

Recruitment and selection policy

Introduction

The council recognises its employees as being fundamental to its success. A strategic and professional approach to recruitment and selection help enable the organisation to attract and appoint employees with the necessary skills and attributes to fulfil its strategic aims and support the council's people first values. The policy has been designed to provide a flexible framework, which promotes good practice and adopts a proactive approach to equality and diversity.

The recruitment policy assists the way we target our audience in line with the organisational strategy and HR planning. Recruiting the right people for the jobs we advertise will help us achieve our objectives not only at a local level, but also at a strategic organisational level. Recruiting the wrong people can have a significant impact on the organisation, affecting the morale of the existing workforce and leading to increased costs through labour turnover. The purpose of the recruitment policy is to ensure that we are efficient, effective and fair in our process to match our requirements to the skills and experience available in the current labour market.

The policy applies to the recruitment and selection of all employees to the county council. All employees involved in any stage of the recruitment and selection process should adhere to the contents of the policy and guidance throughout the recruitment section.

As directed by the Safer recruitment and selection in education settings good practice guidelines, Surrey County Council is committed to safeguarding and promoting the welfare of children and young people and vulnerable adults and expects all staff to share this commitment. By ensuring that our recruitment and selection processes help to deter, reject or identify people who might abuse children, or are otherwise unsuited to work with them, we are able to strengthen safeguards for children and young people.

General principles

The balance of the labour force is changing, with some increase in the numbers of women, young people and most particularly older workers available for work. These considerations are reflected in the recruitment policy and the way we target our audience. Guidance has been produced on a number of employment areas to aid effective recruitment and ensure we comply with the current legislative requirements.

All employees involved in the recruitment process, should ensure they have been on the Recruitment, selection and interviewing skills course run through the Learning and development team. Employees

should be aware of their responsibilities in terms of good practice, current legislation and their commitment to equal opportunities.

All documentation and information relating to candidates will be treated as confidential and in accordance with the Data protection act. Documents will be kept for a period of six months and maintained by the Shared service centre (SSC) recruitment team. Candidates will have the right to feedback and to access any documentation held on them in accordance with the Data protection act. Candidates will be treated with respect and will be provided with the same information throughout the process to ensure a fair and equal system.

All applicants should be considered against the person specification, whether they are internal or external to the organisation.

Definition of terms

SCC Surrey County Council

SSC Shared services centre

must Use of the word '**must**' refers to a statutory duty flowing from (statute)... regulations. This would also apply to SCC policy, which is made under statutory powers. There is no scope for considering an alternative course of action for any matter in this guidance where the term 'must' is used; this relates to a statutory requirement.

should Use of the word '**should**' indicates a recommended course that should be adopted. This would apply to any of our guidance i.e. where we are recommending a course of action as 'best practice' and anyone choosing to take an alternative path must expect to have to justify it. Where 'should' is used, it is intended that this is the course that is followed and any deviation should only be for a good reason.

Key facts

- It is recommended that managers attend the recruitment, selection and interviewing skills course offered by the learning and development team.
- The recruiting manager should take the time to plan the process and make sure s/he is aware of the guidance and legislation involved in recruitment.
- The Shared services centre (SSC) recruitment team will produce a short-listing pack of all received applications and send this to the recruiting manager.
- It is the manager's responsibility to make arrangements for the short-listing and selection of the appropriate candidate.
- We must be able to demonstrate that arrangements for selection do not exclude certain groups of candidates and that the methods used are justifiable.
- In line with the Safeguarding children: Safer recruitment and selection in education settings good practice guidelines, Surrey county council is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment. Therefore, appropriate and thorough selection methods should be followed in order to help deter, reject or identify people who might abuse children, or are otherwise unsuited to work with them. The same applies to the welfare of vulnerable adults.

Guidance and operating procedures

Introduction to selection

There are various elements to the selection process. Careful consideration needs to be given to what methods of selection are chosen by recruiting managers so that the process is as effective as possible, and meets the objectives of the recruitment. It is recommended that managers attend the Recruitment, selection and interviewing skills course offered by the Learning and development team.

The implications of not recruiting fairly can be serious. You may not get the most suitable person for the job and the cost of recruiting again, if you make the wrong recruitment decisions, can be considerable. In addition you may be contravening legislation, e.g. in respect of equal opportunities, and be taken to an employment tribunal, if a candidate feels that they have been subject to discrimination. A structured approach will not only help you to select the best person for the job but also enable you to justify your decision should it be challenged.

The recruiting manager should take the time to plan the process and make sure s/he is aware of the guidance and legislation involved in recruitment. The procedure detailed in this section will give the recruiting manager an understanding of what needs to be considered. It is recommended that managers attend the SCC recruitment and interview skills training course before undertaking any recruitment.

Recruiting managers in Children's service, and Adults and community care, should bear in mind that Surrey County Council is committed to safeguarding and promoting the welfare of children and young people and vulnerable adults. As such, recruitment and selection should be conducted in accordance with the Safeguarding children: Safer recruitment and selection in education settings good practice guidelines. Appropriate and thorough selection methods should be followed in order to help deter, reject or identify people who might abuse children (or vulnerable adults), or are otherwise unsuited to work with them.

