessed in accordance with the current risk assessment process and form which can be found in the Forms section of Inside Falkirk, in the PVG and Criminal Convictions Checking Policy or by contacting HR.

If any documentation suggests an individual is “considered for listing”, the manager must refer the matter to Governance and HR for further consideration. If any individual is barred from working with a particular client group, they MUST NOT, in any circumstance, be offered any work within that particular regulated workforce. Again, should this occur, the manager should contact Governance and HR for further advice.

If the check is suitable, details should be noted on the Pre-Employment Disclosure/PVG Scheme Clearance Form (Appendix 11) and updated on Resourcelink. The clearance form should be filed in the employee’s personnel file for future reference. The certificate must then be securely destroyed as soon as possible.

Candidates will be responsible for the cost of any fees related to PVG/Disclosure Checks. Arrangements will be made for the fee to be paid by the Council initially, to be repaid by new employees through regular monthly instalments from their salary (over 1-24 month period). The mandate should be issued with the offer of employment letter (Appendix 14b or c) and must be signed by the new employee prior to commencement. A mandate must be completed and submitted to payroll in order that the appropriate deductions can be made.

Should an individual have a check undertaken and choose not to start employment with the Council, then they remain responsible for the cost of the check. The recruiting manager is responsible for writing to the individual to advise them on the method of repayment.

Further information relating to Disclosure checks and PVG Membership can be found in the PVG and Criminal Conviction Checking Policy.

3.6 INTERVIEW PROCESS

3.6.1 Interview Arrangements

The Chairperson of the panel is responsible for ensuring that the arrangements for interview are made in advance as follows:

- Check for applicants with special requirements e.g. disabled applicants should not be disadvantaged by the interview arrangements. The invite to interview email must ask the applicant to advise of reasonable adjustments required for the interview and for these to be confirmed prior to the day of interview. Reasonable adjustments should be made where appropriate such as physical access to the venue, and any services/equipment that may need to be provided, e.g. sign language interpreter.
- It is the responsibility of the individual to notify the Council of any special requirements, however it is the interview panel's responsibility to ensure where possible that these are met.

3.6.2 Interview Preparation

- Ensure that a suitable room is available and that the reception/person meeting the applicants has a list of who will be arriving, the times of the interviews, a contact number and where the interviews will be taking place.
- Panel members should agree standard open questions in advance of the interview ensuring that the assessment of knowledge and skills can be adequately measured against the essential and desirable criteria during the interview using behavioural interviewing techniques. The panel should also take turns at asking the questions and agree who will ask which ones.
- As an approximate guide, six to eight standard questions should be devised.
- All interviews must be fair and consistent. All applicants should be asked the same questions, based on the criteria for the post. It may be appropriate to rephrase questions to encourage responses depending on an applicant's particular experience and/or ask further probing questions. It may also be necessary for the panel to clarify information submitted in the application form by the applicant.

- Panel members should ensure that the questions they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview should focus on the needs of the job and skills required to perform it effectively.
- Where a presentation or test is included as part of the selection process, applicants must be made aware of this in advance. The Chairperson is responsible for ensuring availability of appropriate working equipment prior to interviewing, as required for any presentation or test. In addition they should ensure appropriate resources to administer any tests are available.

3.6.3 Conducting the Interview

- Ensure phones are diverted and a sign is put on the door of the interview room to avoid interruptions.
- The Chairperson should introduce those present and outline the format and timescales of the interview, advising the applicant that the panel will be taking notes. Panel members should avoid recording subjective or personal data during the interview.
- Provide background information for the job and the relevant Service to the applicant.
- If PVG membership is required for the post, ensure that all applicants are reminded that the Council will initially pay for the PVG Scheme Membership fees, but this will be reclaimed from the employee in instalments from 1-24 months.
- If applicable, the applicant would normally deliver their presentation at the start of the interview and prior to questions being asked.
- Tests may be appropriate to determine knowledge or skills eg typing, organisation, IT skills or subject matter, however they must be relevant to the requirements of the post. Tests should be administered at the beginning or end of interview depending on resources.
- Ask the applicant the agreed questions and any follow up questions to elicit all required information.
- Give the applicant the opportunity to ask any questions.
- Recruitment checks must be carried out at the time of interview, however these may be done by an administration assistant or authorised signatory – see section 3.5 for details of documentation and checks which must be carried out for each post.
- Close the interview by thanking the applicant for attending, indicating when you expect to make a decision and when the applicant will be informed of the outcome.
- A record of every recruitment interview must be made and retained for six months; see Interview Assessment Record (Appendix 12) and Interview Scoring Matrix – (Appendix 13) for templates. You must do this in writing and retain any notes. Audio recordings of interviews **must not** be made.
- Section A of the Recruitment Checklist (Appendix 7) should be completed for all applicants attending interview. For successful applicants, Section B of this form should also be completed.

STAGE 3 – POST INTERVIEW

3.7 INTERVIEW OUTCOMES AND OFFER

The interview panel has joint responsibility for selecting appropriate applicants based on the criteria set for the post. The scoring matrix (Appendix 13) should be used to determine the outcome of the interviews by scoring each applicant against the responses to the interview questions and any tests where applicable. Normally applicants should be scored after individual interviews by each panel member. On conclusion of the interviews each panel member must rank their own scores in order of merit (1 being the highest). The rank orders of all panel members should then be added together to give an overall ranking. The applicant with the lowest rank score should be appointed. An agreed matrix should be retained with interview records.

The Chairperson of the panel must ensure that they are satisfied with the interview process and challenge any anomalies if required.

The Chairperson must also ensure that “myjobscotland” is updated to reflect the outcome for successful and unsuccessful applicants and the vacancy closed.

3.7.1 Positive Action

Positive action provisions of the Equality Act in relation to recruitment and selection came into force on 6th April 2011. This means that if the recruiting manager believes that a particular protected characteristic (ie age, disability, sex, gender reassignment, pregnancy, maternity, race, sexual orientation, religion or belief, marital or civil partnership status) suffers a disadvantage or is under-represented in the post in question, and where two candidates have scored equally in their interviews, the candidate with the protected characteristic can be selected. Taking the positive action must be a proportionate means of enabling or encouraging people to overcome the disadvantage or to address the under-representation.

For example, if an employer that is recruiting for a management role considers that two candidates, one male and one female, are as qualified as each other for the role, it could decide to offer the job to the female candidate because women are under-represented at management.

All suitably qualified candidates must be considered on their individual merits for the post in question. Where one applicant is clearly superior or better qualified for the job than others then that candidate should be offered the job.

Positive action is entirely voluntary and there is no requirement to use this as part of recruitment and selection processes. Advice must be sought from HR if positive action is being considered.

3.7.2 Offer of Employment

On no account should any job offer be made during or at the end of an interview. Offers of employment must only be made on condition that all recruitment checks have been received and are satisfactory. Template letters are available at Appendix 14 covering a recommendation for employment subject to recruitment checks, as well as formal offer

letters for permanent employment and temporary employment for secondments. Reference should be made to the Casual and Temporary Employment Policies for offer letters in these circumstances.

3.7.3 Salary Placement

Placement within grades, including on promotion, will normally be on the first point on the grade. Chief Officers do however have the discretion to appoint individuals at any point within the appropriate grade in specific circumstances. Consideration should, in the first instance, be given to ability and skills of the successful applicant and the impact on other jobholders to ensure equality.

3.7.4 Returned Acceptance of Offer

Once the applicant has returned a signed copy of their offer letter the Service must ensure that all appropriate administration is completed to facilitate the set up of the new employee with both HR and Payroll – see section 3.8.

3.7.5 Unsuccessful Outcome of Checks

Where the outcome of any Recruitment check (including references) results in the decision not to make a formal offer of employment, HR should be contacted for advice and guidance.

3.7.6 Informing the Unsuccessful Applicants

The unsuccessful applicants should be advised of the outcome using “myjobscotland”.

All application forms and associated recruitment material must be forwarded to the Service/HR Recruitment team for filing within two weeks of issuing letters to unsuccessful applicants. These papers will be held for a 6 month period and then destroyed.

3.8 NEW START PROCESS & DOCUMENTATION

The Recruiting Manager must ensure that a New Appointment Form is completed on HR Forms Online (HRFOL) on or as soon as possible after the start date. The form should not be submitted in advance of the new employee actually starting to avoid them being paid if they do not start employment. Once authorised by the appropriate authorising officer within the Service, this will be automatically submitted to Payroll.

Payroll will approve HRFOL on a monthly basis around 18th of each month, after which the new employee’s details will move to the HR Admin section of the system. At this stage an employee number will be created on Resourcelink. Services/HR Recruitment team must then issue a Statement of Particulars (SOP) to the new employee within eight weeks of the start date.

A personal file must be created around the same time as the SOP is issued and the Recruiting Manager must ensure that supporting paperwork as detailed on the Recruitment Checklist (Appendix 7) is sent to the holders of personal files and retained

for the duration of employment, then retained for a further 7 years in archive after the termination date.

3.9 INDUCTION

On the first day of employment, a further identity check must be undertaken to ensure that the person interviewed is the same person starting employment. This should include checking the person's appearance against the photographic identification provided on the day of interview.

For posts that have required Disclosure checks/PVG membership, managers should ensure that a mandate has been completed to allow deductions to be made from the employee's salary to reimburse fees where appropriate.

All employees should be inducted into Falkirk Council from the first day of employment. An Induction Pack should be completed for all new employees which is available on Inside Falkirk.

An on-line Induction Training course called 'The Welcome Induction' is available for all new employees. You will find a link to this course on the Learning Zone section of Inside Falkirk. Line managers should ensure that where facilities allow, new employees undertake this course within three months of commencing employment.

Services will be provided with regular reports in relation to induction progress from HR for monitoring purposes.

3.10 PENSION ARRANGEMENTS

All employees of the Council with contracts of three months or more and who are under age 75 are eligible to join the Local Government Pension Scheme (LGPS) unless they are Teachers in which case they can join the Scottish Teachers Pension Scheme (STPS). All new employees will be automatically enrolled in one of these pension schemes unless they specify in writing that they do not wish to become scheme members or opt out of the scheme.

Employees on temporary contracts of under three months or casuals, who are under age 75, will be eligible to opt into LGPS or STPS.

Any enquiries regarding the LGPS should be directed to the Pensions Section by telephoning 01324 506329 or email pensions@falkirk.gov.uk. Any enquiries relating to STPS should be directed to the Scottish Public Pensions Agency by telephoning 01896 893000.

PART 4 IMPLEMENTATION

4.1 RESPONSIBILITIES

4.1.1 The Chief Executive and Chief Officers

The Chief Executive and the Chief Officers of the Council are responsible for the effective operation of the policy across the Council as a whole and within the various Services respectively.

4.1.2 Managers

Managers involved in the recruitment and selection of individuals on behalf of the Council have the responsibility to ensure that the principles and practices of the policy are applied and adhered to at all times.

4.1.3 Employees

Employees are responsible for ensuring that where they are applying for further employment opportunities within the Council they adhere to the same requirements, as would an external applicant and do not canvas those involved in the process in any way.

4.1.4 Human Resources

The HR section of Corporate and Housing Services will provide advice, assistance and support to individual employees, managers and Senior Officers in interpreting and applying the Council's Recruitment and Selection Policy.

4.2 MONITORING AND REVIEW

The Head of Human Resources & Business Transformation will review this policy as per the agreed Human Resources Policy Review Timetable in conjunction with Chief Officers and Trade Unions taking into consideration legislative amendments and best practice advice. This Policy has been Equality Impact Assessed and no adverse impact has been identified.

How to conduct a right to work check - The 3 Step Check

1. Obtain	2. Check	3. Copy
You must obtain original versions of one or more acceptable documents	check the document's validity in the presence of the holder.	You must make a clear copy of each document in a format which cannot later be altered, and retain the copy securely; electronically or in hardcopy. You must retain a record of the date the check was made.
How: You must ask for and be given original documents from either List A or List B of acceptable documents. (List A & B are an Appendix to the Recruitment Checklist).	How: You must check that they are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering. You must check : 1) photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation; 2) expiry dates for permission to be in the UK have not passed; 3) any work restrictions to determine if they are allowed to do the type of work on offer (for students who have limited permission to work during term-times, you must also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed); 4) the documents are genuine, have not been tampered with and belong to the holder; and 5) the reasons for any different names across documents (e.g. original marriage certificate, divorce decree absolute, deed poll). Supporting documents should also be photocopied and a copy retained.	How: You must copy and retain: 1) Passports : any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question. 2) All other documents : the document in full, including both sides of a Biometric Residence Permit.

You must retain the copy or copies securely 7 years after the employment has come to an end.

UK Border Agency Requirements

In order to comply with the Immigration, Asylum and Nationality Act 2006, documents as detailed on the recruitment checklist must be checked, copied and retained for verification for **all** candidates.

If applicants are not from the UK further information regarding pre-employment checks should be obtained from your Service HR Adviser.

