

Recruitment Policy

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The quality of recruitment may fundamentally impact on individual lives, service delivery and the organisation's reputation. Getting it right is vital. These pages include the recruitment policy and provide guidance to managers and employees at each stage of the process.

Basic Principles

The basic principles which underpin all recruitment activity are as follows.

Every appointment will be made on merit.

It is unlawful to discriminate on the grounds of a protected characteristic¹. Under separate legislation, you may not discriminate on the grounds of Trade Union membership or to deny employment on the grounds that an applicant had a conviction which is "spent" (Rehabilitation of Offenders Act). A number of occupations are exempt from the Act, e.g. Social Workers; in these instances any conviction must be declared. The Council's equal opportunities policy extends the protection provided by legislation to discrimination on the grounds of class.

In specific circumstances [positive action](#) is lawful.

Recruiting managers have a responsibility to: -

- Uphold the reputation of the Council.
- Be objective and considered in reaching justifiable judgements.
- Disclose any personal interests in the course of recruitment activity. And withdraw from the activity where involvement may create a conflict of interest.
- Maintain professional standards whether recruits are easy or difficult to find.
- Keep proper and accurate records.

Candidates must be truthful in the application process.

Foot notes

¹ Protected characteristics - under the Equality Act 2010 there are nine characteristics that are protected from discrimination; age, disability, gender reassignments, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex, sexual orientation.

Preparing to recruit

The Panel

A Panel, made up of at least two people, is responsible for recruitment decisions and should as far as practical be representative of the community, in terms of gender and ethnicity. The Panel should be consistent at short listing and interview stages.

Departmental schemes of management must set out those with the authority to be a Panel Chair or part of the recruitment Panel.

All Panel members must have received appropriate training in recruitment. This will depend on individual need and previous experience, but must include Southwark's equalities policy and its application to recruitment.

People who are not in the Council's employment may act as non-voting participants/advisors, but responsibility for the appointment itself rests with the Panel.

Starting the Process

Managers must obtain appropriate [permission to recruit](#). This will include whether to advertise -

- As a permanent or fixed term appointment
- To internal candidates only or externally. Jobs that are internal only will be open to [agency workers](#) who are on an active assignment with the Council.

There are specific standards and processes for recruiting [trainees and apprentices](#) within the Council. [Click here](#) for details.

All recruitment will be managed via the Council's HR Service. They can advise on the [costs of advertising](#); these costs are met in full by business units. The recruiting manager must provide a valid cost centre that will be used for these advertising costs.

On each occasion the Manager must review the person specification. The specification must be based on an up to date job description and be prepared in accordance with [Council standards](#). Only those criteria listed on the person specification can be used in the selection process.

All job vacancies will be advertised on the Council's [job site](#) and advertisements will comply with the Council's standards. Using these standards, most advertisements will be written by managers and HR. But where needed expert input can be bought from the Council's [recruitment advertising agent](#) or [approved Executive Search agencies](#).

Attracting Candidates

All job vacancies must be advertised on the [Council's job site](#).

Where appropriate, jobs will be clearly marked as internal only.

By exception, external advertising will be via the Web and as far as practical make use of our [pre-negotiated media contracts](#).

For some posts the Council will use an [Executive Search agency](#) to assist in the recruitment. Only pre-approved agencies may be used. On such occasions they will contact potential candidates to make them aware of the vacancy and they may do some initial screening. However all recruitment decisions rest with the Council.

Redeployees must be advised to state their status clearly on their application form; any applications from these staff **must** be considered prior to the selection of other candidates.

Determining a Short list

Short lists

Only those candidates who have submitted their application by the given advertisement closing date will be considered.

Candidates' profile information will not be available to the Panel, except where the candidate has indicated that they have a disability. This is so the Panel can comply with the Council's accreditation to the Two Ticks Disability Symbol and any stated special needs can be addressed.

Only candidates who meet the essential criteria at short listing stage will be offered an interview.

Applications from redeployees must be considered prior to other candidates. Redeployees must still meet minimum criteria.

Where an application is received from an applicant who declares a disability and they meet the essential criteria, they will be guaranteed an interview.

The short listing Panel will consider all applications independently, against the relevant [person specification](#) criteria, using the Council's [marking system](#).

