Agenda Item 5

Referral from Corporate Partnership Forum

Falkirk Council

Title: **Referral from Corporate Partnership Forum**

Meeting: **Executive**

Date: **18 June 2019**

Submitted By: **Director of Corporate & Housing Services**

1. Purpose of Report

1.1 The purpose of this report is to ask the Executive to approve 2 policies which were considered by the Corporate Partnership Forum on 24 April 2019.

2. Recommendations

2.1 The Executive is asked to approve the immediate implementation of changes to the Health & Safety policy and Recruitment & Selection policy.

3. Background

3.1 The Corporate Partnership Forum considered the Health & Safety and Recruitment & Selection polices on 24 April 2019 and agreed to refer them to the Executive for approval.

4. Considerations

<u>Health & Safety Policy</u>

4.1 The Health, Safety and Wellbeing team have been reviewing the existing policy framework. The aim is to reduce the number of policies, by reviewing documents and linking them more directly with the requirements of the Council's Health and Safety policy and safety management system.

4.2 The policy has been updated to reflect best practice with updated roles and responsibilities and the use of plain English.

<u>Recruitment & Selection Policy</u>

4.3 The Recruitment & Selection policy provides guidance on fair recruitment and selection processes. The policy adapts to a new format using hyperlinks instead of appendices and introducing 'how to' guides to make it more user friendly.

4.4 Additionally, where possible, the policy has been simplified and duplication removed.

4.5 A Code of Practice on the English language requirements for public sector workers is now in force and changes have been made to take this into account.

4.6 The following have also been changed:

- Information on timescales for grading have been included;
- Approval levels for creating/amending posts; this takes account of feedback from services and managers on streamlining processes and increasing accountability have been added;
- The recruitment checks required in certain circumstances have been reduced and clarifying, at which stage, recruitment checks should be carried out. The new arrangements are based on benchmarking from other local authorities and feedback from managers and;
- Information about which interview paperwork should be kept and for how long has been added following recommendation set out in an audit of recruitment by internal audit.

5. Consultation

5.1 Services and Trade Unions have been consulted and comments considered with changes made where appropriate. The policies were discussed by the Corporate Partnership Forum which agreed to refer them to Executive for approval.

6. Implications

Financial

6.1 There are no financial implications arising from the implementation of revised Health & Safety and Recruitment & Selection policies.

Resources

6.2 There are no resource implications arising from the referrals.

Legal

6.3 All policies are intended to ensure compliance with relevant legislation.

Risk

6.4 There are no risks arising from implementing these policies.
The updated Health & Safety policy helps to ensure the Council are meeting it's statutory obligation.
If the Recruitment & Selection policy is not implemented, we will be unable to comply with the recent audit recommendations. Further this would impact on management capacity and admin resources.

Equalities

6.5 There are no equality issues arising from the referrals. All policies are intended to ensure fairness, equality of opportunity and safe systems of work.

Sustainability/Environmental Impact

6.6 There are no sustainability or environmental implications from this report.

7. Conclusions

7.1 The Executive is asked to consider and approve the changes within the Health & Safety and Recruitment & Selection policies, for immediate implementation.

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Director of Corporate & Housing Services

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Date: 6 June 2019

APPENDICES

Appendix 1 – Health & Safety Policy
Appendix 2 – Recruitment & Selection 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

Health & Safety Policy

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This policy is part of the Council's safety management system. It supports efforts to continually improve health and safety outcomes for our employees and to promote safety at work.

This policy applies to all Falkirk Council employees.

Health and Safety Policy Statement

Falkirk Council is committed to ensuring the health and safety of its employees and those affected by our work. We will do this by:

- Providing safe and healthy working conditions in order to prevent work related injury and ill health.
- Fulfilling our legal responsibilities as an employer and seeking to achieve best practice in our work.
- Eliminating workplace hazards and reducing health and safety risks.
- Continually improving our safety management system.
- Engaging and consulting with our employees and their representatives on matters relevant to their health and safety.

We will ensure that good health & safety management is an integral part of our approach to delivering services to the people of Falkirk.

Council Values

We will apply our organisational values to safety management in the following ways:

Responsive – we will engage with our employees to address their health and safety concerns and involve them in decision making to manage health and safety risks.

Innovative – we will adopt new technology and ways of working to improve the health and safety of our employees.

Trusted – we will be open and honest about how we manage health and safety risks with our staff and those affected by our work.

Ambitious – we will continually improve our health and safety performance and seek ways to improve service delivery safely.

Kenneth Lawrie

Chief Executive Officer

Version 1 – April 2019

Roles & Responsibilities

Chief Executive
The Chief Executive is responsible for ensuring that Falkirk Council fulfils its legal responsibilities regarding heath and safety. The Chief Executive will:

- set the health and safety framework for the Council
- determine the management structure through which the Health and Safety Policy and supporting policies & procedures are to be implemented
- delegate the management and implementation of the Council's safety management system to relevant officers
- provide adequate resources for the management and implementation of the safety management system across the Council
- ensure that health and safety is promoted as an integral part of the culture of Falkirk Council
- set performance indicators for health and safety and review these indicators

Director of Corporate & Housing Services
The Director of Corporate and Housing Services is responsible for ensuring the development and implementation of strategies to promote and develop health and safety within Falkirk Council. This Director will:

- provide support to the Chief Executive for issues relating to health & safety within the Council
- ensure Services receive sufficient and accurate advice, guidance and updates to allow them to comply with changes in legislation or changes to employee care initiatives
- ensure appropriate consultation with Trade Unions and appropriate involvement of Trade Union Health and Safety representatives.
- monitor Services' implementation of the Council's safety management system
- advise Corporate Management Team of significant health and safety risks to the Council
- publish an annual health and safety report

Elected Members
Elected Members, as decision and policy makers, have a key role in establishing health & safety as a priority for Falkirk Council and ensuring appropriate resources are available to implement agreed management arrangements. Elected Members have responsibility for:

- nominating an Elected Member as Health & Safety champion
- considering the health & safety implications of any decision made and policies approved
- ensuring appropriate resources are available to effectively manage health & safety matters
- reviewing the performance of the Council's safety management system

Service Directors, Heads of Service and Chief Officers

Service Directors, Heads of Service and Chief Officers are responsible for ensuring the health and safety of all employees and others in their respective services. Service Directors, Heads of Service and Chief Officers will:

- ensure the Council's safety management system is implemented within their respective areas
- ensure all employees are aware of this policy and other relevant policies and procedures
- ensure that employees can undertake the functions of their jobs competently by providing appropriate training and guidance
- ensure that adequate resources are made available within their Services to enable the implementation of the Council's safety management system
- consult with employees and Trade Unions on Service based health and safety matters
- ensure that statutory appointments required by health and safety legislation are made for their Services
- ensure that contractors carrying out work for Falkirk Council comply with their statutory duties and any Council specific requirements.
- ensure promotion of a healthy and safe working environment within their Service.
- ensure their Service is adequately represented on the Council's safety management group.

Service Unit Managers & Head Teachers

All Head Teachers and managers who have operational responsibility for other employees or for systems and procedures of work will be responsible for ensuring that:

- relevant aspects of the Council's safety management system are implemented within their work area
- encourage an open health and safety culture that values proactive health and safety behaviour and reporting as a part of every employees role
- all employees are aware of and understand the policies and procedures regarding health and safety
- safe working practices are implemented, appropriately documented and monitored within their areas
- relevant training is provided to all employees to enable them to carry out their duties in a competent manner
- ensuring contractors are managed appropriately within their area of control
- all incidents are reported, investigated and recorded appropriately (including notifying enforcing bodies i.e. Health & Safety Executive).

First Line Managers, Team Leaders, Supervisors & Charge-Hands

These employees will have responsibility for implementing, monitoring & reviewing systems of work to achieve the aims of the Council's health and safety policy. These individuals will lead by example and be champions for Health and Safety within their work environment and are responsible for:

- implementing relevant aspects of the Council's safety management system are implemented within their work area
- ensuring that employees within their area of control are aware of the Council's Health &Safety Policy, and specific health and safety information relevant to their role
- ensuring that employees follow safe working practices
- ensuring that incidents are reported and managed appropriately. This includes the reporting and investigation of incidents, and that remedial action is taken, where appropriate
- ensuring that health and safety risks within the area of control are managed appropriately
- assisting in developing appropriate Health and Safety policies & procedures through the consultation process
- ensuring health and safety information is communicated to employees on a regular basis and that issues causing concern are reported to the appropriate line manager and remedial action taken
- ensuring that all new members of staff receive relevant health and safety training as part of their induction process
- gathering, co-ordinating and providing local management teams and the Health, Safety & Care Team with information as required regarding performance/areas of concern and attending Health, Safety & Care Working Groups as required
- determining staff training requirements and ensuring training is provided to all employees to enable them to carry out their duties in a competent manner
- ensuring contractors are managed appropriately within their area of control

Premises Managers

In addition to their role, some employees may also have responsibility for the management of premises. To assist these officers in this role, a Premises Managers Handbook has been developed that provides a toolkit to ensure all areas of responsibility are defined and that record sheets are available for recording of relevant data within the Handbook. The areas the managers are also responsible for include:

- premises risk assessments and implementing appropriate control measures
- management of fire risks for the protection of employees, visitors and premises
- arrangements for the general safety of employees, volunteers, contractors, visitors and premises
- arrangements for security of employees, visitors and premises
- management of Legionella risks through regular checks of the water systems

- monitoring the condition of the premises and any grounds to ensure appropriate standards are being maintained and any faults or failures rectified
- liaising with other building occupants to ensure responsibilities for health and safety are clearly defined

Corporate Risk Management Group

Members of the Corporate Risk Management group have a key role to play in ensuring a co-ordinated approach to risk management. They have collective corporate responsibility for:

- reviewing roles and remits of health and safety sub-groups as required;
- co-ordinating a consistent approach to risk management, including health & safety;
- monitoring compliance with the Corporate Risk register and regularly reporting on such to Corporate Management Team (CMT);
- checking that individual Services' Risk Management and Business Continuity Plans are fit for purpose;
- review significant health and safety risks referred by health and safety sub-groups.

Safety Management Group

This group will have the responsibility for assisting with the implementation and monitoring of the Council's safety management system. The membership of this group will be determined by Services in discussion with the Health, Safety & Wellbeing team. They will do this by:

- monitoring the implementation of the Council's safety management system
- monitoring and reviewing Services' safety performance
- communicating information relevant to the Council's statutory responsibilities and safety management system to Services
- monitoring the Council's statement of assurance process for the Premises Managers' Handbook
- assisting the Health, Safety & Wellbeing team in the development of the Council's safety management system

Trade Union Representatives

Trade Union representatives will have responsibility for assisting with the development, implementation and monitoring of health and safety policies and procedures.

They will do this by:

- liaising with the Chief Executive, Service Directors, Managers and employees on health and safety issues at national and local level
- representing employees at Partnership Forum meetings
- attending service based meetings as required, to discuss health and safety matters

- undertaking the responsibilities as listed below for employees

Employees

In order to create a positive and effective culture in regard to health & safety it is vital that all employees of Falkirk Council contribute positively to the successful management of health & safety. Employees will:

- take reasonable care for their own safety and the safety of others affected by their work
- work in accordance with instruction, safe working methods and training received
- alert line managers to unsafe practices, conditions or incidents of concern
- seek advice and clarification from Line Managers when unsure of any health and safety requirement relevant to their working environment
- co-operate with Falkirk Council in its endeavours to create and promote a positive health and safety culture
- not intentionally or recklessly interfere with, or misuse, anything which may result in harm to themselves or others
- report accidents/incidents to their line manager as soon as possible
- attend relevant training on health and safety matters as instructed by their manager.

