



**Coventry and  
Warwickshire**  
Integrated Care Board

# Recruitment and Induction Policy

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#### VERSION HISTORY

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## 1 INTRODUCTION

- 1.1 The Recruitment and Induction Policy is designed to support managers in providing a fair, consistent and effective approach to the recruitment of all employees and to help managers deal with recruitment and selection effectively and consistently.
- 1.2 NHS Coventry and Warwickshire Integrated Care Board ('the ICB') actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates. The ICB is committed to being an equal opportunities employer and is actively working towards increasing the diversity of its employees; to achieve the same representative levels to those of our local population with regards to ethnicity; and to ensure a non-discriminatory approach to recruitment is taken with regard to age, disability, gender, beliefs and sexual orientation. The ICB encourages applications from all sections of the community including users of mental health services.
- 1.3 The ICB complies fully with the NHS Employment Check Standards and the Disclosure & Barring Service (DBS) Code of practice and undertakes to treat all applicants in the same way at each stage of the process.
- 1.4 The ICB will undertake document checks on every prospective employee and staff in ongoing NHS employment in accordance with NHS Employment Check Standards. This includes permanent staff, staff on fixed term contracts, volunteers, students, trainees, contractors and staff supplied by agencies.
- 1.5 This policy does not cover the recruitment of elected clinical posts (such as the Chair of the ICB Board) which is set out in the ICB's constitution.
- 1.6 The ICB recognises the importance of providing each of its new employees with a suitable structured Induction programme. This policy ensures all staff are clear about the requirements of their role and have an overall understanding of the organisation.

## 2 PRINCIPLES

- 2.1 The ICB recognises the need for equality and diversity within the workforce and promotes equality and diversity issues and awareness.
- 2.2 The ICB endeavours to be an equal opportunities employer and has taken measures to ensure that any opportunity for discrimination during the recruitment process is minimised. Personal information is removed from application forms prior to shortlisting and is used for monitoring purposes only. We will also ensure that objective selection criteria are used, the decision-making process is recorded and it can be demonstrated that appointments are made on merit.
- 2.3 Recruitment and selection is carried out in accordance with all relevant legislation.
- 2.4 The ICB will ensure that all employees who are responsible for undertaking recruitment and selection are suitably trained and have the necessary knowledge and skills.
- 2.5 If applicable to the role, the ICB uses the disclosure service provided by the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust. The ICB complies fully with the DBS Code of Practice and undertakes to treat all applicants fairly. The ICB also undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information received. For more information see the DBS website:  
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>  
To check if a DBS is required please refer to NHS Employers DBS Eligibility Tool:  
<https://www.nhsemployers.org/case-studies-and-resources/2018/08/dbs-eligibility-tool>
- 2.6 DBS checks will be carried out as necessary throughout the period of employment.

- 2.7 All information relating to the recruitment process will be retained, archived and destroyed in accordance with the NHS Records Management Code of Practice 2016.
- 2.8 The recruiting manager is the person who is responsible for filling the vacant post and will usually take part in shortlisting and interviewing.

### **3 RESPONSIBILITIES**

#### 3.1 Line Manager Responsibilities

- Ensure that they understand their obligations within this policy.
- Ensure that all staff are aware of this policy and understand their obligations within this policy.
- Ensure that recruitment activities are scheduled and undertaken within reasonable timescales.
- Process all paperwork in a timely manner, keeping appropriate records.
- Seek help and advice from HR when matters are complex or further guidance is required.

#### 3.2 Employee Responsibilities

- Ensure that they understand their obligations within this policy.
- Submit all paperwork in a timely manner.
- Seek help and advice from their line manager or HR when matters are complex or further guidance is required.

#### 3.3 Human Resources Responsibilities

- Ensure that the ICB has robust HR policies and procedures in place which are legally compliant and adhere to the principles of fairness, equality and diversity.
- Advise the ICB of any non-compliance with this policy for consideration of further action.

### **4 RECRUITMENT PROCEDURE**

#### Identifying a Vacant Post

- 4.1 Before deciding to fill a vacancy and progressing to the next stage of the recruitment process the line manager should give full consideration to whether the role is still required; whether the job description and person specification are fit for purpose; and how the service needs can best be fulfilled.
- 4.2 Once it is clear that there is a vacancy, either on a permanent basis or temporarily, a Vacancy Control form must be completed and fully authorised.

#### Temporary (Fixed Term Contract) Appointments

- 4.3 If a post becomes available on a temporary basis due to such reasons as maternity or long-term sickness cover, the recruitment and selection process must be followed as normal.
- 4.4 Should the post then become available on a permanent basis, it may be possible to waive the standard recruitment process and appoint the person in post on a permanent basis.
- 4.5 This will only be the case where it can be demonstrated that the initial selection for the post was made fairly and equitably, i.e., full recruitment procedures were followed.
- 4.6 All employees working on a temporary basis should be given appropriate contractual notice and it is therefore important that managers review their requirements in good time and action accordingly.
- 4.7 Any decision to waive the standard recruitment process must be signed off by a member of the

executive team.

- 4.8 More information on fixed term contracts can be found in Appendix 1.