Roles and responsibilities during the selection process

If you are utilising a standardised approach to recruitment and selection, on the closing date of your advert, the Shared services centre (SSC) recruitment team will produce a short-listing pack of all received applications and send this to you. It will then be your responsibility to make arrangements for the short-listing and selection of the appropriate candidate(s). For a more detailed description of the process, you are referred to the .

If you are utilising a campaign approach (Variant A) to recruitment and selection, the SSC recruitment team will short-list candidates for you and book them directly into a pre-arranged assessment centre (or follow the process that has been agreed with you at the campaign planning stage). You, and other managers involved in the assessment centre, will be given candidates' application forms on the day. The selection methods used will have been agreed with you at the campaign planning stage. For a more detailed description of the process, you are referred to the .

Choosing a method of selection

There are a variety of selection methods available that can be utilised by the recruiting manager in the selection process. They all have their own strengths and weaknesses to assist in selecting the right candidate for the job. Used appropriately and in the right combination they have the potential to make a significant difference to the success of the organisation.

Selection needs to be thought out and planned in accordance to the role. The recruiting manager must avoid the following: Ignoring the selection criteria, over reliance on any one aspect of the process and any form of prejudice. We must be able to demonstrate that arrangements for selection do not exclude certain groups of candidates and that the methods used are justifiable.

With all selection techniques, the selection panel need to be clear as to the desired outcome of using the technique. It is important to understand your objectives and ask yourself the following questions:

- What does this method add to selection?
- How will it help selection?
- What are the difficulties?
- Can it be done fairly?
- Can the performance be rated fairly and consistently?
- Is it a suitable tool for measuring a certain selection criterion?
- What will be a 'good' or 'bad' performance in this method?

Tools of selection and their effectiveness

Application forms & CVs

The Council mostly uses the standard application form for advertised posts but there may be some occasions where a CV is deemed more suitable. CVs should not be accepted when recruiting to posts within the Children's service and Adults and community care, unless accompanied by a standard application form.

Job simulation (work sample) exercises

These are job related assessment tools, which allow candidates to demonstrate how they meet certain requirements in practice. They are best designed in-house to enable them to be job-specific, and are good for assessing behavioural competencies as well as application of relevant skills and knowledge. They are sometimes called "work sample" exercises. Candidates are likely to view these assessments as fair since they will mirror the actual tasks they may have to perform in the job. Some commonly used simulation exercises are presentations, in-tray exercises, written exercises, group discussions and role-play exercises.

In order to ensure that job-simulation exercises relate to the job being recruited to, it is the responsibility of the recruiting manager to compile the tasks to be included in these exercises. Further, as they are designed to simulate various aspects of the job, they must be clearly linked to the job profile, and a consistent scoring system should be devised and understood by all panel members/assessors.

Presentations

If the role will entail giving presentations or public speaking, it would be relevant as part of the selection process to include a presentation, which will often be part of the interview. However, it would not be reasonable to ask candidates to make a presentation where this was not an important part of the role.

Candidates should be given a brief in advance, preferably in their 'invite to interview' letter, so that they have enough time to prepare the proposed topic. Specifically, the 'invite to interview' letter should include the following information:

The topic for the presentation (which should be relevant to an area of knowledge, awareness, understanding or expertise required for the job)

Whether or not a laptop, overhead projector, flip chart, etc. would be available for the presentation.

Ideally, candidates should be asked to inform the panel in advance what equipment they will require to deliver their presentation. Where a laptop is used, it is important to check compatibility of the software.

How long the presentation should be

Examples of skills/competencies, which may be assessed are:

- **Oral communication** e.g. persuasiveness; verbal fluency and confidence in formal situations; ability to impart ideas or concepts or communicate vision; ability to analyse and articulate complex information in easily understood terms (this might involve candidates understanding a complex document, e.g. legal regulation).
- **Specific areas of knowledge** required for the job.
- **Planning and organising** assessed by how well the candidate structures the presentation and uses the limited time resource to get key messages across.
- **Strategic thinking** e.g. the topic may assess the extent to which candidates are aware of the external environment and its impact on the organisation (i.e. political, legislative, demographic, financial, technological); and/or it may be designed to assess the extent to which candidates take in the 'bigger picture', e.g. the notion of multi-professional working.

As mentioned above, a consistent scoring system should be devised and understood by all panel members. For an example, you are referred to the Presentation Record form.

In-tray and written exercises

In-tray exercises simulate the types of demands and day-to-day issues an employee may face in actually doing the job. This can give a real insight into how someone will perform and identify any training needs. A well-designed in-tray exercise can assess problem-solving skills, time management and prioritisation, planning and organising, delegation skills, and so on.

In-tray exercises usually consist of a number of memos, e-mails, telephone messages, reports, and other documents relevant to the job that is being applied for. These items have to be sifted and assessed according to urgency and relevance. Tasks might involve composing letters or memos for senior management, analysing budgets, or proposing solutions to job-related issues. It may also be appropriate to ask candidates to prepare a short report on their proposed course of action and their reasons for prioritising certain actions.