Health, Safety & Wellbeing Team

The Health, Safety & Wellbeing team is responsible for maintaining the Council's safety management system. They will:

- develop and monitor the Council's safety management system
- provide advice, guidance and information to Services regarding health & safety
- support the monitoring and management of the occupational health contract and occupational health arrangements and occupational health surveillance for Falkirk Council
- monitor the Council's performance against health & safety criteria
- maintain records of all HSE contacts
- promote effective lines of communication with stakeholders, including external agencies such as the HSE and professional bodies.

Recruitment & Selection Policy

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Falkirk Council is committed to providing a quality service whilst safeguarding and promoting the welfare of vulnerable people. We recognise that effective recruitment, selection and retention of suitably skilled and qualified employees are central to this process.

We are committed to applying our Equal Opportunities Policy at all stages of this Policy. Shortlisting, interviewing and selection will always be carried out without regard to any protected characteristic.

This policy applies to all potential and existing employees. Those involved in carrying out recruitment and selection represent the Council and must promote the Council in a positive manner.

Human Resources (HR) are available to provide advice on all recruitment issues by emailing hrhelpdesk@falkirk.gov.uk.

Stage 1 – The Vacancy

Before recruiting to any post, managers should apply vacancy management principles.

All new permanent posts which are additional to the agreed establishment or cannot be implemented within existing budget require approval from Executive Committee.

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

More details can be found in 'How to Manage and Advertise a Vacancy'.

Stage 2 – Advertising

All posts must be advertised on www.myjobscotland.gov.uk. Adverts in other forms of media, such as Facebook, can be considered in certain circumstances. If there is an internal 'expressions of interest' process then the relevant Trade Union contacts should be informed.

The system used to administer the recruitment process is called Talentlink and managers should refer to the process guidelines.

All posts will be advertised for a minimum of 2 weeks and only in exceptional circumstances should this be reduced.

All posts must have been formally graded with an agreed job description and person specification.

Managers should agree a provisional timetable of dates for shortlisting and interview with the panel to ensure applications are processed without delay.

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 your HR Business Partner.

Stage 3 – Selection

Applicants should apply online via "myjobscotland". Late applications will not be considered.

There are normally two stages to the recruitment selection process:

- Shortlisting
- Interview

The Chairperson of the Interview Panel is normally the recruiting manager and is responsible for the whole recruitment process. Panel members should remain consistent throughout the process. The chairperson and panel members should be trained in recruitment and selection before participating in any part of the process.

If a panel member has a personal relationship with a candidate, for example, a relative or friend, they should tell the chairperson who will decide if the panel member is impartial. A replacement panel member may be appointed if there is any uncertainty. This also applies to Elected Members involved in the recruitment of Chief Officers.

Shortlisting should be carried out by the panel. Shortlisting will be based on the essential criteria noted in the person specification and desirable criteria if necessary. Should a high volume of applications be received for a post, the shortlisting criteria can be enhanced to facilitate shortlisting.

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. The Appointment Procedure for Headteacher / Depute Headteacher posts includes guidance in relation to Parental Council involvement. (hyperlink 3)

Any attempt to influence the decision of the interview panel in favour of a particular candidate will be considered canvassing. This should be referred to the Head of Human Resources and Business Transformation immediately.

Guaranteed Interview Scheme & Positive Action

Disability - If a candidate indicates on their application that they are disabled they will be guaranteed an interview if they meet the essential minimum criteria. We will make reasonable adjustments to the recruitment process to make sure that no candidate is disadvantaged because of their disability. If a candidate requires a reasonable adjustment to allow them to participate in the interview process this should be accommodated.

Looked after Children - If a candidate indicates on their application that they are a looked after child, are in continuing care or are a care leaver (up to age 26) they will be guaranteed an interview if they meet the essential minimum criteria.

If a GIS candidate has not been shortlisted or appointed after interview, the chairperson must tell them in writing of where they failed to meet the criteria.

Positive Action - If the recruiting manager believes that a particular protected characteristic (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 positive action must be a proportionate means of enabling or encouraging people to overcome the disadvantage or to address the under-representation.

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

Positive action is allowed under the Equality Act but is voluntary. Advice must be sought from your HR Business Partner if positive action is being considered.

More details can be found in 'How to Shortlist' and 'How to Carry Out Interviews'.

Stage 4 – Recruitment Checks

There are a number of checks which must be completed as part of the recruitment process. Some checks need to be carried out at interview and some are only carried out for the preferred candidate. Using a risk based approach, different arrangements apply to:

- Internal candidates
    - Driving posts
    - SSSC registered posts
- External candidates

More details can be found in 'How to Carry Out Recruitment Checks'.

The chairperson has overall responsibility for:

- making sure all checks are completed and satisfactory
- doing visual checks between the documents and dates of birth and the appearance and apparent age of the candidate
- checking the detail of the documents, for example that they allow the candidate to do the type of work on offer and that expiry dates have not passed.

All relevant checks must be completed as detailed in 'How to Carry Out Recruitment Checks'.

Stage 5 – Offering employment

Offer of Employment

Offers of employment must only be made once all recruitment checks have been received and are satisfactory. No offer can be made during or at the end of an interview. It is the chairperson's responsibility to ensure checks are satisfactory.

A letter can be used to notify the preferred candidate that recruitment checks such as Occupational Health clearance and references will now be taken up.

Once satisfactory recruitment checks are received a formal offer can be made.

Template letters are available on Inside Falkirk.

The chairperson must ensure that Talentlink is updated to reflect the outcome for successful and unsuccessful candidates and close the vacancy.

Salary Placement

Placement within grades, including on promotion, will normally be on the first point on the grade. Chief Officers have 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 candidate and the impact on other jobholders to ensure equality. If the decision to place higher on the grade is taken, the reason for this and the Chief Officer approval must be noted on the on-line new appointment form.

Returned Acceptance of Offer

Once the candidate has returned a signed copy of their offer letter the manager must ensure that all appropriate paperwork is completed to set up the new employee on the HR & Payroll system.

