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RECRUITMENT AND SELECTION PROCEDURE (NON-MEDICAL STAFF)

Introduction and Aim

We recognise the importance of ensuring we attract and retain the highest quality of employees with the right values and behaviours to enable Cardiff and Value UHB (CAVUHB) to achieve its objectives. We are committed to promoting inclusion, where all staff have a sense of belonging and we value our differences and fully advocate, cultivate and support an inclusive working environment where staff treat one another with dignity and respect and where diversity is celebrated.

At CAVUHB we pride ourselves on being a great place to train, work and live; with inclusion, wellbeing and development at the heart of everything we do. We have developed our [People & Culture Plan](#) to improve the experience of staff, to ensure the improvements we have made over recent years continue, and to confront the challenges which have arisen as a result of the pandemic and subsequent recovery period. It sets out the actions we will take over the next three years, with a clear focus on improving the wellbeing, inclusion, capability and engagement of our workforce. The plan is built around [7 key themes](#) with an added emphasis on retention in theme 3 to recognise the importance of retaining our workforce as well as recruiting new people.

The Recruitment and Selection Procedure is designed to support managers in providing a fair, consistent and effective approach to the recruitment of all employees at all levels, in accordance with current employment legislation and best practice.

Objectives

- To ensure that appointing managers and applicants are clear about their role and the role of other stakeholders in the recruitment and selection procedure
- To ensure that appointing managers and applicants are clear about the principles underlying the recruitment and selection processes
- To support managers in appointing the best candidate for each position
- To ensure that all necessary steps are taken before a new member of staff starts with the UHB including all relevant employment checks
- To promote the UHB Values and Behaviours and ensure that these are embedded into the recruitment and selection process
- To ensure appointing managers are following an inclusive recruitment approach
- Think differently about how we attract and recruit our current and future workforce in line with the People and Culture Plan. This includes working with social care partners to develop an integrated workforce and supporting a diverse workforce and inclusive culture.

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- Work at all times within current employment legislation and best practice guidelines to ensure a fair and equitable recruitment process
- Ensure that, before a job is advertised, consideration is given to whether there is scope for modernisation or skill mix to enable improvement
- Ensure that every post has a written job description, person specification and Job Plan (as appropriate)
- Employ staff on permanent contracts of employment as the norm, with fixed term contracts only used where necessary and appropriate and only using internal secondment arrangements (e.g. 'expressions of interest') exceptionally, when normal recruitment is not possible
- Ensure that there is no conflict of interest e.g. the appointing officer must declare any relationship with candidates
- Ensure that all shortlisted applicants have a formal interview before an appointment can be made. No discriminatory questions will be asked.
- Actively consider Welsh language skills as part of the recruitment process to help meet the UHB's commitment to providing quality healthcare through the medium of Welsh
- Ensure that new staff are welcomed and settled into their role in the organisation, and enable them to become as effective as soon as possible, through a carefully planned induction programme.
- Develop a greater understanding of the demographics of our workforce and work towards ensuring that it reflects the population we serve

Scope

This procedure applies to all managers and staff who are involved in the recruitment and selection of staff employed under Agenda for Change Terms and Conditions and any other employees except for doctors and dentists.

Separate procedures apply when recruiting medical and dental staff. Advice on these procedures can be obtained from Medical Workforce.

Equality & Health Impact Assessment

An Equality & Health Impact Assessment has been completed – this covers the Recruitment and Selection Policy and any accompanying procedures, including the Recruitment and Selection Procedure and Fixed Term Procedure. The EHIA found there to be a positive impact.