The Panel should compare their initial results for each criterion and seek to reach a consensus. The Panel should enter into open and constructive discussion, focusing on the information provided by the candidate and its relevance to the criterion. If it is not possible to reach a consensus the majority view will prevail. If the Panel is equally split, the view of the Chair will be the decisive one. On occasions there will be large numbers applying for a particular job. There is further [guidance](#) on how to reach a manageable and justifiable short list.

The Panel Chair will record the Panel's marks for each candidate using the Council's [marking system](#) to determine the short list.

Selection of Candidates from a Short list

The Interview

Appointment to all posts will be undertaken following a structured interview, by the recruitment [panel](#).

The interview must seek to select the best candidate based on the agreed criteria contained in the person specification. The form of the interview should be specific to the post.

For particular posts specialist selection methods may apply. For example, staff who have [safeguarding responsibilities](#), (for vulnerable groups including children), must attend a second stage of targeted interviewing which specifically explores issues of future interaction with users.

At the close of the interview process the Panel will consider all candidates independently, against the relevant [person specification](#) criteria, using the Council's [marking system](#). The Panel must consider each applicant's suitability for appointment against all the criteria, considering essential criteria first and then looking at desirable criteria as a means to distinguish between candidates. Some criteria may have been tested at short listing stage or be informed by occupational assessment. But the Panel must review a candidate's achievement against all criteria. As at short listing when deciding on whether a candidate has met essential criteria and then selecting between candidates -

- The Panel should aim to reach a consensus.
- If it is not possible to reach a consensus the majority view will prevail.
- If the Panel is equally split, the view of the Chair will be the decisive one.

The Panel Chair will record the Panel's marks for each candidate, plus any notes on a candidate's performance. This is the official decision of the Panel and no other records will be retained.

Occupational Assessment

Occupational assessment is objective in nature and provides a consistent evaluation of candidates' skills. It provides information to help recruitment Panels differentiate between the qualities of job candidates. Decisions on job offers, however, continue to rest with the recruitment Panel.

By exception, all posts grade 14 and above will include some form of occupational assessment.

Occupational Assessment must only be undertaken by the Council's [in-house service](#) or organisations that they have approved.

Reserve List

Reserve lists may be held after interview. Candidates who meet all essential criteria but were not appointed on the specific occasion may be contacted and asked if they

wish to be held in reserve for further consideration. Placement on a reserve list will not constitute a job offer. In all cases there must be time limit placed for holding the candidate as a reserve.

Post Interview Checks

If successful at the interview stage the candidate will be made a job offer, subject to certain conditions being met. The conditions will vary between posts but will always include the following.

References

The receipt of satisfactory [references](#). It is possible apply for references but should these not be considered until after all the interviews have taken place, different arrangements apply for safeguarding jobs. Noting -

- Internal candidate - at least one reference is required from the employee's current manager.
- External candidates and agency workers - two references are required. One of which must be from the candidate's current or most recent employer (or educational establishment).
- Candidates for [safeguarding jobs](#) - special arrangements apply, e.g. in total 10 years of any employment should be covered.
- Personal references are of limited value. "To Whom it May Concern" replies are not acceptable. There is no obligation to seek references solely from those names put forward by the candidate. But the Council must advise candidates before contacting anybody else for a reference.

The Panel Chair will be asked to sign off references received as acceptable before a job offer is confirmed.

Disclosure of Criminal Convictions

The Rehabilitation of Offenders Act enables criminal convictions to become "spent" after a period of rehabilitation. If a person does not re-offend during this time the conviction is considered to be spent and the individual is not legally obliged to mention it when applying for a job.

Certain occupations have exemption from the Rehabilitation of Offenders Act. For these roles candidates must declare all convictions, including those which are considered as spent and are not protected (certain old and minor convictions and cautions are not subject to disclosure).

Candidates are asked to provide details of criminal convictions on their application form. They are advised that failure to declare a conviction for whatever reason may result in withdrawal of the job offer or termination of employment.

Where a conviction is declared the Panel Chair must be notified. The Panel Chair must then consider this alongside the other recruitment information, e.g. interview notes, references.

The fact that a person has a criminal record will not necessarily exclude employment. Each case will be considered on its merits, using the guidance "[Recruitment of Ex-Offenders](#)", and a decision should be taken by the Panel Chair in conjunction with HR.

Disclosure & Barring Service Checks

HR maintains a list of roles that require a Disclosure and Barring Service Check and /or checks against the barred lists held by the Disclosure and Barring Service. Information received is sensitive and personal and there are clear rules on handling and considering data. Any decision to withdraw an offer of employment based on information received rests with the Panel Chair, in liaison with HR.