Informing the Unsuccessful Candidates

The unsuccessful candidates should be advised of the outcome using Talentlink.

All application forms and associated recruitment material should be held for 6 months then destroyed. If it has been agreed that Staffing & Recruitment will hold this paperwork, it should be sent to them in a single envelope, marked at the top with the post ID, job title, interview date and 'unsuccessful'.

New start process & documentation

The recruiting manager must ensure that a New Appointment Form is completed on HR Forms Plus (HRFP) before the start date. The form cannot be approved until the start date to avoid them being paid if they do not start employment.

Payroll will approve HR forms as soon as possible after manager approval. At this stage an employee number will be created on Resourcelink. Staffing & Recruitment must then issue a Statement of Particulars (SOP) to the new employee within eight weeks of the start date.

An electronic personal file will 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 is uploaded to MyView. This will be held for the duration of employment and kept for a further 7 years in archive after the termination date or for 25 years for those working with children or protected adults in regulated work.

Induction

On the first day of employment, the manager should do a further identity check to make sure that the person interviewed is the same person starting employment. Where recruitment checks have been carried out, the manager should check the person's appearance against the photographic identification provided on the day of interview.

For posts that require Disclosure checks/PVG membership, managers should ensure that a payroll deduction form has been completed to allow deductions to be made from the employee's salary to pay for fees if this has not already been completed.

An induction pack should be completed for all new employees. An on-line induction training course called The Welcome Induction is available for all new employees. Line managers must ensure that where facilities allow, new employees complete this course within three months of starting employment.

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) or the Scottish Teachers Pension Scheme (STPS). All new employees who meet these conditions 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 less than 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.

Recruitment & Selection Complaints Procedure

Our Recruitment and Selection Complaints Procedure reflects our commitment to equality. We will ensure that all candidates are treated equally in relation to all recruitment and selection within Falkirk Council.

It is necessary to carry out careful monitoring of all appointments and of all recruitment and selection procedures and policies. There is a need to fully investigate all complaints received from job candidates.

This applies to all candidates and deals with complaints relating to recruitment and selection only. Existing employees should use the internal grievance policy to register any complaint.

Candidates have the right to make a complaint about the recruitment and selection process.

The complaint should be submitted within 3 months of the appointment decision and a response will normally be provided within 7 working days.

If a candidate wishes to complain about Falkirk Council's recruitment and selection process, they should be issued with a copy of the Recruitment & Selection Complaints Procedure *hyperlink 5*.

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How to manage and advertise a vacancy

Existing posts – vacancy management

Before recruiting to fill a vacant post, managers should consider available internal resources which could offer a budget saving including the following:

Changing existing jobs – Managers can review the existing establishment and make changes to meet Service demands. Changes should be made in consultation with existing jobholders and their Trade Union representatives, HR and relevant Chief Officers. Changes must be reflected in the job description *hyperlink 1* template and person specification *hyperlink 2* template. As this may result in a change of grade managers must seek advice from Human Resources for guidance on re-grading/job evaluation prior to advertising any vacancy. This process can take 8-10 weeks. Where posts are changed approval will be necessary as noted below.

Temporary posts – Managers can consider advertising the post on a temporary basis to allow flexibility or to trial different working hours or patterns. Other situations may occur where temporary appointments arise rather than permanent. This should be discussed with HR and Trade Union representatives given that this can have an impact on stability for the Council and individuals.

Redeployment of employees – Managers should consider current employees, modern apprentices, and graduates who are proceeding through the redeployment process before advertising or interviewing other candidates. Further information is available from the HR Helpdesk hrhelpdesk@falkirk.gov.uk or can be found in the Rehabilitation and Redeployment Policy and Procedure.

Modern Apprentices/Trainee Posts – Managers should consider creating modern apprentices or trainee opportunities for posts which are hard to fill. Further information is available from your HR Business Partner or the Employment Training Unit.

Budget

Budgets must be approved before recruiting on a permanent, temporary or casual basis including acting up, secondments, sickness absence or maternity leave, placements or modern apprentice programmes.

Approval for additional or amended posts

Additional/Amended Posts

Before proceeding to advertise a post, managers must ensure that they have a valid budgeted post and appropriate approval as shown below:

- Obtain approval to create the post by submitting the relevant business case including appropriate funding
- Any new or amended job description/person specification should be sent with a completed grading request form to grading@falkirk.gov.uk. This will allow the grading process to start.
- Consult with relevant employees and Trade Unions throughout the process

Type of post/change	Duration	Approval Level
Temporary	12 months	Service Managers
Temporary	12 and 24 months	Heads of Service
Temporary	Extended/created beyond 24 months*	Directors/Chief Officer (HSCP) Executive Committee
Additional Permanent Posts		Executive Committee
Grading outcomes (Own Service)	N/A	Directors/Chief Officer (HSCP)
Grading outcomes (Impact on more than one service)	N/A	Director of Corporate & Housing Services
Changing a post within existing establishments		Directors/Chief Officer (HSCP) subject to a

and budgets in own Service		business case being presented, which must be retained by the service along with approval confirmation for audit purposes (including HR and Finance advice)

* recognising that anything beyond 24 months should normally have Member approval due to the employment rights incurred by the individuals

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

Once approval has been given for a new post and before recruitment starts the post must be added to the establishment on HR Forms Online (HRFOL) using the request a new post ID option. This is accessed through Inside Falkirk. A password is required and it must be an authorised user who completes the request. It 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 the following procedure must be followed *hyperlink 3*.

All posts must be advertised on www.myjobscotland.gov.uk. Adverts in other forms of media, such as Facebook, can be considered in certain circumstances. If there is an internal 'expressions of interest' process then the relevant Trade Union contacts should be informed.

The system used to administer the recruitment process is called Talentlink and managers should refer to the process guidelines.

