



RECRUITMENT AND SELECTION POLICY

POLICY STATEMENT

Exmoor National Park Authority (ENPA) will always seek to recruit the candidate best suited to the vacant post and the values of the Authority in accordance with employment legislation.

The recruitment and selection process will be non-discriminatory, treating all candidates fairly with respect and courtesy, aiming to ensure that the candidate experience is positive, irrespective of the outcome.

Safe recruitment processes are followed for employees and volunteers who work with children, young people, and vulnerable adults.

CONTENTS

1. Introduction
2. Responsibilities
3. Appointment of Staff
4. Politically Restricted Posts
5. Preparing to Recruit
6. Defining the Post
7. Job Description
8. Job Evaluation
9. Person Specification
10. Advertising
11. Recruitment Pack
12. Selection
13. Interviewing
14. Safe Recruitment
15. Offering the Job
16. Professional Training Fees
17. Legal Requirements in Recruitment

1. INTRODUCTION

- 1.1. It is essential that people recruited best meet the needs of the Authority as they are the major factor in the delivery of quality services to the public. The appointment of any person involves the commitment of considerable sums of money in terms of the salary, pension, and training costs. It requires at least as much planning and preparation as would be given to any significant expenditure decision.
- 1.2. All decisions should be based solely on the potential suitability and known competence of each candidate for the post. HR will help managers to implement this policy and should be consulted before starting recruitment campaigns.

2. RESPONSIBILITIES

2.1. Section Head (with the team vacancy):

- Evaluating the need for the post(s) in the context of the Authority's priorities, staffing plan and budget.
- Obtaining Leadership Team agreement for recruitment.
- Ensuring line manager competence to make recruitment decisions.
- Monitoring the effectiveness of the induction programme.
- Final sign off at the end of probation period review.

2.2. Manager (with a team vacancy):

- Completing the Recruitment and Selection Manager Checklist.
- Completing recruitment and selection training.
- Ensuring that new/revised posts are job evaluated prior to advertising.
- Discussing recruitment plan/timescales with HR.
- Preparing an application pack and advert with HR.
- Deciding on the selection process and who to involve. Process may include formal interview questions, work-based tests, literacy tests etc.
- Conducting selection process, selecting candidate(s) and providing feedback to unsuccessful candidates.
- Delivering a comprehensive induction programme.
- Conducting thorough probation period reviews in a timely way.

2.3. HR:

- Providing advice on the creation of a recruitment plan, recruitment pack and assisting with interviews and induction.
- Setting up vacancies on the Webrecruit system and on the website.
- Advising on reasonable adjustments to all stages of the recruitment process to allow candidates with a disability to access the process.
- Ensuring that recruitment and selection processes are cost effective.
- Keeping the written record of all short-listing and interview decisions.
- Providing feedback to candidates not shortlisted as requested.
- Making a formal written offer of employment.
- Ensuring agencies/consultants assisting in the recruitment process adhere to the Authority's Recruitment Policy.
- Developing recruitment processes to incorporate best practice.

3. APPOINTMENT OF STAFF

- 3.1. The following table sets out who has responsibility for the appointment of staff:

Posts	Appointment is made
Senior managerial staff – the Chief Executive	Under the provisions of Standing Orders
Section Heads/Solicitor and Monitoring Officer	By the Chief Executive in consultation with a panel of Members
Administrative, professional, technical, and clerical staff	By the Chief Executive or their authorised representative (another member of Leadership Team)

3.2. **Canvassing of members**

A candidate who canvasses Members of the Authority, directly or indirectly, for any appointment will be disqualified from the application process. A Member of the Authority will not solicit for any person for any appointment but would not preclude a Member from providing a reference, if requested.

3.3. **Relatives of Authority Members or Officers**

Candidates who know they are related to a Member or a senior officer will be asked to disclose that relationship in their application. A candidate who fails to disclose such a relationship will be disqualified for the appointment and if appointed will be liable to dismissal.

Every Member, Section Head or Senior (Delivery Team) Manager of the Authority must inform HR in writing of any relationship they are aware exists between them and a candidate for an appointment as soon as they are aware of that person's candidature. An email is sufficient for this purpose. It is the responsibility of the manager to ensure this notification has been received.

If you are involved in the recruitment process and have a close personal or familial relationship with an applicant, you must declare this as soon as you are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

4. **POLITICALLY RESTRICTED POSTS**

4.1. The Local Government Housing Act 1989 and the Local Democracy, Economic Development Construction Act 2009 make provision for certain posts in local authorities to be politically restricted. The purpose of the legislation is to ensure political neutrality; and to prevent advice and decisions from being improperly influenced by separate loyalties.

Individuals recruited to these posts are prevented from engaging in any active political role either in or outside the workplace. This not only excludes post holders from holding or standing for elected office but also prevents them from:

- a) Participating in political activities, publicly expressing support for a political party, or undertaking other activities such as canvassing on behalf of a person who seeks to be a candidate
- b) Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party.

These restrictions aim to prevent politics coming into play where an employee is in a politically influential position. This could be where an employee implements the Authority's policies, gives advice to, or speaks on behalf of, the Authority.

Posts are either restricted because they are a specified post within the Act, or they meet certain criteria which is also specified.