Category	Countries Included	Criteria for entry & website address for further information
European Economic Area (EEA)	<p>Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Irish Republic, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and United Kingdom.</p> <p>Iceland, Liechtenstein and Norway are not members of the European Union (EU) but citizens of these countries have the same rights to enter, live in and work in the United Kingdom as EU citizens.</p>	<p>All EEA and Swiss nationals are free to enter and live in the United Kingdom without the need to apply for UK Border Agency permission.</p> <p>http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/</p>
A8 Accession States	Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia	<p>Previously applicants had to register with the UK Border Agency when they started work. From 01/05/11 access to work in UK is unrestricted.</p> <p>http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/wrs/</p>
A2 Countries (New Members of the EEA)	Bulgaria and Romania	<p>Applicants may need to apply for UK Border Agency permission before they start to work.</p> <p>http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/</p>
Non-EEA	All other countries not listed above.	<p>Applicants may need a Certificate of Sponsorship before they start work.</p> <p>http://www.ukba.homeoffice.gov.uk/employers/points/</p>



Falkirk Council

GUIDANCE ON EMPLOYMENT REFERENCES

CONTENTS

		PAGE
	1.0 Introduction	2
	2.0 General Principles	2
	3.0 Guidelines for Writing References	3
	4.0 Providing Verbal References	4
	5.0 Requesting and Following Up References	4
	6.0 Access Request	7
Appendices	1 Employer Reference Request Form & Letter for working with vulnerable groups	9-14
	2 Employer Reference Request Form & Letter for not working with vulnerable groups	15-19
	3 Non-Employer Reference Request Form & Letter working with for vulnerable groups	20-24
	4 Non-Employer Reference Request Form & Letter for not working with vulnerable groups	25-27

1.0 Introduction

This Guidance is designed to assist managers in responding and requesting employment references. The guidance should be read in conjunction with the Council's Recruitment and Selection Policy.

2.0 General Principles

- 2.1 Although there is no obligation or legal duty to provide references, it is considered good practice within the Council to provide references for employees. A refusal could result in adverse consequences for the employee. Furthermore, case law has previously suggested that although there may be no legal obligation to provide a reference, there is a moral obligation to do so (Lord Slynn's judgement in *Spring v Guardian Assurance plc and others* [1994]).
- 2.2 References provided on behalf of Falkirk Council should be on headed paper marked private and confidential and signed off by a Manager at an appropriate level e.g. Team Manager. You may wish to check with your own manager that you are authorised to provide a reference.
- 2.3 References must be true, accurate and fair, and must not give a misleading impression. If your impression of the employee is included in the reference, then back this up with factual evidence. If a reference, orally or in writing, contains inaccurate statements which are:
 - knowingly untrue and given with malice intended;
 - positive although they have grounds for suspecting the competence or honesty of the employee then the employee or recipient may be able to raise a civil action.
- 2.4 It is not fair to refer to an issue of concern in a reference that has not been discussed with the employee.
- 2.5 In submitting a reference for an individual it should be remembered that the accuracy and fairness of the contents of the reference reflect on the personal and professional reputation of the referee and the Council. There is a shared responsibility in ensuring that the right person is employed.
- 2.6 If you are a member of a recruitment panel, you must not act as a referee for an applicant applying for the post. You can however, provide assistance to the employee to identify an alternative referee.
- 2.7 If you are approached in a personal capacity outwith your employment, for a reference, you must not refer to the Council in any way, and you should not refer to your professional role within the Council as this can imply related authority or credibility to the reference. A personal reference must detail the home address of the referee and must never be written on Council headed paper.

- 2.8 Open references, i.e. *“To whom it may concern”*, should not be provided as this allows the individual flexibility to select how and when to submit the reference, e.g. it may be that specific environments are not considered suitable but the employee is free to use the reference for any position. There may however be specific circumstances where this arrangement may be appropriate. You should seek advice from your Service Human Resources Adviser before providing this type of reference.
- 2.9 If you are uncertain about whether you should provide a reference, or would like advice on how to prepare a reference, please contact your Service Human Resources Adviser.

3.0 Guidelines for Writing References

3.1 When writing references:

- 3.1.1 Be fair to both the member of staff and the recipient of the reference;
- 3.1.2 Ensure the reference is factually correct – if you are unsure of any facts or wish to check employment information please contact Human Resources. Some reference requests ask for specific information. If however they simply request a reference, you may wish to include some of the following areas:

- The nature of your working relationship with the individual;
- Their length of service;
- Length of time you have known the person;
- Duties – nature of current job, including scope of the job;
- Timekeeping and attendance, (including number of absences, or, number of days sickness, and the timescale);

(Please note: When providing information about an individual’s sickness absence record, it is essential to provide only verifiable facts about attendance history, and not to include subjective statements. Even seemingly positive statements [e.g.: “maintained good attendance despite disability”] could be seen as discriminatory. It is not appropriate to provide background information about medical conditions or disability.)

- Current disciplinary record (if applicable);
- Performance;
- Particular contribution to the organisation;
- Particular personal strengths;
- Identified areas for development;
- Suitability for the post applied for.

- 3.1.3 Ensure that your opinions are clearly stated as opinions and that they are based on verifiable facts. If you are asked to express an opinion on areas where you have limited knowledge it might be necessary to use phrases such as,

- *“I know of no reason to question xxxx’s honesty/integrity”*
- *“Although xxxxx has not undertaken xxxxxx role/responsibilities whilst working with me, based on my experience of I am confident he/she has the required experience and skills.”*

- 3.1.4 You should not include anything that you are not prepared to discuss with, or show to, the member of staff. As part of your normal performance management you should be giving continuous feedback, so any member of staff should know what to expect in any reference. If, however you have concerns about conduct or performance but have never raised it with the member of staff, you should not include it in the reference. It is worthwhile to meet with the employee and discuss the contents of the reference, alternatively a copy can be provided to the employee. The content of a reference may be discussed during an exit interview, which would cover the information that you would include in any references that may be requested in the future.
- 3.1.5 If you use information from another source, i.e. another manager, you should make it clear where the information came from and ensure any comments and views can be demonstrated. The reference should only be based on the factual information held on file and you should explicitly state that the information has been included on a factual basis and that the individual is not known personally. For example, if the request requires information about an element of work that you are not familiar with, you might wish to use “having consulted xxxxx xxxxx who has most interaction with xxxxx on this area of work I can advise that...”
- 3.1.6 If in doubt about providing a reference, it is advisable to provide only the basic facts, i.e. dates of employment and a brief description of duties and responsibilities. This kind of reference, however, is unlikely to be suitable for certain positions. If you have concerns about providing a reference, please contact Human Resources for advice.
- 3.2 The provision of references via e-mail is not considered appropriate. All employment references on behalf of the Council should be provided in writing and on letter headed paper.

4.0 Providing Verbal References

- 4.1 Although the same guidelines apply to references given verbally, it is not considered best practice to provide verbal references. Where it is necessary to give a verbal reference it is useful to do the following:
- Ask what information is required and arrange a time to call back – this will help you to verify the nature of the caller and will ensure that you have time to consider and prepare your response.
 - Do not make statements that you would not be prepared to put in writing and back up with facts.
 - Provide written confirmation of the verbal reference.
 - Keep a note of what was discussed verbally.

5.0 Requesting and Following Up References

- 5.1 Requesting and properly following up references is one of the most vital safer recruitment tools available. As well as providing a valuable source of information on applicants including, their history and performance in previous roles, they can also give an indication of personal qualities and characteristics.

- 5.2 The purpose of seeking references is to obtain objective and factual information about an applicant's suitability for a post and should inform and support appointment decisions.
- 5.3 References should always be requested and obtained directly from the referee. References or testimonials provided by the applicant, or on open reference, i.e. "To Whom It May Concern" should not be relied upon. There have been instances of applicants forging references, also open references/testimonials may be the result of a "compromise agreement" and are unlikely to include any adverse comments. You may therefore wish to check the details of referees given, such as name, address or telephone number.
- 5.4 The most appropriate referee is likely to be the current employer. You should always try to get at least one reference from the current employer from an appropriately senior representative of the relevant organisation, i.e. not a former peer. If someone other than an employer is put forward as a referee you should query this with the applicant. However, if the applicant has not been employed, personal referees may be the only ones available. Information from personal referees may, however, be of less value.
- 5.5 If the candidate has applied for a post which requires additional BPSS checks, you may wish to request additional references that cover a period of 3 years employment history. This is not mandatory but could be considered good practice in terms of the relevant checks being undertaken.
- 5.6 The request letter should allow sufficient time for the reference to be returned prior to the interview and should offer a telephone contact in case of problems. A stamped addressed envelope for returning references should be provided to expedite this process. It is important that the reference request is marked 'private and confidential' for the attention of the named referee. If a reference request is returned by email it must include an appropriate signature and company stamp.
- 5.7 It is not permitted to request or receive references regarding attendance, ill health or disability prior to interview. Therefore references for the successful applicant will be taken up following interview, and the applicant will be advised in the conditional offer letter that this is being done. The Chair of the interview panel must ensure that references are received and scrutinised, and any concerns are resolved satisfactorily, before any conditional offer of employment is confirmed.
- 5.7 All requests for references should seek objective verifiable information as far as possible and not only subjective opinion. Information may be requested on a variety of matters and should be used to check facts. The Council's standard letters **or** pro forma for obtaining references should always be used. These are attached as appendices at the end of this document. A copy of the job description and person specification for the post for which the person is applying should be included with all requests, and every request should ask:
- How long have you known the applicant and in what capacity?
 - In what post was/is the applicant employed in and how long has the applicant been employed in this post?
 - Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the

applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification;

- How many days and occasions of sickness absence has the applicant taken over the last two years (or final two years of employment with you)?

(Please note: When requesting information about an individual's sickness absence record, you must limit the request to dates of absence. Requesting additional information about reasons for absence or medical history or disability would potentially be viewed as discriminatory).

- Does the applicant have any current disciplinary sanctions? If yes, what was the nature of the offence(s) and the sanction(s)? (Information on expired sanctions need only relate to the safety and welfare of service users.) Please also provide any specific relevant comments about their performance and conduct.
- Is there any reason that you know that we should not employ this applicant?
- Would you re-employ this applicant?

For child care/vulnerable adult posts only:

- Are you completely satisfied that the applicant is suitable to work with vulnerable groups? If not, please provide specific details of your concerns;
- Have any allegations or concerns been raised about the applicant that relate to the safety/welfare of service users or behaviour towards service users, and what was the outcome of those concerns eg were the concerns investigated and how was the issue resolved? This should include details of all allegations or concerns that have been/are being investigated and the conclusion reached.

For posts that involve driving duties:

- Are you completely satisfied that the applicant is suitable to undertake driving duties? If not, please provide specific details of your concerns.

The Request should remind the referee that:

- As a referee, they have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission;
- They should be aware that any relevant factual content of the reference may be discussed with the applicant.

- 5.8 On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered or the reference is vague or unspecific, or appears inadequate or incomplete, or is unsigned or signed by someone other than the referee, the referee should be telephoned and asked to provide written answers or further explanation as appropriate.
- 5.9 The information given should also be compared with the application form to ensure that the information provided about the applicant and their previous employment, by the referee, is consistent with the information provided by the applicant on the form. Any discrepancy in the information should be taken up with the applicant.
- 5.10 Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, or an allegation unfounded, are less likely to cause concern than more

serious or recent concerns. Unresolved issues or a history of repeated concerns or allegations over a period of time may be more likely to give cause for concern.

5.11 Additional reference information may be requested in instances where:

- the applicant has had difficulties with a former manager;
- the applicant gives an unusual or inconsistent reason for leaving a job;
- the applicant has no recent work record;
- an earlier job is particularly relevant to the current application;
- one referee is unavailable or refuses to provide a reference;
- you receive two conflicting references in respect of one applicant.

5.12 It should be borne in mind that references can offer a great deal of scope for both direct and indirect bias. References tend to be more reliable if:

- The old and new job are very similar in content;
- Questions are based on job analysis;
- Facts, rather than opinions and evaluations, are requested;
- Relevant information about the job vacancy was provided to the referee;
- The opportunities the referee has had to directly observe the employee are identified;
- Where any personality traits are to be measured, they are defined and specific examples requested.

5.13 Where references are considered suitable and all other pre-employment checks have been successfully completed, an offer of employment can be made. References should be retained in the employee's personnel file.

5.14 Inappropriate references or concerns should be discussed with your service HR Adviser for additional advice.

6.0 Access Request by Applicants

Confidentiality of references under the Data Protection Act 1998

6.1 References written by an organisation for the purposes of employment are specifically excluded by the Act. This means that employees are not entitled to have access through their own employer to an employment reference, by that employer. However, once the reference has been received by the organisation requesting it, it is, in principle, accessible by the subject of the reference.

6.2 In most cases, disclosure of the reference would entail disclosure of the referee's identity. If the reference is given in confidence, the referee's consent is required before the reference can be disclosed. If the referee's consent is refused the recipient can refuse access. Consideration should however be given as to whether the information is actually confidential. You cannot for example, sensibly withhold information that is already known to the individual. Factual information such as employment dates and absence records will be known to an individual and should be provided. Information relating to performance may well have been discussed with the employee as part of an appraisal system. Where it is not clear whether information, including the referee's opinion, is

known to the individual, you should contact the referee and ask whether they object to this being provided and why.