Recruitment Advertising Request

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

- Online Recruitment Advertising Request on HR Forms Plus (all sections must be completed)
- Names of all people that need access to the vacancy online (for administration and shortlisting) and planned dates for shortlisting and interviewing
- Job description and person specification
- Requirement for a criminal conviction check, for example PVG or Disclosure for Safer Recruitment purposes
- Pre-selection questions can be used as initial screening questions on myjobscotland – these should be based on the essential criteria of the person specification and are subject to HR Business Partner approval
- Short advert - generic adverts are held by the Staffing & Recruitment team for regularly advertised posts

Job Description (hyperlink 1)

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 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 grading@falkirk.gov.uk.

Person Specification (hyperlink 2)

This outlines the essential and desirable criteria required for the post. Essential criteria are those qualities that are absolutely necessary to carry out the duties of the post. Desirable criteria are those which would help the candidate to perform the job more effectively but are not essential requirements of the post. Criteria should be non-discriminatory. 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 standard of spoken English must be clear and relevant for the requirements of the job, for example this will be essential for public facing roles. The person specification is used to develop the job description and for shortlisting and will be included in application packs.

Choosing Advertising Sources

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 and myjobscotland and may be advertised on Facebook 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 – national press, professional journals and additional websites can be considered in exceptional circumstances and only if unsuccessful after 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 exceptional circumstances and only after consultation with your HR Business Partner and appropriate Trade Unions. All appropriate procurement and HR paperwork must be completed if an agency appointment is being made.

Advertising

Recruitment requests must be submitted using HRFOL attaching the advert, job description and person specification. These are normally processed by Staffing & Recruitment within three working days after the service approve the recruitment request, with a closing date of two weeks after advertising. Services may wish to submit additional information about the post and service which can also be made available to candidates on myjobscotland.

The language in all job adverts must be clear and free from bias so that all qualified applicants are encouraged to apply.

Generic adverts are held by the Staffing & Recruitment team for regularly advertised posts. Adverts may be changed at a corporate level where appropriate.

Where Gaelic has been included as an essential criteria for a post, the job advert must 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 administration timescales to enable translation of the advert.

In the case of national press adverts, Staffing & Recruitment will pass a final proof copy of the press advert to the recruiting manager, along with details of the advertising costs, where timescales allow.

Application Process

Candidates should use the application form on myjobscotland to apply online by the closing date.

Candidates will receive an automatic email confirming receipt of their application. Using an application form ensures that all candidates provide consistent information to help the panel to shortlist against the essential and desirable criteria.

Application forms can be made available in alternative formats on request. CVs are not accepted for any post and if submitted, candidates will be informed of this by Staffing & Recruitment.

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How to shortlist for interview

Shortlisting

The interview panel should carry out shortlisting within two weeks of the closing date of the job advert. If there is a delay in shortlisting, the chairperson is responsible for advising all candidates using Talentlink.

Selection of the Interview Panel

The chairperson is normally the recruiting manager and is responsible for the whole recruitment process. Panel members should stay the same throughout the process. The chairperson must be trained and panel members should be trained in Recruitment and Selection before participating in any part of the process. There is an online learning package as well as a practical skills course to assist with this.

There should be three panel members to ensure that fair recruitment takes place, however two people may interview for lower graded posts or in specific situations where this is considered appropriate. If possible, the panel should have a gender balance and include the line manager.

If a panel member has a personal relationship with a candidate, for example a relative or friend, they should tell the chairperson who will decide if the panel member is impartial. If the chairperson has a personal relationship with a candidate, consideration should be given to appointing a new chairperson. A replacement panel member may be appointed if there is any uncertainty. This also applies to Elected Members involved in the recruitment of Chief Officers.

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

Sometimes it may be appropriate to include service users or Parent Councils in the interview process. They will not be involved in the decision making process. If this is the case, anyone who will be on the panel must have an understanding of the recruitment process and comply with this policy. Services, along with HR, will develop specific guidance as required to meet the needs of their service users undertaking this role, which will be discussed with Trade Unions as required.

Any attempt to influence the decision of the interview panel in favour of a particular candidate will be considered as canvassing. Any such incidents should be immediately referred to the Head of Human Resources and 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. The Appointment Procedure for Headteacher/Depute Headteacher Posts *hyperlink 3* includes guidance in relation to Parent Council involvement.

Shortlisting Process

The interview panel should shortlist the applications online on Talentlink using the shortlisting documents *hyperlink 4* which should be completed with the essential criteria established in the person specification and desirable criteria if necessary. Where possible, application forms should not be printed.

Once the short list has been finalised and agreed, the chairperson should make arrangements to:

- inform all candidates whether they have been invited for interview or not shortlisted, using Talentlink
- arrange a specific email to candidates applying under the guaranteed interview scheme
- if there is only one or there are no suitable candidates, contact the HR Helpdesk at hrhelpdesk@falkirk.gov.uk for advice

If there are a high volume of applications for a post, the panel can enhance the criteria, in a fair way relevant to the post, to help shortlisting.

How to shortlist for interview

If a candidate wants to complain about Falkirk Council's recruitment and selection process, they should be issued with a copy of the Recruitment and Selection Complaints Procedure *hyperlink 5*.

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How to carry out interviews

Interview Arrangements

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

- Check for candidates with special requirements, for example, disabled candidates should not be disadvantaged by the interview arrangements. The invitation email must ask the candidate to notify any adjustments required for the interview and for these to be confirmed before the 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, for example a sign language interpreter.
- It is the individual's responsibility to request any special requirements; however it is the interview panel's responsibility to ensure that these are met where possible.

How to carry out interviews

Interview Preparation

- Ensure that a suitable room is available and that the reception/person meeting the candidates 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 before the interview ensuring that the assessment of knowledge and skills can be measured against essential and desirable criteria using behavioural interviewing techniques. The panel should agree who will ask which questions and in which order.
- As a guide, six to eight standard questions should be used.
- All interviews must be fair and consistent. All candidates 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 a candidate's particular experience or ask further probing questions. It may also be necessary for the panel to clarify information submitted in the application form by the candidate.
- The standard of spoken English relevant to the job should be evaluated as part of the interview process. For example if a public facing role would need to talk about technical information or use jargon, the interview questions should check understanding and an ability to speak fluently in English about this.
- Panel members should ensure that the questions they ask candidates are not 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, candidates must be made aware of this in advance. The chairperson is responsible for ensuring arrangements are in place for any equipment or administration of test or presentations.
- Confirm who will be carrying out the recruitment checks.

