

Recruitment and referencing policy

1 Introduction and purpose

- 1.1 Our effectiveness depends on the quality of the work of all our employees and the behaviours they demonstrate. This sets out the procedure to be followed where employees are recruited and references are requested as part of the selection process to join us. It also applies to existing employees who are part of the selection process for a new role. This procedure is intended to ensure a prompt, fair, open and consistent approach in all cases.
- 1.2 The procedure has been developed in line with the guidelines set out by ACAS (Advisory, Conciliation and Arbitration Service) for ensuring fairness in the treatment of candidates and the appropriate steps to follow.
- 1.3 We will take account of the requirements of open competition as defined by the Civil Service which include:
 - **Merit** - the appointment of the best available person: no one should be appointed to a job unless they are competent to do it and the job must be offered to the person who would do it best.
 - **Fair** - there is no bias in the assessment of candidates. Selection processes must be objective, impartial and applied consistently.
 - **Open** - means that job opportunities must be advertised publicly and potential candidates given reasonable access to information about the job and its requirements, and about the selection process.

2 Scope

- 2.1 This procedure applies to all candidates and employees.

3 Amendments

- 3.1 We reserve the right to amend this policy including legislative changes and will consult with employees and/or their representatives as appropriate.

4 Principles

- 4.1 The following principles will apply in the application of this procedure:
- 4.2 We aim to treat any candidate for a role fairly and with dignity and respect in line with our core values.
- 4.3 Our primary duty remains to permit gambling and ensure it is crime free, fair and open and children and vulnerable people are protected. The recruitment of colleagues who reflect the organisation's values and are committed to delivering on this duty is vital. It is important therefore that the approach to recruitment is transparent and understood.

- 4.4 Confidentiality will be preserved as far as practicable and in line with the requirements of the Data Protection Act, and only those who need it will have access to relevant information. Candidates can request feedback and access to any documentation regarding themselves if they wish.
- 4.5 The procedure will be managed in a timely manner whilst giving employees every opportunity and time to present their application and be considered.
- 4.6 Prospective candidates will have a reasonable opportunity to become aware of vacancies (including any current employees on long term leave), will have sufficient information on the vacancy and will have a reasonable time in which to apply.
- 4.7 The outcome of any selection process will not be pre-judged or pre-determined. Any outcome will be based on an evaluation of objective selection criteria (including skills, competencies, relevant experience and abilities) and the evidence available and all candidates will be considered equally on merit at all stages.
- 4.8 To ensure fair treatment in the application of this procedure, employees can provide information about any equality or diversity issues which may be relevant.
- 4.9 If a role is based in Wales the process will comply with the Welsh Language Scheme.
- 4.10 We are committed to developing internal colleagues for the benefit of both the individual and the organisation and actively encourage internal transfers and promotions as appropriate.

5 Roles and responsibilities

- 5.1 Employees are responsible for:
- applying for internal roles for which they wish to be considered in accordance with the selection process
 - arranging to attend any selection process in a timely manner
 - preparing and taking an active part in the process and presenting their application in a positive manner
 - attending training and provision of support provided to help them either during the selection process or in the role to which they are appointed
 - participating in a selection process as a member of an agreed recruitment selection panel as requested.
- 5.2 Resource managers are responsible for:
- familiarising themselves with this policy and procedure and communicating to colleagues for whom they are responsible
 - attending any training/briefing sessions which are provided to assist them with the fair and consistent implementation of the procedure
 - implementing this policy and procedure and arranging the supporting procedures within their area of responsibility
 - involving HR and taking advice where appropriate
 - dealing on an informal basis with expressions of interest in roles
 - providing information/evidence as part of a selection process
 - ensuring any equality and diversity issues raised during the implementation of this policy and procedure are adequately addressed.

- part of the selection process including as a member of an agreed recruitment selection panel.