4.2. **Specified posts** are automatically subject to restrictions on public political activity and as such, there is no right to request exemption. The posts are:

- Chief Executive (Head of Paid Service)
- Section Heads (Designated statutory and non-statutory chief officers and deputy chief officers)
- Solicitor and Monitoring Officer
- Chief Finance Officer
- Officers exercising delegated powers

4.3. Other posts are politically restricted because they meet one or both of the following **duties-related criteria***:

- Giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority is represented; or where the authority is operating executive arrangements, to the

executive of the authority; or any committee of that executive; or to any member of that executive who is also a member of the authority; and / or

- Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

* The **duties related criteria posts included** are:

- Principal and Senior Planning Officers
- Communications Officer

Individuals occupying these posts may request an exemption from political restriction. Individuals are required to make their request for an exemption in writing setting out the reasons why the post they hold should be exempted. The approval of an exemption by the Chief Executive will be by exception and will require the presentation of significant justification in support of the request.

- 4.4. Your Statement of Written Particulars will indicate whether your post is politically restricted, and you will be notified if any amendments to the political status of your post is required.

5. **PREPARING TO RECRUIT**

- 5.1. The key to any successful recruitment and selection process is adequate preparation. This will allow you to gain relevant information from candidates to form an accurate assessment of them; allow candidates to find out about the job and its suitability for their own needs; and enable the process to act as a positive public relations exercise for ENPA. An effective recruitment process will enhance the quality of candidates and reduce the risk of a poor selection decision or claim for discrimination being taken to an Employment Tribunal.
- 5.2. To increase the likelihood of a successful outcome, the recruitment and selection process will require you to:
- Identify the need for the post
 - Specify the duties and responsibilities
 - Specify the competencies needed
 - Attract candidates
 - Select candidates
 - Deliver a good induction process to introduce the job and Exmoor National Park Authority

When a manager is ready to start the recruitment process, they must complete and submit a Manager Approval to Recruit form to HR (available in the templates folder under the Recruitment, Selection and Onboarding Policies section).

6. **DEFINING THE POST**

- 6.1. Your first consideration should be to establish whether a vacancy exists, and that there is not a more appropriate or cost-effective method to deal with the vacancy. The circumstances may be suitable for the position to be combined with another job, be reallocated to make use of skills of other employees, or alternative methods such as training present employees, secondments or introducing flexible working arrangements.
- 6.2. Prior to advertising, a job description for all newly created posts must be submitted to HR to be evaluated through the job evaluation scheme. Both existing and newly created posts must be approved by Leadership Team prior to advertising.

During periods of review or funding uncertainty, the assumption is that vacant posts will not be filled until a thorough examination of alternative ways of delivering a service has been made. Any employee who is at risk will be considered for vacant posts prior to advertising.

Consideration should be given to the following:

- Has the post changed and if so, how e.g., do the priorities need to be reassessed?
- Is there any relevant information from the exit interview of previous postholder e.g., workload?
- Is the post correctly graded? If there have been significant changes in the duties and responsibilities of the post it should be submitted for re-evaluation.
- What are the key objectives?
- What are the main duties and responsibilities?
- What are the key competencies and experience needed?
- Is the post suitable for job sharing or other flexible working arrangements (such flexibility can radically increase the pool of potential high calibre applicants)?
- Is the post covered by a Genuine Occupational Requirement? (This will be rare! The HR Advisor will advise you if this is the case.)
- Does the post require a Disclosure and Barring Service (DBS) check? This may be needed for posts that regularly work with children and vulnerable adults – please see section 14, Safe Recruitment, and ENPA's Safeguarding Policy and Guidance on Disclosures.

7. JOB DESCRIPTION

- 7.1. The job description assists both the interviewer and potential recruit to understand the nature of the job responsibilities.
- 7.2. For recruitment purposes, the job description needs to be concise, focusing on the key duties and responsibilities, the reporting relationships and where possible, the expected standards of performance. The use of "action verbs" is recommended to help in providing concise and relevant information. It is important to avoid over-stating the duties and standards of the job, as this can lead to setting unnecessarily high requirements in the person specification.
- 7.3. HR can provide advice and guidance on the preparation of job descriptions and provide a template job description and supporting processes document.

8. JOB EVALUATION (JE)

- 8.1. Job evaluation is the systematic scoring of jobs using criteria laid down by a JE scheme, examples of which include levels of knowledge required and complexity of tasks undertaken. Once scored, jobs are related to a pay and grading structure.
- 8.2. The Authority uses the Greater London Provincial Council (GLPC) scoring system for all its posts. The evaluation of ENPA jobs is carried out by a trained evaluations team at HR One (Devon County Council).

9. PERSON SPECIFICATION

- 9.1. The Person Specification defines the knowledge, skills, and attitudes that a person must have if they are to succeed in the job. It is a crucial stage in the recruitment process and one in which discrimination can easily occur.
- 9.2. Anyone with a direct management responsibility for the post should take part in formulating the person specification. If appropriate, it may be beneficial to involve team members, clients, voluntary organisations, and those involved in partnership arrangements.
- 9.3. The following guidelines will help you to draw up a person specification to give you the best chance of selecting the individual most likely to meet your requirements. Competencies should be clearly defined, not vague or subjective.
 - a) From the job description pick out the key duties, grouping together those duties which you consider have certain similarities, e.g., administrative duties, duties involving communication with others, etc.

- b) Translate duties into the key competencies or skills to do the job. Always specify the competencies in job related terms. Where possible identify the level required, e.g., in terms of quantity, quality and/or time. The specification could read for example, "ability to type at thirty words per minute without making a mistake".

