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5.3. Human Resources Policies and Procedures

NB:

- **Extract Cover Sheet Must Remain with Extract**
- **Extracts are Uncontrolled Documents and are only Valid at Point of Submission**
- **Where Possible an Extract should be Read in Conjunction with the Parent Document**

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6 Selection and Recruitment

6.1 Introduction

Kibble's best resource in the provision of its services, is its staff. Good recruitment and selection practices are essential in optimising the development of staff and delivery of quality services. Kibble's selection and recruitment policy complies with employment legislation and aims to conform to best practice. The policy works within the guidelines of its equal opportunities statement and adopts the principles of fairness and consistency.

Additionally, it is recognised that the recruitment process is a high profile interface with the general public, and therefore, the Centre should strive to project a positive image and display the highest level of standards, conduct and professionalism.

6.2 Scope

The scope of the policy applies to all applicants seeking employment with the Centre. The selection process will be carried out consistently for all jobs at all levels.

6.3 Aims

This policy has been developed with the aim of:

- Ensuring all recruitment (internal and external) is carried out in a consistent and fair manner ensuring where possible, that all prospective applicants have a positive interaction with the Centre during the recruitment process.
- The recruitment process will be designed and conducted in such a way as to result in the selection of the most suitable person for the job.
- The selection of new staff will be based on job requirements and the individual's suitability and ability to do, or to train for, the job in question.

6.4 Responsibilities

The ultimate responsibility for recruitment and selection lies with the Board, who have delegated the responsibility to the Senior Management team with the exception of posts at Director level (which are recruited by a Board appointed committee).

The Senior Management team and HR have responsibility for ensuring that the principles of this recruitment and selection policy are applied throughout the Centre.

All managers who are involved in recruitment exercises are required to familiarise themselves with this policy document and the procedural guidelines and must ensure that the principles are applied in every case.

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6.5 Job Descriptions

Job Descriptions will be prepared in advance of any advertised post and be sent out to prospective applicants as part of the recruitment package. The job description will include the main duties and responsibilities pertaining to the post and will include the Person Specification for the role, this will list the main skills and abilities, noting which are essential and desirable. Kibble's equal opportunity statement should be detailed on each job description.

6.6 Adverts

Initial drafts of adverts should be compiled by the HR Office in consultation with the recruiting manager ensuring that they conform to in house style before publication. The advert should include the post, the salary, and a very brief description of the job. It should also include a closing date and where possible the interview date. Recruitment package will include application form, job description relevant to post, covering letter detailing how the application may be returned and the date by which applications can be assumed to be unsuccessful. The HR Office will email or send out recruitment packages within two working days. Applicants phoning outwith office hours should be redirected to telephone the next working day or to email the HR Office.

6.7 Vacancies

All job vacancies for permanent and temporary positions will be advertised internally via KibbleNet (Kibble intranet), although not all internal candidates are guaranteed an interview.

6.8 Shortlisting

It is important that shortlisting decisions are made fairly and without bias. In accordance with the Centre's Equal Opportunities statements, management will constantly work to ensure that the potential for discrimination is minimised, through the application of rigorous and fair criteria for selection.

In the shortlisting process, extensive use will be made of the job description and person specification, which will detail the criteria against which applicants will be assessed. Person Specifications will include both 'essential' and 'desirable' criteria. Should a high proportion of applicants meet the essential criteria, the selection of applicants meeting more of the desirable criteria will be the method of producing a manageable shortlist. The HR Office will discuss all criteria with senior and line management to ensure that such criteria are not themselves discriminatory or biased and will also review all shortlisting decisions, initiating further discussion if required.

The shortlisting process will also take into account the Centre's commitment to interview all applicants with a disability who meet the minimum criteria for a job vacancy and consider them on their abilities in line with the "Positive about Disabled People" (Double Tick) initiative run by the Department for Work and Pensions.

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6.9 Interview

The interview is a vital stage of the recruitment process as this is where the final selection for the post is made. It is the responsibility of the HR Office to arrange the interviews, this may be by telephone, email or letter. Candidates will be advised of the date, time and venue of the interview and details of any tests that will be carried out. Candidates should be asked to indicate their intention to attend for interview. If candidates are not able to attend, the HR Office will try where possible to reschedule the interview, however, this is not always possible given the availability of panel members or required timescales for recruitment of staff.

6.9.1 Travel expenses

Travel expenses for the interview will be paid at the discretion of senior management and will normally only be paid at public transport rates.

6.9.2 Conducting the Interview

Interviewers must not ask questions about personal circumstances, racial origin, marital status or any of the other criteria listed within our equal opportunities policy statement.

6.9.3 Feedback to Candidates

All candidates may be contacted by phone, email or letter as soon as possible after the interview, normally by the HR office to inform them if they have/have not been successful in gaining employment. Where possible constructive feedback will be offered to all unsuccessful candidates, particularly in the case of internal candidates.