5.3 The HR team is responsible for:

- being actively involved in consideration of candidates for specified vacancies
- advising on the design of selection processes and the composition of selection panels including the appropriate level of manager/director to act as chair (taking into account the level of the role being recruited for)
- providing advice and guidance to managers, providing support in the application of this policy
- ensuring all managers are trained/briefed on how to apply this procedure consistently and fairly
- reviewing the continued relevance and appropriateness of the policy and procedure in line with our policy review programme and developing legislation.

6 Consideration of role

- 6.1 When considering recruitment for a role and whether a vacancy needs to be filled the recruiting manager should take into account whether there is budget for the role, whether there are other ways of resourcing the work for example, can it be undertaken by an existing role/employee, and what skills and competencies are necessary, especially if there are skills gaps to be filled. Particular attention should be paid to recruitment for leadership roles where skills in leading people in a style which fits our culture will be equally as important as technical skills.
- 6.2 HR will take an active part in ensuring that the mix of roles and skills across the organisation is appropriate and will enable us to achieve our aims and objectives.

7 Vacancy approval

- 7.1 Recruitment to any new or existing/replacement vacancy must be approved by the Executive Group by way of the submission of a business case.

8 Advertising

- 8.1 All advertisements and supporting literature must contain all relevant information to give candidates a clear picture of the role. The supporting literature should include a role profile covering a job and person specification (in effect details of the responsibilities, skills, competencies, experience and knowledge necessary to do the job). Details of the timescales for the selection process should also be included if possible, including a closing date that gives candidates sufficient time to apply. Normally this will be for a minimum of one week, (which should include a weekend) although a longer period is perfectly acceptable as long as the closing date is clear on the advert.
- 8.2 Consideration should be given to using a variety of media including our website. Where roles are advertised externally, as a minimum advertisements should appear on both our website and at least one other publication or website to maximise the potential pool of applicants.
- 8.3 The advertisement should state whether the job is permanent or fixed term, full or part time and the salary range.

- 8.4 There may be other exceptions to the principle of using open competition for example, short term appointments requiring a specialised mix of skills and experience where it may be appropriate to use a recruitment agency to source candidates.
- 8.5 Where recruitment agencies are to be used, terms should be agreed prior to receipt of any CVs and be clear in terms of payment terms, percentage rates and any other relevant terms. Advice should be taken from HR, legal and procurement as appropriate.
- 8.6 Roles of manager and above will normally be advertised internally and externally at the same time. There may be exceptions, for example if there is a particular skill or experience required at short notice.
- 8.7 For senior officer and below a decision will be made on each occasion as to whether advertising will be internal only. In certain circumstances, for example, where recent recruitment has exhausted the availability of potential internal candidates or a role is so specialist it is known the skills are not available internally it is likely we will advertise externally as well. The final decision will rest with the recruiting manager with advice from HR.
- 8.8 Exceptionally a director, in conjunction with HR, may decide not to advertise. This is likely to occur if an employee has been displaced for example where there is risk of redundancy, the ending of a fixed term contract or following reorganisation where it is clear a selection process is unnecessary or only a limited selection pool of candidates is appropriate.
- 8.9 Employees are encouraged to discuss their application with their resource manager before applying for a short term position to confirm they can be released for the duration of the short term vacancy.

9 Short term vacancies

- 9.1 In some cases, for example for business continuity or where there is a need for a particular skills set, short term vacancies may not be made available to current employees and a recruitment agency may be used to source candidates quickly.

10 Application process

- 10.1 Candidates should be asked to submit:
- a CV and a covering letter (of no more than two pages) or, for internal candidates for some roles, an expression of interest form showing their experience against the key criteria for the role
 - a diversity monitoring form
 - an eligibility for employment and security clearance form.
- 10.2 The last two forms will not be available to the shortlisting or interview panel.

11 Diversity monitoring

- 11.1 To ensure our equality and diversity policy is effective and that there is no discrimination in recruitment all candidates will be asked (but not required) to provide information on the key characteristics that relate to equality and diversity in employment. This will be by

completing the diversity monitoring form. The information will not be used for selection purposes.

- 11.2 The information will be used for monitoring purposes and to update confidential recruitment information on the employee database, under the terms of the Data Protection Act. The information will be used to produce statistical reports to assess the impact of the Equality and Diversity policy and promote equality of opportunity.