Documents to read alongside this Procedure

[Recruitment and Selection Policy](#)
[Recruitment and Selection Procedure for Medical and Dental Staff](#)
[Recruitment & Retention Payment Protocol](#)
 Internal Appointment Process
[NWSSP Recruiting Manager Pack](#)
[Disclosure and Barring Service Procedure](#)

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	Secondment Policy Fixed Term Contract Procedure Professional Registration procedure Organisational Change Policy Redeployment Procedure New and Changed Jobs Protocol Supporting Transgender Staff Procedure Relationships in Work Policy Adaptable Workforce Policy
Approved by	Employment Policy Sub Group
Accountable Executive or Clinical Board Director	Executive Director of People and Culture
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<p><u>Disclaimer</u></p> <p>If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the Governance Directorate.</p>	

Summary of reviews/amendments			
Version Number	Date Review Approved	Date Published	Summary of Amendments
1	24/05/18	04/07/18	New document. Procedural elements were previously contained in the Recruitment and Selection Policy. Key changes are: <ul style="list-style-type: none"> - applicants added to objectives - applicants responsibilities added - Section on values based recruitment strengthened and updated to reflect revised UHB Values - Reference made to the New and Change Jobs process. This must be followed whenever changes are made to a JD/PS - Sessional work with a responsibility allowance added to exceptional posts which do not have to use NHS Jobs/Trac

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			<ul style="list-style-type: none"> - Legal Framework (Appendix 1) updated and strengthened. Victimisation and harassment added. - Appendix 2 (starting salaries) updated to provide greater clarity. Reckonable service to be used to determine incremental credit for voluntary moves to a lower pay band.
1a	30.09.20	20.10.20	Internal Appointments Process incorporated
1b	23.09.21	09.11.21	Accountable Executive updated to Executive Director of People and Culture Rolled forward for 1 years with no further changes
2			Inclusive Recruitment guidance incorporated
			Recruitment and Selection Process updated/re-formatted with headings (Establish the vacancy, Approval, Advertising, Selection, Interviewing, Offer of employment, Employment Checks and Employment References)
			Emphasis added to not advertise vacancies as secondments or fixed term contracts as default or be used to test a candidates' suitability.
			Guidance added to not state a specific number of years' experience required for the role.
			Secondment and Fixed Term Contract vacancies should be advertised as normal via the TRAC recruitment process, unless there are exceptional circumstances agreed with the People Services department. Reasons for 'expression of interest' added.
			Incorporated reference to Relationships in Work Policy
			Updated that a minimum of two short listers are required for best practice
			Included updated process for offering a 'proposed start date' ahead of employment checks completion. References to ' Manager Guidance – Proposed Start Date '

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			Updated rules for employment checks:- Breakdown of checks which are mandatory, risk assessable and non-blocking. Implemented Digital ID software that enables applicants to verify their ID digitally, removing the need for a face to face ID check appointment
	18/01/23	07/02/23	Guidance added surrounding the confidential checking process for trans applicants who don't want to reveal details of their previous identity-to a potential or existing employer on a DBS application.