Behavioural Interviewing

We use behavioural interviewing which is a type of structured interview where candidates are asked to describe particular past situations and how they have responded to them. This in turn helps to predict future performance and provides a detailed account of actual events from the candidate's job and life experiences. To develop this type of interview, please follow the key points below:

- Identify the essential and desirable criteria using the job description and personal specification
- Develop appropriate interview questions based on each criteria. Some example interview questions are available at the end of this document
- Remember you are trying to assess the ability to do the job, not the ability to perform at interview
- Avoid using hypothetical and closed questions such as "what would you do if" (always ask what <u>did</u> you do) and avoid over-using closed questions (yes or no answers) without introducing a topic
- Remember to ask for details and clarify anything you are not sure about

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 candidate that the panel will be taking

notes. Panel members should not record subjective or personal data during the interview.
- Provide background information for the job and the relevant Service to the candidate.
- If required, the candidate would normally deliver their presentation at the start of the interview and before questions are asked.
- Tests may be appropriate to determine knowledge or skills such as typing, organisation, IT skills or subject matter but they must be relevant to the requirements of the post. Tests can be carried out before or after the interview depending on resources.
- Ask the candidate the agreed questions and any follow up questions to gather all required information.
- Give the candidate the opportunity to ask any questions.
- Close the interview by thanking the candidate for attending, letting them know when they will be informed of the outcome.
- A written record of every interview must be made and kept for six months along with any notes; see Interview Assessment Record *hyperlink 6* and Interview Scoring Matrix *hyperlink 7* for templates. Audio recordings of interviews must not be made. The chairperson must ensure all panel members sign and date the paperwork.
- There are a number of checks which must be completed as part of the recruitment process using a risk based approach. Some checks need to be carried out at interview however these may be done by an administration assistant or authorised signatory. The Chairperson must check and authorise these before any appointment is made. More details can be found in 'How to Carry Out Recruitment Checks' and checks should be recorded on the Recruitment Checklist

Under Data Protection legislation, an individual has the right to request access to any personal information held about them in a manual or computer-based file. A candidate, whether successful or unsuccessful, can ask the Council for access to interview notes, references and any other information held about them.

If a candidate requests for their information to be deleted, this cannot be done within 6 months of the interview date.

Interview outcomes

The interview panel has joint responsibility for selecting candidates based on the criteria set for the post. The scoring matrix *hyperlink 7* should be used to score each candidate against the responses to the interview questions and any tests. Normally candidates should be scored after individual interviews by each panel member. At the end of the interviews each panel member must total their own scores. The scores of all panel members should then be added together to give an overall score. The candidate with the highest score should be appointed. An agreed scoring matrix should be kept signed by all panel members and with interview records.

For Chief Officer recruitment HR will hold the record of the panel's decision and reasons for this.

How to carry out interviews

The chairperson must ensure that they are satisfied with the interview process and address any concerns during the process. All unsuccessful candidates should be notified using Talentlink.

All recruitment checks must be received and satisfactory before a formal offer can be made.

Example Interview Questions

Responsive

- Tell me about a time when you have actively listened to feedback from employees or customers and have acted on that feedback
- Give me an example of when you have supported a colleague or employee when they have been under pressure
- Give me an example of where you recognised a colleague’s contribution

Innovative

- Describe how you keep up to date with the latest thinking in your area of expertise
- Give me an example of a situation when you involved customers in the solution to a problem
- Tell me about a time when you have taken a risk. How did you manage the possible outcomes

Trusted

- Give me an example of a time when you have had to give a message that was hard for the customer or colleague to hear
- How do you keep colleagues and customers updated with information relevant to them
- Tell me about a time when you had to deal with a difficult customer or colleague. How did you continue to show them respect even though they were difficult

Ambitious

- Describe how you have influenced a colleague to support you in achieving a positive outcome
- Tell me how you set targets and milestones for projects that you are involved in
- Give me an example of a situation where your energy and positivity influenced others

How to carry out recruitment checks

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<u>How to carry out recruitment checks</u>

There are a number of checks which must be completed as part of the recruitment process. Some checks need to be carried out at interview and some are only carried out for the preferred candidate.

Using a risk based approach, different arrangements apply to:

- Internal candidates
    - Driving posts

  - o SSSC registered posts
- External candidates

The matrix below gives details on what checks are required.

Type of check	When to check	All external candidates	All SSSC registered internal candidates	All internal candidates with driving as a part of new role	All internal candidates (not SSSC or driving posts)
Eligibility to work in the UK	**At interview**	Yes	No	No	No
Certificate of sponsorship	**At interview**	Yes – but only where relevant	Only if relevant to post	Only if relevant to post	Only if relevant to post
Qualifications/registration	**At interview**	Yes if needed for post	Yes	Only if a different qualification is required for the new post	Only if a different qualification is required for the new post
Drivers Licence	**At interview**	Yes if needed for post, including driving pool car	Only required if this is a new requirement and relevant to post including driving pool car	Yes	No
Criminal Records Check (PVG & Disclosure)	**Interview and form completed after interview**	Yes – if needed for post	Only if: • there is a change in PVG level (regulated workforce) • they have no PVG membership /relevant disclosure and this is required for the new post	Only if: • there is a change in PVG level (regulated workforce) • where they have no PVG membership and this is required for the new post • there is a change in the level of disclosure required for the new post	Only if: • there is a change in PVG level (regulated workforce) • where they have no PVG membership and this is required for the new post • there is a change in the level of disclosure required for the new post
References	**After Interview**	Yes – 2 required	Yes – 2 required	Yes - 1 required	No
Baseline Health Questionnaire	**After Interview**	Yes	Yes	Yes	Only if there is a significant change to the role such as move to a manual role or baseline HAVS check is required before commencing new role

How to carry out recruitment checks

Additional guidance on the checks is shown below.