12 Selection

12.1 Shortlisting

- 12.2 Candidates will only be shortlisted for interview if they meet the criteria outlined in the job and person specification. If there is an excessive number of candidates who meet the essential criteria for example, more than six, then further shortlisting may be carried out based on desirable criteria to achieve a workable shortlist.

- 12.3 Shortlisting should be undertaken by at least two people who are experienced in the recruitment process and who will subsequently be involved in the interviewing process. Decisions to shortlist a candidate for interview must be based on objective criteria as shown on the job advert. The process can be completed separately by the panel members as it is now an online process. It is the responsibility of the recruiting manager to collate the list of candidates and forward to HR.

- 12.4 If an employee involved in the recruitment process has a relationship – personal or otherwise with an applicant they must declare this as soon as they are aware of the application. Consideration will then be given as to whether or not they should participate in the recruitment process.

- 12.5 As part of our recruitment and selection process we will guarantee to interview all disabled applicants who have demonstrated that they meet the minimum essential criteria for a job vacancy

12.6 Recruitment panels

- 12.7 Panel members must have been trained in recruitment and selection.

- 12.8 For roles of manager and above the recruitment panel will comprise of a minimum of three trained managers, at least one of whom must be external to the recruiting area.

- 12.9 For roles of senior officer and below the panel will comprise of a minimum of two trained managers, ideally one of whom should be external to recruitment area but this can be discussed with HR if timescales are impacted.

12.10 Selection process

- 12.11 The selection process may include more than one stage and include telephone interviews, tests, presentations, interviews, role plays and psychometric tests etc. This should be agreed at the start of the recruitment process with HR.

- 12.12 All candidates who attend interviews will be asked a standard format of questions, which will have been agreed by the interview panel prior to the interviews. All questions must be

related to the job requirements and asked in order to assess the candidate's suitability to undertake the role.

- 12.13 All managers sitting on interview panels must be prepared to feedback to unsuccessful candidates why this was the case, and all applicants interviewed must be offered the opportunity to receive feedback.

12.14 Assessment

- 12.15 Any assessments developed as part of the recruitment process must be directly related to the role in question and must be measurable against objective criteria. Candidates must be informed of the details when they are invited for interview and given sufficient opportunity to prepare if necessary. This should be discussed with HR at the beginning of the process to ensure it is appropriate to the role.

- 12.16 Where tests are set by recruiting managers consideration should be given to what reasonable adjustments can be made for a candidate who has a disability or a protected characteristic which may make the assessment method more challenging for them than for other candidates, and how to address this.

- 12.17 HR will advise on the assessment process.

12.18 Travel reimbursement

- 12.19 Any reasonable costs incurred to an individual as a direct result of attending an interview can be reimbursed but will not be paid if an offer of further interview or employment is rejected. Mileage and public transport rates will be in line with our Travel and Subsistence Policy. Proof of purchase will be required for all claims where available. To make a claim, the candidate should contact HR for the appropriate expense claim form.

- 12.20 Where candidates are applying from overseas, advice should be sought in advance of travel as to what expenses might be payable. It may be appropriate to consider undertaking interviews via video conference to minimise costs.

12.21 Appointment

- 12.22 The choice of candidate will be discussed and agreed by the recruitment panel and will be based on an assessment of the candidate against the job criteria. The panel will take account of any other relevant information that has been generated as part of the selection process, for example results of any assessment activity.

- 12.23 The final decision on which candidate, if any, to appoint following interview will rest with the recruiting manager/chair of the recruitment panel, subject to the agreement of the panel that the chosen candidate is appointable.

- 12.24 A formal offer of appointment will be conditional upon receipt of references which satisfy the requirements, satisfactory evidence of eligibility to work in the UK and other appropriate checks including security as applicable to the post.

- 12.25 Employment offers should be discussed with HR in the first instance to ensure salary is appropriate given market factors, current salary, internal salary scales and any other relevant factors -for example- the level of skill, knowledge and expertise they bring to role.