Medical Fitness

All candidates (internal and external) must be medically fit to undertake the duties of the job applied for. Most applicants will need to complete a medical questionnaire from which the Occupational Health Service will decide whether a medical examination or other checks are required. Questionnaires should only be completed once a job offer has been made (i.e. after the interview). For some internal appointments where the new job represents fundamentally similar work a medical assessment is not necessary. If a reference received indicates a high level of sickness absence or some other medical-related concern, HR will alert the Occupational Health Service so that they can take this into account when determining whether the candidate is medically fit for the job. Any decision to reject on medical grounds is taken by the Panel Chair in consultation with HR, on the basis of all the available information.

Qualifications

Where a job requires that the postholder has a specific qualification the original certificate must be presented to HR. A copy of the certificate will be retained with the candidates' records.

Rights to Work in the UK

As an employer, we have a statutory responsibility to ensure that every candidate who is offered employment has the entitlement to work in the UK. Any successful candidate, prior to commencing with the Council, is required to prove their eligibility for employment.

You should refer to this guidance on checking a candidate's [eligibility to work in the UK](#).

Relationships

The application form asks the candidate to declare if they are related to a Councillor or current employee of the Council. Where a candidate declares a relationship this must be referred to the Chief Officer (as delegated) to verify any decision on appointment.

The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. This does not prevent a Councillor from acting as a reference for a candidate.

Registration or Membership of Defined Bodies

Some jobs require the candidate to have current membership of (or registration with) a professional body or association. HR will advise on method of verification.

Members' input

For jobs at Deputy Chief Officer¹ level and above, Members must be given the opportunity to raise any well founded and material objection to appointment prior to an offer being made. Advice must be sought from senior HR staff on the process to be followed in these instances.

Foot notes

¹ (Deputy Chief Officer for this purpose is defined as those who are directly accountable (for the majority) of duties to one or more Chief Officers. This excludes posts that are solely secretarial, clerical or otherwise in the nature of support services.)

Safeguarding

The Council has a duty to protect children and adults from harm and to safeguard their rights. Southwark is committed to being a safe organisation with safe HR policies, procedures and practices that are known and understood. Responsibility rests with all HR teams and all managers responsible for recruitment, selection and management of the workforce.

As an employer we have responsibilities on vetting employees who work closely with children and adults, and for sharing information that may lead to an individual being barred from working with these groups in the future. These additional responsibilities are underpinned by the Safeguarding Vulnerable Groups Act 2006 and failure to follow may result in legal action being taken against the Council or individuals.

The following documents provide detailed guidance on the operating practices that must be followed at all times.

- [Safeguarding Standards in Human Resources Management](#)
- [Safer Disciplinary Decisions in Human Resources Management](#)

These documents should be read in conjunction with other pages on the [Safeguarding: Disclosure & Barring Scheme](#) , which set out the requirements that affect the recruitment and management of staff and agency workers working within a "regulated activity".

Safeguarding - Disclosure & Barring Service

The Disclosure & Barring Service (DBS) helps us make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children, or from applying to foster or adopt a child. The DBS are responsible for processing our requests for criminal records checks and for maintaining the list of people who are barred from working within "regulated activity" with children or adults.

The DBS is responsible for the functions previously undertaken by the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

Regulated activity

Regulated activity is work which a person who has been barred by the DBS can not undertake. It mainly relates to any activity which involves contact with children or adults being considered as vulnerable at a particular time. This could be paid or voluntary work.

In relation to **children** this includes -

- (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
 - (ii) Work for a limited range of establishments, with opportunity for contact: for example, schools, children's homes, childcare premises, further education institutions. This includes all support staff working at the establishment but does not extend to work undertaken by supervised volunteers or contractors working on site (for example undertaking building works);
- Work under (i) or (ii) is regulated activity only if done regularly.
- (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
 - (iv) Registered child minding; adoptive parents, special guardians and foster-carers (other household members are also eligible for an enhanced criminal records check).

Regulated activity for **adults** contains six distinct categories:

(i) Providing health care

Any health care professional providing health care to an adult, or

anyone who provides health care to an adult under the direction or supervision of a health care professional. This will include students.

(ii) Providing personal care

Anyone who provides physical assistance with eating, drinking or personal care where the adult is unable to do this due to age, illness or disability.

(iii) Providing social work

The provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.