6.10 Job Offers

The successful candidate will be issued the job offer in writing by the HR Office within a reasonable timescale after the verbal offer has been made. The HR Office will agree a start date, salary and other terms and conditions in consultation with the appropriate senior manager and the candidate.

6.10.1 Appointment Action

Before commencement of employment, the HR Office will issue a Contract of Employment to the candidate in duplicate, one copy of which should be signed and returned to the HR Office. They will also issue the candidate with a new employee information form requesting bank details, national insurance details and emergency contact details form. The HR Office will also require sight of a birth certificate, European Union membership passport, or the relevant work permit for non EU residents as proof of identify and to ascertain the candidate's right to work in Britain.

6.10.2 Relocation Expenses

Relocation expenses may be paid at the company's discretion.

6.11 Suitability Checks

All successful candidates will be appointed subject to satisfactory employment references and Disclosure Scotland check or PVG Scheme Membership as appropriate. References will normally be taken up after interview and suitability checks will be completed before commencement of employment. In circumstances where an appointment cannot be delayed, the Centre will conduct a risk assessment to ensure that appointment prior to PVG/Disclosure Check will not pose a risk to the Centre's service users. This may include ensuring that unchecked staff members do not have unsupervised contact with the service users. In

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addition, where professional membership is a requirement of the post, the Centre will also carry out checks to ensure the candidate is registered.

6.12 Rehabilitation of Offenders' Act (1974)

In line with the organisation's Equal Opportunities ethos, Kibble aims to attract applicants from the widest pool of talent available and seeks to appoint staff with a range of backgrounds and experiences.

A particular group who merit particular consideration are applicants with previous convictions. Due to the potential access all employees have to our vulnerable client group, including access to individual young people and access to confidential information regarding histories and backgrounds, Kibble considers all posts to be exempt from the Rehabilitation of Offenders Act 1974. This means that all applicants must disclose all previous and pending convictions, even if these would normally be considered 'spent' under the legislation.

This does not mean that a previous conviction would automatically bar an applicant from employment (with the exception of offences against children or other vulnerable groups). To operate in this way would run contrary to our policy of giving all applicants equality of opportunity. Kibble will therefore make all decisions based on careful consideration of all the information provided by the applicant.

Gathering information on previous convictions is an important part of this process.

In line with Government guidance, management will, in each case, consider the following;

- whether the conviction is relevant to the employment
- the length of time since the offence occurred
- whether the applicant has a pattern of convictions
- whether the applicant's circumstances have changed since the offence was committed

It is therefore important that all applicants and existing staff are clear about the need to disclose convictions, and are actively encouraged to do so, in order that any convictions can be fully discussed during the selection process.

If the organisation feels that further clarification is required, we may seek further information from additional sources, for example, previous employers, placements etc. We may also ask the applicant to supply additional references.

If Kibble decides not to offer employment as a direct result of an applicant's previous convictions, we will inform the applicant of our reasons. If the applicant wishes to discuss this further they may contact the HR Manager in writing. Any Executive Director reserves the right to veto any appointment.

Any existing staff member convicted or charged with an offence while working for Kibble should disclose this in line with the Centre's current procedures. A failure to disclose an offence or an unreasonable delay in disclosing an offence could result in action being taken in line with the Centre's disciplinary procedure and could result in disciplinary action being taken up to and including dismissal.

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6.13 Protection of Vulnerable Groups Scheme

Under the Protection of Vulnerable Groups (Scotland) Act 2007 (PVG Act) those candidates who will be required to undertake regulated work will be required to become a member of the PVG Scheme if they are not already, prior to commencing employment. This scheme is run by Disclosure Scotland, a Government agency linked to the Scottish Criminal Records Office.

The PVG Scheme Record provides the Centre with details of an individual's criminal record; irrespective of the time elapsed since conviction, and other charges and cautions as deemed relevant.

In line with Data Protection legislation and good practice, only senior management and HR staff involved in the selection process will have access to information provided by Disclosure Scotland.

Applicants should be aware that, should a PVG Scheme Record show convictions that were not provided on the individual's application or at interview, the Centre would consider this as a fundamental breach of trust. If this situation arises the individual is liable to be summarily dismissed or have any offer of employment withdrawn, irrespective of the nature of the conviction.

6.14 Types of Disclosure under PVG Scheme

The types of disclosure under PVG which are applicable to the Centre are detailed below.