- 12.26 After the formal offer stage we will ask the appointed candidate whether they wish to disclose a disability. A confidential medical form will be provided which is returned to Occupational Health who will discuss this with the candidate if necessary. This will enable appropriate adjustments to be made prior to joining.

12.27 Internal transfers

- 12.28 Our priorities are paramount when agreeing a transfer date to a new role and it may take up to three months or be much quicker depending on the priorities at the time of appointment.
- 12.29 Managers are therefore expected to reach agreement on transfer dates with overall priorities in mind.
- 12.30 Any changed terms and conditions due to an internal transfer would usually apply from the date the new role is actually commenced, subject to any specific agreement otherwise.

12.31 Role changes

- 12.32 Probationary periods must be completed before an application for a new role will be considered.
- 12.33 In addition, employees need to have worked for at least six months in their current role before being considered for another role unless there is an urgent business need which will be considered on a case by case basis and should be discussed with a HR Business Partner.
- 12.34 Employees who undertake a new role internally will not have a probationary period in their new role or be able to go back to their previous role should the new role not be suitable unless reasonably practicable.
- 12.35 There may be rare circumstances when an employee is not performing in their new role following a period of training and in such a case the capability policy and procedure would be applied.

13 Employment checks

- 13.1 In accordance with the Immigration, Asylum and Nationality Act 2006 we require candidates to confirm their eligibility for employment in the UK at the point of application and before making any offer of employment. Original documents will be required and copies taken which must be signed and dated by the HR team either at interview stage or on their first day prior to starting work.
- 13.2 We require all potential employees to undertake a level of security screening and vetting which will be dependent on the level and nature of the role. Candidates will be notified of the level of clearance required and how to undertake this at time of offer. This is made clear in advertising and during interviews. It is not intended that the outcome of vetting processes should delay recruitment. A candidate may commence employment prior to the necessary satisfactory clearances being undertaken. There may be occasions where this is not possible and the candidate is not permitted to commence employment until security clearance is obtained.

- 13.3 In accordance with the Rehabilitation of Offenders Act we can request that applicants provide information on any spent/unspent convictions. Having a conviction will not prevent an applicant from being considered for employment. Offences declared will be considered in relation to their nature and seriousness in terms of the post applied for, for example a conviction for fraud may prevent a person from being appointed to the Finance function, whilst a conviction for drink driving may not.
- 13.4 Where specific qualifications for a particular role are essential/required the candidate will be asked to provide the original documentation and copies must be taken either at interview stage or more likely on the first day of employment.
- 13.5 All new employees will be asked to provide a minimum of two satisfactory employment references covering at least one year's employment history and any gaps in employment are accounted for. If the references received do not cover the one year of employment, then further employment references will be sought. Where all references have not been obtained or are unsatisfactory the probationary period will not be confirmed as satisfactory. See Induction and Probationary policy.

14 Giving references

- 14.1 We may be held liable where the information provided to another employer in a reference has been relied upon to appoint/not appoint an employee and this information has been found to be negligent, false or misleading.
- 14.2 Any external reference requests which are seen to be provided by the Commission will be provided through HR. Employees should not therefore provide verbal or written references for colleagues to prospective employers.
- 14.3 Employees may decide to provide a personal reference where personal knowledge is required. However, it should be clear the basis upon which it is provided and not seen to be linked to the Commission in any way
- 14.4 Caution must be exercised when providing a verbal reference as it is as legally binding as a written reference. If a reference is requested by phone it is important to confirm the identity of the caller and ensure the request is legitimate. Callers should be advised to submit a formal reference request in writing to the HR Team.
- 14.5 However, where failure to provide a detailed reference may have a serious detrimental impact on an employee or adverse conclusions are likely to be drawn, for example a reference request for an Executive Director, an appropriate Director may provide a written reference or verbal reference followed up in writing, following discussion with the Head of HR.