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1	<p>RESPONSIBILITIES</p> <p>Applicants are required to:</p> <ul style="list-style-type: none"> • Submit an accurate and complete application • Notify the appointing manager if they are unable to attend an interview or assessment • Provide the appropriate documentation to enable pre-employment checks to be undertaken in a timely manner without undue delay. <p>Recruiting Managers are required to:</p> <ul style="list-style-type: none"> • Ensure that they follow this Procedure and adhere to the recruitment and selection principles set out in it • Act in a way that ensures the organisation’s recruitment, selection and appointment of staff is done in a fair, anti-discriminatory and safe manner, and that the UHB values and behaviours are considered as an integral part of the recruitment process • Ensure that they treat individuals in line with our UHBs Values and Behaviours • Understand and ensure that they follow the ‘Inclusive Recruitment’ approach within this procedure. • Understand their role as appointing officer and the role played by Workforce and OD and the NHS Wales Shared Services Partnership (NWSSP) – Employment Services Team and ensure that those elements of the process that they are responsible for are completed thoroughly and in a timely way • Seek advice from the P&C function before making an offer of employment if they are unsure about the appointment or starting salary <p>The People & Culture team are required to:</p> <ul style="list-style-type: none"> • Provide advice on the vacancy approval process and the appropriate documentation that must be submitted • Provide advice on legislation and the principles that govern the recruitment and selection process • Provide advice on starting salaries • Ensure that managers have adequate information, guidance and support to fulfil their role in the recruitment and selection of staff • Offer support and guidance to managers to help them meet the Disability Confident requirements • Maintain close links with NWSSP to ensure compliance, quality and efficiency in all aspects of the recruitment and selection process <p>NHS Wales Shared Services Partnership provides recruitment services for all non-medical and dental appointments in NHS Wales. The Employment Services team within NWSSP is responsible for advertising and recruiting into vacant posts in a professional, timely manner and ensuring that all the required pre-employment checks take place.</p>
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2	<p>INCLUSIVE RECRUITMENT</p> <p>Cardiff and Vale UHB recognises that our staff perform better when they can be who they are and feel comfortable in the workplace. The UHB is committed to advancing equality and building an inclusive workplace culture, where everyone is treated with respect and dignity and everyone feels valued.</p> <p>Having a diverse staff group enables the workplace to be a more inclusive organisation and improve patient care. Inclusion creates a fairer society where everyone has the chance to fulfil their potential. Inclusion is about an individual's experience within the workplace and in their wider society.</p> <p>Cardiff and Vale UHB is committed to promoting inclusion, where all staff have a sense of belonging, where differences are valued. We aim to create a working environment where every individual can fulfil their potential no matter their disability, sex, gender identity, race, sexual orientation, age, religion or belief, pregnancy and maternity or marriage and civil partnership status.</p> <p>The UHB engages in several inclusivity initiatives including:</p> <ul style="list-style-type: none"> • An LGBTQ+ Network that works to make LGBTQ+ issues more visible within the work environment, serving as an inclusive resource for all employees across the Health Board. • Disability Confident Employer status • Equality, Inclusion and Human Rights Policy • Stonewall Diversity Champions • Black Asian and Minority Ethnic Staff Network • Policy for supporting Trans staff • Supporting Carers Guidelines • Working with DFN Project Search, a programme providing training in employability to young people with learning disabilities and/or autism <p>Any equality data submitted during the recruitment process is treated confidentially and is kept separate from applications. It is not to be seen by the panel short-listing or those interviewing candidates.</p> <p>Cardiff and Vale UHB are a Disability Confident committed employer, and operate a guaranteed interview scheme for people who have declared themselves disabled (as defined by the Equality Act 2010), and meet the essential shortlisting criteria. TRAC will highlight candidates who have declared a disability when the lead shortlister finalises the shortlisting. The recruiting/line manager is responsible for ensuring all reasonable adjustments are made to ensure they can attend for interview. Further advice can be sought from the recruitment team.</p> <p>The UHB is Stonewall Diversity Champion and also supports the DWP Age Positive Campaign. This means that the UHB is committed to ensuring it does not</p>
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	<p>discriminate on the basis of sexual orientation or age in its recruitment and selection processes.</p> <p>As a Mindful Employer the UHB is committed to increasing awareness of mental health at work and offering a positive approach in the recruitment and retention of staff living with mental health issues. Lived experience should be considered a valuable asset and may indeed constitute an essential or desirable element of the person specification for certain roles such as 'peer support worker'.</p> <p>The UHB also supports the Step into Health initiative and offers an access route into employment and other career development opportunities within the NHS to members of the Armed Forces community. It is open to all service leavers, reservists, veterans, Cadet Force Adult Volunteers and the families of all of these. When applying under the scheme, a 'medal' icon is displayed on Trac. This should guarantee them an interview as long as they fulfil all of the essential criteria</p>
3	RECRUITMENT AND THE WELSH LANGUAGE
	<p>The UHB is committed to providing quality healthcare through the medium of Welsh and Welsh language skills must be actively considered as part of the recruitment process.</p> <p>Where Welsh has been identified as essential or desirable on the job description, posts must be advertised and recruited to on that basis, provided all other professional qualifications and experience are suitable.</p>
4	DISCRIMINATION AND LEGAL CONSIDERATIONS
	<p>At each stage of the recruitment process due consideration must be paid to the legislation enacted to ensure the elimination of discrimination under the Equality Act 2010. This legislation is outlined under Appendix 1.</p>
5	VALUES BASED RECRUITMENT
	<p>Values based recruitment (VBR) is an approach to help attract and select employees whose personal values and behaviours align with those of the Health Board values and behaviours. It is about enhancing existing processes to ensure that we recruit the right workforce not only with the right skills and in the right numbers, but with the right values to support effective team working and excellent patient care and experience.</p> <p>VBR can be delivered in a number of ways, for example through pre-screening assessments, values based interviewing techniques or assessment centre approaches.</p> <p>The key outcome from the process is to attract a candidate who is technically skilled, has appropriate experience, who shares our values and has a desire to do the job.</p>