6.14.1 Scheme Record Disclosure

The Scheme Record includes any vetting information that exists in relation to the individual. Vetting information is:

- convictions and cautions held on central records in the UK
- whether the individual is included on the sex offenders register
- relevant non-conviction information provided by police forces
- prescribed civil orders

The Scheme Record may also include details of prescribed civil orders. These include

- a sexual offences prevention order (or interim order) under the Sexual Offences Act 2003 ("the 2003 Act")
- a foreign travel order under the 2003 Act
- a risk of sexual harm order (or interim order) under the 2003 Act
- a notification order (or interim order) under the 2003 Act
- a risk of sexual harm order (or interim order) under the Protection of Children and Prevention of Sexual Offences (Scotland) 2005

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6.14.2 Scheme Record Update

A scheme record update will be carried out for all applicants who are currently members of the PVG scheme. This record will provide a detail of when the individual was last disclosed, if any vetting information shows on the record, or has been added/removed since the last disclosure. In the instance where there is new information, the Centre can request a Scheme Record Disclosure (within 30 days) to enable them to see details of any new vetting information and then consider if it is relevant to the post.

6.15 Enhanced Disclosure (Police Act 1997 (Criminal Records) (Scotland) Regulations 2010)

This type of disclosure is for members of the Centre's Boards in relation to their function in the administration of the Centre as per the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 section 9 (3)(c)(i).

This type of disclosure is also for people may have significant contact with vulnerable groups, but not through work. For example, those who live in the same house as Kibble's intensive foster carers but are not acting as foster carers themselves. In these cases, an enhanced disclosure with a check of the relevant list(s) should be carried out instead.

6.15.1 Retrospective Disclosure Scotland Checks

After appointment all employees are required to declare to the Centre if they are convicted of an offence or become subject to criminal charges or investigation. The Centre will continue to undertake retrospective checking of staff through Scheme Updates for PVG members or through the appropriate level of Disclosure Scotland check every three years. Failure to comply with the Disclosure check, or to remain a member of the PVG Scheme may result in formal disciplinary action being taken against employees under the Centre's Disciplinary Policy.

Should an employee be convicted of an offence or become the subject of criminal charges or a police investigation, the Centre will take into account the nature and relevance of the conviction /charges/investigation to their employment at Kibble, however, if this brings into question the suitability of the employee to remain employed by the Centre, this will be dealt with under the Centre's Disciplinary Policy.

Failure to declare any convictions, charges or investigations will be viewed as a breach of trust on the part of the employee and will be treated as a disciplinary offence.

To declare a conviction or criminal charges/investigations staff must fill in a self-declaration form, available from the HR Office. After processing, the self-declaration form will be stored securely in a sealed envelope within the employee's HR file.

6.16 Secure Handling

The term Disclosure Records will be used to refer to PVG Scheme Records, PVG Scheme Record Updates, Basic and Police Act disclosures.

In accordance with the Scottish Government Code of Practice, the Centre will ensure disclosure information is used properly and fairly and is handled and stored appropriately.

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6.16.1 Usage

The Centre will only use the information given by Disclosure Scotland for the purpose for which it was provided. The Centre will process personal data only with the express consent of the individual. We will not disclose any of the disclosure information to a third party without first obtaining written consent of the individual.

The Centre will ensure that an individual's consent is given before seeking a disclosure record, and will seek their consent before using disclosure information for any purpose other than recruitment. Furthermore, the Centre will ensure that all sensitive personal information that is collated for the purposes of obtaining a record will be managed confidentially at all times by those involved in the Disclosure process.

6.16.2 Handling

Kibble Education and Care Centre recognises that, under the PVG (Scotland) Act 2007 it is a criminal offence to disclose information to any unauthorised person. The Centre, will therefore, only pass Disclosure information to those who are authorised to see it in the course of their duties. Kibble Education and Care Centre will not disclose any information to the applicant, should that information be provided under subsection 113(B) (5) ** of the 1997 Police Act.

** The Chief Constable or Chief Officer may disclose information to the Counter signatory only, that is, information which will not form part of the actual disclosure. Such information will be sent separately to the Counter signatory and will be withheld from the subject of the Disclosure (that is, the individual applicant) in the interests of the prevention or detection of a crime.

6.16.3 Access and Storage

Disclosure information will be kept in an individual's HR file. These files are kept securely, in lockable, non-portable storage containers. Access to storage units is limited to those individuals who are entitled to see such information in the course of their duties.

6.16.4 Retention

The PVG disclosure record will be held securely on file until an individual ceases to carry out regulated work or a PVG scheme update has been received. No image or photocopy of the scheme record will be made.

An enhanced disclosure record will be not be retained once the recruitment process has concluded; under normal circumstances this will be no longer than 90 days.

A basic disclosure remains the property of the individual concerned and will be returned to the individual once the recruitment/verification process has been concluded, under normal circumstances this will be no longer than 90 days.

6.16.5 Disposal

Once the retention period outlined above has elapsed disclosure information is confidentially destroyed, usually by shredding or some other secure means. Any disclosure information awaiting destruction will not be kept in any insecure receptacle (e.g. confidential waste bag). We will not retain any image or photocopy or any other form of the Disclosure information. We will, however, keep a record of the date of issue of the disclosure certificate, the name of the subject, the type of record, the position for which the certificate was requested, the unique reference number of the certificate and details of the recruitment or retention decision taken.



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