The following provides examples of some key competencies:

Leadership and Teamwork:	Takes a flexible approach to the role. Builds teams and partnership opportunities. Leads and supports team members. Provides strategic direction.
Managing Delivery:	Sets achievable standards. Able to prioritise and plan workload.
Decision Making/ Problem Solving:	The ability to analyse complex information to solve problems, and a willingness to sort out difficult or emotive problems. Unbiased, rational approach.
Communication and Interpersonal Skills:	An ability to communicate easily at any level in an appropriate, concise, and accurate manner. Able to influence and motivate colleagues and partners. Capacity to perceive impact and implications of decisions on others. Actively promotes equality of opportunity to provide accessible and fair services.

- c) Identify any EXPERIENCE required to carry out the duties of the job. Non-work experience can be as valuable as work experience. Define the level of competency required. Elapsed time does not necessarily equate with competence and could be discriminatory, for example, to people in terms of age or gender. Remember that while experience can be a useful indicator of ability it does not tell you about the quality of their work.
- d) Identify the specific KNOWLEDGE requirements for the job. Distinguish between knowledge which should already be acquired and that which can be readily learned in the job. (Don't automatically look for exam passes as an indicator of knowledge).
- e) Where relevant, indicate QUALIFICATIONS and other exam-based knowledge and skill areas required as a measure of job-related abilities. You should be clear what ability or range of abilities is tested in each qualification and how this relates to the job.
- f) Consideration of PERSONAL QUALITIES is important. Factors that may be relevant include self-reliance, ability to work in a team, ability to influence others.
- g) You must be able to justify why certain qualities/attitudes have been stated, that is, they should relate to the job to avoid subjectivity. For each of these items consider whether your requirements are essential or desirable. Essential means that a candidate lacking this attribute must be rejected; desirable means an additional asset, to be used in distinguishing between acceptable candidates. Criteria that are not genuine requirements of the post should not be included. Unless criteria are an integral part of the job they could directly or indirectly discriminate against a person because of their age, gender, disability, or other protected characteristics within the Equality Act 2010. Managers should take a flexible approach to the way in which the tasks of a post are performed and by whom.

9.4. Consideration must be given as to how the applicant is going to be assessed against the criteria contained within the person specification. Is what you have written objectively assessable?

10. ADVERTISING

10.1. ENPA uses the services of Webrecruit to advertise its vacancies and manages the recruitment process using an online applicant tracking system.

- 10.2. HR will set up the vacancy on the system and assign the appropriate hiring managers.
- 10.3. The Recruitment Pack is sent through to the copywriting team who will prepare an advert on our behalf. A proof of the advert will be sent through to HR to make any changes and/or approve. It is important to check the details of the advert such as job title, salary, hours of work and to ensure it avoids gender, age, and disability biased language (e.g., his/her/he/she, mature, energetic, dynamic, hands-on).
- 10.4. HR will put the vacancy on ENPA's website together with the recruitment pack and a link to apply for the post on the Webrecruit website. Candidates should contact HR should they wish to apply in a different way, for example if they have a disability.
- 10.5. All vacancies should be advertised internally throughout the Authority. The media for external advertising is advised by Webrecruit, using their knowledge and experience in where best to advertise to get the widest relevant groups of prospective candidates. HR will liaise between the manager and Webrecruit on suggested job boards and costings.
- 10.6. As part of the Authority's commitment to equal opportunities, vacancies are advertised widely across online job boards to promote our employment to everyone. Consideration can also be given to the use of alternative media, such as targeted disability or ethnic minority job boards to attract a fresh range of applicants, and HR can discuss these with Webrecruit.

Before advertising the post, consideration should be given to redeploying any employee on the Authority's "at risk" register.¹

11. RECRUITMENT PACK

- 11.1. HR will draft the Recruitment Pack for the manager (a template is available under our Recruitment, Selection and Onboarding Policies on SharePoint) and will include:
 - Information about National Parks, Exmoor National Park Authority, our staff and our work, and the benefits that we offer as an employer
 - Job Description
 - Person Specification
 - Conditions of Service
 - Closing and interview dates
 - Information if the job is not covered by the Rehabilitation of Offenders Act 1974
 - How to apply
 - A contact point for further information
- 11.2. The Recruitment Pack should be in an accessible PDF format and posted onto ENPA's website alongside the vacancy advert and the Webrecruit link to apply.

12. SELECTION

12.1. Shortlisting applicants

Shortlisting should be carried out as soon as possible after the closing date. A minimum of two people should normally shortlist, one of whom ought to be the line manager, and where possible all those with a part in the selection process should participate. The criteria used must be consistently applied to all candidates. It should be done by measuring the information supplied by the candidates or their nominated referees against the person specification. Do not make assumptions. Any candidate not meeting the essential criteria identified in the person specification should be rejected at this stage. The desirable requirements should only be considered if the number of candidates meeting all the essential criteria becomes unmanageable. The application must not be used as a test for literacy unless literacy is a genuine requirement of the job.

In line with the Authority's commitments as a Disability Confident Employer, any person declaring a disability who meets the minimum requirements of the selection criteria must be offered an interview.

¹ This includes considering staff at risk of redundancy due to their fixed term contract coming to an end.

To avoid discrimination hiring managers will only be able to view information relating to employment, education, skills, knowledge, and experience. Personal information can only be viewed by HR.

When reviewing an application form it is important to remember:

- If an applicant appears overqualified there could be a legitimate reason for a change of career and perceived over qualification is not on its own a reason to reject a candidate
- Formal qualifications may not be an accurate indicator of performance capability
- Periods of inactivity may be related to a disability or caring responsibilities
- Not to discount voluntary work and life experience

The reasons for shortlisting and rejecting candidates should be recorded and kept for 6 months. If existing employees are rejected at this stage, a note of the reason should be recorded on their personal file.