#### Ring Fencing

- 4.9 The 'ring fencing' of vacancies would normally only apply where certain jobs are at risk. Where managers are considering 'ring fencing' vacancies for any other reason they must consult with the relevant Service Manager and HR.

#### Compiling a Job Description

- 4.10 Having established that a vacancy exists, a job description must then be completed for the post. If it is an existing post, then the current job description must be reviewed, and any necessary changes made. Where changes are made, please seek advice from HR as to whether the role will need to be re-evaluated.
- 4.11 The job description must summarise the role and responsibilities of the post in a concise and accurate way.
- 4.12 The job description should be prepared using the ICB's template and evaluated in line with the Agenda for Change Guidance within <http://www.nhsemployers.org/agendaforchange>. Please seek advice from Human Resources and/or the ICB's intranet pages for guidance on the Job Evaluation Process.

#### Compiling a Person Specification

- 4.13 Having established that a vacancy exists, a person specification must then be completed for the post. If it is an existing post, then the current specification must be reviewed, and any necessary changes made. Where changes are made, please seek advice from HR as to whether the role will need to be re-evaluated.
- 4.14 The person specification defines the qualifications, skills, experience and aptitudes etc. that are required by a person to fulfil the role. The criteria must be categorised as either essential (the minimum standards required to perform the job adequately) or desirable (the standards which will enable the person to perform the job more effectively). The criteria used should be competency based to enable candidates to demonstrate at interview how they have used particular skills previously.
- 4.15 The person specification should be prepared in line with the Agenda for Change Guidance.
- 4.16 It is important that the criteria used in the person specification are completely justifiable in order to demonstrate that decisions are made solely on merit.

#### Advertising a Vacancy

- 4.17 All jobs will be placed on the NHS jobs website and applicants are required to apply on-line.
- 4.18 Where a vacancy is to be advertised internally only, details will be circulated via an all user email message with a link to NHS jobs.
- 4.19 Where external advertising is appropriate, the recruiting manager should establish the most efficient and effective method of advertising. This will usually be on NHS jobs but may also be advertised elsewhere such as newspapers and/or professional journals etc.
- 4.20 Where it is identified that advertising via social media would be advantageous the line manager must seek the support of the ICB's Communications Team.

- 4.21 Once the completed job description and person specification have been evaluated (if applicable) and the vacancy control form fully authorised, the recruiting manager will complete the recruitment request form fully. The advert text requested must take into account advertising best practice, and the requirement to avoid any discriminatory statements. All documents will then be emailed to HR who will arrange for the position to be advertised. In some cases, HR may ask for a further form to be completed if the role needs to be created in ESR.

#### Recruitment Process Timetable

- 4.22 As a guide, job adverts will usually be held open for a period of two weeks (and for a minimum of 1 week) partly to ensure internal staff who may wish to apply but who are on leave are not unduly excluded.
- 4.23 If a large volume of applications is received in advance of the closing date, the advert may be closed early. However, for this to happen, the possibility of the advert closing early must be stated within the advert.
- 4.24 If a large volume of applications is likely, then the recruiting manager should communicate to the recruitment team that they may wish to close the advert early (i.e., after a specific number of applications have been received), when the authorised vacancy control form and supporting documentation is submitted to them.

#### Application Process

- 4.25 The Recruitment Pack for any vacancy will be available on the NHS jobs website. It will contain as a minimum a job description, person specification and general information relating to terms and conditions. Some vacancies may warrant further information, depending on the nature of the post.
- 4.26 All posts will also be monitored for equal opportunities purposes.
- 4.27 Once the advert has closed, the recruiting manager will be responsible for ensuring timely shortlisting.

## **5 SELECTION PROCEDURE**

### Shortlisting

- 5.1 Shortlisting must be carried out in line with the pre-arranged timetable. A minimum of two appropriate people must be involved in the short-listing exercise, one of whom should be the recruiting manager.
- 5.2 Having assessed all candidates against the essential and desirable criteria given in the person specification the shortlisting scoring must be completed fully by all those who are involved in the shortlisting decision. Once the scoring has been completed by all the reviewers the recruitment manager is responsible for finalising the shortlisting.
- 5.3 The ICB is committed to the employment and career development of disabled people. The ICB guarantees that an interview will be made to any candidate who declares they have a disability in their application, where the application meets all of the essential criteria for the post.
- 5.4 All candidates will receive notification on NHS jobs as to whether their application has been successful at the shortlisting stage.
- 5.5 Recruiting managers must be aware that in the event of a claim against the ICB alleging discrimination or unfairness and in line with the Data Protection Act 1998, all written or online comments may be disclosed.

## Practical Assessments

- 5.6 Testing can be used to supplement the recruitment process and enable the panel to make a better-informed selection decision. Testing can be undertaken using a variety of formats and should be appropriate for the role being recruited to.