As well as designing the exercise, recruiting managers should consider the following:

- A reasonable time limit should be agreed for completion of the in-tray exercise. Are you expecting the candidate to be able to complete the whole exercise?
- As with all selection methods, it is important to be clear about the criteria being assessed.
- A clear brief for candidates should be prepared, explaining the exercise and what they have to do.

Written exercises or case studies can also be useful for assessing against relevant job-related criteria. They can be effective in assessing external awareness (e.g. key current issues facing local authorities), planning and organising, problem solving, and so on.

Group discussions

These are observed exercises using a number of assessors, including the recruiting manager. All short-listed candidates are brought together to discuss a specific brief and assessed on a number of job-related criteria. Group discussions can be highly effective for assessing a range of management skills such as social confidence, managing group dynamics, face-to-face communication, influencing skills, leadership skills, listening skills, and so on. Group discussions are usually used to assess senior job candidates, graduates trainees or any profession where interpersonal skill, self-awareness and ability to handle group dynamics are vital for success in the role.

Role-play exercises

Role-play exercises simulate the type of encounter a person needs to handle in the job and assesses the skills, knowledge and behavioural competencies required for performing the role well. Role-play exercises can be useful for assessing skills and behaviours such as interpersonal communication, negotiation and persuasive skills, concern for customer care, dealing with conflict, handling difficult employees, conducting a performance review, conducting a disciplinary investigation, conducting a return to work interview or a capability interview, and so on.

Psychometric testing

There is strict guidance to follow should the recruiting manager choose to use psychometric tests in the selection process. You are referred to for more information.

Telephone interviews

Telephone interviewing can be very effective for initial screening where posts are expected to receive a high level of response or to speed up the recruitment activity. It is essential that job requirements have been established so that specific information can be collected from all candidates in a simple clear manner. are used in campaign recruitment.

Interviews

The Council always uses panel interviews as part of a candidate's assessment and it will often be the main type of assessment. The panel should consist of a minimum of two interviewers and the chair should be experienced in interviewing and, ideally, have attended the Recruitment and Interview Skills course. The chairperson of the interview panel should normally be the manager of the job being recruited to, but may be a more senior manager. You are referred to Guidance on Conducting Interviews for more information on interviewing.

Recruiting managers in Children's service, and Adults and community care, should bear in mind that Surrey County Council is committed to safeguarding and promoting the welfare of children and young people and vulnerable adults. As such, interviews for posts within these Services should explore the applicant's suitability for work with children and vulnerable adults, as well as for the post.

References

The standard practice includes requesting two references for external candidates and one reference for internal candidates, with the provisional offer of employment being subject to references satisfactory to Surrey County Council. (Note – For internal appointments to the Family placement service, i.e. the fostering, adoption and permanency teams, two references should be obtained). The Shared services centre (SSC) recruitment team will request references (having gained consent from the candidate) after a verbal offer of employment has been made, and forward these to the recruiting manager for approval upon receipt. When recruiting to a position within Children's service and adults and community care, if the applicant has previously worked with children or adults, a reference should be sought from that employer, even if the applicant does not currently work with that client group.

The references for potential employees are requested through a reference questionnaire form, which will enhance the effectiveness by asking referees specific questions.

References should always be sought and obtained directly from the referee. References or testimonials provided by the candidate, or open references and testimonials, i.e. "To whom it may concern", should not be relied upon.

Recent case law concluding that employers are liable to the individual for any detrimental consequences of supplying false or inaccurate information has deterred many employers from giving

references or adopting a policy of providing only the basic factual information e.g. dates of employment and title of post held. Therefore, reliance on references as a selection tool should be limited and should be used as a final check to the selection process, along with any other pre-employment checks for the post.

Assessment centres

Selection techniques may be combined and applied together at events referred to as assessment centres. Such events normally last one to three days during which a group of candidates for a post will undertake a variety of tasks and be evaluated by multiple assessors. Assessment centres may use all of the selection tools described previously. The assessment centre process is designed to assess candidates against the key job criteria in as rigorous way as possible.

Assessment centres require a great deal of planning and require recruiting managers to be involved in the process from the beginning. The Chartered institute of personnel and development (CIPD) states that assessment centres can improve the predictability of selection processes when well designed with a clear job description and person specification in mind. They are valuable when there are many good candidates and the consequence of inappropriate recruitment is expensive or carries business risk. Within Surrey County Council, assessment centres have been used in campaign recruitment.

Fairness in selection

By law, employers must not discriminate on the grounds of race, sex, gender reassignment, marriage, part time working status, fixed term status, disability, spent criminal conviction*, trade union membership, sexual orientation or religion or belief (the law will be extended to cover age discrimination by October 2006). The recruiting manager must ensure all stages of the recruitment and selection process treat all applicants equally and fairly and must act in line with the Equal opportunities in employment policy. Reasonable adjustments to the recruitment and selection process must be made, should a disabled candidate meet the essential criteria for the post. For example, if candidates are required to complete a written exercise as part of the selection process, and a disabled candidate could only do so with the provision of a PC, this must be provided. You are referred to the following documents for specific guidance:

- Equal Opportunities policy
- Guidance on Psychometric testing

It is the responsibility of the recruiting manager to ensure that the access needs of individual disabled candidates are identified in advance, and accommodated on the day.