- 6.3 You should weigh the referee's interest in having their comments treated confidentially against the individual's interest in seeing what has been said about them.
- 6.4 When considering whether it is reasonable in all the circumstances to comply with a request, you should take account of factors such as:
- any express assurance of confidentiality given to the referee;
 - any relevant reasons the referee gives for withholding consent;
 - the potential or actual effect of the reference on the individual;
 - the fact that a reference must be truthful and accurate and that without access to it the individual is not in a position to challenge its accuracy;
 - that good employment practice suggests that an employee should have already been advised of any weaknesses; and
 - any risk to the referee.
- 6.5 In most circumstances, you should provide the information in a reference, or at least a substantial part of it, to the person it is about, if they ask for it. Even if the referee refuses consent, this will not necessarily justify withholding the information, particularly where this has had a significant impact on the individual e.g. job offer. However, there may be circumstances where it would not be appropriate for you to release a reference, such as where there is a realistic threat of violence or intimidation by the individual towards the referee.
- 6.6 If it is not reasonable in all of the circumstances to provide the information without the referee's consent, you should consider whether you could respond helpfully anyway (for example, by providing a summary of the content of the reference). This may protect the identity of the referee, while providing the individual with an overview of what the reference says about them.
- 6.7 A decision to refuse disclosure can be overturned by the Information Commissioner. It is therefore best to assume that when you are providing a reference, the member of staff (or former employee) will have access to references.

Advice on this guidance can be obtained from your Service HR Adviser.



Falkirk Council

Current or Previous Employment Reference Request (For Employment Working with Vulnerable Groups)

Name:				
Position Applied For:				
The post involves working with:	Children	YES / NO	Vulnerable Adults	YES/NO

Reference Provided By:
Organisation:
Position in Organisation:

SECTION 1

1.	How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant within the organisation.

2a.	What post was/is the applicant employed in?	
2b.	Dates of employment	
	From:	To:

3.	Please give a summary of the duties undertaken by the applicant during their employment in your organisation. Alternatively please provide a copy of the relevant job description.

4a.	Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.
4b.	<p>Please describe/comment on the main qualities and attributes of the candidate in terms of the following, highlighting their suitability for the post applied for: (*) <i>Delete any that are not relevant to the post.</i></p> <p>Organisational and Leadership Skills:</p> <p>Personal Initiative and Drive:</p> <p>Personal Integrity, Honesty and General Character:</p> <p>Ability to interact with others:</p> <p>Overall performance in current role, detailing any major achievements and involvement in strategic projects:</p>

5.	How many days and occasions of sickness absence has the applicant taken over the last two years (or the final two years of employment with you)?	
	Days:	Occasions:

SECTION 2

6a.	Has the applicant had any current or expired disciplinary sanctions?	YES / NO
6b.	If yes, what was the nature of the offence(s) and the sanction? (Information on expired sanctions need only relate to the safety and welfare of service users.) Please also provide any specific relevant comments about their performance and conduct.	

7a.	Have any allegations or concerns been raised about the applicant that relate to the safety/welfare of service users or behaviour towards service users?	YES / NO
7b.	If yes, what was the outcome of those concerns eg were the concerns investigated and how was the issue resolved? This should include details of all allegations or concerns that have been/are being investigated and the conclusion reached.	

8a.	Are you completely satisfied that the applicant is suitable to work with vulnerable people?	YES / NO
8b.	If no, please provide specific details of your concerns.	

9a.	Is there any reason that you know that we should not employ this applicant?	YES / NO
9b.	If yes, please provide details.	
9c.	Would you re-employ this applicant?	YES / NO
9d.	If no, please provide details.	
9e.	*DRIVING POSTS ONLY* This post requires driving duties. Are you completely satisfied that the applicant is suitable to undertake driving duties?	YES / NO
	If no, please provide specific details of your concerns	

SECTION 3

10a.	Will you provide the applicant with a copy of this reference?	YES / NO
10b.	If No , is the applicant otherwise aware of all of the information provided by you as part of this reference?	YES / NO

Thank you for your assistance in completing this reference. You should note that the relevant factual content of this reference may be discussed with the applicant by Falkirk Council.

REFEREE DECLARATION

I confirm that that the information provided in this reference is accurate, dependable and does not contain any factual inaccuracies. I have authorisation to provide this reference.

Signature:_____ Date:_____

Please return the reference in the enclosed envelope.

Enquiries to: **Recruiting Manager**
Direct Dial: 01324 50ext no.
Date:

PRIVATE & CONFIDENTIAL

Name & Address

Dear Name,

Employer Reference Request (Employment Working with Vulnerable Groups)
(name and address of applicant)

The above named person has applied for the post of {position} with Falkirk Council {Service} Services, and has given permission to approach you for an employment reference.

If you are willing to act in this capacity, I would be grateful if you could indicate your relationship to the applicant and give your views on their suitability for the post. A copy of the job description and person specification is enclosed for your information. This reference is in accordance with Safer Recruitment Guidance and therefore your comments on the following points are requested:

- How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant within the organisation.
- What post was/is the applicant employed in? Please provide the dates of employment, along with a brief summary of the duties undertaken by the applicant or a copy of the relevant job description.
- Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification;
- Please describe/comment on the main qualities and attributes of the candidate in terms of organisational & leadership skills, personal initiative & drive, personal integrity, honesty and general character, Ability to interact with others, overall performance, highlighting their suitability for the post applied for: **(*) Delete any that are not relevant to the post.**
- How many days and occasions of sickness absence has the applicant taken over the last two years (or the final two years of employment with you)?
- Has the applicant had any current or expired disciplinary sanctions? If yes, what was the nature of the offence(s) and the sanction? (Information on expired sanctions need only relate to the safety and welfare of service users.) Please also provide any specific relevant comments about their performance and conduct.
- Have any allegations or concerns been raised about the applicant that relate to the safety/welfare of service users or behaviour towards service users? If yes, what was the outcome of those concerns eg were the concerns investigated and how was the issue resolved? This should include details of all allegations or concerns that have been/are being investigated and the conclusion reached.
- Are you completely satisfied that the applicant is suitable to work with vulnerable people? If not, please provide specific details of your concerns.
- Is there any reason that you know that we should not employ this applicant?

- ***DRIVING POSTS ONLY***This post requires driving duties. Are you completely satisfied that the applicant is suitable to undertake driving duties? If not, please provide specific details of your concerns.
- Would you re-employ this applicant?
- Will you provide the applicant with a copy of this reference? **If No**, is the applicant otherwise aware of all of the information provided by you as part of this reference?

It would be most helpful if you could let us have your comments by {date}.

You are reminded that you have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission. You should also note that, if necessary, the content of this reference may be discussed with the applicant.

I would like to take this opportunity to thank you for your assistance in this matter.

Yours sincerely,

TITLE

Enc stamped addressed envelope for return



Falkirk Council

Current or Previous Employment Reference Request (For Employment Not Working with Vulnerable Groups)

Name:
Position Applied For:

Reference Provided By:
Organisation:
Position in Organisation:

SECTION 1

1.	How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant within the organisation.

2a.	What post was/is the applicant employed in?	
2b.	Dates of employment	
	From:	To:

3.	Please give a summary of the duties undertaken by the applicant during their employment in your organisation. Alternatively please provide a copy of the relevant job description.
4a.	Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.

4b.	<p>Please describe/comment on the main qualities and attributes of the candidate in terms of the following, highlighting their suitability for the post applied for: (*) <i>Delete any that are not relevant to the post or you are unable to comment on.</i></p> <p>Organisational and Leadership Skills:</p> <p>Personal Initiative and Drive:</p> <p>Personal Integrity, Honesty and General Character:</p> <p>Ability to interact with others:</p> <p>Overall performance in current role, detailing any major achievements and involvement in strategic projects:</p>

5.	How many days and occasions of sickness absence has the applicant taken over the last two years (or the final two years of employment with you)?	
	Days:	Occasions:

SECTION 2

6a.	Does the applicant have any current disciplinary sanctions?	YES / NO
6b.	If yes, what is the nature of the offence(s) and the sanction? Please also provide any specific relevant comments about their performance and conduct.	

7a.	Is there any reason that you know that we should not employ this applicant?	YES / NO
7b.	If yes, please provide details.	

7c.	Would you re-employ this applicant?	YES / NO
7d.	If no, please provide details.	
7e.	*DRIVING POSTS ONLY* This post requires driving duties. Are you completely satisfied that the applicant is suitable to undertake driving duties?	YES / NO
	If no, please provide specific details of your concerns	

SECTION 3

8a.	Will you provide the applicant with a copy of this reference?	YES / NO
8b.	If No , is the applicant otherwise aware of all of the information provided by you as part of this reference?	YES / NO

Thank you for your assistance in completing this reference. You should note that the relevant factual content of this reference may be discussed with the applicant by Falkirk Council.

REFEREE DECLARATION

I confirm that that the information provided in this reference is accurate, dependable and does not contain any factual inaccuracies. I have authorisation to provide this reference.

Signature:_____ Date:_____

Please return the reference in the enclosed envelope.

Enquiries to: Recruiting Manager
Direct Dial: 01324 50ext no.
Date:

PRIVATE & CONFIDENTIAL

Name & Address

Dear Name,

**Employer Reference Request (Employment Not Working with Vulnerable Groups)
(name and address of applicant)**

The above named person has applied for the post of {position} with Falkirk Council {Service} Services, and has given permission to approach you for an employment reference.

If you are willing to act in this capacity, I would be grateful if you could indicate your relationship to the applicant and give your views on their suitability for the post. A copy of the job description and person specification is enclosed for your information. This reference is in accordance with Safer Recruitment Guidance and therefore your comments on the following points are requested:

- How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant within the organisation.
- What post was/is the applicant employed in? Please provide the dates of employment, along with a brief summary of the duties undertaken by the applicant or a copy of the relevant job description.
- Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification;
- Please describe/comment on the main qualities and attributes of the candidate in terms of organisational & leadership skills, personal initiative & drive, personal integrity, honesty and general character, Ability to interact with others, overall performance, highlighting their suitability for the post applied for: **(*) Delete any that are not relevant to the post.**
- How many days and occasions of sickness absence has the applicant taken over the last two years (or the final two years of employment with you)?
- Does the applicant have any current disciplinary sanctions? If yes, what was the nature of the offence(s) and the sanction? Please also provide any specific relevant comments about their performance and conduct.
- Is there any reason that you know that we should not employ this applicant?
- Would you re-employ this applicant?
- ***DRIVING POSTS ONLY***This post requires driving duties. Are you completely satisfied that the applicant is suitable to undertake driving duties? If not, please provide specific details of your concerns.
- Will you provide the applicant with a copy of this reference? **If No**, is the applicant otherwise aware of all of the information provided by you as part of this reference?

It would be most helpful if you could let us have your comments by {date}.

You are reminded that you have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission. You should also note that, if necessary, the content of this reference may be discussed with the applicant.

I would like to take this opportunity to thank you for your assistance in this matter.

Yours sincerely,

TITLE

Enc stamped addressed envelope for return



Falkirk Council

Non-employer Reference Request (For Employment Working with Vulnerable Groups)

Name:				
Position Applied For:				
The post involves working with:	Children	YES/NO	Vulnerable Adults	YES/NO

Reference Provided By:
Job Title:

SECTION 1

1.	How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant.
2a.	Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.

2b.	<p>Please describe/comment on the main qualities and attributes of the candidate in terms of the following, highlighting their suitability for the post applied for: (*) <i>Delete any that are not relevant to the post or you are unable to comment on.</i></p> <p>Organisational and Leadership Skills:</p> <p>Personal Initiative and Drive:</p> <p>Personal Integrity, Honesty and General Character:</p> <p>Ability to interact with others:</p> <p>Overall performance in current role, detailing any major achievements and involvement in strategic projects:</p>
-----	---

SECTION 2

3.	<p>If successful, the applicant will be required to work with vulnerable people (children/young people/vulnerable adults) and/or their families. Please give examples from your knowledge of how the applicant relates to vulnerable people and how they handle these relationships.</p>

4a.	Are you completely satisfied that the applicant is suitable to work with vulnerable people?	YES / NO
4b.	If no, please provide specific details of your concerns.	

5a.	Is there any reason that you know that we should not employ this applicant?	YES / NO
5b.	If yes, please provide details.	

SECTION 3

6a.	Will you provide the applicant with a copy of this reference?	YES / NO
6b.	If No , is the applicant otherwise aware of all of the information provided by you as part of this reference?	YES / NO

Thank you for your assistance in completing this reference. You should note that the relevant factual content of this reference may be discussed with the applicant by Falkirk Council.

REFEREE DECLARATION

I confirm that the information provided in this reference is accurate, dependable and does not contain any factual inaccuracies.

Signature: _____ Date: _____

Please return the reference in the enclosed envelope.

Enquiries to: Recruiting Manager
Direct Dial: 01324 50ext no.
Date:

PRIVATE & CONFIDENTIAL

Name & Address

Dear Name,

**Non-Employer Reference Request (Employment Working with Vulnerable Groups)
(name and address of applicant)**

The above named person has applied for the post of {position} with Falkirk Council {Service} Services, and has given permission to approach you for an employment reference.

