



# Recruitment and Selection Policy

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## POL101 – Recruitment and Selection Policy

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V6.5	11 June 2021	Sent back to Recruitment team for further review
V6.6	14 June 2021	Review by Unison
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V6.9	12 August 2021	Sent to ELT
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## POL101 – Recruitment and Selection Policy

Date Approved	17 August 2021
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Equality Impact Assessment	30 July 2021
Linked procedural documents	Equality, Diversity and Human Rights Policy DBS Employing People with Criminal Convictions Policy DBS Storage Handling and Use Policy DBS Checks Procedure Flexible Working Arrangements Policy Driving License Policy Change Management, Redundancy and Redeployment Policy Secondment Policy EoE Framework Volunteer Responder Policy Agency Workers Policy Recruitment and Selection Management Toolkit Standard Operating Procedure - Temporary Redeployment
Dissemination Requirements	All Trust employees by intranet

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity. The Trust will not tolerate unlawful discrimination on the basis of, spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity for and fostering good relations between; people from different groups and people with protected characteristics.

This policy applies to all employees (whether permanent, fixed term or temporary) working at all levels and grades for the Trust, including senior

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## POL101 – Recruitment and Selection Policy

managers, directors, non-executive directors, and on secondment, honorary contracts and volunteers. All Trust policies can be provided in alternative formats if required.

East of England Ambulance Service Trust recognises its obligation of supporting the requirements of the Modern Slavery Act 2015 and any future legislations. A prime objective of the Trust is to eradicate modern slavery and human trafficking and recognises the significant part it must play in both combatting it and supporting victims. The Trust is also committed to ensuring that its supply chains and business activities are free from any ethical and labour standards abuse.

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## Key messages

- This Policy details the stages to be followed to ensure consistent and fair selection decisions and safe employment practices for the protection of our patients and employees.
- It is unlawful to discriminate during the recruitment and selection process; this policy outlines the legal framework. All those involved in the process must be clear about their responsibility to follow legislation and compliance within the policy.
- Those involved in the recruitment process are ambassadors for the Trust and it is important that the values of *Care, Teamwork, Quality, Respect & Honesty* are applied at every stage to ensure candidates are treated with respect. A poor candidate experience is not acceptable and can have a negative impact on the reputation of the Trust.
- The Trust values and is committed to a diverse workforce and encourages applications from as wide a pool as possible.
- Recruiting the right individuals is crucial to organisational performance. Good recruitment helps us to recruit the right people, for the right roles, at the right time. It ensures we have the relevant skills and abilities to meet our current and future needs. Selection will be based on merit and ability, assessed against the qualifications, skills and competencies required to do the job.
- The Community Response Team is responsible for the recruitment and selection of volunteers

## Policy Statement

This document outlines the Recruitment & Selection Policy for The East of England Ambulance Service NHS Trust (the Trust). Recruiting the right individuals is crucial to organisational performance. Good recruitment helps us to recruit the right people, for the right roles, at the right time. It ensures we have the relevant skills and abilities to meet our current and future needs. Selection will be based on merit and ability, assessed against the qualifications, skills and competencies required to do the job.

### 1. Scope

This Policy applies to all applicants for external and internal recruitment for permanent, fixed term and voluntary appointments.

The registration of bank only workers follow the same pre-employment process as outlined in this policy. The process for pre-engagement checks and induction for agency workers and bank workers is outlined in Agency Workers Policy and Bank Workers Policy which can be found on Trust intranet.

There are separate procedures for honorary contracts and external secondments that ensure that there are safe pre-employment / placement practices to protect patients and staff. These are available in the process map for Honorary Contracts / External Secondments.

### 2. Purpose

The purpose of this policy is to ensure that appointing managers, and those involved in recruitment and selection, apply a fair and consistent process.

This policy ensures consistency in the mandatory employment checks (identity, Right to Work, criminal record (DBS) (if required), qualification/registration (if required), occupational health clearance, employment history/references) applicable to all appointments whether permanent or fixed term, in line with NHS Employment Check Standards. All pre-employment checks must be compliant before an unconditional offer of employment will be made.

Without consistency, decisions in selection and promotion may be subjective and result in discrimination, thus breaching both legislation and Trust policy. The policy details how consistent and justifiable criteria must be established and used throughout the recruitment process.