12.2. References

These are obtained following interview and prior to an unconditional offer ensuring that the candidate has confirmed that you may go ahead with the request (particularly when the candidate has not given permission on their application).

There are two types of job offers that can be made:

- **A conditional offer** - This can be withdrawn if the applicant does not meet the employer's condition for example, satisfactory references.
- **An unconditional offer** - Once an unconditional job offer is made this cannot be withdrawn and if accepted the contract is formed.

References may be sought in writing, by email or by telephone. If writing/emailing to referees, enclose a Reference Request Form (available from the HR Advisor) and a copy of the job description and person specification. When taking references by telephone, you must keep a record of what was said, by whom and when. The effectiveness of references can be improved if you ask specific questions about the person's attendance record, relationships and explain the competencies which the job demands and ask whether, and how, such skills have been evident in the previous employment. It is also useful to phone the referee and/or previous employer to check points of doubt which may have arisen from the interview. Remember that references are only an aid to selection. It is essential that the confidentiality of the reference is respected.

If you have any concerns about the reference provided for the applicant, it may help to discuss these with the applicant directly. In some circumstances, offering the post on a probationary period might be considered.

12.3. Providing references

There is no legal obligation to provide a reference, and you can choose how much information you want to provide. When giving a reference, it must be fair and accurate.

References can include:

- Basic facts about the job applicant such as employment dates and job descriptions.
- Answers to questions that the potential employer has specifically asked about that are not usually given as basic facts, such as absence levels or confirming the reason for leaving.
- Details about the job applicant's skills and abilities.

Note

If asked to provide a reference for one of your team, mark it "provided in confidence". References should be provided 'closed' i.e., do not add "if I can be of further assistance, please contact me". Additional information provided informally in this way may fall outside of qualified privilege. Qualified privilege permits persons in positions of authority or trust to make statements or relay or report statements that would be considered slander and libel if made by anyone else. This privilege generally doesn't extend to

repetition of discredited statements, malice, or comments made outside of a formal process (e.g., referring to an employee's conduct or performance when this had not been addressed with the employee).

All references should be seen by the HR Advisor before issue. Copies of references sent should be provided to HR to keep on the employee's file. No other copies should be kept – this includes letters, emails sent, etc.

The Authority is under a duty of care to ensure that responsibilities to individuals as well as to the reference requester are upheld. References should therefore be factually accurate and not include information or refer to complaints not discussed with the employee. Verbal references must not be given.

12.4. **Aptitude/Selection Tests**

These can provide an objective and relatively accurate way of assessing key skills which are difficult to measure in an interview. Techniques are available to assess a wide range of skills and aptitudes at all levels. Examples include verbal reasoning, checking skills, numerical computation, clarification, personality, and behaviour assessment. These techniques must only be used and interpreted by qualified and experienced assessors. Such techniques are best used when the job details and the person specification show that it is essential to determine that a candidate has specific abilities, aptitudes, or behaviour. If you plan to use such tests, it is essential to book an assessor at the earliest opportunity.

Other types of tests can be used to provide alternative means of assessing candidates. These can include asking for a written report, a presentation, group discussion exercises and other practical exercises. Remember that facilitated aptitude tests are expensive so be sure that they will add value to the recruitment process before ordering them.

12.5. **Avoiding discrimination**

It is essential to check that an applicant will be able to fully participate in the selection process and that the test format and time allowance is appropriate. For example, spoken instructions may disadvantage an applicant with a hearing impairment. Adjustments should be made to the test to ensure all candidates can participate fully, or an alternative method of assessment found. Be prepared to offer the candidate the alternative of a single interviewer (plus an observer) rather than a full panel. This may be especially helpful for example for someone whose stammer increases under pressure or lip reads.

13. **INTERVIEWING**

13.1. **Arranging the interview**

Candidates should normally be given at least seven days' notice of an interview unless the date has been previously provided. Candidates can be informed by telephone, but this should be followed up with a letter or email confirming the details. If required, the candidates should be asked to bring certificates with them. Candidates who did not want their referees contacted should be asked if they will now allow this. Their response must be respected. Where the selection process requires candidates to undertake various assessment procedures, they should be informed of what to expect and the likely time involved.

It is good practice to telephone or meet a candidate with a disability prior to the interview to identify any practical difficulties concerning access, equipment, type of selection process, and timing of the interview. The selection decision must not be influenced by the extent of any adjustment identified.

13.2. **Interview panels**

Interview panels should normally consist of no more than four people. The use of small panels and a series of shorter interviews are encouraged. In all cases legislative provisions and the Standing Orders must be followed. The direct line manager of the vacant post and their line manager would normally attend interviews. Other employees may attend where appropriate, such as an HR professional. The interview questions should be agreed by the interview panel prior to the interviews taking place. The panel

should prepare thoroughly by knowing the job description and person specification and reading the applications.

Only persons involved in the selection process should be included in the final decision-making process. No officer or member should participate in recruitment interviews unless they have undergone appropriate training/coaching or briefing session.