## Interviews

- 5.7 Interviews should normally be undertaken by a minimum of three people, demonstrating diversity wherever possible, and should include department representatives who were involved in the shortlisting process. HR would not usually be on the interview panel but can take part if necessary.
- 5.8 The ICB monitors recruitment outcomes and arrangements as part of its actions in line with its commitment to meet the Workforce Race Equality Standard. Consequently, the ICB will work to ensure interview panels are diverse wherever possible, and a BAME representative of the workforce should be sought to take part in each interview via HR.
- 5.9 The 'lead' panel member will normally be the recruiting manager.
- 5.10 The questions to be asked by the Panel at the interview should be agreed beforehand and reflect the criteria in the person specification, as well as any technical aspects of the vacant post.
- 5.11 To avoid discrimination, no reference should be made to the person's individual circumstances throughout the interview, and the same basic questions should be asked of each candidate, (although it is recognised that further probing questions may need to be asked in order to follow up particular issues).
- 5.12 The interview may be formal/informal depending on the nature/level of the post and may also incorporate alternative methods of assessment e.g., presentations.

## Interview Assessment

- 5.13 Those involved in the interview should make notes and assess the applicant's suitability against the criteria on the person specification via their responses to the questions asked.
- 5.14 Once all candidates have been interviewed the panel members should discuss their individual assessments and come to a consensus over who is the best applicant.
- 5.15 All panel members will complete the interview assessment sheet, which will be signed.
- 5.16 The summary, shortlisting matrix and the application forms of all candidates will be retained, archived and destroyed in line with the NHS Records Management Code of Practice 2016.
- 5.17 The decision to appoint a candidate must only be made by the panel members. Where the panel is unable to agree which candidate should be appointed, they should arrange a further assessment exercise (e.g., second interview, test, presentation etc.)
- 5.18 Where the panel is still unable to agree on the successful candidate, the recruiting manager (normally the line manager for the vacant position) will be responsible for making the final decision.

## 6 APPOINTMENT PROCEDURE

- 6.1 The recruiting manager reserves the right to not appoint if a suitable candidate cannot be found. In this case the recruiting manager will revisit section 5.1 of this policy before re-advertising the post.
- 6.2 Once the appointment decision has been agreed by the panel, People Services will normally write to the individual with a conditional offer of employment. Offers of employment must be made on condition of receipt of the following:
- medical clearance (external candidates only)
  - receipt of two satisfactory references (external candidates only) or receipt of one satisfactory reference (internal candidates only)
  - proof of right to work in the UK (external candidates only)
  - receipt of a satisfactory DBS check (where appropriate)
  - proof of relevant qualifications
  - compliance with the Fit and Proper Persons Regulations (for ICB Board Members, Lay Members and those appointed to VSM contracts only)
- 6.3 Successful candidates must be advised by the recruiting manager at interview not to submit their resignation to their current employer (where appropriate) prior to all relevant checks being completed satisfactorily.
- 6.4 In instances where a DBS is returned stating the candidate has had a conviction, the relevant Risk Assessment in Appendix 2 should be completed.
- 6.5 There may be exceptional circumstances where there is business justification to commence a person in post prior to the DBS being received. If applicable, the manager should complete the relevant Risk Assessment in Appendix 2 and contact HR to discuss.
- 6.6 Once the relevant pre-employment checks have been carried out to the satisfaction of HR and the recruiting manager, the candidate will be issued with a formal offer letter and contract of employment.

### Starting Salary and Incremental Dates

- 6.7 All new employees will usually be appointed on a salary point in the relevant band that is no higher than the second point in that band.
- 6.8 When an internal candidate (including a candidate from another NHS organisation) is offered a job that is at a higher pay band, pay should be set at the minimum of the new pay band. However, if this would result in no increase, the individual will go to the first pay point in the band which would result in an increase in pay.
- 6.9 A starting salary at a higher level than above, though within the same band range, can be agreed by the Recruiting Manager, for example where the post is of such a specialist nature that the higher salary is necessary to secure the best candidate for the post. However, such cases must be discussed with the relevant head of department/service, and Human Resources advice can be sought, prior to the salary offer being made.
- 6.10 For newly appointed or promoted staff, the incremental date will be the date they take up their post.
- 6.11 All other staff (e.g., those moving to a post at the same pay band) will retain their current incremental date.

### Withdrawing an offer of employment

- 6.12 If, after careful consideration, it is decided to withdraw a provisional offer of employment, the grounds for withdrawal must be very clear e.g., due to unsatisfactory references or other pre-employment checks, and the offer of employment rescinded in writing. This decision must be made in conjunction with a Human Resources Advisor and documented using Appendix 3.

### Making Reasonable Adjustments

- 6.13 If a disabled candidate is selected for appointment, the need for reasonable adjustments to the role will need to be discussed with the individual concerned. Where it is agreed that reasonable adjustments need to be made, this should be discussed with Occupational Health and the Human Resources team during the recruitment process.
- 6.14 In order to establish what adjustments are required, and whether these adjustments are reasonable, the recruiting manager must take advice from Occupational Health, and complete any relevant Workplace Assessments.

### Reserve Candidates

- 6.15 Where more than one candidate meets the selection criteria the panel may decide to list second and third choice candidates. Where the first-choice candidate declines or is unable to take up employment for any reason, the second candidate may be offered the position and so on. Reserves may be held for a period of 6 months and if there is the requirement to fill the same post during that period the reserve candidate may be offered the position without having to repeat the recruitment process.

### Feedback

- 6.16 Verbal feedback should be made available to all applicants at all stages of the recruitment process. Feedback would normally be provided by one of the shortlisting officers (at the shortlisting stage) and one of the interview panel (at the interview stage).