Please note that applicants have the opportunity to state any interview/assessment requirements on the application form in 'Section 12 – Selection arrangements'.

Guidance and operating procedures

Short-listing guidance

Short-listing considerations

Surrey County Council's policy ensures applicants with a disability are guaranteed an interview if they meet the essential criteria. A is sent out with the application pack for candidates to complete if applicable. Therefore, the hiring manager is responsible for ensuring this is checked at the short-listing stage and provisions are made for the interview/assessment. For further information, you are referred to the Equal Opportunities in Employment Policy.

If a post receives a high volume of applicants, it might be appropriate to hold preliminary or telephone interviews to provide an initial screening step by asking candidates a series of questions reflecting essential requirements for the job. Testing may also be an option for initial short-listing prior to an interview – you are referred to Selection Guidance.

If in any doubt about the acceptability of overseas qualifications, advice should be sought from the appropriate professional body (where applicable), the Department of Education and Employment or the National Equivalence Unit of the British Council.

Discrimination must be avoided except in those vary rare circumstances where a person's sex, race, religious or philosophical belief, sexual orientation, disability or age has already been identified as a genuine occupational qualification for the job under the terms of the relevant discrimination. However, this would have been identified and checked at the advertising stage of the process.

Guidance and operating procedures

How to write interview questions

A good interview should be structured to follow a previously agreed set of questions mirroring the person specification or job profile. If the interview is for a position in Children's service or Adults and community care, the questions should explore the candidate's suitability to work with children and vulnerable adults. It should also enable the candidate to talk freely when answering the questions and allow them the opportunity to ask questions. This is best achieved by asking open-ended questions followed by probing if required. An effective form of probing is to ask for specific examples from the candidate's own experience. Different types of question are detailed below.

Interviewers must not ask questions based on assumptions about candidates personal circumstances.

Types of question

- **Open questions** encourage the flow of information. Open questions usually begin with words like, 'what', 'when', 'where', 'tell me about', or 'how' and encourage an expansive response. Candidates usually respond well to open questions.

Example – What attracted you to apply for this post?

- **Scenario-based questions** are open in style and pose a 'What if...' situation. They can be useful in analysing knowledge, attitudes, reactions, creativity and speculative thinking.

Example - If you were asked a question, you were not able to answer, what would you do?

- **Probing questions** are used to follow up and obtain more detail. Their purpose is to draw out more information about specific points, aiming for depth of information.

Example - You say that you worked in a team, what was your main role as a member of that team?

- **Behavioural questions** seek advice from the past as an indicator of future performance.

Example - Please describe any experience you have of managing your own workload. How successful has your approach been?

- **Closed questions** are direct and focused, and encourage 'yes' or 'no' answers. They can help to control the flow of information.

Example – Have you supervised employees before?

- **Leading questions** are directive and indicate the preferred answer. These are unlikely to be useful in an interview.

Example – I expect you like to work as part of a team?

Guidance on conducting interviews

Interview preparation

A structured interview, designed to discover all relevant information and assess the competencies of the applicant, is an efficient method of focusing on the match between job and candidate. A structured interview method, also means there is a consistent form to interviews. Every candidate must be offered the same opportunities to give the best presentation of themselves, to demonstrate their suitability and to ask questions.

All interviews need careful preparation if they are to be successful. Each candidate should leave with a sense of being treated fairly and having had the opportunity to perform their best.

Interviewers should be fully experienced. Interview panels should have one member who has undertaken interview training, which can be achieved through the Recruitment, selection and interviewing skills course offered by the Human Resources and Organisational Development team. Interview panels should normally consist of 2-3 members, who should be aware of the following:

- Equal opportunities legislation
- Codes of practice
- Surrey County Council's Equal opportunities in employment policy
- Terms and conditions of the post
- Recruitment and appointment process adopted by Surrey County Council

Inviting applicants to interview

See stage 2 of the recruitment process of evaluating and shortlisting applications.

Interview planning

Interview planning is essential to ensure appropriate questions are asked and relevant information is obtained to enable the interviewers to assess the candidate against the job profile/person specification. If the interview is for a position in Children's service or Adults and community care, the questions should explore the candidate's suitability to work with children and vulnerable adults. In most cases, the Shared services centre (SSC) Recruitment team will be responsible for sending out letters inviting applicants for interview. It is important to remember the objectives of the Interview:

- To determine whether the candidate is suitable for the post (and to work with children or vulnerable adults, if applicable)
- To determine whether the job and the County Council are suitable for the candidate

- To create within the candidate a feeling of fair treatment

The interview format should be planned in advance to ensure everything is covered and important information is not missed. It also allows the opportunity to anticipate questions that might come up in the interview. An appropriate amount of time for each interview should be allocated. The length of the interview will depend on the role, the seniority and the type of Interview, but should be a minimum of 30 minutes.