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	<p>The Values Based Recruitment guidance document can be found here.</p> <p>Within Cardiff and Vale UHB we have defined our Values as:</p> <ul style="list-style-type: none"> • Kind and Caring • Respectful • Trust and Integrity • Personal Responsibility
6	RECRUITMENT AND SELECTION PROCESS
	<p>The UHB aims to work at all times within current employment legislation and best practice guidelines to ensure a fair and equitable recruitment process. At each stage of the recruitment process due consideration must be paid to the legal framework attached as Appendix 1.</p> <p>All UHB employees involved in the recruitment and selection process have a duty to adhere to the principles set out below:</p>
6.1	ESTABLISH THE VACANCY
	<p>The recruiting/line manager is responsible for identifying when there is a vacancy to be recruited to. All vacancies, whether new or current, must be reviewed in line with the needs of the service. Before deciding to advertise a post, managers should be certain that a real vacancy exists and be clear about the requirements of the job. Like for like replacements should not be taken for granted. Consideration should be given to whether or not there is scope for modernisation or skill mix before replacing posts – when determining this, managers may want to explore information from exit questionnaires, benchmarking, consultation with staff/trade unions and feedback from service users. If a skills mix is under consideration there should be a clear delineation of the differences in tasks between the new job and the old one.</p> <p>Managers should always review the job description and person specification to ensure that it is up to date and accurate. Person specifications must reflect all the skills, knowledge and abilities that are required for the role.</p> <p>Job descriptions and person specifications that have required significant changes, will need to be approved through the Job Evaluation Process within the People Assurance and Experience team under People & Culture. When making changes, managers can liaise with the People Services team for support and guidance. The New and Changed Jobs Protocol must be followed to ensure that the changes have not affected the pay band of the post.</p>

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Managers should consider what kind of contract of employment is being offered and use of secondments and fixed-term contracts should be limited. The starting point should always be to employ staff on a permanent basis so we can attract and retain the best candidates and ensure our people feel valued and part of the future of the UHB. Fixed-term contracts and secondments should only be used in limited circumstances where there is a genuine need to employ somebody for a temporary period. They should never be used to test out somebody's suitability for a role or to 'monitor' the candidate's performance.

The person specification should outline the essential criteria and, where appropriate, any genuine occupational qualification (GOQ – see Appendix 1) necessary for the job to be done effectively. Emphasis should be placed on quality rather than length of experience, and consideration should be given to experience gained outside of paid employment and using other suitable qualified professions. Do not state a specific number of years' experience required for the role, as this can lead to indirect discrimination. For example: If the person specification stated '5 years office experience' this could exclude a large number of candidates due to their age, or possible gaps in employment such as maternity/carers leave and could therefore lead to discrimination.

6.2 APPROVAL

All posts are subject to establishment control. TRAC Recruitment facilitates the process and enables posts to be approved virtually. The recruiting manager is responsible for completing the vacancy request form via TRAC and should attach the advert text, job description and person specification and other documentation required. Before submitting a vacancy for approval managers should ensure they have considered the following:

- approved job description and person specification
- advert wording
- any additional documentation to supplement the advert
- budget/cost code/s
- financial approval
- short listing criteria identified from the person specification
- shortlister/s
- Whether the post is newly created or pre-existing

Once the vacancy has been submitted with the above information, the next step will be dependent on whether it is a newly created post or pre-existing post.

The Corporate Scrutiny Panel only considers vacancy requests for **newly created posts**, which are either funded via new monies or have been created following a skill mix exercise within the UHB. The exception to this rule is newly created Consultant Medical/Dental posts, which already require Executive approval of their business cases before they can proceed.

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Newly created posts are defined as:

Newly created posts – new sources of funding

If a new post has been created via a new source of funding, the Recruiting Manager needs to clearly state that this is a new post and must identify the source of the new funding.

Managers must not state ‘from establishment’.