### Complaints

- 6.17 If an applicant is unhappy with the outcome of their feedback, or any stage of the recruitment and selection process, they can address their concerns in writing to HR.

### Expenses

- 6.18 Expenses related to the recruitment process will only be paid under exceptional circumstances, and when they have been agreed with the recruiting manager in advance of the interview. Travel by car will be reimbursed at the public transport rate as outlined in the Travel and Expenses Claims Policy. Rail travel should be standard class. All claims will be subject to a maximum of £50.
- 6.19 For candidates who withdraw their application or refuse an offer of employment, expenses will not normally be reimbursed unless the manager is satisfied that the candidate would suffer financial hardship as a result.
- 6.20 Overnight stays before an interview will not usually be reimbursed as the panel will be expected to host the interview later in the day to allow sufficient travel time, if requested.

## **7 INDUCTION PROCEDURE**

- 7.1 The line manager is responsible for planning an induction programme for all new starters.

- 7.2 A local induction must include:
- Introduction to team members
  - Orientation to service areas (including emergency arrangements)
  - Expectations of post
  - Details of their job
  - Introduction to their Supervisor
  - What knowledge and skills are required for their role
  - Their duties and responsibilities
  - Limitations of role
  - Familiarisation with equipment, procedures and appropriate training required
  - Local policies and procedures
  - Incident reporting
  - Sources of help and advice
- 7.3 Finalisation of the overall induction plan should be done in conjunction with the new employee within the first week of employment.
- 7.4 The Manager should ensure that the induction plan includes protected time to complete all mandatory training in accordance with the Learning and Development Policy.
- 7.5 An induction programme will usually last between 3 and 6 months, at which point the Personal Development Review (PDR) process would usually take over ongoing development of the employee.
- 7.6 The length and nature of the induction process can be tailored to the individual depending on the complexity of their role, nature of the department and if they are a new or existing employee.
- 7.7 Completion of a local induction will be monitored and recorded using Appendix 4.
- 7.8 Whilst it is the responsibility of the line manager to ensure that new employees take part in an appropriate induction programme, it is not expected that they will cover all elements personally.
- 7.9 Constituent parts of the programme may be delivered by the individual's manager or an appointed local representative.
- 7.10 It is the responsibility of the individual to ensure they take part in all elements of the induction relevant to them. This may include arranging meetings and recording the completion of tasks.
- 7.11 The induction process should be monitored regularly to determine whether it's meeting the needs of the new employee and the organisation.
- 7.12 Monitoring should include opportunities for feedback about the recruitment process and allow new recruits to highlight areas for improvement.
- 7.13 The Manager and new employee should evaluate the success of the induction as part of the first PDR. The outcomes of the induction programme will be:
- A completed, individually planned induction programme held by each staff member, a copy of which is held in their personal file.
  - The staff member's first Personal Development Review interview will have taken place and a plan for meeting further needs will have been agreed.

## **8 DATA PROTECTION**

- 8.1 In applying this policy, the ICB will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues”.

## **9 EQUALITY**

- 9.1 In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

## **10 MONITORING & REVIEW**

- 10.1 The application of this policy and procedure will be monitored by the Human Resources team, and the policy and procedure formally reviewed every 3 years in conjunction with ICB Board. Where review is necessary due to legislative change, this will happen immediately.

## **11 COUNTER FRAUD and CORRUPTION**

- 10.1 The ICB is committed to reducing fraud in the NHS as it diverts valuable resources away from patient care. Therefore, consideration has been given to the potential for fraud and corruption to occur in relation to this policy and what action should be taken.
- 10.2 The ICB will, where there is a suspicion of fraud and/or where fraudulent information may have been provided, investigate the matter in line with the ICB’s Counter Fraud Policy and Disciplinary Policy.
- 10.3 Any concerns over deliberate misapplication of the policy should be reported to:
- ICB’s Counter Fraud Specialist or Chief Finance Officer
  - Tel: National Fraud and Corruption reporting line on 0800 028 40 60
  - Online at <http://cfa.nhs.uk/reportfraud>.

## Appendix 1: Fixed Term Contracts - Guidance

In determining whether a new post should be fixed term, Managers need to carefully consider the reasons for the appointment and should liaise with their HR Manager/Adviser if there are any queries in advance of the post being advertised.

When recruiting to a fixed-term post, all advertisements and further particulars should clearly indicate that it is a temporary position and should specify the duration in terms of number of months/years and reason for the appointment being fixed-term.

### Legislation

The Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 were implemented on 1 October 2002 with the aim of preventing fixed term staff being treated less favourably than their colleagues on similar permanent contracts and limiting the use of successive fixed-term contracts where they could not be objectively justified.

The Regulations define a fixed-term employee as a person who holds a contract of employment which will cease when:

- a specified date is reached
- a specified event does/does not happen
- or a specified task has been completed

### Objective justification

What constitutes an objective justification is not specified in the Regulations, but it is expected that it is:

- to achieve a legitimate objective, for example a genuine business objective
- necessary to achieve that objective
- an appropriate way to achieve that objective

Therefore, it is essential that the ICB has transparent, necessary and objective reasons for placing a post initially and subsequently on a fixed-term contract. The renewal or extension of the fixed term would also have to be justified separately by objective reasons. In each case it needs to be considered whether the use of a fixed-term contract is appropriate and proportionate to the Trust's business needs.