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### 3. Duties, Responsibilities

This Policy should be read in conjunction with the [Recruitment & Selection Management Toolkit](#).

The Head of Resourcing/Deputy Director of Workforce is responsible for ensuring consistency of application throughout the Trust and all complaints dealt with in an efficient, fair, and confidential manner.

Recruiting managers are responsible for ensuring that the recruitment and selection process is carried out in accordance with the Trust's Policies and Procedures at all times and for contacting the Recruitment Team or Operational HR Team for advice and support where needed.

### 4. Trust values in the recruitment and selection process

Those involved in the process must ensure that the Trust's values of *Care, Teamwork, Quality, Respect and Honesty* apply throughout the process. Failing to respond to a candidate query, delays in selection decisions or failing to inform candidates of the outcome after interview creates a poor experience and damages the reputation of the Trust.

### 5. Cultural Ambassador

The Trust is committed to ensuring a balanced diversity of appointments to ensure inclusivity into senior roles within the Trust and that this is done through a fair and equitable process.

To support this, a suitably trained Cultural Ambassador may be invited to observe and feedback on the performance of interview / assessment panel members, for Band 6 and above recruitment.

Where possible, roles below band 6, advertised internally only, may also have a Cultural Ambassador, where a candidate from an ethnic minority background or a candidate with a disability has been identified.

## **6. The legal framework and Trust policy**

It is unlawful to discriminate during the recruitment and selection process. The legislation that impacts most upon the recruitment process is the Equality Act 2010. This consolidates all previous anti-discrimination legislation and introduced the term “protected characteristics”. This also extends to the right not to be discriminated against on the grounds of trade union membership.

The nine protected characteristics are:

### **7.1 Age**

The act protects people of all ages. There is no longer a default retirement age; this means that employees cannot be forced to retire at the age of 65.

### **7.2 Disability**

A person has a disability if they have a physical or mental impairment which has a substantial (means more than minor or trivial) and long-term (generally means an impairment has lasted or likely to last at least 12 months) adverse effect on their ability to carry out normal day-to-day activities. This would include activities such as using a telephone, reading a book, or using public transport. Progressive conditions are covered by the Act (e.g., cancer, multiple sclerosis, HIV etc).

### **7.3 Gender reassignment**

A transgender person is someone who is proposing to, has started or has completed a process to change their gender.

### **7.4 Marriage and civil partnership**

The Act protects those that are married or in a civil partnership against discrimination. Single people are not protected by the Act.

### **7.5 Pregnancy and maternity**

A woman is protected against discrimination during the period of her pregnancy and also during any statutory maternity leave to which she is entitled.

### **7.6 Race**

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“Race” includes colour, nationality and ethnic or national origins.

### **7.7 Religion and belief**

Any religion is covered by the Act. It also includes a lack of religion (atheism). “Belief” means any religious or philosophical belief or lack of belief. The Act provides more comprehensive advice about the criteria that applies to religion and belief.

### **7.8 Sex**

Men, women, transgender, non-gender and non-binary people are covered by the Act.

### **7.9 Sexual orientation**

The act protects bisexual, gay, heterosexual and lesbian people.

## **8. Unlawful discrimination under the Equality Act 2010**

There are several forms of unlawful discrimination:

### **8.1 Direct discrimination**

This is defined as treating a person less favourably because of a protected characteristic. Direct discrimination can never be justified, whatever the employer’s motive. Advertising for a particular gender or specifying a particular age group when recruiting, is direct discrimination.

### **8.2 Harassment**

This is defined as unwanted treatment / conduct related to a relevant protected characteristic. For example, making inappropriate comments about beliefs or religion could result in a candidate or panel member feeling humiliated.

### **8.3 Associative harassment or associative direct discrimination**

This is defined as treating an individual less favourably or harassing them because they are in ‘association’ with another individual with a protected characteristic. For example, where a candidate has a disabled partner/ child and

the employer refuses to recruit them (even though they are best qualified) as they have formed a view that the individual may be less reliable.

#### **8.4 Perceptive harassment or direct discrimination by perception**

This is defined as treating an individual less favourably, harassing them or subjecting to unwanted treatment because they are perceived (thought to have) a protected characteristic. For example, an employer cannot refuse to recruit someone because they think they are a Muslim or refuse to allocate a job to a person because they do not look old enough.