(iv) Assistance with cash, bills and/or shopping

The provision of assistance to an adult because of their age, illness or disability, which includes managing the person's cash, paying their bills or shopping on their behalf.

(v) Assistance in the conduct of a person's own affairs

The provision of various forms of assistance in the conduct of an adult's own affairs, for example by virtue of an enduring power of attorney.

vi) Conveying

A person who transports an adult because of their age, illness or disability between their home and a place where they receive health care, personal care or social care.

Posts are classified as working within Regulated Activity taking account of the above definition. Classifications apply to employees, agency workers and other roles such as elected members, contractors and volunteers. Dependent upon the classification of posts employers have a legal responsibility to undertake specific actions to meet the requirements of the Disclosure & Barring Scheme. These requirements will apply to employees and agency workers; although the Council's responsibilities will differ as an employer or a hirer of agency workers.

The Council has drawn up a list of posts that are working within a "Regulated Activity". To access this list please, contact your [departmental HR team](#).

Disclosure & Barring Service

The Disclosure & Barring Service (DBS) carries out the functions previously undertaken by the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

The DBS is responsible for:

- processing requests for criminal records checks
- deciding whether it is appropriate for a person to be placed on or removed from a barred list
- placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland.

The former barring lists (POCA, POVA and List 99) have been replaced by two barred lists administered by the DBS; the "adult's barred list" and the "children's barred list". An enhanced DBS application will also check against the barred list.

It is a **criminal offence** for individuals barred by the DBS to work or apply to work with vulnerable groups in a **regulated activity**. As an employer we would also face **criminal sanctions** for **knowingly employing** a barred individual in a regulated activity.

Recruitment Processes- Implications

To comply with the requirements of the Disclosure & Barring Scheme the following steps apply. These are **in addition** to the safe recruitment practices that are set out in the [Safeguarding Standards in Human Resources Management](#) document and the requirement to undertake a check for criminal records (Disclosure check).

Information for candidates

1. Every job that is advertised has a vacancy information document, and the requirement for a Disclosure / criminal records check must be outlined within the "Special Conditions of Recruitment" section.
2. The Council's recruitment website [jobsatsouthwark](#), includes information on safeguarding that reflects our Disclosure & Barring requirements. Any micro sites (e.g. for Social Workers) also incorporate this information.
3. The Council's statement on the recruitment of ex-offenders (available on request) sets out the restrictions applicable for engagement in regulated or barred activities.

At interview

Every candidate interviewed for a role within a regulated activity must be asked whether they are barred from working with vulnerable groups (adults and / or children, depending upon the job). The following question needs to be covered:

"The post you are applying for falls into regulated activity under the Disclosure & Barring Scheme (Safeguarding Vulnerable Groups Act 2006). It is a criminal offence for a barred person to apply for or work in a regulated activity.

Are you are a barred person under the terms of the Disclosure & Barring Scheme?

The applicant must answer either "Yes" or "No".

Offer of appointment

All offers of appointment to posts in a regulated activity must be conditional on signed acceptance of the conditions of contract. The contract will include the following under "Additional Terms & Conditions of Service Applicable to Your Post."

"This post has been classified as a regulated activity in accordance with the Disclosure & Barring Scheme. Your employment in this post is conditional on the basis that you are not a barred person as set out in that Scheme. Were your status to change to a barred person, your employment in this post will be ceased."

Processing Disclosure & Barring Service Checks

Disclosure & Barring Service (DBS)

The DBS aims to help us make safer recruitment decisions through its criminal record checking and barring functions, and to prevent unsuitable people from working with vulnerable groups including children.

Southwark is recognised by the DBS as a Registered Body. This means that we may check against police records and information held on the "barred list" maintained by the DBS for roles that involve working with children or adults in specific situations.

As a Registered Body we have a responsibility to:

- Establish the true identity of the applicant, through the examination of a range of documents using guidance provided by the DBS
- Check and validate the information provided by the applicant
- Ensure the application is fully completed and that the information provided is accurate
- Comply with the DBS Code of Practice.

On-line applications

You should use [our on-line service](#) to complete and submit Disclosure applications and receive the outcome electronically. A certificate containing the results of the criminal records check is posted to the applicant by the DBS.

This service is only available to approved administrators, identity verifiers and applicants for eligible roles engaged in activity with vulnerable groups including children.