If you are willing to act in this capacity, I would be grateful if you could indicate your relationship to the applicant and give your views on their suitability for the post. A copy of the job description and person specification is enclosed for your information. This reference is in accordance with Safer Recruitment Guidance and therefore your comments on the following points are requested:

- How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant.
- Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.
- Please describe/comment on the main qualities and attributes of the candidate in terms of organisational & leadership skills, personal initiative & drive, personal integrity, honesty and general character, Ability to interact with others, overall performance, highlighting their suitability for the post applied for: **(*) Delete any that are not relevant to the post or you are unable to comment on.**
- If successful, the applicant will be required to work with vulnerable people (children/young people/vulnerable adults) and/or their families. Please give examples from your knowledge of how the applicant relates to vulnerable people and how they handle these relationships.
- Are you completely satisfied that the applicant is suitable to work with vulnerable people? If no, please provide specific details of your concerns.
- Is there any reason that you know that we should not employ this applicant? If yes, please provide details.
- Will you provide the applicant with a copy of this reference? **If No**, is the applicant otherwise aware of all of the information provided by you as part of this reference?

It would be most helpful if you could let us have your comments by {date}.

You are reminded that you have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission. You should also note that, if necessary, the content of this reference may be discussed with the applicant.

I would like to take this opportunity to thank you for your assistance in this matter.

Yours sincerely,

TITLE

Enc stamped addressed envelope for return



Falkirk Council

Non-employer Reference Request (For Employment Not Working with Vulnerable Groups)

Name:
Position Applied For:

Reference Provided By:
Job Title:

SECTION 1

1.	How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant.

2a.	Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.

2b.	<p>Please describe/comment on the main qualities and attributes of the candidate in terms of the following, highlighting their suitability for the post applied for: (*) <i>Delete any that are not relevant to the post.</i></p> <p>Organisational and Leadership Skills:</p> <p>Personal Initiative and Drive:</p> <p>Personal Integrity, Honesty and General Character:</p> <p>Ability to interact with others:</p> <p>Overall performance in current role, detailing any major achievements and involvement in strategic projects:</p>
-----	---

SECTION 2

3a.	Is there any reason that you know that we should not employ this applicant?	YES / NO
3b.	If yes, please provide details.	

SECTION 3

4a.	Will you provide the applicant with a copy of this reference?	YES / NO
4b.	If No , is the applicant otherwise aware of all of the information provided by you as part of this reference?	YES / NO

Thank you for your assistance in completing this reference. You should note that the relevant factual content of this reference may be discussed with the applicant by Falkirk Council.

REFEREE DECLARATION

I confirm that the information provided in this reference is accurate, dependable and does not contain any factual inaccuracies.

Signature: _____

Date: _____

Please return the reference in the enclosed envelope.

Enquiries to: Recruiting Manager
Direct Dial: 01324 50ext no.
Date:

PRIVATE & CONFIDENTIAL

Name & Address

Dear Name,

**Non-Employer Reference Request (Employment Not Working with Vulnerable Groups)
(name and address of applicant)**

The above named person has applied for the post of {position} with Falkirk Council {Service} Services, and has given permission to approach you for an employment reference.

If you are willing to act in this capacity, I would be grateful if you could indicate your relationship to the applicant and give your views on their suitability for the post. A copy of the job description and person specification is enclosed for your information. This reference is in accordance with Safer Recruitment Guidance and therefore your comment on the following points is requested:

- How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant.
- Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.
- Please describe/comment on the main qualities and attributes of the candidate in terms of organisational & leadership skills, personal initiative & drive, personal integrity, honesty and general character, Ability to interact with others, overall performance, highlighting their suitability for the post applied for: (*) **Delete any that are not relevant to the post or you are unable to comment on.**
- Is there any reason that you know that we should not employ this applicant? If yes, please provide details.
- Will you provide the applicant with a copy of this reference? **If No**, is the applicant otherwise aware of all of the information provided by you as part of this reference?

It would be most helpful if you could let us have your comments by {date}.

You are reminded that you have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission. You should also note that, if necessary, the content of this reference may be discussed with the applicant.

I would like to take this opportunity to thank you for your assistance in this matter.

Yours sincerely,

TITLE

Enc stamped addressed envelope for return

Enquiries to:
Direct Dial:
Date:

CONFIDENTIAL

Name
Address
Town
Postcode

POST: {Job Title}

Further to your recent application in connection with the above post, I regret to inform you that, on this occasion, you have not been shortlisted for interview.

All applications were measured against pre-determined criteria for the post which are detailed in the job description. As you highlighted on your application form that you qualified for the Guaranteed Interview Scheme, you were only considered against the essential criteria for the post and the desirable criteria were disregarded.

It was not evident from your application form whether you have had experience ofwhich are essential elements of the post. Also, your application form did not demonstrate whether you have experience of

As these areas were not mentioned in your application form we were unable to assess you against the relevant criteria, if nothing is noted in your application form we have to assume that you do not have experience in that area. It may be beneficial in future to consider the requirements noted in the advert and job description and detail your skills and experience to reflect the requirements of the position.

I hope this information is of assistance to you. If I can help you further please do not hesitate to telephone me on.....

Title: PVG and Criminal Convictions Checking Policy
Meeting: Joint Consultative Committee
Date: 23 August 2016
Submitted By: Director of Corporate & Housing Services

1. Purpose of Report

- 1.1 The purpose of this report is to present a revised PVG and Criminal Convictions Checking Policy of the most recent proposed changes.

2. Recommendation

- 2.1 It is recommended that Committee agree the changes to the PVG & Criminal Convictions Checking Policy and refer it to the Executive for approval and immediate implementation.

3. Background

- 3.1 The proposed amendments to the PVG & Criminal Convictions Checking Policy can be categorised into changes as a result of: legislation/guidance received and process changes:

Legislation/Guidance:

- Information on when and how to make referrals to Disclosure Scotland for the PVG scheme has been added;
- Information for Countersignatories on the Disclosure Scotland information they should be aware of has been added;
- Information regarding PVG/Disclosure risk assessments has been amended to ensure these forms are not kept in personal files;
- The Rehabilitation of Offenders Form has been removed due to a change in legislation;
- Additional information has been added on VISOR vetting which is an additional level of checking required for those using the VISOR system;
- Information on checks for Baseline Personnel Security Standard purposes has been added.

Process:

- The flowchart has been amended to better reflect the arrangements that now require to be in place.

4. Considerations

- 4.1 The policy has been reviewed and consulted on to take account of legislation and best practice. The changes made provide an improvement to the policy and improve efficiency where possible.

5. Consultation

- 5.1 Consultation was carried out with Services and Trade Union representatives. Comments were considered and changes made where appropriate.

6. Implications

Financial

- 6.1 There are no financial implications from the proposals.

Resources

- 6.2 There are no resource implications from the proposals.

Legal

- 6.3 The policy has been changed to take account of changes in legislation.

Risk

- 6.4 There is a risk of services not carrying out the checks properly however adherence to the policy should minimise this risk.

Equalities

- 6.5 An EPIA was carried out. The EPIA demonstrates that the proposal is robust; there is no potential for discrimination and opportunities to promote equality have been taken.

Sustainability/Environmental Impact

- 6.6 Not applicable.

7. Conclusions

- 7.1 A number of changes have been proposed in line with legislation. Full consultation has taken place with Services and Trade Unions and no major adverse issues have been identified. The proposed changes bring the Policy up to date and reflect legislative requirements.



Director of Corporate & Housing Services

**Author – Claire Haston, Team Leader – HR Helpdesk – 01324 506049,
claire.haston@falkirk.gov.uk**

Date: 18/07/16

APPENDICES

PVG & Criminal Convictions Checking Policy

List of Background Papers:

**The following papers were relied on in the preparation of this report in terms of
the Local Government (Scotland) Act 1973:**

None



FALKIRK COUNCIL

**PVG & CRIMINAL
CONVICTION CHECKING
POLICY**

INDEX

PART

PAGE NUMBER

1	POLICY STATEMENT	3
1.1	POLICY STATEMENT	3
2	POLICY	3
2.1	INTRODUCTION	3
2.2	SCOPE	3
2.3	CRIMINAL CONVICTION CHECKS	3
2.3.1	Protection of Vulnerable Groups (PVG)	4
2.3.2	Disclosure Checks	3
2.3.3	VISOR	4
2.3.4	BPSS – Baseline Personnel Security Standard	5
2.4	EXEMPT POSTS	5
2.5	PROCESS FOR OBTAINING PVG AND DISCLOSURE CHECKS	6
2.5.1	Confirmation of identity	6
2.5.2	Protection of Vulnerable Groups Scheme- New Employees	6
2.5.3	Protection of Vulnerable Groups Scheme- Existing Employees	7
2.5.4	Protection of Vulnerable Groups Scheme- Leaving employment	7
2.5.5	Disclosure Checks	7
2.5.6	BPSS	7
2.6	RETROSPECTIVE CHECKING FOR CURRENT EMPLOYEES	8
2.7	DISCLOSURE OF INFORMATION/RISK ASSESSMENT	8
2.7.1	Disclosure of convictions prior to the check being completed	8
2.7.2	Disclosure of criminal convictions	8
2.7.3	Disclosure of confidential police intelligence	9
2.7.4	Conviction Information from outside the UK	9
2.7.5	Risk Assessment	10
2.8	PAYMENT ARRANGEMENTS	10
2.9	SECURE HANDLING, USE, STORAGE & RETENTION	10
3.1	REFERRAL PROCESS	11
4.1	COUNTERSIGNATORY OBLIGATIONS	11
3	4.1.1 Registered Countersignatories	11
	MONITORING & REVIEW	11
3.1	MONITORING & REVIEW	
APPENDIX 1	Definition of regulated work with children	12
2	Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 Excluded and Exempted Posts	14
3	Disclosure Process Flowchart/ PVG Process Flowchart	
4	Guidance on Assessing the Risk	
5	Mandate Form	
6	Policy on the secure handling, use, storage, retention and destruction of disclosure information	
7	Pre-Employment Disclosure/PVG Scheme Clearance Form	
8	ViSOR - WHAT IS INVOLVED IN NPPV 2 & NPPV 3 VETTING	

PART 1 POLICY STATEMENT

1.1 POLICY STATEMENT

Falkirk Council is committed to providing a quality service whilst safeguarding and promoting the welfare of vulnerable people. In addition, Falkirk Council recognises the importance of security vetting to ensure the safety and security of information, data and assets and to limit and reduce any fraudulent activity within the workplace.

This policy provides a method of checking criminal convictions as part of a pre-employment and repeat checking process to ensure the ongoing safety of vulnerable groups and adequate security vetting within relevant service areas.

PART 2 POLICY

2.1 INTRODUCTION

Legislation provides for criminal conviction checks to ensure the safety and welfare of vulnerable individuals. In addition, separate legislation exists to enable checks to ensure suitable and adequate security vetting within the workplace.

This policy outlines robust procedures to enable the Council to:

- Protect children and protected adults from harm while under its care or in receipt of its services;
- Protect the security of data, information and assets and to limit and reduce fraudulent activity within the workplace and ensure adequate security vetting is in place.

Falkirk Council's Recruitment and Selection Policy provides comprehensive guidance on all stages of the recruitment process. This document must be read in conjunction with the Recruitment & Selection Policy and as appropriate the Overseas Criminal Records Check Policy and the Disciplinary Policy.

2.2 SCOPE

This Policy applies to all applicants for employment (including casual work), current employees and casual workers within posts identified as requiring a criminal conviction check. In addition, the policy applies to Modern Apprentices and Graduates, where applicable.

This list of posts requiring a criminal conviction check is updated regularly and held by Human Resources.

2.3 CRIMINAL CONVICTION CHECKS

2.3.1 Protection of Vulnerable Groups (PVG)

The Protection of Vulnerable Groups (Scotland) Act 2007 provides statutory protection to children and protected adults from harm and defines work (paid or unpaid) with children or protected adults as 'regulated work'. Appendix 1 provides further information on the definition of regulated work, although detailed information can be found on the Disclosure Scotland website.

The Protection of Vulnerable Groups Scheme is central to the Act and is designed to ensure that those individuals, who are unsuitable, do not gain access to children or protected adults through their work. It also aims to ensure that those individuals who become unsuitable are detected early and prevented from continuing to work, or from seeking work, with children or protected adults.

The PVG Scheme is managed by Disclosure Scotland, which is the body responsible for establishing lists of individuals who are barred from working with children and/or protected adults. Those lists provide the Council and other registered bodies with the means of identifying whether prospective or existing employees are barred from undertaking regulated work. It is an offence under the PVG Act for the Council to employ or offer regulated work to an individual who is listed as barred from undertaking that work.

Employees working in regulated work must maintain membership of the PVG Scheme. It is also an offence for an individual who is barred to apply to work within the regulated workforce.

The information provided by Disclosure Scotland will depend on the type of check being requested, i.e., Scheme Record, Scheme Record Update or Scheme Membership Statement and could include:

- Details of membership;
- Details of relevant criminal records (if any);
- Other relevant information held by a local police force or Government body;
- Clarification that there is no information held.