Arrangements for candidates with disabilities

In the case of people with disabilities, special arrangements may be needed. Therefore, individuals are asked to confirm whether or not they require special arrangements at the 'invite to interview' stage. Arrangements that may be required include the following:

- Allowing deaf or speech impaired people to bring an interpreter with them
- Alerting employees to be prepared to show blind people to the place of interview
- Ensuring that the place of interview is accessible to any candidate with a mobility disability or that assistance is available to them when they arrive

Occupational Health can be contacted for advice on additional adjustments. For further information, recruiting managers are referred to the Equal opportunities in employment policy.

Interview questions

The interview questions should be set in advance to meet the objectives above and should be based on the job description and person specification. Questions must not be based on personal information or views irrelevant to the job. If the interview is for a position in Children's service or Adults and community care, the questions should explore the candidate's suitability to work with children and vulnerable adults. In this situation, as well as assessing the applicant's suitability for the particular post, the interview panel should also explore the candidate's attitude towards children and young people, and vulnerable adults, and their ability to support the Council's agenda for safeguarding and promoting the welfare of children, and vulnerable adults. The best way to explore the facts is to encourage the candidate to talk freely, i.e. ask open-ended questions starting with 'how', 'what', 'why', 'when' or 'where'. The panel should identify and agree the required standards of performance and how to record them. For guidance on how to write interview questions, recruiting managers are referred to 'How to write interview questions'.

The interview process

The interview should be structured in terms of content with introductions, interview questions, the opportunity for applicants to ask questions and a summary of next steps. It is common for the candidate to be nervous and the aim of the interview is to put them at their ease and to draw

information from them to decide if they are suitable for the post. The following points can be used when conducting interviews to put the candidate at ease and ensure the process is as effective as possible:

- Introduce yourself and the other members of the panel
- Give some background information about the organisation and the role
- Structure the questions to cover all the relevant areas and try and ask open-ended questions to encourage the candidate to talk freely
- Avoid leading questions
- Listen and make brief notes so that the questions can be marked following the interview
- Have a time frame and keep to it, allowing time for candidates to ask any questions
- Discuss with the candidate the terms and conditions of the role
- Confirm to the candidate what will happen next and ensure realistic time-scales are given and keep to them
- Inform the candidate that all appointments are subject to satisfactory medical clearance, references and a criminal records check, if applicable to the post.
- Thank the candidate for attending.

A record of the interviews, including reasons for rejection or selection must be made. The codes printed on the standard application form can be used, supplemented by notes and an Interview record form. Members of the panel should agree the prime reasons for selection or non-selection and the original copy of the application form should be marked accordingly, and signed and dated by a nominated member of the panel. All relevant papers relating to an application must be retained for a minimum of 6 months in order to demonstrate why a particular candidate was not successful in the event of any enquiry or complaint of discrimination.

A selection should not be made if the candidates seen were not up to the required standard. In this event it is better to see further candidates previously not included on the final short-list but put 'on hold', or to arrange for a re-advertisement or other method of sourcing candidates.

The physical environment can be just as important as the actual content of the interview. The environment does not only affect the candidate's performance but can also display the image and culture of the organisation. The recruiting manager should ensure the Interview process runs smoothly by arranging the following:

- Booking all Interview rooms and ensuring the Panel are available. The interview should be conducted in an environment that will put the candidate at ease. There should be no interruptions and phones should be diverted.
- Ensuring reception is aware of the interviews and have a list of names ready and details of who to contact when the candidates arrive.

- Arrange for someone to collect the candidate, photocopy all documents and provide refreshments, including water. Note – All candidates would have been asked to bring with them their passport as proof of eligibility to work in the UK and any other specified documents, e.g. proof of essential qualifications and/or CRB documentation. The interview panel should request these documents, photocopy them, and sign them to verify that they have seen the original. An offer of employment will be delayed if this is not completed, because of the requirement to comply with legislation on eligibility to work in the UK.

Recruiting managers are referred to the , which details key issues that should be considered throughout the interview process.

Avoiding discrimination during the interview process

Surrey County Council is fully committed to the principle of equal opportunities in recruitment and employment and opposes all forms of unlawful or unfair discrimination including those on the grounds of age, asylum or refugee status, caring responsibility, civil partner status, class, criminal conviction*, disability (including physical or sensory impairment, mental health problems or learning disability), ethnic or national origin (including Travellers), gender, gender reassignment, HIV status, marital status, race, religious belief or non-belief, sexual orientation, trade union membership or working arrangements (including casual and part-time working). Individual employees are responsible for ensuring that their own conduct is consistent with the Equal opportunities in employment policy.