The objective justification for using a fixed-term contract must be clear and transparent. The objective justification applying to each fixed-term contract should be set out in the employment contract, must be specified in detail in the employee's institutional induction and highlighted whenever a fixed-term contract is ended or extended.

### Key factors affecting the use of fixed-term contracts

The Regulations presume that contracts of employment should be permanent unless there is an objective justification for a contract to be for a fixed term.

To comply with these regulations Fixed-term contracts for new staff must only be used where they can be objectively justified, and the initial term of appointment should normally be limited to a period of no more than two years.

### Locums

Locum appointments are fixed term contracts by nature. They are restricted to an initial period of six months and should be limited to a maximum period of one year.

## **Benefits and entitlements**

Fixed-term staff are entitled to the same benefits and entitlements as staff on permanent contracts (unless there is an objective justification for their differential treatment).

Departments need to take care to ensure that fixed-term staff have the same access to training courses, career development opportunities, contribution increments and appraisal as permanent staff.

Where the continued use of a fixed-term contract is not justified, it should be considered whether it is appropriate to appoint a fixed-term employee to a permanent/alternative position without the need to advertise. This might happen where a previously fixed-term post becomes a permanent position through the completion of a restructure or securing of funding.

Under current legislation, the ending of a fixed-term contract is a dismissal. In order for a dismissal on these grounds to be considered fair, the Trust needs to be able to demonstrate that there was no suitable alternative employment to which the employee could be redeployed.

## **Performance Management**

It is important to address any concerns around capability or conduct both promptly and in accordance with the ICB's policies. Capability or conduct concerns should not be used as the reason for non-renewal of a fixed-term contract if these issues have not been previously discussed with the employee. Advice on dealing with capability or conduct concerns can be sought from HR.

## **Dismissal procedures**

Legislation requires that dismissal procedures are applied to all staff including those on fixed-term contracts. The Regulations specify that the expiry or non-renewal of a fixed-term contract is a dismissal in law, therefore normal dismissal procedures apply, and notice must be given.

Managers should hold a meeting with an employee whose contract is due to come to an end to discuss if the contract will be extended or ended and they must follow this up with a letter giving the appropriate notice period.

## **Redundancy**

Individuals with greater than 2 years continuous NHS service may be entitled to a redundancy settlement should their fixed term contract be terminated.

## **Advice and Process for Ending Fixed Term Contracts**

Please see the below guidance on the dismissal procedure for terminating fixed term or temporary contracts.

### **Dismissal Procedure**

The end of a fixed term contract is still essentially a dismissal and it is therefore important to follow a formal dismissal procedure and give the individual statutory/contractual notice (whichever is longer).

This is in accordance with Section 11 of the Agenda for Change Handbook which states "Employees on fixed-term contracts will receive pay and conditions of service equivalent to that of a comparable, permanent employee".

Further to this, any employee on fixed-term contracts for 4 or more years will automatically, in the eyes of the law, become a permanent employee, unless the employer can show there is a good business reason not to do so.

It is important that individuals on temporary/fixed term contracts are given an opportunity to make representations against the decision to end their contract. This would be unusual, but it is important nonetheless that they should be given this opportunity. Please find attached the letter that should be used when ending temporary contracts following a more personal discussion with the employee concerned.

### **Redundancy Pay**

You will need to notify HR of the Leaver in the usual way, and it may be that the individual is entitled to a redundancy payment. An individual needs 2 years continuous NHS service in order to be eligible for a redundancy payment.

If an individual is entitled to a redundancy payment but suitable alternative work is found within the NHS then no redundancy is payable, so please explore redeployment opportunities as early as possible.

Dear [name]

**Re: Non-Renewal of Fixed Term Contract**

I am writing following our meeting on [date], held to consult you about the end of the fixed term contract that you hold as [post].

During this meeting you were informed that your contract would expire because [reason e.g. no further funding would be available for the post which you now hold].

This letter acts as our notice of dismissal and provides you with a termination date of [date]. This date is in accordance with your statutory and contractual entitlements.

<IF APPLICABLE: It is recognised that this end date is later than that which was originally agreed and is stated in your employment contract, should you still wish for your contract to end as previously agreed this can be arranged at your written request.>

Any accrued entitlements and any outstanding pay, including superannuation, up to and including your last day of employment will be paid to you in accordance with the usual payroll schedule. Your P45 will be made available to you in due course.

You have the right to appeal against this decision (which constitutes a dismissal in law), providing the appeal is submitted within 5 days of this letter. Your appeal should be directed to [Enter Director Name and Contact Details]

May I take this opportunity to thank you for your valuable contribution during your employment with us and wish you every success for your future.

Please do not hesitate to contact me should you require any further information relating to this matter.

Yours sincerely,

**[NAME]**  
**[Job Title]**

## Appendix 2: DBS With Convictions Guidance & Risk Assessment

### Who requires this risk assessment?

This pro-forma will be completed for all successful candidates where a criminal record is disclosed, or comes to light, arising from the receipt of a DBS check.

### The Rehabilitation of Offenders Act (ROA) 1974

The Rehabilitation of Offenders Act (ROA) 1974 is aimed at helping people who have lived on the right side of the law since being convicted of a criminal offence, providing they have not been convicted again during a specified period of time. This period of time is called the rehabilitation period.