2.3.2 Disclosure Checks: Basic, Standard and Enhanced Disclosures

Basic, Standard and Enhanced disclosures are still available for positions not within the scope of the PVG Scheme. Basic disclosure continues to be available for any purpose, for example, employees working with cash. Standard disclosure continues to be available for specific posts e.g. solicitors and accountants. Enhanced disclosure continues to be available for specific post titles along with posts unrelated to work with vulnerable groups, for example, other appointments involving access to children or protected adults other than through regulated work. The list of posts eligible to be checked, as held by HR, confirms the appropriate level of check.

A disclosure check provides the employer with information on previous criminal convictions. The information included in the disclosure certificate will depend on the type of disclosure applied for and could include:

- Details of relevant criminal records (if any);
- Information about a person's inclusion on the list of those barred from working with children and/or protected adults;
- Other relevant information held by a local police force or Government Body;
- Or state that there is no information.

2.3.3 VISOR

ViSOR is the recognised national IT system for the management of people who pose a serious risk of harm to the public. It is Home Office owned and maintained and as such, it is the Home Office that sets the level of vetting required.

In order to access and use ViSOR all staff with access to the system must be vetted to either Non-Police Personnel Vetting Level 2 (NPPV 2) or Non-Police Personnel Vetting Level 3 (NPPV 3), depending on an individual's role using ViSOR.

NPPV 3 is required for only those members of staff who are assigned the Central Point of Contact (CPC) role for ViSOR or the Local Point of Contact (LPC) role or Local Administrator for ViSOR.

NPPV 2 is required for all other staff accessing or using ViSOR.

NPPV includes the same “system” checks as Enhanced Disclosure and PVG, as well as others, and also includes family members and financial checks, all of which is intended to protect the individual and organisation from the potential for manipulation and the inappropriate disclosure of sensitive information. Any job advert for a post requiring the use of ViSOR must be clear about the level of check required. Clearance will be a condition of employment and may impact on an offer of employment or future employment.

ViSOR checks are carried out by Police Scotland.

2.3.4 BPSS - Baseline Personnel Security Standard

BPSS is the minimum standard required to ensure the identity and integrity of an employee with access to official information/systems. It involves a number of checks:

- Identity check;
- Nationality and Immigration Status;
- Employment History (past 3 years);
- Verification of Criminal Record (unspent convictions only);
- References covering previous 3 year period;
- Checks relating to time spent living or working abroad – see Overseas Disclosure Policy.

The checks relating to gaps in employment history or additional references covering a 3 year period are not mandatory but are considered good practice.

All relevant information required as part of this check should be recorded on the recruitment checklist, a copy of which is available in Appendix 7 of the Recruitment & Selection Policy.

2.4 EXEMPT POSTS

Under the terms of the legislation, individuals who have committed an offence are considered to be “rehabilitated” after varying periods of time and their convictions deemed to be “spent”. Under normal circumstances, individuals do not need to declare any spent convictions. However, the Rehabilitation of Offenders Act recognises that there are some situations where information about spent convictions ought to remain available and therefore allows spent convictions to be disclosed. These exceptions include instances where people are applying for positions involving contact with children and other vulnerable people. This information can only be requested in relation to professions excluded or exempted by virtue of the various Rehabilitation of Offenders Act exclusions and exceptions orders. The types of work excluded under the order are generally posts where there is a requirement to provide care, training or supervision of children or adults at risk, including voluntary positions. There are however other professions covered by the legislation and Managers should be familiar with posts within their Service area that fall into this category. A list of occupational areas covered by legislation is provided as Appendix 2.

Where the period of rehabilitation is not complete, the conviction is deemed to be “unspent”. In all situations unspent convictions will be highlighted on the appropriate Disclosure/PVG Check. Having a previous criminal conviction does not automatically debar an ex-offender from being appointed to a post that is exempted from the act. It is the employer’s responsibility to make a risk assessment as to the relevance of the conviction to the post that the individual is applying for.

2.5 PROCESS FOR OBTAINING PVG AND DISCLOSURE CHECKS

Flow charts for both the Disclosure Checks and PVG processes can be found at Appendix 3.

HR in consultation with Service representatives, consider and agree conviction checks that require to be undertaken for each job title.

For posts that require PVG membership, person specifications should state “maintain PVG Scheme membership” and job descriptions should include a statement under the demands section as follows: “This job requires contact with vulnerable groups, therefore you will require to gain/maintain PVG Scheme membership”.

For posts that require Disclosure checks, the person specifications should state “satisfactory disclosure check” in the essential criteria.

Managers should identify the post as requiring PVG/Disclosure checks at the recruitment request stage which will ensure that a screening question is included in the application form. Applicants will also be advised at this stage of the payment arrangements.

2.5.1 Confirmation of identity

For all appointments including PVG and Disclosure checks, evidence of the applicant’s identity should be checked and compared against the details provided on the application form. Three forms of ID are required which, as a minimum, should confirm the applicant’s date of birth, national insurance number and current address, e.g. photocard or paper (not counterpart) driving licence, passport, utility bill, rental agreement/mortgage, or bank statement. Please contact HR if you are unsure about combinations of documents. Photographic ID should be provided where possible.

Original identity documents, not copies, should be checked at interview and the recruiting manager should ensure that these are valid on the date of check, if applicable. Utility bills etc should be provided from a period within the previous three months and should be addressed to the employee/applicant. The recruitment checklist (see Recruitment & Selection Policy) must be completed, confirming which documents have been checked.

For Basic Disclosure Checks, copies of identity documents should be made and sent to Disclosure Scotland along with the application form. There is no requirement to send copies of ID documents to Disclosure Scotland for PVG applications.

2.5.2 Protection of Vulnerable Groups Scheme – New Employees

As detailed in appendix 3, the following summarises the process for PVG checks.

- The successful applicant for any post that involves regulated work must hold PVG membership for the regulated workforce they are working with (i.e. either children, protected adults or both);
- Applicants who are already scheme members and working within the same regulated workforce will be required to obtain a PVG update. Where new conviction information is identified, a full scheme record will also be required;
- Applicants who are already scheme members but required to work with a different regulated workforce, will be required to join the scheme for that particular group;
- Applicants who are not already scheme members will be required to submit an application to join the PVG scheme.

2.5.3 Protection of Vulnerable Groups Scheme - Existing employees

- The successful applicant for any post that involves regulated work must hold PVG membership for the group(s) they are working with (i.e. either children, protected adults or both).
- Employees who are not already scheme members, who apply for a post within a regulated workforce will be required to submit an application to join the PVG scheme.
- Employees who are already PVG scheme members through their existing employment with Falkirk Council who apply for a post within the same regulated workforce do not require to do a further PVG check. Managers should however make sure that the relevant details are recorded on the Council's HR/Payroll system.
- In exceptional cases, a further update/record can be required as part of a risk assessment process.
- Employees who are already PVG scheme members but who apply for a job within a different regulated workforce will be required to join the scheme for that particular regulated group.

2.5.4 Protection of Vulnerable Groups Scheme – Leaving employment

- It is the responsibility of the individual to notify Disclosure Scotland if they leave employment with Falkirk Council.
- Falkirk Council HR will notify Disclosure Scotland every 6 months of those who have left employment to ensure we do not receive updated information for those who have left employment.

2.5.5 Disclosure Checks

A flowchart outlining the process for Disclosure checks can be found at Appendix 3.

Where a disclosure check is required for any particular post, a new disclosure check will be required for the successful applicant. A disclosure certificate is only accurate at the time of the check being carried out, therefore a new disclosure must be processed, irrespective of whether a previous check has been conducted.

Where an existing employee applies for an internal post, a new disclosure will still be required in each instance. If a check has been carried out recently, the information given will only apply to a specific post and is only accurate at the date of issue. It is therefore important that a new check is carried out in order to ensure that all the relevant details are obtained for the new post. It is not appropriate to accept a candidate's copy of their disclosure certificate, a copy of a previous employer's disclosure certificate or a disclosure certificate from a previous check carried out by Falkirk Council.

2.5.6 BPSS

Where a BPSS check is required for a post, the recruiting manager is responsible for carrying out the appropriate checks. The recruitment checklist (appendix 7 of the Recruitment & Selection Policy) covers all the areas required for this check.

2.6 RETROSPECTIVE CHECKING FOR CURRENT EMPLOYEES

For all posts requiring PVG membership/disclosure checks, Falkirk Council will carry out a programme of checks with each employee being checked every five years. Casuals will also be checked every 5 years.

If a retrospective disclosure check shows an existing employee or a casual worker to have a criminal conviction, Managers are required to undertake a risk assessment (see section 2.7). There is no requirement for a retrospective BPSS check.

2.7 DISCLOSURE OF INFORMATION/RISK ASSESSMENT

2.7.1 Disclosure of conviction prior to the check being completed

In recruitment situations, a candidate may prefer to advise Falkirk Council immediately that they have a criminal conviction, or that criminal proceedings (which may result in a conviction) are pending. Any such information should be regarded as strictly confidential. Depending on the nature of the conviction(s), Falkirk Council would reserve the right to withdraw consideration of their application. Alternatively Falkirk Council may proceed to consider the candidate, subject to a formal check being made with Disclosure Scotland.

It is a condition of employment for council employees that they disclose details of any of the following that occur prior to commencing, or during the course of employment:

- Involvement in police investigations;
- Criminal charges;
- Police cautions;
- Disciplinary action taken by professional or regulatory bodies.

If a current employee advises that they have a criminal conviction, a risk assessment should be undertaken – see section 2.7.5. The Council will assess the information disclosed and decide whether or not it materially affects the individual's suitability for their particular post. Minor issues or offences will be disregarded if they have no direct relevance to an individual's job.

2.7.2 Disclosure of criminal convictions

In circumstances where a disclosure/PVG confirms a criminal record exists, managers are required to undertake a risk assessment taking into account the type and nature of the conviction, the relevance of the conviction to the post for which the applicant is applying and ultimately the Council's duty to ensure adequate protection of children and adults at risk. In recruitment situations, convictions will be considered by the chair of the interview panel for the post. For existing employees, the line manager will be responsible for assessing the risk. Assistance can be provided from Human Resources who will involve other relevant officers as appropriate to the circumstances.

The chair of the interview panel/manager must discuss any matter revealed in a disclosure check (except that revealed to the employer only and not for release to the applicant, see section 2.7.3), with the candidate before completing the risk assessment (see section 2.7.5) or withdrawing a recommendation for employment. If the decision is taken to withdraw the recommendation for employment based on the information received, the candidate will be advised that they have been unsuccessful as a result of the information received from the PVG/disclosure check.

2.7.3 Disclosure of confidential police intelligence

In some circumstances an employer can be provided with information that is considered relevant for the employer to be made aware of given the nature of the employment being considered. This information is not provided to the employee/applicant and is considered confidential i.e. where an individual has been or is presently under investigation by the Police.

Full consideration should be given to any 'other information' disclosed and the relevancy of this to the post applied for. Advice from your HR Business Partner should be obtained in these circumstances. Any 'other information' disclosed **must not** be shared with the applicant/employee.

If a decision is taken to withdraw the recommendation for employment based on the other information disclosed, the candidate will be advised that they have been unsuccessful as a result of the information received from the disclosure/PVG check. If information is disclosed about a current employee as part of the retrospective checking process, a risk assessment requires to be conducted. (See section 2.7.5) In both situations, the applicant or employees will not however, be advised of the detail of the information received. If necessary as part of the process, the recruiting manager/line manager should confirm that we cannot disclose any further information.

2.7.4 Conviction Information from outside the UK

A criminal convictions check through Disclosure Scotland will normally only identify the appropriate criminal convictions for applicants from within the countries of the UK.

Successful candidates that require a criminal convictions check, who have lived or worked outside the UK should be asked to obtain the most comprehensive level of criminal records check from the country that they have previously lived and/or worked in. Managers should refer to the Overseas Criminal Records Check Policy which provides more detailed information on the process and checks that require to be completed.

2.7.5 Risk Assessment

Where conviction information is disclosed, a risk assessment must be undertaken and a risk assessment form completed as a record. See Appendix 4 for detailed information and the relevant form requiring completion.

Managers are required to undertake a risk assessment taking into account the type and nature of the conviction and the relevance of the conviction to the post. Ultimately the Council has a duty to ensure adequate protection of children and protected adults and safe working systems and practices. Assistance can be provided by the Service HR Contact who will involve other relevant officers as appropriate to the circumstances.

All risk assessment paperwork should be returned to HR for retention in a central file. These should not be held on the personal or recruitment file.

New Recruits

If a decision is taken to withdraw the recommendation for employment based on information disclosed, the candidate will be advised that they have been unsuccessful as a result of the information received from the disclosure/PVG check.

Existing Employees

If the Manager concludes that the risk is such that the employee cannot remain in their substantive post, every effort should be made to redeploy the employee to an alternative post using the processes contained in the Council's Rehabilitation and Redeployment Policy, provided the nature of the conviction allows this to happen. In cases where the employee is unable to be redeployed, Managers may be required to consider the option of dismissal. This will however, only be considered where there are no other options available to keep the employee in employment. In these situations, Managers should contact HR for further advice.