DO	Ask questions which test the candidate's suitability in terms of the skills, qualifications, experience, etc., which have already been determined as necessary for the job.
DO	Be aware of the possibility of personal bias intervening and ask yourself whether you are giving each candidate a fair opportunity.
DO	Bear in mind the possible misunderstandings which can occur between persons of different backgrounds and do not penalise the candidate as a result.
DO	Ask probing questions to draw out more information from the candidate.
DO	Explain the role requirements and ask if they are able to fulfil them, if there is a potential conflict between the duties of the job and personal commitments.
DO NOT	Imply discrimination by asking questions which go against the County Council's Statement of equal opportunity.
DO NOT	Ask question about a candidate's marriage or family plans, or family commitments.
DO NOT	Ask candidates questions about their ethnic origin or that of their family, or how they would react to a supervisor of a different sex or race.
DO NOT	When interviewing a person with a disability ask more questions about the nature of the disability than are necessary to establish the person's ability to undertake the job or the need for any aids or adaptations.

Clearly some questions represent stereotyped attitudes about sex or race or carry a presumption that may be wholly unfounded. As a general rule ask similar questions of all candidates. Only vary the questions where there are good reasons based on factors other than race/sex/marital status. In the case of a woman, consider whether you would put the same question to a man; if the answer is "no" because you consider men and women as a whole are different in a particular respect, then the question is probably discriminatory.

In certain specific cases questions must be asked of all or some candidates which might appear to be discriminatory but are not, because they relate to exclusions catered for in the relevant legislation or to the County Council's need to safeguard itself from breaking the law. An example of the latter is the need to ask to see proof of eligibility to work in the UK.

*For certain posts, an exception from the Rehabilitation of offenders act applies and hence a question can and must be asked about the existence of any offences, whether "spent" or not within the terms of the Act. Similarly, candidates should be reminded that in the event of their selection, offers of employment will be subject to confirmation of their eligibility through the Procedure on criminal background where the protection of children or vulnerable adults is involved.

Safer Recruitment policy (formerly CRB policy)

Introduction

Surrey County Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment.

This policy document, for which Human Resources is responsible, provides the underpinning framework for safer recruitment and continued monitoring based on statutory requirements and good practice.

The provision of further guidance, procedures and protocols is devolved to the Deputy Head of HR & Organisational Development; for schools, Babcock 4S. All published policy and guidance must be adhered to by managers and others recruiting and managing staff with access to vulnerable adults and children.

Following the deaths of Holly Wells and Jessica Chapman at Soham in 2002, the recruitment of staff who work with children and vulnerable adults was brought into sharp focus when their murderer, a college caretaker, was discovered to have been reported to police for alleged sexual abuse of young women at geographically diverse locations; however, as he had never been cautioned or convicted, the information was not disclosed in his CRB check to relevant prospective employers. The lack of a robust nationwide information system had contributed to his employers not being alerted to potential risks. There followed an enquiry by Sir Michael Bichard, who made a range of recommendations- many of which will come into effect in October 2009.

In the meantime, it is of paramount importance that all concerned remain vigilant and that managers make the best possible use of all sources of information available to them in an effort to ensure that the events of Soham, or similar, are never repeated.

Purpose

The primary purpose of this policy document (and the Recruitment & Selection policy document) is to ensure that SCC provides a robust recruitment process; to try and identify those who would be unsuitable; to deter the small minority -who seek to sexually harm children or vulnerable adults; and, to select and maintain a safe workforce. In this way, SCC aims to ensure that the children and vulnerable adults for whom SCC provide services, enjoy the highest possible level of protection when receiving these services.

The secondary purpose of this policy document is to ensure that SCC and its staff meet their legal obligations, maintain adequate and auditable records, and that SCC is not vulnerable to legal challenge either directly or vicariously.

This document provides managers and staff with the instructions and information they require to ensure safer recruitment for safeguarding the vulnerable groups with whom they work. Further advice and guidance is provided by the Deputy Head of HR and Organisational Development.

An equality impact assessment has been carried out as part of the review process.

This guide provides the following information. Use the links below to select the individual pages within the policy you require or if you would like to view/print the whole document [click here](#).

The Statutory Requirements: It is a requirement that everyone working with children and/or vulnerable adults must have CRB disclosure at the enhanced level. CRB disclosure should include a check against List 99, Children's Barred List, and Adults Barred List.

Disclosure must be obtained prior to the individual commencing employment and must be re-checked at three yearly intervals or more frequently if there is cause for concern.

Failure to comply with this requirement may lead to action under the SCC Disciplinary Policy.

Responsibilities: SCC has responsibility for ensuring that recruitment, selection, and retention decisions for posts working with children and vulnerable adults who use SCC services are safe, and that the authority meets its social and statutory obligations.

The management and monitoring of this responsibility is devolved to the Deputy Head of HR and Organisational Development for service areas other than those covered by Babcock 4S and those schools that choose not to use the services of Babcock 4S. However, the Deputy Head of HR and Organisational Development will work closely with Babcock 4S and schools outside the influence of Babcock 4S to develop their knowledge and to promulgate good practice procedures and protocols.