Type of check	When to check	Detail
Eligibility to work in the UK	Interview	Under the Immigration, Asylum and Nationality Act 2006, specific documents must be checked and copied to establish that an individual has the right to work in the UK. HR and Business Transformation will monitor any UK Visas and Immigration restrictions for current employees and will liaise with managers to ensure the right to work in the UK.
Certificate of Sponsorship	Interview	This is a unique reference number given when the Council processes a non-EEA candidate through the Sponsor Management System. This allows the Council to recruit individuals from outside the EEA to fill a skilled job that cannot be filled by an EEA worker. HR and Business Transformation will monitor any sponsorship requirements for current employees and will liaise with managers to ensure the right to work in the UK.
Qualifications and Driver's Licence	Interview	Where a specific qualification, membership of a registered body or equivalent alternative is required for the job, including the requirement to drive, evidence of this must be checked.
Criminal Record Checks (PVG & Disclosure)	Interview and form completed after interview	The list of posts requiring a criminal conviction check is updated regularly and held by Human Resources. Internal candidates only need this if there is a change in PVG level (regulated workforce) or where they have no PVG membership or disclosure and this is required for the new post.
Personnel Security Checks	Before/During/After interview (BPSS/ViSOR)	There are a number of security checks which may be required dependent on the nature of the post.
References	After interview	The chairperson is required to take up two appropriate and satisfactory employment references for an external preferred

Comment [c1]: This may need updated depending on Brexit outcome.

		candidate. For internal candidates, one reference is required from the current manager where there is a move to a driving post only.
Baseline Health Questionnaire	After interview	All external candidates invited for interview must be advised that, if successful at interview, they will be expected to complete a health questionnaire. For internal candidates, if there are different risks in the post, then an occupational health check may be appropriate, such as moving to a post where driving or HAVS is involved.

The chairperson has overall responsibility for:

- making sure all checks are completed and satisfactory
- doing visual checks between the documents and dates of birth and the appearance and apparent age of the candidate
- checking the detail of the documents, for example that they allow the candidate to do the type of work on offer and that expiry dates have not passed.

The Recruitment Checklist assists in ensuring all relevant checks are completed.

Eligibility to work in the UK – Check at interview

Under the Immigration, Asylum and Nationality Act 2006, specific documents must be checked and copied to establish that an individual has the right to work in the UK. All candidates invited for interview must 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.

There are three steps to conducting the right to work in the UK 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

3. Make copies of the documents; retain the copies and a record of the date on which the check is made.

Further guidance is available on Inside Falkirk *hyperlink 8*

If candidates are not from the UK further information regarding recruitment checks should be obtained from the HR Helpdesk at hrhelpdesk@falkirk.gov.uk There is further information in relation to the UK Visas & Immigration requirements *hyperlink 8* for candidates from the EEA, A8 Accession States, A2 countries and non-EEA countries.

Comment [c2]: This may need updated depending on Brexit outcome

If the appropriate evidence has not been provided or if there is any doubt that documents are genuine, a recommendation for or offer of employment should not be made. Advice should be sought from your HR Business Partner 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. If the worker remains an agency employee, this will be the responsibility of the recruitment agency.

Certificate of Sponsorship – Check at interview

A certificate of sponsorship is a unique reference number given when the Council processes a non-EEA candidate 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.

Comment [c3]: This may need updated depending on Brexit outcome

The Council will be able to apply to sponsor skilled migrants in specific situations. As there is a cap on the number of Certificates of Sponsorship available it may not be possible for the Council to sponsor a candidate. If a Certificate of Sponsorship is required the recruiting manager must contact the Business Support Lead – Staffing & Recruitment if possible before interview and in all circumstances before any offer of employment is made. This process can take a number of weeks.

Staffing & Recruitment have access and authorisation to process the candidate's details on the government system and will record this information on Resourcelink for monitoring and reporting purposes. Following recruitment of non-EEA nationals, the manager has specific responsibility under the regulations to monitor and conduct annual checks to ensure continued right to remain in the UK. Failure to carry out these checks may result in a fine.

Qualifications and Driver's Licence Checks – Check at interview

Where a specific qualification, membership of a registered body or equivalent alternative is required for the job, including the requirement to drive, evidence of this must be checked at interview. The original documents must be checked and a copy of the original certificates and/or licence should be taken and kept on file. For posts which require driving, references must contain the relevant driving questions. The online DLVA licence check process should be used https://www.gov.uk/view-driving-licence

For posts driving Falkirk Council vehicles, the drivercheck process should be used. More information on this is available from Fleet Services.

How to carry out recruitment checks

Criminal Record Checks – Check ID at interview and form completed after interview

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

All required checks will be carried out through Disclosure Scotland. Disclosure Scotland process checks and share information about people's criminal records. This helps to make recruitment decisions for posts involving work with children and protected adults (regulated work).

The relevant ID should be checked at interview and once you have chosen your preferred candidate, the relevant application form and payroll deduction form should be sent to the preferred candidate with the recommendation for employment letter.

It is a criminal offence for people who have been disqualified from regulated work to apply for a position working with these groups and for the Council to employ an individual who has been disqualified in that type of regulated work.

The Criminal Convictions 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.

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

Personnel Security Checks – Check after interview (BPSS/ViSOR)

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 Criminal Convictions Checking Policy.

References – Check after interview

The chairperson is required to take up two appropriate and satisfactory employment references for an external preferred candidate. The recommendation letter will advise the candidate that references will now be taken up. One of the references must come from the current or most recent employer. For internal candidates, one reference is required from the current manager where there is a move to a driving post only.

If you require to check references before interview, you must not request information on days lost due to absence from previous employers before interview.

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

The Guidance on Employment References document provides further information. This 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.

Baseline Health Questionnaire – Check after interview

All candidates 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 using the Occupational Health online system.