2.8 PAYMENT ARRANGEMENTS

All applicants and employees are responsible for all fees relating to criminal conviction checks. A mandate, agreeing to a payroll deduction, must be signed by the employee/applicant in advance of any applications being submitted to Disclosure Scotland. The mandate allows for different periods of repayment, which should be discussed with the employee/applicant (Appendix 5). The process applies equally to Modern Apprentices and Casual Workers.

Where an applicant does not sign the mandate certificate, the applicant should be advised that their application cannot be progressed any further. Advice should be sought from HR in this situation.

Should an individual have a check undertaken and choose not to start employment with the Council, then they remain responsible for the cost of the check. The recruiting manager is responsible for writing to the individual to advise them on the method of repayment.

As part of any retrospective checking exercise, where an employee fails to complete a mandate, advice should be sought from HR. Ultimately, if the criminal conviction check is unable to be progressed as a consequence, employees must be made aware that it is a contractual requirement for the check to be completed and failure to achieve a satisfactory check, could impact on future employment.

2.9 SECURE HANDLING, USE, STORAGE & RETENTION

Falkirk Council complies fully with the Disclosure Scotland Code of Practice, and Data Protection Act 1998 regarding the correct handling, holding and destroying of Disclosure information (Appendix 6).

Whilst PVG/disclosure records must not be retained for any longer than required, a clearance form (Appendix 7) must be completed and filed in the personal file. A copy of any required risk assessments should be held on file by Human Resources for future reference. In addition, registration details and/or disclosure clearance must be recorded on the Human Resources/Payroll (Resourcelink) system for future reference.

Counter-signatories (under the direction of the Council's Lead Signatory) are responsible for ensuring that PVG/disclosure records are stored in secure conditions in accordance with the Disclosure Scotland Code of Practice in connection with the use of PVG/disclosure information and with the functions of registered persons. The requirements of that Code are set out in Appendix 6. Information on Lead Signatories can be obtained by contacting the HR Helpdesk.

The purpose of PVG/disclosure checks is to determine suitability for work and aside from certain limited exceptions, it is an offence to share PVG/disclosure records with a third party.

3.1 REFERRALS PROCESS

Disclosure Scotland represents Scottish Ministers when making decision relating to referred individuals who have committed harmful conduct in Scotland.

Making a Referral

Under the PVG Act organisations have a duty to make a referral (within three months of taking a final decision about the conduct) when they are satisfied that an individual's conduct meets specific criteria (referral ground):

If you are considering making a referral to Disclosure Scotland, you must discuss this with your Service HR Contact prior to any referral being submitted. Advice may also be required from Governance.

A referral form is available from the Disclosure Scotland website which may assist with the making of a referral <https://www.disclosurescotland.co.uk/protectionservices/referralprocess.htm>

4.1 COUNTERSIGNATORY OBLIGATIONS

4.1.1 Registered Countersignatories

There are specific obligations for countersignatories to comply with the legislation and Code of Practice and this can be found on Disclosure Scotland's website

https://www.disclosurescotland.co.uk/disclosureinformation/pvg_training/additional-info-csg_csg/additional-info-csg1.html

It is essential that all countersignatories complete this online learning. Countersignatories should also familiarise themselves with Appendix 6 of this policy.

If a Countersignatory receives any correspondence from Disclosure Scotland about a PVG member, whether they are still employed or have left Falkirk Council, they should contact HR as the member may have moved to another Council department or taken up secondary employment and all relevant countersignatories must be made aware of the correspondence in order to take any necessary actions.

PART 3

3.1 MONITORING & REVIEW

The Head of Human Resources & Business Transformation will review this policy as per the agreed Human Resources Policy Review Timetable in conjunction with Chief Officers and Trade Unions taking into consideration legislative amendments and best practice advice. This Policy has been Equality Impact Assessed and no adverse impact has been identified.

Definition of regulated work with children:

Regulated work with children is defined by the act as –

(1) Where the normal duties include carrying out the following:

- Caring for children
- Teaching, instructing, training or supervising children
- Being in sole charge of children
- Unsupervised contact with children
- Providing advice or guidance to children which relates to physical or emotional wellbeing, education or training
- Moderating certain interactive communication services
- Provision of care home services for children
- Provision of independent health care services for children
- Work on any part of day care premises at a time when children are being looked after in that part.

(2) Where the normal duties include working in a:

- Children's detention institution
- Children's hospital
- Educational institution
- Children's home

(3) In the position of:

- Manager of an education institution
- Member of a Council committee concerned with education, accommodation social work service or health care to children
- Member of a children's panel
- Chief Social Work Officer
- Chief Education Officer
- Foster Carer
- Trustee of a Children's Charity

(4) Any post whose normal duties include the day to day supervision or management of an individual doing regulated work with children.

Definition of regulated work with adults:

Regulated work with adults is defined by the act as –

(1) Where the normal duties include carrying out the following:

- Caring for protected adults
- Teaching, instructing, training or supervising adults
- Being in sole charge of adults

- Providing advice or guidance to adults which relates to physical or emotional wellbeing, education or training
 - Provision of care home services for adults
- (2) Where the normal duties include working in a:
- Care home
 - Residential establishment or accommodation provided by, or the provision is secured by Council order under the Social Work (Scotland) Act 1968 (c.49) or section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003
- (3) In the position of:
- Member of a Council committee concerned with education, accommodation social work service or health care to adults
 - Chief Social Work Officer
 - Trustee of a Charity
- (4) Any post whose normal duties include the day to day supervision or management of an individual doing regulated work with adults.

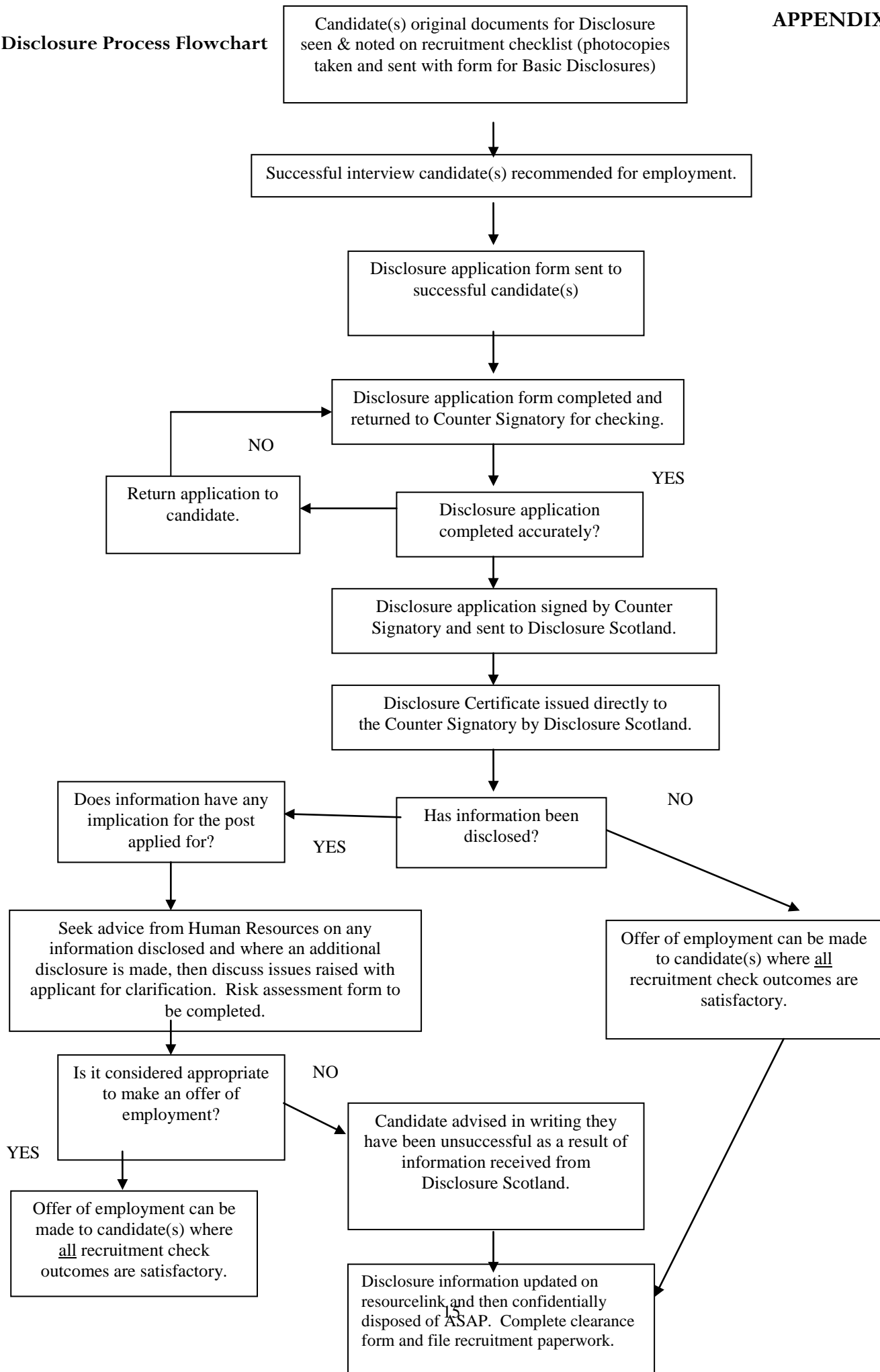
Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 Excluded and Exempted Posts:

Please note this is not an exhaustive list, it includes posts considered relevant to Falkirk Council. If you have any queries please refer to Human Resources for a full list of all excluded posts

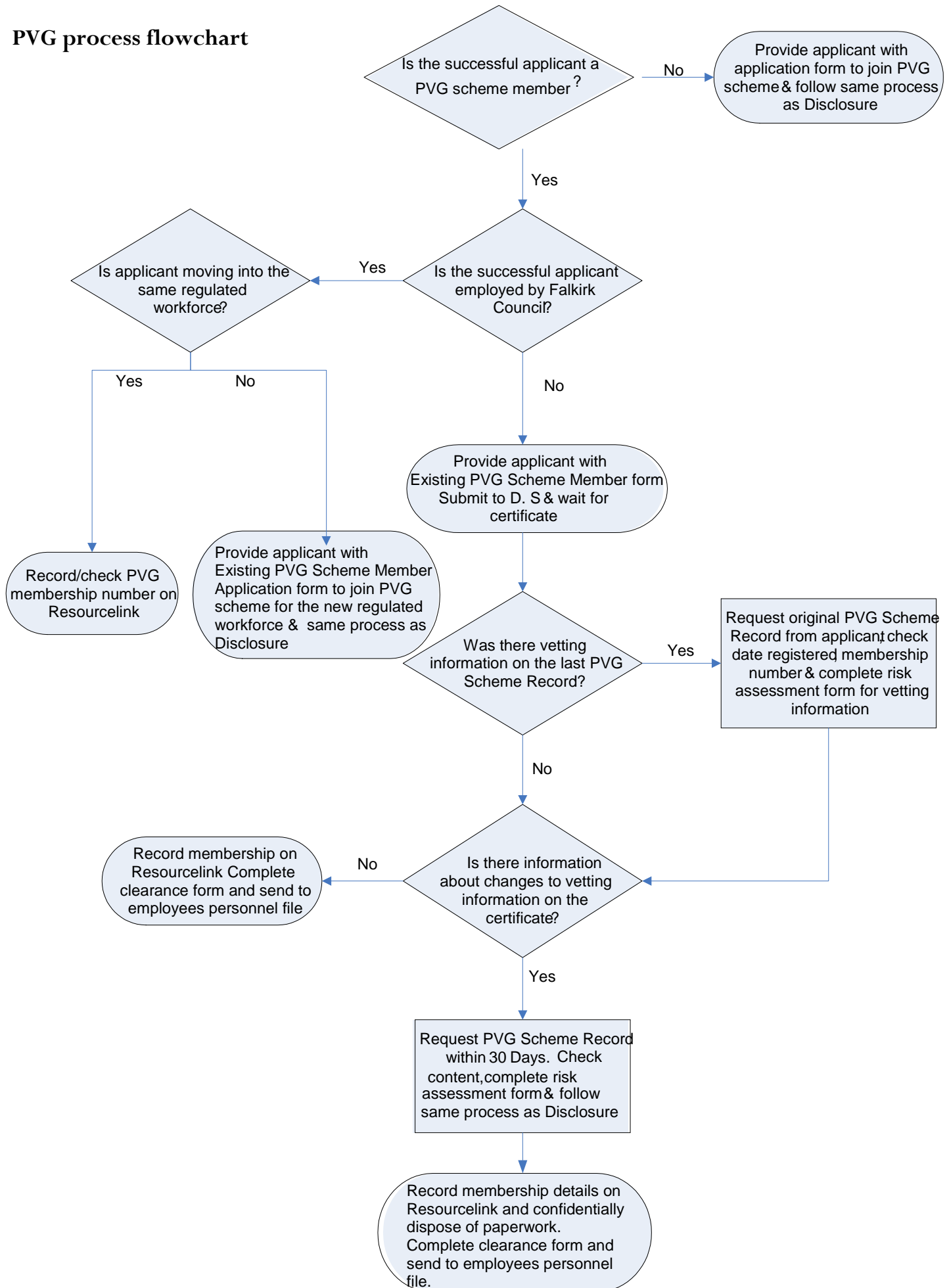
- Advocate, solicitor.
- Accountant.
- Registered teacher.
- Actuary.
- Registered European lawyer, registered foreign lawyer.
- Social worker.
- Social service worker.
- Any office, employment or work which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of a prison, remand centre, young offenders institution, detention centre or removal centre, and members of visiting committees for prisons appointed under rules made under section 39 of the Prisons (Scotland) Act 1989(4) and members of visiting committees for remand centres and young offenders institutions appointed under section 19(3)(5) of that Act.
- Any employment or work which is concerned with the provision of a care service.
- Any regulated work with children.
- Any employment which is concerned with the monitoring, for the purposes of child protection, of communications by means of the internet.
- The Principal Reporter or officers appointed under section 128(5) of the Local Government etc. (Scotland) Act 1994(10) to assist that officer.
- Members of a panel established by virtue of section 101(1) of the Children (Scotland) Act 1995(11) (panels for curators *ad litem*, reporting officers and safeguarders).
- Any regulated work with adults.
- Taxi driver or private hire driver.
- Any occupation in respect of which a licence or registration is required by or under Part V (driving instruction) of the Road Traffic Act 1988(18).