#### **8.5 Indirect discrimination**

This is defined as a provision, criterion or practice that applies to everybody but disadvantages individuals with a protected characteristic. For example, an employer may stipulate that all posts must be full time. This would significantly disadvantage candidates with childcare or other caring responsibilities. It could also apply to a candidate who has had to take time away from the workplace due to ill health. Individuals can bring claims on the basis of a job advert without even applying for the post.

#### **8.6 Victimisation**

This is defined as treating an individual less favourably or causing them to suffer detriment because they have made a complaint or given evidence under the Equality Act. For example, an applicant complains that they have suffered discrimination when not shortlisted for a post and the same employer does not shortlist them for a subsequent post because of their previous complaint.

#### **8.7 Discrimination in consequence of disability**

This is defined as treating a person with a disability less favourably for reasons connected to their disability. For example, where an individual requires a reasonable adaptation to enable them to work and this is refused by the employer. This might include flexibility in starting times or rest breaks. This would only apply if the employer knows, or could reasonably be expected to know, that the person has a disability.

#### **8.8 Sexual harassment**

Sexual harassment occurs when an employee is subjected to unwanted conduct which is of a sexual nature. The conduct need not be sexually motivated, only sexual in nature [Equality Act 2010].

## **9. Particular requirements relating to disability**

The Trust is accredited as a Disability Confident Committed employer and is committed to taking action to improve how it recruits disabled people.

Legislation provides for reasonable adjustments for applicants with disabilities as follows:

### **9.1 Guaranteed interview**

Equality legislation recognises that disabled people face significantly more barriers than non-disabled people when participating in work and other activities. The Trust is committed to ensuring that all disabled applicants who meet the minimum essential criteria on the person specification are shortlisted and invited to interview.

In order for the Trust to meet this commitment, the online application form provides a section for the applicant to declare if they consider themselves to have a disability and to outline any adaptations or adjustments needed for the interview.

### **9.2 Adjustments at the interview stage**

In order to make sure that disabled people have equal access to employment opportunities, the appointing manager must ensure that they have made reasonable adjustments if requested by the candidate throughout the recruitment process and post-employment at no cost to the applicant or employee.

This might include considering alternative interview venues to ensure access, allowing more time for a selection test, or considering more flexible working options. If, when all reasonable adjustments have been taken into account, the candidate is not the best person for the job, then there is no requirement for the candidate to be appointed.

### **9.3 Disability or health related questions**

The Equality Act 2010 makes it unlawful for employers to ask applicants questions about their health, medical history, or disability prior to making a conditional offer of employment.

## **10. Organisational Change**

The provisions of the Trust's Change Management Redundancy and Redeployment Policy will apply when restructuring as a result of organisational change. Staff who are not successful in securing a post in the new structure will be deemed as 'at risk' of redundancy and will be issued with an account in the 'Redeployment Pool' on TRAC allowing them to apply for vacancies but having priority over other applicants at interview should they be successful at shortlisting for meeting the essential criteria, please refer to Redeployment Flowchart (Appendix A).

## **11. Ill Health/incapacity**

Applicable where there is a need to redeploy a member of staff in order to avoid ill health retirement or termination of contract due to incapability in line with the Trust's Sickness Absence Policy. In these circumstances, the member of staff will be issued with an account in the 'Redeployment Pool' on TRAC allowing them to apply for vacancies but having a priority over other applicants at interview should they be successful at shortlisting for meeting the essential criteria, please refer to Redeployment Flowchart (Appendix A).

## **12. Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)**

Anyone coming into the Trust through a TUPE process will be required to meet the NHS Employment Check Standards.

## **13. Disclosure and Barring Service (DBS)**

All applicants for employment or volunteering posts within the Trust which are exempt from the Rehabilitation of Offenders Act will be subject to a Disclosure and Barring Service (DBS) check during the Trust's recruitment process (refer to DBS Employing Persons with Criminal Convictions Procedure).

All persons within the Trust who change roles and undertake a role which is exempt from the Rehabilitation of Offenders Act, irrespective of when they joined the Trust, or when they last completed a DBS disclosure, are required to complete a new disclosure application during the recruitment process.