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 means that the conditions for appointment have not been satisfied, and the manager must seek advice from their HR Business Partner.

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

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, the HR Business Partner should be contacted for advice and guidance.

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Process

Any person who feels aggrieved at the way recruitment and selection has been handled should, in the first instance, submit their complaint in writing to the Head of Human Resources and Business Transformation, within 3 months of the appointment decision being notified to the individual. The complaint should state the specific post, appointments procedure or employment policy against which the comments are being made, the substance of the complaint and give clear detail of the complainant's background, such as qualifications and experience relevant to the post in question.

The Head of Human Resources and Business Transformation will, as appropriate, arrange for the complaint to be investigated and, following consultation with the appropriate Service Director, will provide a response within 7 working days of the initial receipt of the letter of complaint. The initial response may be confirmation that the investigation will be undertaken, as it is not always possible to undertake a full investigation within short time-scales. However, the process will be undertaken as soon as possible and the reasons for any delay will be provided to the complainant.

Possible outcomes

The outcome from the investigation can vary. It is important to note that if, as a result of the recruitment and selection process, a formal offer of employment has been made to a candidate, this is legally binding and an investigation will not result in an offer of employment being withdrawn.

Potential outcomes of the process are:

- More detailed feedback to the complainant
- Training issues identified and actioned
- Disciplinary action

If a complainant continues to have concerns after receiving the outcome of the complaint, they can request a meeting with Human Resources to discuss the initial finding or to request further information.

Guidance on Employment References

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Contents

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

Guidelines for Writing References

General Principles

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]).

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.

References can be provided via email provided that they are being sent to a recognised business email address and they have been scanned after being prepared in writing and on letter headed paper. It is acceptable to give references using online systems such as Talentlink.

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.

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. 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 HR Business Partner before providing this type of reference.

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 or sent from a Falkirk Council email address.

If in doubt about providing a reference, it is advisable to provide only the basic facts, such as 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 are uncertain about whether you should provide a reference, or would like advice on how to prepare a reference, please contact your Service HR Business Partner.

<u>Be Factual and Accurate</u>

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.

References must be true, accurate and fair, and must not give a misleading impression. Ensure the reference is factually correct – if you are unsure of any facts or wish to check employment information please contact Human Resources. 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.

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 and the length of time you have known the person
- Their length of service
- 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)
- Current disciplinary record (if applicable)
- Performance
- Particular contribution to the organisation
- Particular personal strengths
- Identified areas for development
- Suitability for the post applied for.

If your impression of the employee is included in the reference, then back this up with factual evidence. 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 they have the required experience and skills.”

If you use information from another source, such as 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…”

It is not fair to refer to an issue of concern in a reference that has not been discussed with the employee. You should not therefore 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 meeting 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.

Absence Information

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 [“maintained good attendance despite disability”] could be seen as discriminatory. It is not appropriate to provide background information about medical conditions or disability.

Providing Verbal References

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.

Guidelines for Requesting and Following Up References

References will only be taken up in the following circumstances:

- External candidates
- Where the post requires SSSC registration (internal and external)
- Where an internal candidate applies for a driving post

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. 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 always be requested and obtained directly from the referee. References or testimonials provided by the applicant, or on open reference, such as "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 "settlement agreement" and are unlikely to include any adverse comments.

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, for example not a former peer. If you do not receive a reference from the most recent employer this may be a cause for concern and should be discussed with your HR Business Partner.

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.

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.

All references should be requested using Talentlink. You should check the address of the reference as a business address. Guidance on this is available.

Standard reference requests will be issued as per the guidance. You have the option to edit the template document. For example if the post does not require driving you can remove the questions about driving. If you need a template letter instead you can get this from Recruitment Business Support.

You should set a timescale for response, the system defaults to one week. If a response has not been received within a week you should issue a reminder via Talentlink. The process for this is explained in the guidance.

If you do not receive a response from the referee within a reasonable timeframe you can ask the candidate to provide an alternative referee. However, if this is for the current/most recent employer you should ask the candidate to follow up on the reference and if they are unable to obtain this, you should ask them for details of an alternative referee from the current/most recent employer. This referee should be at a suitable level in the organisation to give an appropriate reference as detailed above.

If you are unable to obtain references for your candidate you should contact your HR Business Partner to discuss this further.

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.

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. You should also check the documentation to ensure the reference is authentic and check details of referees given, such as name, address or telephone number. Any discrepancy in the information should be taken up with the applicant. 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.

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.

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

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 on MyView.

Inappropriate references or concerns should be discussed with your HR Business Partner for additional advice.

Confidentiality of references given under the Data Protection Legislation

There is a specific exemption for references which means that, in responding to a subject access request, you don't have to disclose a reference given by you, or received by you, **in confidence** for the purposes of the individual's:

- Education, training or employment
- Placement as a volunteer
- Appointment to an office
- Provision of a service

The exemption applies to references given or received 'in confidence'. However, if you are the provider of the reference, you don't have to take advantage of this exemption, and can disclose a reference if you wish. It is good data protection practice to be as open as possible about the data you hold on employees. In particular, employees should be able to challenge information if they consider that it is inaccurate or misleading, particularly if (as in the case of a reference) it could have an adverse impact on them.

It is good practice that, if you are giving a reference, the reference should be shared with the employee and accessible to them via their electronic personal file (MyView). You should discuss the content of the reference with the employee and save this to their record on MyView.

If you have received a reference, you can also opt not to take advantage of the exemption, and to disclose the reference. However, bear in mind that if a reference is given 'in confidence' then you will owe the referee a duty of confidentiality - breaching this could lead to a claim from the referee.

If you disclose a reference in response to a subject access request, consider how to manage the personal information of others (such as the author of the reference) and consider in particular how to balance the following:

- the likely impact of the reference on the individual making the request;
- the requestor's interest in checking that the reference is truthful and accurate; and
- any risk that disclosure may pose to the referee.

Our standard references note that the relevant factual content of this reference may be discussed with the applicant. 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.

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 for example 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.

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.

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 HR Business Partner.