The Act is for anyone who has been convicted of a criminal offence and received a sentence of not more than 2.5 years imprisonment providing he or she is not convicted again during the 'rehabilitation period'. The specified period of time varies depending on the sentence given for the original offence and runs from the date of the conviction. If the person does not re-offend during this rehabilitation period, they become a 'rehabilitated person', and their conviction becomes 'spent'.

The Rehabilitation of Offenders Act (ROA) does not apply to certain jobs such as those involving access to children, vulnerable adults, and other sensitive positions. The full list of exceptions is contained in the Exceptions Order of the Act.

People with multiple convictions, especially serious conviction may not benefit from the Act unless the convictions are very old.

### Spent and Unspent Convictions

#### Spent Convictions

A 'spent' conviction is one which the person concerned does not have to reveal or admit its existence in most circumstances. This means that once their conviction is spent, they do not have to disclose it when filling in application forms, applying for insurance, jobs, or when asked. An employer cannot refuse to employ someone because he or she has a spent conviction. They are also not permitted to dismiss them for that reason. There are laws that aim to prevent discrimination against people with a criminal record.

However, there are some exceptions relating to employment and these are listed in the Exceptions Order to the ROA. Some convictions are never 'spent'.

#### Unspent Convictions

If a person has been convicted of an offence for which a sentence of more than 2.5 years imprisonment was imposed (regardless of how much time they actually spent in prison) their conviction can never be spent. As it remains an unspent conviction, this person must always disclose their conviction when asked about their criminal record.

Then, of course there is the person who is still within their rehabilitation period after being sentenced for less than 2.5 years.

Certain convictions are deemed "spent" under the Rehabilitation of Offenders Act 1974 after the following periods of time (known as the "rehabilitation period"). The period is halved where the offender was under 18 at the point they were convicted: -

- Imprisonment: 2½ years or more – Never
- Preventative detention – Never

- Detention for life at Her Majesties Pleasure - Never
- Imprisonment: less than 2½ years but more than 6 months – 10 years
- Imprisonment: less than 6 months – 7 years
- Fines – 5 years
- Armed Forces: dismissal with disgrace – 10 years
- Armed Forces: dismissal – 7 years
- Armed Forces: detention re conviction – 5 years
- Borstal – 7 years
- Detention: less than 2½ years but more than 6 months – 5 years
- Detention: less than 6 months – 3 years
- Probation – 5 years
- Mental Health Act Hospital Order – 2 years post cessation of order or 5 years, whichever is the longer
- Absolute discharge – 6 months
- Conditional discharge – 1 year post conviction or 1 year post cessation of order, whichever is the longer
- Probation order - 1 year post conviction or 1 year post cessation of order, whichever is the longer
- Binding over - 1 year post conviction or 1 year post cessation of order, whichever is the longer
- Care order - 1 year post conviction or 1 year post cessation of order, whichever is the longer
- Supervision order - 1 year post conviction or 1 year post cessation of order, whichever is the longer
- Disqualification – the period of disqualification

***When considering the above, the following also needs to be taken into account: -***

- A new conviction will have no bearing upon the rehabilitation period of an unspent conviction unless it is a more serious offence, in which case the unspent conviction will only become spent once the new conviction is spent if later than it otherwise would have become spent.
- A conviction incapable of becoming spent also renders earlier unspent convictions incapable of becoming spent.
- Two plus prison sentences handed down simultaneously by a court: if sentences concurrent, then treated separately with individual rehabilitation periods. However, if consecutive, then single term with one rehabilitation period.
- In the following jobs, spent convictions must be disclosed: certain roles in the financial services sector, law enforcement, the prison service, the health service, private security, etc. Also, roles involving work with children, the elderly, and disabled.

## Purpose of risk assessment

Determining a person's suitability for a position (both paid and unpaid) that has a criminal record will vary, depending on the nature of the post and the detail of circumstances of the conviction. Unfortunately, this is not an exact science.

The overall purpose of the risk assessment is to address the question: 'on the basis of what we know of the individual's history, is it reasonable and defensible to consider, on the balance of probabilities, that the candidate will not present a significant risk to the organisation and/or vulnerable adults/children if they are appointed.

This is an assessment of risk based on the nature and pattern of offending, the honesty and integrity of the individual and evidence of acceptable behaviour/learning since offending. If, on conclusion of the risk assessment process, using the parameters given, significant doubt exists that the individual's history poses a risk then the decision to withdraw the offer of employment should be given serious consideration in conjunction with the ICB's HR Advisor.

## Principles

- Where the conviction is unspent, the risk assessment **must** involve face to face discussion between assessor/s and applicant. **Each** conviction, caution and any relevant incident-related information must be addressed with the individual and recorded on the pro-forma in the risk assessment process.
- It is important that a direct interviewing approach is taken i.e. do not 'beat about the bush' or avoid confronting inconsistency, or sensitive matters that may be relevant to the assessment.
- Assessment of the individual's integrity is central to the process – if there is any discrepancy between his/her account and the Disclosure information received this must be explored thoroughly with the individual and considered in the decision-making process. Where information is considered to have been withheld deliberately by an individual then consideration should be given as to withdrawing the offer of employment.
- The risk assessment must be recorded (pro-forma) and placed on the relevant candidates file, in the envelope at the back. It may not be shared beyond the assessment without explicit written consent of the applicant, unless, exceptionally, upon the authority of the relevant senior manager in response to a request or direction from a court, the statutory regulator, or a reasonable request from a local authority conducting a related safeguarding investigation.