For clarity, devolved responsibility requires the following:

- Decisions as to which posts require CRB vetting;
- Decisions as to whether posts require standard or enhanced CRB disclosure;
- Monitoring policy compliance and ensuring consistency of application;
- Acting as lead Counter signatory and managing the list of counter signatories;
- Being the primary point of contact for CRB;
- Providing procedures, protocols, advice and guidance to managers where risk assessment and discretionary decisions are required including advice regarding creation of audit trails;
- Monitoring the application of the CRB Code of Practice and data protection as it relates to CRB documentation;
- Financial management of the safeguarding processes.

The role of the Criminal Records Bureau (CRB)

The CRB is an executive agency of the Home Office set up under the Police Act 1997 to carry out criminal record checks on prospective employees and volunteers. It acts on behalf of registered bodies recruiting to posts, exempt from the Rehabilitation of Offenders Act (ROA) or where other statutory regulations permit or require such vetting. SCC is such an employer.

There are two levels of disclosure:

- **Standard Disclosure:** applies to posts exempted by the ROA and contains details of both spent and unspent convictions as well as cautions, reprimands and final warnings. This is used for areas of employment involving regular contact with children and/or vulnerable adults.
- **Enhanced Disclosure:** contains the same information as the Standard Disclosure together with non-conviction information from local police records. This is appropriate for jobs involving caring, supervising, training or being in sole charge of children and/or vulnerable adults.

Based on CRB Regulations and SCC policy, the manager must make the decision as to whether or not a post requires CRB disclosure at the time of advertising.

The CRB do not take decisions on behalf of the employer, it rather provides information on which the employer can take a decision. Services must consult with the Deputy Head of HR and Organisational Development (or with Babcock 4S for those schools working under their umbrella) where any such decisions are not clear-cut or a lack of consistency across the Service becomes apparent.

Overseas workers and students: CRB cannot check criminal records from overseas. Applicants from overseas must obtain a disclosure from their country of origin, which should be verified by the Service prior to appointment.

Concerted efforts should be made to help candidates obtain overseas equivalent of CRB checks in order to avoid discrimination or perceptions of discrimination under Race Relations legislation. In most cases it is for the candidate themselves to apply through the relevant channels but in some instances it is for the receiving organisation to verify the applicant's request for disclosure.

It is a criminal offence under the Asylum & Immigration Act 1996, the Nationality, Immigration & Asylum Act 2002 and the Asylum & Immigration Act (A) 2004 to employ anyone who does not have leave to be in the UK or to work in the UK. Recruiting managers must ensure that any necessary permissions to work in the UK are in place and current. CRB checks will not establish the presence or currency of work permits. The Border and Immigration Agency operate a Helpline and Employer Checking Service. Failure to comply with this requirement will be referred to the Code of Discipline.

Work Placement Students. CRB disclosures must be carried out on work placement students who will have frequent and/or intensive access to children and/or vulnerable adults.

Who should obtain CRB disclosure ?

Recruiting managers are responsible for obtaining CRB disclosure.

SCC's policy is that new CRB disclosure must be obtained at recruitment or redeployment for any position or role defined as "regulated activity".

Services and recruiting managers must not accept a previous disclosure obtained for that person by another organisation, irrespective of how recent it is. SCC does not regard CRB disclosures as portable between organisations; in particular CRB checks are only valid on the day of issue.

Re-checking: Managers must ensure that employees who have been checked by the CRB are re-checked at 3 yearly intervals and service managers are responsible for ensuring this is carried out. SSC will issue reminders to managers six months before expiry of the current CRB disclosure with a further reminder at the three-month point.

Managers must ensure that if the employee is on long term sick or maternity leave when their CRB expires they start the re-checking process in advance of the employee's return to work.

Please note that from November 2011, CRB Disclosure applications are to be processed online through our eCRB system. For more information and guidance on how CRB renewals are managed and what to do if you or your team member require a CRB renewal, please visit the eCRB S:net pages.

Agency Staff It is the responsibility of any supplying agency to ensure that staff provided to SCC have received appropriate CRB clearance. However, Services managers must ensure that supplied staff have the requisite registration and clearance, which meets the requirements of the post and this policy document and that evidence of such checking is retained for audit purposes.

SCC Policy on the recruitment of ex-offenders: SCC policy is reflected in the statement reproduced at Appendix 4. Managers must ensure all employees and applicants for employment are aware of and apply this policy.

Job applicants are not obliged to reveal spent convictions unless the post is exempt from the Rehabilitation of Offenders Act 1974, which should be clearly indicated on the application form.

Nature of conviction	Period until conviction is 'spent' (Rehabilitation period)
Conditional discharge or bind-over to keep the peace	One year
A fine or sentence subject to rehabilitation or a probationary sentence	Five years (2.5 if convicted under the age of 18)
Imprisonment for up to 6 months	Seven years (3.5 if convicted under the age of 18)
Imprisonment for more than 6 months but less than 30 months	Ten years (5 if convicted under the age of 18)

The presence of a previous conviction does not necessarily bar an individual, provided it does not lead to automatic List 99, Children or Adults barring.

If a conviction is revealed, a risk assessment must be carried out as part of the decision making process in collaboration with the Deputy Head of HR and Organisational Development or Babcock 4S.