15 Obtaining references

- 15.1 We will request references to obtain, in confidence, factual information about the past history of an applicant, as well as opinions regarding his or her character, quality of work and suitability for the new position.
- 15.2 References will be obtained by the HR team as part of the pre-employment check process and will be kept on an employee's personal file.

- 15.3 The Data Protection Act imposes a duty on us to provide access to employment references held on file to employees who request them. This right of access applies to references that have been supplied by third parties. An employee can have access to information which is about them, but may not necessarily have access to information about other people, including their opinion, provided in confidence.
- 15.4 We will not withhold information provided in references which is already known to the employee. Where it is not clear whether information, including referee's opinions, is known to the individual, HR will contact the referee and ask whether they object to this being provided.
- 15.5 Where a reference is not considered satisfactory this will be discussed with the employee. Employment may be terminated where satisfactory references cannot be obtained. Further advice should be sought from HR in this situation

16 Salary

- 16.1 We will evaluate any role that does not already have a salary history or previous job evaluation history. A market rate report will be as a comparison.

Internal appointments – salary

- 16.2 Salaries will be an advertised circa mid-point of the salary banding within a grade, e.g. if the banding is £24,000 - £26,500 within the Officer grade, we will advertise both internally and externally the salary as c£25,250.
- 16.3 If an employee moves to another role within their grade and their current salary is within the advertised band then we will pay at least their existing salary or more dependent upon relevant skills and experience.
- 16.4 For development purposes, an employee may choose to apply for a role lower than their existing salary. This would normally lead to an actual reduction in pay to reflect the advertised band of the role to which they have been appointed.
- 16.5 Where a colleague is promoted between grades such as Senior Officer to Manager, a minimum increase in salary of 10% on their substantive salary or the bottom of the advertised band whichever is the greater will be awarded, or more dependent on relevant skills and experience
- 16.6 If such an appointment takes place after 1 February in any year, a pay uplift will not be awarded in the April of that year. This will be made clear in the recruitment paperwork sent to the individual.
- 16.7 Employees can jump more than one grade on promotion, for example, Senior Officer to Senior Manager, if they possess the requisite skills and experience for the appointment.
- 16.8 The reasons for awarding a particular salary will be recorded by HR.

17 Exceptions to following the normal process

- 17.1 Recruitment by the process outlined here will always be pursued wherever possible to test the market and secure the best person for the role. The primary objective of permitting

certain exceptions from that rule is to provide flexibility where it is genuinely necessary to meet our needs, or where significant cost savings can be made. We will allow exceptions to the recruitment principles to be made in the following areas in agreement with the Head of HR:

- short term appointments
- where there is clearly only one suitable person for the post and that person was originally recruited by fair and open competition
- when a recruitment exercise would be a genuine waste of time and resources
- where a secondment is planned
- where there is a surplus of acceptable candidates from a previous recruitment exercise within the last four months.

18 Sickness during the recruitments process

- 18.1 If an employee goes off sick at any point during the recruitment process, we will continue with the process as far as possible in their absence.
- 18.2 If the absence is anticipated to be short term the recruitment process may be suspended until the employee returns. If the absence is anticipated to be longer term, for example over four weeks, the candidate may be considered in their absence if there is sufficient information available and the employee may be asked to provide written representations. Employees may however be able to participate even if they are not fit to attend work and we will seek to establish if the employee is fit to take part in the process.
- 18.3 There will normally only be one postponement of an interview or selection process, after which the process may continue without the participation of the employee.
- 18.4 Where an external candidate is unable to attend interview or assessments due to illness, consideration will be given to whether it is practical to provide another opportunity at a later date. However, if the recruitment process is at an advanced stage and/or such a decision could result in the loss of candidates this may be refused.