## Assessment Tool and Guidance

Disclosure information received must be risk assessed against:

- Nature, pattern, and seriousness of offences
- Court disposal e.g. Crown or Magistrates
- Relevance to the role i.e. carer or household member
- Length of time since offence(s)
- Single offence/history of offending
- Age(s) at time of offence(s)
- Full disclosure of offence(s) or not by candidate
- Potential impact of offence(s) on the role
- Mitigating representations offered by the individual

It is recommended that each offence is considered by the assessor using the following acronym:

**S** – Settings i.e. context

**T** – Triggers i.e. antecedents

**A** – Action – what the behaviour/offence actually involved

**R** – Response i.e. behaviour/conduct since offence(s); perpetrators view of offence

<b>Mitigating</b>	<b>Continuum</b>	<b>Aggravating</b>
Minor or No Injury	Injury	Incapacity or Disability
Spontaneous	Planning	Premeditated
No Weapon/Slap	Weapon	Knife/Firearm
Single Blow	Duration of Attack	Sustained
Similar Age/Size/Gender	Vulnerability of Victim	Younger/ Smaller Victim/ Disadvantaged
Severe Provocation/ Threat to Self	Provocation	No Provocation

## RISK ASSESSMENT - DBS DISCLOSURE WITH CONVICTIONS

### Section 1: Applicant Details

<b>Candidate Name:</b>	
<b>Candidate Reference No:</b>	
<b>Position Applied For:</b>	
<b>Band:</b>	
<b>Department:</b>	
<b>DBS Certificate Number:</b>	
<b>DBS Certificate Date:</b>	

### Section 2: Standard Considerations

1. Did the applicant declare the matters on the DBS Model Declaration Form and/or the application form? **Yes/No**

2. Has the information (convictions/cautions/other offending history) been openly discussed with the Individual prior to receipt of the DBS? **Yes/No**

3. Please give a brief overview of the explanation provided by Individual (include individual's description of every offence and refer to the S.T.A.R. matrix).

4. Is this position exempt from the Rehabilitation of Offenders Act (ROA)? **Yes/No**

5. Does the applicant agree that the information detailed on the DBS certificate is correct? **Yes/No**

In the event of a challenge from the applicant, the matter should be referred to the disputes team at the DBS.

6. Are the type and/or nature of the offence(s) directly relevant to the post? If yes, please explain how. **Yes/No**

7. What is the seriousness of the offence(s) and relevance to the safety of other employees, customers, service users and property?

8. Are there any mitigating circumstances e.g. any relevant information offered by the applicant about the circumstances that led to the offence being committed e.g. the influence of domestic or financial difficulties?

9. Has the applicant's circumstances changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, drug addiction therapy etc.). Can the applicant demonstrate any efforts not to re-offend? i.e. rehabilitation course.

10. Can any safeguards be implemented to reduce/remove any risk e.g. no unsupervised contact? If Yes, please state. **Yes/No**

### Section 3: Assessor Comments

Assessment Positives:

Assessment Contraindications:

### Section 4: Outcome of Risk Assessment

- Continue with offer of employment  
 Withdraw offer of employment

Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented.

Reasons for decision:

<b>Assessment Completed by:</b>	
<b>Date:</b>	

**DIRECTORS APPROVAL**

**I, as final signatory on this form, confirm that this appointment has been reviewed at Director level and the outcome was agreed at the as outlined below:**

<b>Permission granted:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Signature:</b>	<b>Date:</b>
<b>Director Name:</b>	

Date Applicant Informed:

**RISK ASSESSMENT - STARTING A CANDIDATE PRIOR TO DBS DISCLOSURE**

<b>Candidate Name:</b>	
<b>Candidate Reference No:</b>	
<b>Position Applied For:</b>	
<b>Band:</b>	
<b>Department:</b>	

<b>Proposed Start Date if Approved:</b>	
<b>Date DBS Check Submitted:</b>	
<b>Current DBS Stage:</b>	

**BUSINESS CASE**

Please provide a business justification why the candidate should start before the DBS clearance is obtained.

**It is standard practice that a candidate will not work alone until the DBS is back.**

Please confirm that you have the resources available to supervise the individual at all times until the DBS clearance is received and how this will be managed indefinitely.