Section 4 (2) of the Rehabilitation of Offenders Act provides that if a question is put to a rehabilitated person about previous convictions it can be treated as though it does not refer to spent convictions. Therefore, although it is quite legitimate for an employer to ask about an employee's previous convictions, the employee does not have to disclose any that are spent.

During the rehabilitation period the individual must disclose his/her convictions when asked to do so by a potential employer and it would be legitimate to refuse employment on the basis of that conviction.

Certain posts are exempt from the Rehabilitation of Offenders Act. That is, there is always an obligation to reveal a conviction and it is not illegal to refuse or end employment solely on the grounds of that conviction. It is important to stress, however, that the obligation to reveal convictions only arises if the question is asked.

As an additional safeguarding procedure, and in addition to CRB checks, where a professional qualification is mandatory for the post, managers must confirm professional registration with awarding bodies or professional registers and a record of that confirmation kept on file.

Applying discretion: There is no opportunity to apply discretion where the applicant or employee is on the Children's Barred List and Adults Barred List.

CRB disclosure might reveal cautions or convictions for offences, which in themselves do not cause an individual to be barred, but which may give cause for concern in respect of a specific job role, for example a drugs related offence. In such cases, managers should refer to any procedures or protocols published by the Deputy Head of HR and Organisational Development. If those procedures or protocols do not clarify the situation, then a decision must be sought from the Deputy Head of HR and Organisational Development or Babcock 4S as appropriate. An audit trail should be retained detailing the risk assessment and decision-making process.

Managers may find the following, but non-exhaustive, list helpful:

The nature of the offence

In relation to **drug offences**, the type and volume of drugs involved and, if hard drugs were involved, medical evidence must be obtained to ensure the individual is no longer a user.

Whilst any **violent crime** would be a contra-indicator, a distinction would need to be made between the various levels of violence such as:

- carrying offensive weapons
- common assault
- actual bodily harm (ABH)
- grievous bodily harm (GBH)

The impact of **fraud offences** would need to be considered in relation to working with children or vulnerable adults in their daily living situation.

Frequency of the offence

A series of offences is obviously of greater concern than an isolated minor offence.

The nature of the job role

Drinking and driving offences would be relevant in situations involving the transportation of children or vulnerable adults, although local authority licensing departments and PSV licences already require CRB clearance.

Drinking offences may impact on any caring role. Consideration needs to be given to the impact of the offence on the applicant's/employee's ability to discharge their duties without compromising the safety of the vulnerable people.

Where the individual is already an employee of SCC, managers should refer to the SCC Drugs & Alcohol policy as part of the decision making process.

When the offence occurred

Offences that took place many years ago may have less relevance than recent offences. Similarly, the age of the individual at the time of the offence may be relevant. There is a consensus that soft drug offences when under 20, if not repeated, would not be an automatic bar. Serious violent, drug or sexual offences would be a major cause for concern, as would any prison sentence. Care should be taken to avoid contravention of Article 13 of the Treaty of Amsterdam (further details in Appendix 1).

Honesty and disclosure

If an applicant discloses, gives a full account, and/or there are extenuating circumstances, this can impact positively on discretion particularly in cases involving minor offences and/or when an individual can show that there has been a learning opportunity. Instances of disclosing one offence, but being a serial offender, and/or only disclosing less concerning offences but not disclosing serious ones should be viewed with caution. Failure to disclose where English is not the first language must be looked at in relation to the applicant's ability to understand the guidance.

Sexual Offences

The majority of sexual offences will automatically bar an individual from working with children or vulnerable adults. However, prior to the Sexual Offences Act 1967 consensual homosexual activity was a criminal offence and there remain a small number of men with a criminal record for activity that has not been unlawful for over 40 years. Care should be taken not to infringe Article 13 of the Treaty of Amsterdam (see Appendix 1) that makes it unlawful to discriminate on the grounds of sexual orientation.

Where non-convicted sexual abuse allegations are disclosed on enhanced CRB checks, the Deputy Head of HR and Organisational Development must be consulted for advice.

Acting as an umbrella body for other organisations

SCC will obtain checks on all potential employees and volunteers to be directly employed by the council.

SCC also acts as an umbrella body for other organisations. As a registered body, it countersigns applications to CRB and receives disclosed information on behalf of organisations that have chosen not to register in their own right.

If agreement with the organisation is reached, that SCC will be acting as an Umbrella Body for them, SCC will take all reasonable steps to ensure that the organisation:

- Can comply fully with the CRB Code of Practice
- Will handle, use, store, retain and dispose of disclosure information in full compliance with the CRB Code and in full accordance with the policy
- Has such a written policy on criminal records and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose
- Completes and verify the employee details on the CRB Disclosure Application form. SCC will add the unique counter signatory number and signature

It is strongly recommended that a written contractual agreement be in place with the organisation, which clearly sets out the responsibilities and obligations of both SCC and the organisation to whom the disclosure service is being provided.

SCC staff should avoid providing advice and guidance to other organisations, as such advice may lead to third party liability and subsequent claims for damages against both the individual providing advice and SCC who have vicarious liability.