Disclosure Process Flowchart

APPENDIX 3



PVG process flowchart



GUIDANCE ON ASSESSING THE RISK

Disclosure Scotland provides the Disclosure Certificate/PVG membership paperwork to the applicant and the authorised signatory.

The counter signatory must decide if the disclosure information makes the person unsuitable for the post. Having a criminal record does not automatically make a person unsuitable for work with children or protected adults.

A risk assessment must be undertaken to establish whether any information disclosed makes the applicant unsuitable for employment. A risk assessment of issues that should be considered as part of that process is detailed below, for use by Services.

When deciding on suitability, the counter signatory can discuss the disclosure information with other managers who are authorised to see such information as part of their duties. For example, the manager who will supervise the post. All managers involved must follow the rules on confidentiality in the Code of Practice (see Appendix 6).

If the documentation received from Disclosure Scotland reveals the person to be on the Disqualified from Working with Children List, he or she must not be offered work with children. If the documentation reveals the person to be on the Disqualified from Working with Adults List, he or she must not be offered work with Adults.

Clarifying Disclosure/PVG Information

If the disclosure/PVG reveals any information, advice can be obtained from Governance on what the nature of the information/charge/conviction may mean.

Discussion with candidate

If the disclosure/PVG reveals any information, and before a final decision is confirmed, the information should be discussed with the applicant. The discussion allows the applicant an opportunity to provide his or her version of the circumstances surrounding the disclosed information. The discussion is part of the decision making process.

Disclosure of confidential police intelligence

In some circumstances an employer can be provided with information that is considered relevant for the employer to be made aware of given the nature of the employment being considered. This information is not provided to the employee/applicant and is considered confidential i.e. where an individual has been or is presently under investigation by the Police.

Full consideration should be given to any 'other information' disclosed and the relevancy of this to the post applied for. Advice from your HR Contact should be obtained in these circumstances. Any 'other information' disclosed **must not** be shared with the applicant/employee.

If a decision is taken to withdraw the recommendation for employment based on the other information disclosed, the candidate will be advised that they have been unsuccessful as a result of the information received from the disclosure/PVG check. If information is disclosed about a current employee as part of the retrospective checking process, a risk assessment requires to be conducted. In both situations, the applicant or employees will not however, be advised of the detail of the information received. If necessary as part of the process, the recruiting manager/line manager should confirm that we cannot disclose any further information.

Where information provided differs from the certificate

If the information provided by Disclosure Scotland does not agree with that provided by an applicant or employee the counter signatory/lead interviewer should discuss the discrepancy with the individual before reaching a decision. If a person disputes the information on the certificate it is a matter for the individual applicant to challenge and resolve directly with Disclosure Scotland.

Protection of vulnerable people

For consistency and to safeguard vulnerable people Services may wish to set up internal procedures for reviewing decisions to employ those with convictions. It is recommended that any issue is discussed with Human Resources and Governance before any appointment is offered. Ultimately the priority is the protection of children and vulnerable adults.

Suitability/Assessing the Risk

The suitability for employment of a person with a criminal record will vary, depending on the nature of the job and the details and circumstances of any convictions. Deciding on the relevance of convictions to specific posts is not prescriptive. An assessment of the conviction circumstances should be weighed against the risk assessment criteria for the job.

The authorised manager/signatory, must identify what risks might be involved and what precautions put in place in order to provide satisfactory safeguards, if possible.

In relation to the job

To facilitate this process, an applicant's criminal record should be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work is to be carried out. The following are recommended for consideration:

- does the post involve one-to-one contact with children or other vulnerable groups of employees, customers or clients?
- what level of supervision will the post holder receive?
- will the postholder have access to unsupervised children or other vulnerable groups?
- does the post involve any direct responsibility for finance or items of value?
- does the post involve direct contact with the public?
- does the post have an expected level of professional authority/integrity/ accountability?
- will the nature of the job present any opportunities for the post holder to re-offend in the place of work?

In relation to the conviction

In some cases, the relationship between the offence and the post will be clear enough to decide easily on the suitability of the applicant for the job. It should be remembered that no two offences are exactly alike and whilst it will not be possible to carry out a thorough risk assessment on each individual, it is recommended that the following issues are taken into account as a minimum requirement:

- the seriousness of the offence and its relevance to the safety of other employees, customers, clients and property;
- the length of time since the offence occurred;
- any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties whether the offence
- was it a one-off, or part of a history of offending;

- whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely;
- the country in which the offence was committed; some activities are offences in Scotland and not in England and Wales, and vice versa;
- whether the offence has since been de-criminalised by Parliament

Outcome

The decision taken should be able to withstand any level of scrutiny, either by the public, clients, parents or media, although this should not be the reason for the decision.

The decision to go ahead with, or withdraw, the offer of employment because of the disclosure information should be confirmed to the candidate as explained in the Disclosure guidance.

All risk assessments must be recorded on the Risk Assessment Template and passed to HR for retention in the central HR file for future reference if necessary.

DISCLOSURE CHECKS – RISK ASSESSMENT TEMPLATE

SECTION 1 - THE JOB & APPLICANT/EMPLOYEE

SERVICE	
POST TITLE	
APPLICANT NAME & ADDRESS OR EMPLOYEE NAME AND EMPLOYEE NUMBER	

SECTION 2 – ASSESSING THE RISK IN RELATION TO THE JOB

The answer to these questions will help identify the level of and groups at risk	YES/NO
Does the post involve one-to-one contact with children or other vulnerable groups of employees, customers or clients?	
Will the post be closely supervised?	
Will the postholder have access to unsupervised children or other vulnerable groups?	
Does the post involve any direct responsibility for finance or items of value?	
Does the post involve direct contact with the public?	
Does the post have an expected level of professional authority/integrity/ accountability?	

SECTION 3 – ASSESSING THE RISK IN RELATION TO THE CONVICTION(S)

The questions noted in the guidance notes “in relation to the Convictions” should be considered in order to assess whether the individual is suitable to be offered the post or to continue working in the post. In addition, any issue should be discussed with the individual, including any discrepancies in information. This information should inform the decision making process. Detail the outcome of the assessment, including the rationale for the decision (the nature of the conviction should not be detailed). A recommendation should be made as to whether the individual is suitable to be offered the post or to continue working in the post. This will be approved/rejected and countersigned by the Head of Service.

--

LINE MANAGER PRINT NAME & SIGN

DATE.....

HEAD OF SERVICE PRINT NAME & SIGN

DATE.....

Please now forward to HR Helpdesk, Municipal Buildings, Falkirk, FK1 5RS for retention, you should not keep a copy of this document.

FALKIRK COUNCIL
DISCLOSURE AND PVG SCHEME PAYROLL DEDUCTION MANDATE

Employee / Applicant Instructions: Please complete part A and B and return to your manager or as advised. For retrospective checks, please hand in to HR at the same time as your Identification check.

Recruiting Manager: Please ensure parts A, B & C have been completed fully and then pass to payroll to complete part D only. Please ensure form is an original and not a photocopy.

PART A – EMPLOYEE/APPLICANT DETAILS

Forename:		Surname:			
Start Date (for new applicants):		Employee Number (for existing employees):		NI No:	
Address:					

PART B – EMPLOYEE/APPLICANT MANDATE

Please indicate which type of fee is payable:

- PVG membership (£59) ☐
- PVG Update (£18) ☐
- Basic/Standard/Enhanced Disclosure (£25) ☐

I hereby authorise the Payroll Manager, Falkirk Council to deduct the above amount from my salary to cover the cost of Disclosure/PVG fees. I also authorise any outstanding monies to be deducted from my final pay should I leave Falkirk Council before the balance is paid in full.

Please choose from one of the following options:

- One payment ☐
- Equal monthly / weekly payments over 6 months ☐
- Equal monthly / weekly payments over 2 years * ☐

** Casual Workers and Modern Apprentices can extend repayment over a 2 year period. In exceptional circumstances, this arrangement can be extended to employees other than Casual Workers and Modern Apprentices.*

Employee Signature _____ Date _____

PART C – TO BE COMPLETED BY THE SERVICE ONLY

Please tick one of the following to indicate the cost centre used (this **must** be same code as the one the invoice has been coded to):

- | | | | |
|--|--------------------------|--|--------------------------|
| Education (204000-1404) | <input type="checkbox"/> | Building Services - Catering (603001 4925) | <input type="checkbox"/> |
| Social Work (301001 1404) | <input type="checkbox"/> | Falkirk Community Trust (150000 4171) | <input type="checkbox"/> |
| Development (401001 1404) | <input type="checkbox"/> | Housing (120001 4925) | <input type="checkbox"/> |
| Finance (786001 4150) | <input type="checkbox"/> | Governance (761001 4150) | <input type="checkbox"/> |
| Building Services – Cleaning (604001 4925) | <input type="checkbox"/> | Other _____ | <input type="checkbox"/> |

PART D – TO BE COMPLETED BY PAYROLL ONLY

First Payment Date (first available pay run): _____

Final Payment Date, if applicable: _____

Signature: _____ Date: _____

Falkirk Council
POLICY ON THE SECURE HANDLING, USE, STORAGE, RETENTION AND DESTRUCTION OF
DISCLOSURE INFORMATION

Policy Statement

Introduction

1. The Code of Practice (“the Code”) is published by Scottish Ministers under section 122 of Part V of The Police Act 1997 (“the 1997 Act”). The Code sets out obligations for registered bodies, counter signatories and other recipients of disclosure information issued under the 1997 Act and the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”).

General Principles

2. We comply with the Code and the 1997 and 2007 Acts regarding the handling, holding, storage, destruction and retention of disclosure information provided by Disclosure Scotland. We comply with the Data Protection Act 1998 (“the 1998 Act”). We will provide a copy of this policy to anyone who requests to see it.

Usage

3. We will use disclosure information only for the purpose for which it was requested and provided. Disclosure information will not be used or disclosed in a manner incompatible with that purpose. We will not share disclosure information with a third party unless the subject has given their written consent and has been made aware of the purpose of the sharing.

Handling

4. We recognise that, under section 1241 of the 1997 Act and sections 66 and 67 of the 2007 Act, it is a criminal offence to disclose disclosure information to any unauthorised person. Disclosure information is only shared with those authorised to see it in the course of their duties. We will not disclose information provided under subsection 113B(5)2 of the 1997 Act, namely information which is not included in the certificate, to the subject.

Access and Storage

5. We do not keep disclosure information on an individual's personnel file. It is kept securely, in lockable, non-portable storage containers. Access to storage units is strictly controlled and is limited to authorised named individuals, who are entitled to see such information in the course of their duties.

Retention

6. To comply with the 1998 Act, we do not keep disclosure information for longer than necessary. For the 1997 Act, this will be the date the relevant decision has been taken, allowing for the resolution of any disputes or complaints. For the 2007 Act, this will be the date an individual ceases to do regulated work for this organisation. We will not retain any paper or electronic image of the disclosure information. We will, however, record the date of issue, the individual's name, the disclosure type and the purpose for which it was requested, the unique reference number of the disclosure and details of our decision. The same conditions relating to secure storage and access apply irrespective of the period of retention.

Disposal

7. We will ensure that disclosure information is destroyed in a secure manner i.e. by shredding, pulping or burning. We will ensure that disclosure information which is awaiting destruction will not be kept in any insecure receptacle (e.g. a waste bin or unlocked desk/cabinet).

The Serious Organised Crime and Police Act 2005 (“the 2005 Act”) schedule 14, paragraph 12 amended section 124 2 Subsection 163(2) of the 2005 Act inserted subsection 113B into the 1997 Act. Subsection 113B(5) of the 2005 Act replaces subsection 115(8) of the 1997 Act.