**RISK ASSESSMENT**

- It is mandatory that you as the manager explain to the candidate that a DBS Disclosure less than satisfactory to the ICB policy will result in termination of employment. Have you as the recruiting manager explained this to the candidate?  Yes  No
- The candidate must disclose whether they are expecting any cautions/ charges from their DBS check. Has the candidate declared any convictions on:
  - their application form?  Yes  No
  - their criminal declaration?  Yes  No
  - verbally?  Yes  No

If yes, please provide details.
- Will the candidate have access to:
  - Vulnerable Children?  Yes  No
  - Vulnerable Adults?  Yes  No
- Has the candidate got a previous DBS? If yes who with and how old is it?  No  
 Yes – Organisation:      Date:

5. Were the references from previous employers satisfactory? any risk indicated?

**INDUCTION PROGRAMME**

Please detail the planned induction programme:

**Assessment Completed by:**

**Date:**

**DIRECTORS APPROVAL**

**I, as final signatory on this form, confirm that this appointment has been reviewed at Director level and the outcome was agreed at the as outlined below:**

**Permission granted:**

Yes  No

**Signature:**

**Date:**

**Director Name:**

Date Applicant Informed:

## Appendix 3: Instruct to Withdraw Offer of Employment Form

### Section 1: Applicant Details

<b>Candidate Name:</b>	
<b>Candidate Reference No:</b>	
<b>Position Applied For:</b>	
<b>Band:</b>	
<b>Department:</b>	

### Section 1: Grounds for Withdrawal

- unsatisfactory medical clearance
- unsatisfactory reference(s)
- ineligible to work in the UK
- unsatisfactory DBS check
- unsatisfactory proof of relevant qualifications
- non-compliance with the Fit and Proper Persons Regulations
- non-compliance with recruitment processes

Please provide an overview of the concerns raised and reason for withdrawal:

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### Section 2: Risk Assessment

Had the applicant been offered the post "unconditionally"?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Could the above reason for withdrawal be considered discriminatory?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**! If the answer to either of the above is YES, the offer should not be withdrawn without HR/Legal Advice.**

### Section 3: Request to Withdraw Signatory:

<b>Recruiting Manager Name:</b>	
<b>Job Title:</b>	
<b>Signature</b>	
<b>Date:</b>	

## Appendix 4: Local Induction Checklist

To be carried out on the first day of employment

### General:

- Confirm understanding of ICB structure, organisational objectives and business plan
- Confirm name of Line Manager
- Confirm expectations around hours of work
- Introduce to colleagues
- Ensure new starter has IT access e.g. emails, telephone line and printer pin

### Annual Leave: (see the Annual Leave Policy on the Intranet)

- Entitlement
- Authorisation

### Sickness: (see the Sickness Policy on the Intranet)

- Notification procedure
- Evidence of incapacity to work requirements e.g. Self-certification/Doctors Note
- Sick Pay entitlement (in line with contract)

### Location of Services:

- Toilets
- Kitchen
- Cloakroom/storage for belongings
- Emergency exits and fire assembly point
- First Aid

### Other:

- Ask if any further clarification on Terms and Conditions is required
- Access to ESR please email [AGCSU.esrsupport@nhs.net](mailto:AGCSU.esrsupport@nhs.net)
- Any other questions/issues on employment
- Advise employee of the current projects within organisation or department
- Provide the employee with their priorities over next 3 months - own project targets
- Explain how to access the shared Y drive
- Ensure laptop has been ordered if applicable
- Mobile phone if applicable
- Sign into landline phone
- Background reading knowledge
- How to access ICB Intranet

### Check the following:

- Has a Starter Form been completed (When complete pass to Finance)
- Has a Car User form been completed (if appropriate)
- Has a car park pass been issued/ name added to the waiting list (if appropriate)
- Is a date set for completion of DSE assessment (when complete store in personal file)
- Has a Conflicts of Interest form been completed (when complete store in personal file)
- Has had an ID badge / swipe access photo been organised and forms/photo sent to Reception
- Smart cards form completed if applicable

### Appraisal process:

<input type="checkbox"/>	Ensure the starter been made aware of the Personal Development Review (PDR) process and where to find the documentation
<b>Information Governance:</b>	
<input type="checkbox"/>	Ensure the starter has been made aware of the Confidentiality Code of Conduct and where to find the necessary information on the intranet.
<input type="checkbox"/>	Ensure the starter has been made aware of the IG training package and ensure access for this has been arranged.
<b>Statutory Mandatory training</b>	
<input type="checkbox"/>	Ensure the starter has been made aware of the Statutory Mandatory training package and ensure access for this has been arranged.
<b>Health &amp; Safety</b>	
<input type="checkbox"/>	Inform employee that all Health & Safety issues are to be reported and who is responsible for health and safety
<input type="checkbox"/>	Inform who the First Aiders are and what they do / and or first aid arrangements
<input type="checkbox"/>	Inform about the process of reporting accidents, injuries and near-misses
<input type="checkbox"/>	Awareness of any hazards relevant to job and reporting of such
<input type="checkbox"/>	Inform about working with VDUs
<input type="checkbox"/>	Security of building and personal property
<input type="checkbox"/>	Show where nearest emergency exits are
<input type="checkbox"/>	Show the position of fire appliances, alarms, assembly points
<input type="checkbox"/>	Explain the procedure on hearing visual fire alarm and test
<input type="checkbox"/>	Show the situation of all notice boards
<input type="checkbox"/>	First aid kit list in kitchen
<input type="checkbox"/>	Ask employee if they have any other concerns/queries

**Person(s) undertaking induction:**

<b>Name(s):</b>	
<b>Job Title (s):</b>	
<b>Signature (s)</b>	
<b>Date:</b>	

I [insert name of new starter] declare that all the above have been explained and shown to me.

<b>Signature:</b>		<b>Date:</b>	
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**Place in personal file**