Each panel member should receive the relevant information, which will normally include:

- A list of candidates and the interview timetable
- A copy of the job description and person specification and advert
- Interview report forms for each of the candidates
- Copy of the agreed questions to be asked at interview

13.3. The interview

The aims of the interview are to:

- Collect comprehensive information of the applicant as a potential employee
- Convey a positive but realistic picture of the organisation as an employer, and of the job applied for

It is a two-way process for the candidate and the employer to assess each other. The candidate should do most of the talking, probably about two-thirds. The following points should be observed by interviewers:

- Aim to get the best out of every candidate by adopting an encouraging and supportive manner; if you wish to explore or challenge a candidate's response this should be done in a way that is non-threatening, adopting a curious approach rather than a confrontational one. Listen and look alert, using all available non-verbal means of demonstrating attention.
- Avoid leaving the room during an interview as this has a disruptive effect on the flow of the process and may unintentionally prejudice a candidate's chances.
- There should be no interruptions - phones should be diverted and incoming messages only delivered between interviews.
- Seating arrangements - the physical layout of the interview area is important and should be conducive to the degree of formality required.
- Water should be provided for both panel members and candidates.
- Preserve the confidentiality of interview documentation from the candidates.
- Candidates should leave the interview feeling they have been given every opportunity to show their abilities in the areas which are essential to the job. If they go away believing that the interview has established all the relevant facts, they are likely to be reasonably satisfied with the recruitment decision and have a positive image about the Authority.

Sometimes face-to-face interviews cannot take place, for example during a pandemic when staff are required to work from home. Whilst this is not an ideal situation, it is still a formal process that follows the same principals as a face-to-face interview. Virtual interviews can be arranged using MS Teams, but other platforms can be used if necessary – our ICT team will be able to advise on this. In addition to the points above, the following points should also be observed:

- Separate appointments are set up for each candidate (not one appointment for the whole day) to avoid candidates possibly joining at an inappropriate time or during someone else's interview.
- A test is undertaken in good time before the first interview, checking MS Teams is working correctly and your Wi-fi signal is connected. Ensure the candidates have information on using MS Teams and details of who to contact should they have technical difficulties on the day.
- Allow a little more time than usual between interviews to accommodate any technical issues that occur during the day.

- Keep your microphone muted unless you are speaking or asking questions.
- Limit any distractions or interruptions in the home as much as possible. However, there are times when they cannot be avoided or are not expected, e.g., refuse collectors, deliveries, dogs barking, etc. As part of the welcome and introduction at the start of the interview, the Chair should mention these unexpected interruptions or technical problems to put the candidate at ease, and to remind everyone to mute their microphones.

Remember that what is said at the interview regarding terms and conditions and job content can form part of the contract and may be legally binding.

Each interview must remain flexible, but within a prearranged structure. The panel must decide on:

- The role of each interviewer and who will act as chair
- Individual areas for questioning
- The level of formality
- The sequence/structure of questioning which should be consistently applied to all candidates and should relate to the selection criteria
- When to discuss candidates' performance

Role of the Chairperson:

- Welcome the candidate, invite them to sit down and introduce the interview panel by name and title.
- Outline the structure of the interview.
- Invite the candidates to ask any questions or whether they need further information about the post/organisation.
- Review the effectiveness of the interviews and provide guidance to members of the interview panel.
- Guard against any discriminatory questions. If such a question is asked, the interviewer should be stopped. (See What Question Should be Used?)
- At the end of the interview inform the candidate what happens next and when. Check a contact telephone number if it is intended to inform them of the result by 'phone.
- Ensure that appropriate records of the interviews and rationale for the selection decision are produced.
- Check identification documentation. Section 8 of the Asylum and Immigration Act 1996 requires all employers in the United Kingdom to make basic document checks on every person they intend to employ. See section 16. By making these checks, employers can be sure they will not break the law by employing illegal workers.

What questions should be used?

A range of different types of questions are available to the interviewer. To be successful, the interviewer should use questions to both probe for the specific information required and to encourage the candidate to speak openly and fully about their experience. It is essential that adequate time is allowed for effective question preparation linked to the requirements of the person specification. Types of questions and their uses are identified below:

- **Open questions** get the candidate talking and provide facts, describe things, express opinions, e.g., "Tell me about the duties of your present job", "How would your recent work experience help in this post?", are very useful. Such questions normally start with the words "What/When/How/Who/Where".
- **Probing questions** search for information in greater depth and are vital for focusing the candidate on a particular area. Examples would be to repeat a word used by the candidate to seek clarification, e.g., "difficulties?"(i.e., echoing a statement made by the candidate), or "give me an example of.....?", or "what did you do then?".

- **Closed questions** requiring a "Yes" or "No" answer, e.g., "Do you enjoy your present job?" "Do you like dealing with the public?" should be avoided. However, it can be a useful question when seeking to clarify an answer.
- **Leading questions** where the answer is given away in the question itself, e.g., "This post requires someone with flair and imagination: how do you measure up to this requirement?" should be avoided.
- Avoid **double questions** where two or more questions are asked in one go, e.g., "Why have you applied for this post and why do you want to leave your present job?" The candidates will either answer the question they want to answer and ignore those which may be difficult, or they might just forget one of the questions.
- **Marathon questions** which involve long descriptions by the interviewer eventually leading to a question, waste valuable time and prevent learning much about the candidate.
- Avoid the *overuse* of **hypothetical questions** where a situation is described and the candidates are asked what they would do, e.g., "How would you deal with an angry member of public if faced with one?" What a candidate says they will do in such a situation may be entirely different from what they may actually do. It is better to ask candidates how they have dealt with such situations in the past, e.g., "Can you give me an example of when you had to deal with an angry member of the public?" Hypothetical questions work best when used to test technical knowledge alongside approach, e.g. "A member of the public has reported that their neighbour has built a conservatory – what legislation may the neighbour be in breach of?" followed up with "how would you respond to the neighbour's complaint?".