PRE-EMPLOYMENT DISCLOSURE/PVG SCHEME CLEARANCE FORM

Name: «Name»

Service: «Service»

Location: «Location»

Job Title: «Job Title»

SECTION 1 DISCLOSURE CERTIFICATES ONLY

Disclosure Level: Basic/Standard/Enhanced

Disclosure Number: «Disclosure number»

Date of Issue: «Certificate received»

SECTION 2 PVG SCHEME MEMBERSHIP ONLY FOR REGULATED WORK**Part 1 – PVG Scheme Record: (TO BE COMPLETED IN ALL CASES)**

PVG Membership Number: _____

Disclosure Number: _____

Regulated workforce to which this relates:

CHILDREN/ADULTS/BOTH (please circle as appropriate)

Date of Issue: _____

Part 2 – PVG Scheme Record Update: (FOR EXISTING PVG MEMBERS ONLY)

Disclosure Number: _____

Date of Issue: _____

Original PVG Scheme Record verified: YES/NO (please circle as appropriate)

Part 3 – Subsequent Scheme Record: (IF REQUIRED)

Disclosure Number: _____

Date of Issue: _____

Original PVG Scheme Record verified: YES/NO (please circle as appropriate)

Following submission of the above named person's pre-employment Disclosure/PVG Scheme Application, and receipt of the relevant documentation, it is assessed that the person is considered appropriate to undertake the duties of the post.

I also confirm that the Disclosure Certificate/PVG Scheme Record/Record Update has been confidentially disposed of, with no copies being retained within the Service in line with the requirements of the Data Protection Act 1998.

Service Authorised Signatory

Date of Authorisation

After authorisation, this form should be returned to Human Resources along with all other Notification of New Appointment paperwork for filing.

ViSOR – WHAT IS INVOLVED IN NPPV 2 & NPPV 3 VETTING

The requirements for NPPV 2 and NPPV 3 vetting are as follows:

NPPV 2

The individual member of staff must provide their full details, address/s for the past 5 years as well as details of their:

- spouse/partner,
- any children (including dependants & stepchildren)
- any other person resident at their current address.

All are subject of checks which include all conviction information, spent and unspent, and any other non-conviction information considered to be relevant by the police or other Government bodies.

In addition, individual member of staff must provide details of their financial circumstances and those of their spouse/civil partner/partner, in the last 10 years (including details of any court orders, repossession, bankruptcy, debt referral orders etc.).

NPPV 3

The individual member of staff must provide their full details, address/s for the past 10 years as well as details of their:

- spouse/partner
- previous spouse/partners
- parents/step parents/guardians
- any children (including dependants & stepchildren)
- brother(s)/sister(s) and half/step and brother(s)/sister(s)
- any other person resident at their current address.
- secondary employment/business interests
- financial circumstances and those of their spouse/civil partner/partner, in last 10 years (including details of any court orders, repossession, bankruptcy, debt referral orders etc.).

All are subject of checks which include all conviction information, spent and unspent, and any other non conviction information considered to be relevant by the police or other Government bodies.

WHAT HAPPENS IF I FAIL NPPV VETTING

Police Scotland Vetting Unit undertakes NPPV on behalf of Falkirk Council. Where an applicant fails the vetting clearance applied for, the Vetting Unit will inform the applicant, and only the applicant, of the reason for the failure. It is up to the individual applicant to decide whether to disclose the reason to their line manager, however; if the reason is deemed to be a serious risk to the organisation impacted, Police Scotland will make a pro-active disclosure.

If the applicant and/or their line manager believes there are mitigating or other influencing circumstances that may have affected the application, an appeal can be made to the Police Scotland Vetting Unit.

The application will be re-assessed again in light of the new information by an independent review officer and the outcome will be made known to the applicant. The decision at this stage is final.

Financial failure

If the failure is as a result of financial concerns and an appeal is made, the Vetting Unit may contact the organisation concerned, if agreed to by the applicant, and discuss further the reasons surrounding the decision with a view to resolving if further assurances and conditions are met.

Title: Gender Based Violence
Meeting: Joint Consultative Committee
Date: 23 August 2016
Submitted By: Director of Corporate & Housing Services

1. Purpose of Report

- 1.1 The purpose of this report is to present a revised Gender Based Violence Policy of the most recent proposed changes.

2. Recommendation

- 2.1 It is recommended that Committee agree the changes to the Gender Based Violence Policy and refer it to the Executive for approval and immediate implementation.

3. Background

- 3.1 The proposed amendments to the Gender Based Violence Policy can be categorised into changes as a result of: policy, legislation/guidance received, and process changes as explained below:

Policy changes:

- The Policy was previously called the Workplace Domestic Abuse Policy and focussed solely on this particular area. The Gender Based Violence aspect of the Policy widens the scope of the types of violence which may affect workplace performance. This is covered in paragraph 1.3 of the policy.

Guidance received:

- The policy has been updated to ensure that guidance covered is in line with Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls.

Processes:

- The policy provides further guidance to managers on identifying possible Gender Based Violence as well as the support/processes to follow and information/training that is available.

4. Considerations

- 4.1 The policy has been reviewed and consulted on to take account of guidance and best practice. The changes made provide an improvement to the policy, information available and improve efficiency where possible.

5. Consultation

- 5.1 Consultation was carried out with Services and Trade Union representatives. Comments were considered and changes made where appropriate.

6. Implications

Financial

- 6.1 There are no financial implications from the proposal.

Resources

- 6.2 There is no impact on resources from the proposal.

Legal

- 6.3 The policy has been changed to take account of guidance relating to Equally Safe.

Risk

- 6.4 There is no risk identified from the proposal.

Equalities

- 6.5 An EPIA was carried out. The EPIA demonstrates that the proposal is robust; there is no potential for discrimination and opportunities to promote equality have been taken.

Sustainability/Environmental Impact

- 6.6 There is no environmental impact from the proposal.

7. Conclusions

- 7.1 Full consultation has taken place with Services and Trade Unions and no major adverse issues have been identified.



Director of Corporate & Housing Services

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Date: 19/07/2016

APPENDICES

Gender Based Violence Policy

List of Background Papers:

**The following papers were relied on in the preparation of this report in terms of
the Local Government (Scotland) Act 1973:**

None



FALKIRK COUNCIL

WORKPLACE GENDER BASED VIOLENCE POLICY



2016

CONTENTS

PART 1 - STATEMENT

- 1.1 Purpose
- 1.2 Scope
- 1.3 Definition

PART 2 - PROCEDURE

- 2.1 Identifying possible GBV
- 2.2 Support/Process
- 2.2 Information and Training

PART 3 - IMPLEMENTATION

- 3.1 Roles and Responsibilities
- 3.2 Monitoring and Review

PART 1 – POLICY STATEMENT

1.1 Purpose

Falkirk Council supports initiatives on gender based violence (GBV) and recognises the significant social, economic and psychological impacts this has in society.

The policy ensures Falkirk Council adopts a ‘reasonable adjustment’ approach towards employees’ who disclose that they are experiencing, or threatened with, any form of GBV.

Where any of our employees have perpetrated violence/abuse the Council will take all necessary steps to investigate these matters which may result in disciplinary action being taken.

As an employer we will make sure that our staff who are directly designing and providing services to people experiencing violence/abuse are knowledgeable and confident in delivering the necessary support and advice.

As a provider of services to our citizens we support a local Gender Based Violence Partnership which brings together Council Services, voluntary organisations and other public sector partners including Police Scotland and the NHS. The purpose of the partnership is to make sure our services are as effective and efficient as they can be for local people and ensure a consistent approach where possible is adopted.

1.2 SCOPE

This policy applies to all employees, agency workers and contractors using Council office space and resources.

It is recognised that violence/abuse can happen to men as well as women and that abuse may occur within any same sex or heterosexual relationship.

1.3 DEFINITION

Gender based violence includes a range of forms of violence which may affect workplace performance, including domestic abuse, rape and sexual assault, sexual harassment and intimidation at work and in public, stalking, commercial sexual exploitation such as prostitution, pornography and human trafficking, dowry related violence, female genital mutilation (FGM), forced marriage and so-called “honour” based violence.

Gender based violence not only impacts on personal well-being it is estimated that seventy-five per cent¹ of those experiencing violence/abuse are targeted at work and it is often possible for perpetrators to use workplace resources such as phones, email and other means to threaten, harass or abuse their current or former partner.

¹ CORPORATE ALLIANCE AGAINST DOMESTIC VIOLENCE. (2012) *Why is CAADV important?* [online]. London: CAADV. Available at: <http://www.caadv.org.uk/why.php> [Accessed 7 December 2012].

Supporting employees who have experienced or are experiencing violence/abuse makes business sense. Not only will this be a reflection of good management practice but it helps address output lost due to decreased productivity, administrative difficulties from unplanned time off, lost wages and sick pay. Violence/abuse can cause employees to be distracted at work, arrive late, leave early or miss work, and can increase employee turnover.

The main aims of this policy are to:

- raise awareness on gender based violence;
- provide advice and guidance for Falkirk Council managers and Services;
- provide information on relevant training for Council Services;
- offer information and organisation contacts for individuals seeking personal help and support.

PART 2 – PROCEDURE

2.1 Identifying Possible GBV

Managers often become aware of changed behaviour at work from their employees and whilst this might not be an indicator of GBV an employee's changed behaviour should trigger a discussion to find out why and what support the employee needs at work.

Behaviour indicators to trigger discussion might be:

- a drop in attendance
- falling behind on deadlines which previously would have been met
- uncharacteristic lateness / working late
- uncharacteristic behaviour towards colleagues etc.

Care and sensitivity from managers is needed and having the confidence to have difficult/sensitive conversations is a skill which can be supported by training from the Council's Organisational Development team.

Where information comes to light that an employee is a perpetrator of GBV then the Council will reserve the right to take all necessary and relevant disciplinary steps should the behaviour outside work have an impact on their ability to meet their work obligations or where their actions could bring the Council into disrepute.

Any employee who is concerned about their behaviour towards a partner can be signposted to organisations which have the relevant support systems in place.

2.2 Support/Process

Where a manager suspects that an employee is experiencing GBV they should contact Human Resources for advice before any discussion takes place with the employee. Any discussion about the employee's situation should take place in private and any questions should be asked with care and sensitivity. Employees should never be pressured into disclosing any personal information that they do not feel comfortable sharing.

Managers should appreciate how difficult it may be for an employee to discuss his/her personal circumstances and should always offer support in a non-judgemental fashion. They should also remember that, very often, signs of abuse will not be visible.

Where an employee alerts their manager to GBV, the manager should deal with this sensitively and consider what support mechanisms can be put in place.

The Council has a range of HR policies in place designed to support employees at work. Advice is available from HR to help managers identify the different ways employees can be supported in work. Without being prescriptive some reasonable adjustments that could be applied include:

- Special Leave - E.g. time off to seek legal advice re restraining orders;
- Flexible working - E.g. to vary working hours / or locations on a temporary basis;

A key consideration for managers will be personal safety and this could include arrangements such as:

- Encourage the employee to work out a personal and family safety plan which might include e.g. agreeing how to respond if the abusive partner contacts or visits the workplace;
- If the employee is unexpectedly absent from work communication with the line manager or an emergency workplace contact is agreed to support their safety.

2.3 Information and Training

This policy will be promoted in relevant Council newsletters and publications as well as being accessible through the Council's intranet:

The Falkirk GBV Partnership provides training on Gender Based Violence and is available to managers and front line Council employees. This can be accessed by contacting the GBV Co-ordinator for Forth Valley via the email below (see 3.1.2 below).

In line with Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls (published in 2014), the Council recognises that services such as education, social work and housing need to be competent in identifying and responding effectively to violence and abuse.

PART 3 – IMPLEMENTATION

3.1 RESPONSIBILITIES

3.1.1 ROLE OF MANAGERS

Line managers have a responsibility to support employees and ensure a sensitive and consistent approach when dealing with matters of GBV.

Discussions between a manager and an employee who is experiencing GBV will be treated in confidence. However, in some circumstances this confidence may need to be broken in order to protect children or vulnerable adults. Managers should always discuss these matters with Human Resources in the first instance.

Where necessary, managers can seek support from Human Resources.

3.1.2 ROLE OF THE FALKIRK GBV PARTNERSHIP

Falkirk Gender Based Partnership is a forum which represents Council Services, partners including Police Scotland, Forth Valley NHS and local voluntary organisations. Within this group there is a wide range of expertise which employees can access individually and independently.

The Partnership Co-ordinator is Gail Cook who can be contacted directly on gailcook.vaw@gmail.com. All contacts will be treated in the strictest confidence.

The Partnership's main objectives are:-

1. to raise awareness of GBV issues,
 - the Partnership Co-ordinator delivers training on domestic abuse and other forms of GBV to front line Council services and employees
2. to identify and share examples of good practice,
3. to identify opportunities for working together,
4. to identify gaps in service provision,
5. to report on and respond to national and local issues and
6. to develop services which effectively meet the needs of women, men, children and young people experiencing, or who have experienced, all forms of GBV in the Falkirk area.

3.2 MONITORING AND REVIEW

The Head of Human Resources & Business Transformation will review this policy as per the agreed Human Resources Policy Review timetable in conjunction with Service Directors/ Chief Officers and Trade Unions taking into consideration legislative amendments and best practice advice.

This Policy has been Equality Impact Assessed and no adverse impact has been identified.