19 Record keeping

- 19.1 At all stages of the recruitment process, it is the responsibility of the panel to ensure that notes are kept detailing the reasons for selection or rejection of candidates. The notes should be recorded on the recruitment portal. These notes could be called upon as evidence of the fairness of the process, either through an internal assessment or to support an external investigation. The notes are therefore essential and should be relevant to the process. It should be noted that applicants would normally be entitled to have access to interview notes about them which are retained as part of the record of the interview. All records must be passed to HR by the chair of the interview panel.
- 19.2 CVs, application forms and shortlisting/interview sheets, notes of unsuccessful candidates, diversity monitoring forms, and the eligibility for employment and security clearance forms will be retained on our recruitment portal for one year in line with our data retention policy.
- 19.3 Applicants who registered on the recruitment portal and there has been no activity for approaching one year will be notified by email that their account will be archived unless they log onto the recruitment portal to keep their account 'live'. If no action has been taken by the applicant their account will be archived and they will need to register again for any future applications.

20 Data protection and confidentiality

- 20.1 All application details are treated with the utmost confidentiality. It is the responsibility of the recruiting manager and HR to ensure that suitable arrangements are made for confidentiality to be maintained.
- 20.2 We will adhere to the provisions of the Data Protection Act throughout all stages of the recruitment and selection process. All recruitment related papers, and records will be treated as *official – sensitive*.
- 20.3 The Data Protection Act (1998) (DPA) does apply to references and even where a reference is marked confidential, its contents may still be disclosed to someone other than the intended recipient in effect. Access may be requested under the Data Protection Act (1998) or via the courts if a claim has been made.
- 20.4 Under the DPA, as the provider of the reference, the referee is not legally obliged to disclose its contents to the subject. However, the subject can legitimately request access from the recipient of the reference in effect the prospective employer, so long as all third parties have given consent or their details have been anonymised.

21 Related documents

- 21.1 At any time during the implementation of this policy and procedure it may be appropriate to refer to the following procedures:
- Data protection policy
 - Equality and diversity policy
 - Security clearance policy
 - Values and behaviours
 - Job evaluation policy.

22 Monitoring and review

- 22.1 This policy and procedure is maintained by HR and will be reviewed on a regular basis and in any event if there are changes to employment legislation.
- 22.2 The Joint Negotiating Committee will be consulted about any proposed changes.
- 22.3 The effective implementation of this policy and procedure will be monitored by the HR team in conjunction with the Joint Negotiating Committee.

23 Impact on equality assessment

- 23.1 We aim to design and implement policies and procedures that meet the diverse needs of our service populations and workforce, ensuring that none are placed at a disadvantage over others.
- 23.2 As part of its development, this policy and procedure and its impact on equality have been assessed. The assessment is to minimise and, if possible, remove any disproportionate impact on employees on the grounds of their race, sex, disability, age, sexual orientation, religion or belief, marital or civil partnership status. No detriment was identified.

Appendix 1

Levels of authority

Managers are authorised to recruit at the following levels:

| Responsibility | Ownership | |
|--|-----------|----|
| | Manager | HR |
| Update role profile and submit for job evaluation if necessary | ✓ | |
| Undertake job evaluation | | ✓ |
| Prepare business case for approval and forward to HR | ✓ | |
| Follow vacancy approval process | | ✓ |
| Consider and agree where role should be advertised | ✓ | ✓ |
| Draft advertisement copy | ✓ | ✓ |
| Advertise vacancy | | ✓ |
| Commission recruitment agencies | | ✓ |
| Send out application packs if necessary | | ✓ |
| Acknowledge receipt of applications | | ✓ |
| Separate diversity/security forms from applications | | ✓ |
| Agree shortlisting process/timescale | ✓ | ✓ |
| Shortlist and make appropriate notes | ✓ | |
| Make interview/testing arrangements | ✓ | |
| Invite candidates to interview | ✓ | ✓ |
| Prepare shortlisting form and a copy/ print off CVs/covering letter/ expressions of interest form for the panel | ✓ | ✓ |
| Prepare interview packs including a copy of the CV/covering letter/expressions of interest form and interview assessment forms for the panel | | ✓ |
| Conduct interviews and make notes | ✓ | |
| Make offer of post after discussing with HR and advise unsuccessful candidates | ✓ | ✓ |
| Provide feedback to unsuccessful candidates | ✓ | |

This table is to be used as a guide.

Please seek advice and clarification from HR at the outset of any recruitment procedure.