All questions asked at the interview - for appointment/internal promotion/training - must relate to the requirements of the job. Where it is necessary to assess whether personal circumstances will affect the performance of the job, this should be discussed objectively. The points should also be raised with all candidates, e.g., if there is a rotated requirement to work at the weekend/evenings etc. If the job demands certain physical and/or mental tasks, be as specific as possible, e.g., if lifting is involved, refer to *exact weights and how often it will be necessary*. It is impossible to list all discriminatory questions, but the following are blatant examples:

- How would you cope with opposition to you as a woman in charge of a male team?
- Did your male subordinates mind taking orders from you?
- What does your partner/spouse think of you doing this kind work?
- Are you planning to start a family?
- What problems have you experienced at work because of your race/disability?
- How do you control your diabetes?

These provide no information to assess the candidate against the person specification and could give rise to sexual/racial/disability discrimination claims.

Interview reports

It is important that notes are taken independently by each panel member during the interview, using an agreed format that scores against the person specification and job requirements. Evaluation statements should be backed up with evidence from the interview.

13.4. **Selection decision**

Each panel member should independently rate the candidates against the aspects of the person specification being tested through the interview. A rating system will be contained within the interview question form. Each panel member can then discuss their ratings to decide on the strongest candidate. The person to be appointed usually emerges from consensus. Where appropriate, use the results from any aptitude/work-based test to check the panel's judgement.

If there are differences of opinion amongst the panel, it is necessary to go back to the

requirements in the person specification and discuss each in turn. In most cases this will lead to a consensus. If there is a failure to agree, the most senior person at the interview should make the final decision, but in these circumstances, it is essential to pause and question whether any bias or discrimination has in any respect influenced decision making. If, for example, the decision is between two candidates, a second interview may be helpful where the panel can pick up on specific areas they want to ask about. **If the panel is not satisfied that any of the candidates meet the criteria for the post, then they should not appoint.**

13.5. **Records**

All original application forms, references and interview notes/assessments must be returned to HR and kept for six months. Information relating to internal candidates should be retained on their personal file. Additional copies should be collected from the interviewers and destroyed. Should a candidate submit a claim of discrimination to a tribunal, such records would be required as evidence.

Under the Information Commissioners Code of Practice underpinning the Data Protection Act 1998, applicants have an automatic right to see retained notes made by employers during interviews. It is important that retained notes are factual and do not contain opinion, which could imply some discriminatory treatment.

13.6. **Expenses**

The Authority wishes to ensure that its recruitment processes are as accessible as possible. If a candidate would otherwise experience difficulty in attending an interview, the Authority can assist with reasonable travelling expenses incurred in attending the interview on production of receipts. Travel expenses will either be reimbursed based on a second-class rail/bus fare or mileage, which will be paid at 10.0 pence per mile. Expenses for overnight stays or refreshments must be agreed prior to interview with the assumption that such expenses will not normally be paid. The upper limit for any interview attendance assistance is £60.00.

Expenses will not be paid until after the conclusion of the interview and in the event of a candidate withdrawing their application on grounds which are considered inadequate, no expenses will be paid.

14. **SAFE RECRUITMENT**

14.1. ENPA is committed to safeguarding the welfare of those accessing its services through the effective use of the DBS vetting process as part of its 'safe recruitment' process for relevant staff and volunteers. The disclosure process is part of a range of checks for assessing the suitability of candidates for employment. More detailed information regarding the legal requirements of obtaining disclosures and the eligibility criteria can be found in Policy Guidance on Disclosures and Safeguarding Policy.

14.2. Other safe recruitment checks must be undertaken for all new employees before they start, including:

- A visual check of ID to confirm eligibility to work in the UK and a copy should be kept on file
- Two satisfactory references

14.3. No employee whose post requires a DBS check should commence work before a disclosure certificate is obtained. Every effort must be made to obtain a disclosure prior to the individual commencing work with ENPA. If in exceptional circumstances an individual needs to commence work without the disclosure being available, a risk assessment must be undertaken by the manager and signed off by the Section Head once the following actions have been completed:

- All other pre-employment checks – ID and two references on file
- A correctly completed disclosure application has been submitted to the DBS

- The manager has undertaken a suitability risk assessment to determine and ensure that sufficient safeguards are in place to ensure the individual has no unsupervised access to children or vulnerable adults until fully cleared.

14.4. Following the notes in the Policy Guidance on Disclosures, HR will request to visually check the applicant's disclosure certificate as part of ENPA's recruitment process. A copy is not required as details are available on the SCC online system.

HR can provide advice and the relevant template documents.

15. OFFERING THE JOB

15.1. The successful candidate should be offered the job as soon as possible subject, as appropriate to:

- DBS screening (see section 14, Safe Recruitment, and section 16, Rehabilitation of Offenders Act)
- Recruitment checks being completed
- Probationary period
- Other major conditions of service

15.2. There are two types of offers that can be made:

- **Conditional job offers** - This can be withdrawn if the applicant does not meet the employer's condition for example, satisfactory references.
- **Unconditional job offers** - Once an unconditional job offer is made this cannot be withdrawn and if accepted the contract is formed.

Once satisfactory references have been received and the applicant is informed, an unconditional job offer can be made.