Countersignatories

Disclosure applications must be authorised by a recognised countersignatory, who is registered with the DBS to approve completed applications on behalf of the Council. The countersignatory declares that the position is eligible for the DBS check requested and also confirms the applicants' identity and the accuracy of the information contained within the DBS application.

Identity validation is a fundamental part of the process and is vital for ensuring the integrity of the service. The Home Office website contains useful information on checking applications and the identity documents that should be examined and validated. Please refer to these links for further information:

- [Identity Checking Guidelines](#)
- [Guidance for Countersignatories](#)
- [Overseas Records](#)

Code of Practice

As an organisation undertaking criminal record and barring list checks we must comply with the DBS Code of Practice. This code ensures (and provides assurance to those applying for Disclosures) that the information released is used fairly. The Code requires that sensitive personal information is handled and stored appropriately and only retained for as long as necessary. We must satisfy the DBS of our compliance with this Code of Practice and co-operate with requests to undertake assurance checks, and report any suspected malpractice or misuse of Disclosures.

DBS Update Service

The Disclosure and Barring Service (DBS) [update service](#) is an on-line process that lets applicants keep their DBS certificates up to date and allows employers to check a certificate online. Employees can [register online](#) when applying for a DBS certificate, or up to 19 days after their certificate is issued (using the certificate reference number). Registration lasts for one year and costs £13 per year (payable by debit or credit card only).

Employers and other organisations can [check an applicants DBS certificate status online](#) and get a result immediately.

Disputes

There may be occasions when the applicant or the Council believes that the content within the DBS certificate does not relate to the applicant or that elements of it are incorrect or irrelevant. In such an instance the matter should be raised with the DBS for further investigation. You should not make any recruitment decisions until the dispute has been fully resolved.

Please refer to this link for additional information on [raising a dispute](#).

Job Offers

Post interview, HR will notify the successful candidate in writing of the job offer subject to the post interview checks. Documentation at this stage will include the job description and any development standards (competencies) for the post in question. Any informal contact made by the Panel Chair in advance of this written offer must be clear that it is conditional and that checks will be pursued before an offer is confirmed.

At the point of making a job offer, HR will advise the candidate of the proposed starting salary. This will be in accordance with the Council's [Remuneration policy](#), which includes guidance on where offers may vary from the minimum point of the grade. Starting salaries are offered on behalf of the Council, not the Panel Chair and therefore bound by policy and procedure.

Every member of staff must be issued with a [contract of employment](#). HR will provide to the candidate with any special conditions noted, e.g. if the appointment is fixed term. Legally the contract must be issued within 2 months from the date employment began but it is good practice to issue a contract prior to commencement, or if necessary on the date work begins. Where an eligible employee leaves before the expiry of the two-month period, the employer is still bound to issue a contract of employment.

Once all the post interview checks have been completed to the satisfaction of the Panel Chair, a first day of service will be confirmed with the candidate. A suitable date must take account of the ability to offer the new employee appropriate support and [induction](#).

Recruitment Feedback & Complaints

All candidates unsuccessful after interview will be informed in writing of the Panel's decision.

For internal candidates (our current employees) this must include an offer of a discussion with the Panel Chair, or nominee, to explain the reasons for rejection. If the candidate does not take up this offer of a discussion within two weeks of rejection, no further appeal (i.e. staff complaints) will be entertained. This offer does not extend to agency workers on an assignment at Southwark

Good practice requires Panel chairs or nominees to respond to enquiries from unsuccessful external candidates on the reason for their rejection, though this is not compulsory. It is noted that people can make a data subject access request under the Data Protection Act. In such circumstances the Council has a legal obligation to disclose any information it holds on them within 40 days.

All candidates will be offered written feedback concerning occupational assessment results and an opportunity for a supplementary telephone or face-to-face discussion with assessors.

Internal applicants may register a staff complaint against the recruitment process. Where a complaint relates to the reason for rejection, after interview, the employee needs to have taken up the offer of a discussion after interview within the time-scale before the Complaint can be pursued. In these circumstances the recruiting department hears the Complaint.

There is no mechanism to hear complaints from agency workers on an assignment at Southwark Council or from external applicants. Potentially, however, a candidate may make an application to an Employment Tribunal that selection was unfair and discriminatory on the basis of protected characteristic* or trade union membership. In these circumstances advice must be gained from HR.

Foot notes

* Protected characteristics - under the Equality Act 2010 there are nine characteristics that are protected from discrimination; age, disability, gender reassignments, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex, sexual orientation.