## 14. Complaints and litigation

### 14.1 Complaints to the Trust by candidates

In the event of a complaint the candidate is advised to contact the Deputy Head of Resourcing via email at [recruitment@eastamb.nhs.uk](mailto:recruitment@eastamb.nhs.uk) or by post to the Deputy Head of Resourcing, Lakeview House, Fraser Road, Priory Business Park, Bedford, MK44 3WH outlining the details of the complaint.

### 14.2 Litigation

#### a) The Equality and Human Rights Commission (EHRC)

The EHRC can take enforcement action against any employer who asks questions about health or disability prior to a conditional offer of a job. Employers found guilty of discrimination will be required to draw up an action plan overseen by the EHRC. Failure to comply could result in a court order.

#### b) Employment tribunal

A candidate who believes they have suffered discrimination can submit an employment tribunal claim at any stage of the recruitment process and up to three months after the alleged act of discrimination.

A candidate may use as evidence, examples from the recruitment process. This could include questions about health or medical history as evidence of discrimination due to disability. It will then be for the employer to prove that the answers to these questions did not influence any decision not to appoint the candidate. There is no cap on the sum of damages that can be awarded to a candidate who is successful in a discrimination claim. The Trust and those involved can have damages awarded against them.

## 15. Equal opportunity and monitoring

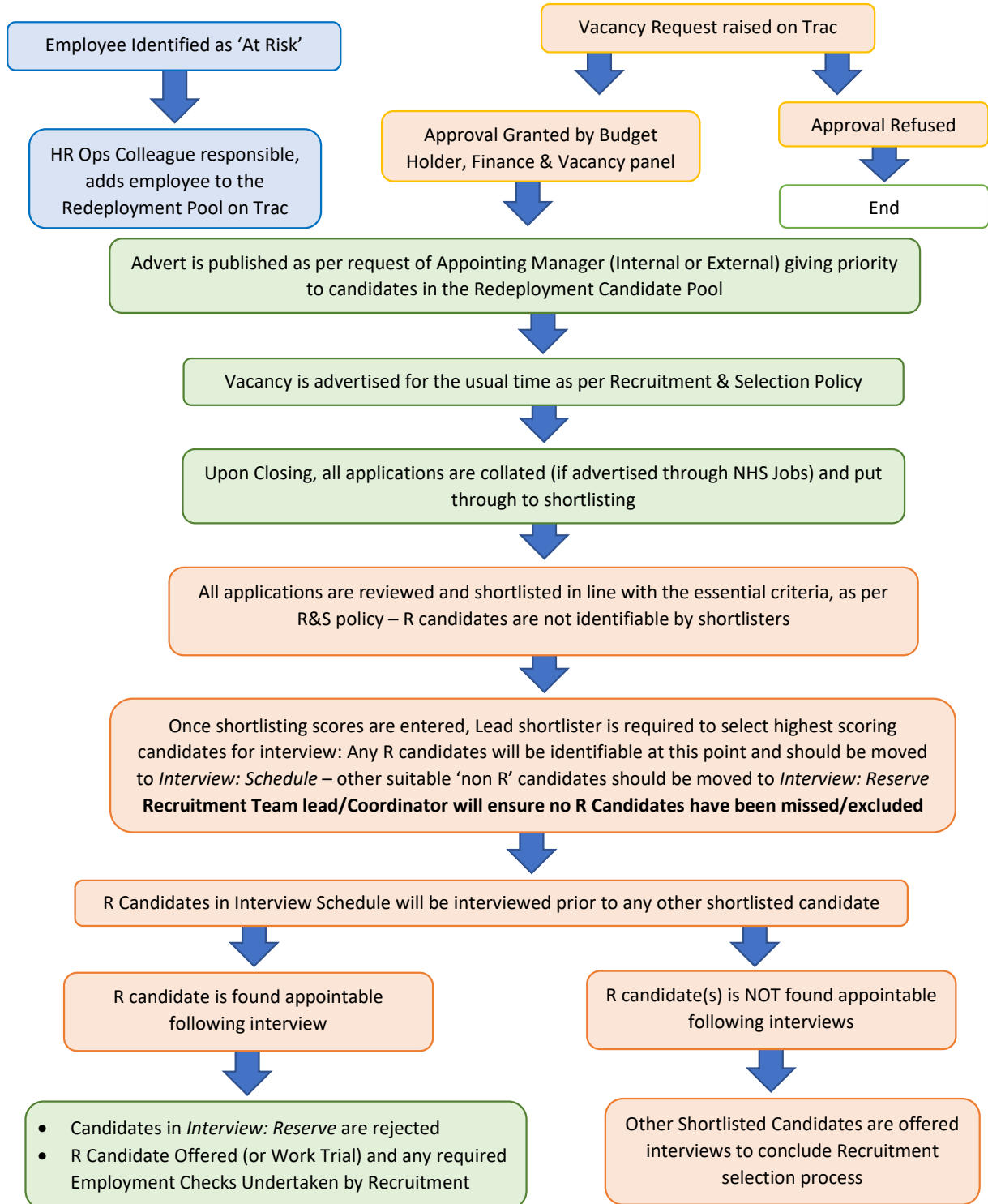
The Trust asks all candidates to complete an Equal opportunity monitoring form. This is separated from the information seen by managers. It is used for monitoring and reporting purposes. Equal opportunity reports are prepared quarterly and annually and published on the Trust website.