However, in some circumstances an applicant may be unwilling to allow references to be taken before they have been offered a position. In this situation inform the candidate that you are very interested in progressing their application further but need to obtain a reference from their current employer.

15.3. The unsuccessful candidates should be informed and confidential feedback on their interview will be provided if requested. Feedback to candidates should be factual. If they ask for full feedback, ensure you include positives as well as areas for improvement, remembering to stick to the evidence at the interview rather than assumptions you have made.

15.4. All interviewers and managers must be aware that if an offer of employment is made, whether orally or in writing, and that offer is accepted a contract exists. If the offer is subsequently withdrawn without the agreement of the other party, then there would be a breach of contract and a court action seeking damages could be instigated. Before offering employment, the manager should be certain of their authority to make such an offer and be clear about the relevant conditions of employment.

15.5. For many reasons, applicants may not have declared a hidden disability such as diabetes or a mental health problem during the recruitment process. Some are unwilling to disclose this sort of information for fear of being discriminated against. Others feel that their disability has no bearing on their capacity to do the job they are applying for and so is irrelevant. Similarly, some candidates may feel hesitant to discuss their caring responsibilities or other factors that would require a flexible working environment or other adjustments. When offering a job and adjustments to accommodate a disability or a requirement for flexible working practices arise, give the candidate another opportunity to discuss their needs and work with you to find a way forward. The best person to advise on any reasonable adjustments needed is usually the applicant, however, do not assume that they know of every adjustment that may be helpful. HR and/or an Occupational Health Advisor can assist you and the candidate to identify requirements and solutions.

16. PROFESSIONAL TRAINING FEES

- 16.1. ENPA recognises that it is important to invest in employee training and development to help people learn new skills, gain valuable experience, and become better-qualified staff members. We encourage workplace training, and, at the discretion of the Section Head and Chief Executive, we may offer training or training grants to encourage skills development and staff retention.
- 16.2. In some areas of work, it may be difficult to recruit suitably qualified staff and so the Authority may enter into Training Agreements with existing or potential employees, to support their professional development. In these cases, with the approval of the Section Head and Chief Executive, the Authority may enter into Training Agreements for costs over £1000, up to a maximum total grant of £5000. Time off for study may also be given at the discretion of the Section Head.
- 16.3. Where an employee joining the Authority has an outstanding debt relating to an existing training agreement with their former employer, the Authority may consider taking on the debt (up to a maximum of £5000). Application of this policy is entirely at the Authority's discretion and would apply where evidence shows that it has been difficult to recruit to the post and the professional training that had been undertaken is necessary for the post to be filled.
- 16.4. Where the candidate leaves the Authority within 2 years, pro-rata recovery of the grant will take place on 1/24 per month basis. A legal agreement will be drawn up between ENPA and the employee – template documents are on SharePoint within the Recruitment, Selection and Onboarding section.

17. **LEGAL REQUIREMENTS IN RECRUITMENT**

There is no single Act governing recruitment and selection but there are many Acts that deal with the employment relationship that will also have an impact on pre-employment issues.

17.1. **Diversity and inclusion**

The importance of diversity and inclusion should be considered at each stage of the recruitment process. Processes and systems should be regularly reviewed to ensure hidden bias is removed and that talent is not blocked from entering the organisation. Everyone taking part in activities such as shortlisting and interviewing should be aware of relevant legislation and the importance of avoiding discrimination.

It is against the law to discriminate against anyone because of age; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; disability; race including colour, nationality, ethnic or national origin; religion or belief, or lack of religion or belief; sex; sexual orientation. These are known as protected characteristics.

You are also protected from discrimination if you are associated with someone who has a protected characteristic (e.g., a family member or friend) or you have complained about discrimination or supported someone else's claim.

The Authority's recruitment processes ensure that no employee or job applicant should receive less favourable treatment than another on the grounds of race, nationality, ethnic or national origins, religion, gender, gender reassignment, sexual orientation, disability, age, marital status, social status, domestic responsibilities, political or trade union activity or other form of discrimination.

Managers should seek to ensure that assumptions, preferences, or judgements which are not strictly job-related form no part of the Authority's employment policies or practices. Discrimination claims may arise at any point in the employment process - in the wording of advertisements, at the interview, on appointment, in employment and in dismissal situations. They most commonly arise, however, from questioning at the interview.

The Authority is a Disability Confident accredited employer and is a signatory on the Charter for Employers Positive about Mental Health.

17.2. **Discrimination**

Direct discrimination is when an employer states that for example, "the job is for a man/single man/Englishman/white man", where there is no genuine occupational qualification to support such a statement.

In-direct discrimination occurs when the employer applies a requirement or condition to the job so that a considerably smaller proportion of one gender, physical disability, marital or racial group can comply; it is therefore, unjustifiable and to their detriment. Examples include:

- An unjustifiable age limit for a job (20-30 years of age) which would be to the detriment of women (fewer of whom could comply with it) as many have taken time out of employment for childbirth, also contravenes the European Codes of Practice on Age Discrimination
- An unjustifiable rule about clothing or uniforms which disproportionately disadvantages a racial group
- Higher language standards for the posts, e.g., for caretakers/cleaners, than are needed for the safe/effective performance of the jobs which disproportionately disadvantages a racial group, or a person with a communication related disability

17.3. Legislation

The Equality Act 2010

Under this Act, no employer can discriminate in any arrangements for advertising jobs or in the actual content of the job advertisement, job description or person specification. Poor wording in advertisements can be used as evidence of an intention to discriminate and a job applicant who is rejected or who doesn't apply because they don't meet the criteria may bring a claim of age or sex discrimination for example.