## 16. Policy Review

This policy will be reviewed every 3 years or amended in the light of new employment legislation and/or relevant case law.

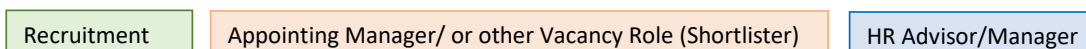
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## Appendix A - Redeployment procedure – Between HR Ops, Appointing Manager & Recruitment



### Responsibilities

\*HR Colleague Responsible for R Candidate, can view applications made/notified/ throughout and should actively support R Candidate in submitting applications. They can also support Appointing manager to ensure that R Candidates are considered, where any reasonable adjustments may be applicable.



Appendix B

Equality Impact Assessment

EIA Cover Sheet		
<b>Name of process/policy</b>	Recruitment & Selection Policy V6.9	
<b>Is the process new or existing? If existing, state policy reference number</b>	Existing	
<b>Person responsible for process/policy</b>		
<b>Directorate and department/section</b>	Workforce – HR	
<b>Name of assessment lead or EIA assessment team members</b>	EqlA Panel members	
<b>Has consultation taken place? Was consultation internal or external? (please state below):</b>	<ul style="list-style-type: none"> <li>• HR Policy Sub-Group</li> <li>• Heads of Operation</li> <li>• HR Team</li> <li>• Unison</li> </ul>	
The assessment is being made on:	Guidelines	
	Written policy involving staff and patients	<input checked="" type="checkbox"/>
	Strategy	
	Changes in practice	
	Department changes	
	Project plan	
	Action plan	
	Other (please state)	



**Equality Analysis**

**What is the aim of the policy/procedure/practice/event?**

This Policy details the stages to be followed to ensure consistent and fair selection decisions and safe employment practices for the protection of our patients and employees.

It is unlawful to discriminate during the recruitment and selection process; this policy outlines the legal framework. All those involved in the process must be clear about their responsibility to follow legislation and compliance within the policy.

**Who does the policy/procedure/practice/event impact on?**

Race	<input checked="" type="checkbox"/>	Religion/belief	<input checked="" type="checkbox"/>	Marriage/Civil Partnership	<input checked="" type="checkbox"/>
Age	<input checked="" type="checkbox"/>	Gender re-assignment	<input checked="" type="checkbox"/>	Pregnancy/maternity	<input checked="" type="checkbox"/>

**Who is responsible for monitoring the policy/procedure/practice/event?**

Workforce Directorate – Recruitment/HR

**What information is currently available on the impact of this policy/procedure/practice/event?**

**Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event?** No

**Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes/No, If yes please provide evidence/examples:**

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Race	<input checked="" type="checkbox"/>	Religion/belief	<input checked="" type="checkbox"/>	Marriage/Civil Partnership	<input checked="" type="checkbox"/>
Age	<input checked="" type="checkbox"/>	Gender re-assignment	<input checked="" type="checkbox"/>	Pregnancy/maternity	<input checked="" type="checkbox"/>

Please provide evidence:  
The policy Covers all the 9 Protected Characteristics

**Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? No**

Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>
Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>

Please provide evidence:  
No Concerns

**Action Plan/Plans - SMART**

Specific

Measurable

Achievable

Relevant

Time Limited

**Evaluation Monitoring Plan/how will this be monitored?**

Who

How

By

Reported to