- **Age:** The Act protects people of all ages. However, there may be grounds to justify that different treatment because of age was not unlawful direct or indirect discrimination if you can demonstrate that it was a proportionate means of meeting a legitimate aim.
- **Disability:** You are disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

An employer is required to make reasonable adjustments when recruiting, selecting, inducting, and promoting disabled employees. The Act puts a duty on the employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment.

The Act includes protection from discrimination arising from disability - it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g., a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This is only justifiable if an employer can show that it was a proportionate means of achieving a legitimate aim. Indirect discrimination also covers disabled people which means that a job applicant or employee could claim that a particular rule or requirement in place disadvantages people with the same disability. Unless you could justify this, it would be unlawful.

The Act includes a provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

- **Gender reassignment:** The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts, or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – e.g., a woman who decides to live as a man, but does not undergo any medical procedures, would be covered.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

- **Marriage and civil partnership:** Protection under this act is provided for employees who are married or in a civil partnership against discrimination. Single people are not protected.
- **Pregnancy and maternity:** Women are protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. You must not consider an employee's period of absence due to pregnancy-related illness when deciding about her employment.
- **Race:** For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.
- **Religion or belief:** Under the Equality Act, religion includes any religion. It also includes no religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief, including no belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.
- **Sex:** Both men and women are protected under the Act.
- **Sexual orientation:** The Act protects bisexual, gay, heterosexual, and lesbian people.
- **Trade union membership:** You must not use membership of a trade union as a factor in deciding whether to employ someone. This includes:
 - Not employing someone because they are a member of a trade union
 - Insisting someone joins a trade union before you will employ them

Employing people with protected characteristics

You can choose a candidate who has a protected characteristic over one who doesn't if they are both suitable for the job and you think that people with that characteristic:

- Are underrepresented in the workforce, profession, or industry
- Suffer a disadvantage connected to that characteristic (e.g., people from a certain ethnic group are not often given jobs in your sector)

You can only do this if you're trying to address the under-representation or disadvantage for that characteristic. You must make decisions on a case-by-case basis and not because of a certain policy.

You cannot choose a candidate who is not as suitable for the job just because they have a protected characteristic.

When a disabled person and a non-disabled person both meet the job requirements, you can treat the disabled person more favourably.

Rehabilitation of Offenders Act 1974 and Rehabilitation of Offenders 1974 (Exceptions Order) 1975

This Act aims to prevent discrimination against ex-offenders once their criminal convictions are "spent". It is unlawful for an employer to ask about spent convictions or to let the fact that an applicant has a spent conviction influence a recruitment decision. However, there are a range of occupations, particularly in local government, which are excluded from the provisions of the Act. These primarily include jobs which provide

services to people under 18 years of age. For these posts, a spent conviction will be a legitimate ground for refusing to employ someone, but the applicants must be informed that the post is not covered by the Rehabilitation of Offenders Act. Officers writing references for employees who are known to have criminal convictions are advised not to mention this fact unless the job applied for is one of those listed in the exemptions above. Although it is not an offence to reveal the 'spent' convictions of an individual the Act has altered the position of referees by removing the defence to a civil action for damages that a statement was true even if given without malice.

The Safeguarding Vulnerable Groups Act 2006

This provides the legislative framework for a vetting and barring scheme (Disclosure and Barring Service) for people working with children and vulnerable adults. The Act establishes a central database of offenders in respect of people working, or applying to work, with children or vulnerable adults. Any person named on the list will be barred from working with children and/or vulnerable adults, or subject to monitoring.

More information can be found at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Pre-employment criminal records checks will be required for certain posts, particularly those working with children, vulnerable groups, such as the under 18s and people with mental health issues. Please see the Authority's Safeguarding Policy and Policy Guidance on Disclosures.

The Immigration, Asylum and Nationality Act 2006

This Act aims to prevent illegal migrant working in the UK. Under this Act, all UK employers must carry out document checks on all employees **before** any offer is made. Irrespective of the applicant's nationality or race, the checks must be undertaken consistently and without discrimination. The Home Office has provided a [Right to Work Checklist](#).

If an applicant uses the online checking service, a share code will be generated. HR must use the employers' online service to [check their right to work](#) using this share code.

To employ most workers from outside the UK, employers need to hold a sponsor licence which can be applied for through [UK visa sponsorship for employers - GOV.UK \(www.gov.uk\)](#)

ENPA does not hold a sponsor licence at this time but would consider applying for one should a suitable candidate be successful at interview.

The Data Protection Act 1998 and General Data Protection Regulations 2018

The act defines certain types of information as "sensitive data" and restrictions are imposed on employers in relation to the collection and use of such data, including in the recruitment process. The Authority will hold some information about employees and applicants on computer systems and is primarily for salaries, pension administration and statutory reporting purposes. Application forms from unsuccessful candidates will be kept for 6 months and then destroyed.

Review date	Revision	By
Mar-18	GDPR review	EW/RO
Nov-18	ACAS guidance on references	EW
Feb-21	8. Job Evaluation – new job evaluation scheme introduced 10. Advertising – to reflect use of Webrecruit 13. Interviewing – to include guidance on virtual interviews 14. New – Safe Recruitment 16. Updated document checks for workers from outside the UK following Brexit	EW
Oct-21	16. New – Professional training fees 17. Updated latest guidance on right to work checks	EW