Newly Created posts – Skill Mixes

Where a new post has been created by removing/amending other existing posts within the staffing establishment, the Recruiting Manager needs to clearly state that this is a new post as a result of a skill mix.

The manager must identify the ESR Position number(s) of the vacancies that have been removed/amended to create the new post(s)

For like for like replacement posts, for example, recruiting to a pre-existing Band 5 Physiotherapist post, there will be no need to add the Scrutiny Panel as a Trac authoriser.

Posts cannot be advertised until the appropriate level of permission is obtained.

6.3 ADVERTISING

All posts, including internal only posts, must be advertised via NHS Jobs and TRAC recruitment. Social media platforms can be utilised to advertise posts in addition to TRAC if required such as Linked In, Twitter and Facebook.

Secondment and Fixed Term Contract vacancies should be advertised as normal via the TRAC recruitment process, unless there are exceptional circumstances agreed with the People Services department.

Internal secondment arrangements (e.g. ‘expressions of interest’) should only be used exceptionally, when normal recruitment is not possible, for one of the reasons listed below:

- to fill posts quickly where funding is time-limited
- to establish flexibility in the staffing structure pending an Organisational Change (OCP)
- In situations where an acting up arrangement would not be appropriate
- Specific skills are required or there is limited internal pool of people who could
- meet the requirements of the role

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	<p>It is important to communicate advertised roles with staff who are away from the workplace such as, maternity leave or long-term sickness etc. This is so they are not excluded from applying for the role.</p>
<p>6.4</p>	<p>SELECTION</p> <p>Shortlisting</p> <p>When the job advert closes a shortlisting process must be carried out. Recruitment will move the vacancy to shortlist via TRAC alerting the recruiting/line manager that the vacancy is ready for shortlist. The online shortlisting feature for TRAC allows managers to view applications and score them against the criteria on the same page.</p> <p>A minimum of two shortlisters are required for best practice.</p> <p>All applicants will be shortlisted for interview on the basis of the information they provide on their application form. It is the responsibility of the appointing manager to oversee the shortlisting process to ensure that all decisions are based on the criteria set out in the person specification for the post and that the decisions are valid, justifiable and fair.</p> <p>Candidates who do not meet all of the essential criteria should not be shortlisted. In situations where there is a high volume of candidates meeting the essential criteria, the appointing manager can use the desirable criteria to produce a manageable number of candidates to interview.</p> <p>Applicants must provide detailed information regarding their full employment history to date in all cases.</p> <p>In order to ensure a fair and transparent process, reasons for the selection or rejection of all candidates must be recorded on Trac.</p> <p>Where staff members are known to be family members, or have a similar close relationship, the recruiting/line manager should ensure they review the Relationships In Work Policy before proceeding with any appointment.</p>

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6.5 INTERVIEWING

Once shortlisting has been completed, recruiting managers should consider the best way to assess the candidate(s) in addition to an interview, this could include exercises such as assessment centres, skills tests and presentations etc.

All applicants must have a formal interview before an appointment can be made. This is essential as it provides an opportunity to discuss the candidate's application and employment history fully, and explore any areas of doubt or concern prior to an appointment being made. Any reasonable adjustments needed or criminal record disclosures can also be discussed at this time.

Discriminatory questions must be avoided (see Appendix 1 for guidance on the types of discrimination). To avoid discrimination during an interview, managers should bear in mind the following guidelines:

- candidates should not be asked about their marital status, family commitments and/or domestic arrangements, nor should they be asked about any actual or potential pregnancy/maternity leave
 - ensure that questions focus on the applicant's ability to perform the role, not on potential difficulties he or she might have on account of an actual or potential disability
 - frame questions in a positive way so as to avoid the risk of the applicant believing you are looking for or anticipating problems
 - remember that there is no duty on applicants to voluntarily disclose a disability to a prospective employer and that it is unlawful to ask about an applicant's health (including any disability) before offering him or her a job, except in a limited set of circumstances
- don't place too much importance on length of experience as this will place younger applicants at a disadvantage. Instead, concentrate on the interviewee's type and breadth of experience, and their skills, competencies and talents.

6.6 OFFERS OF EMPLOYMENT

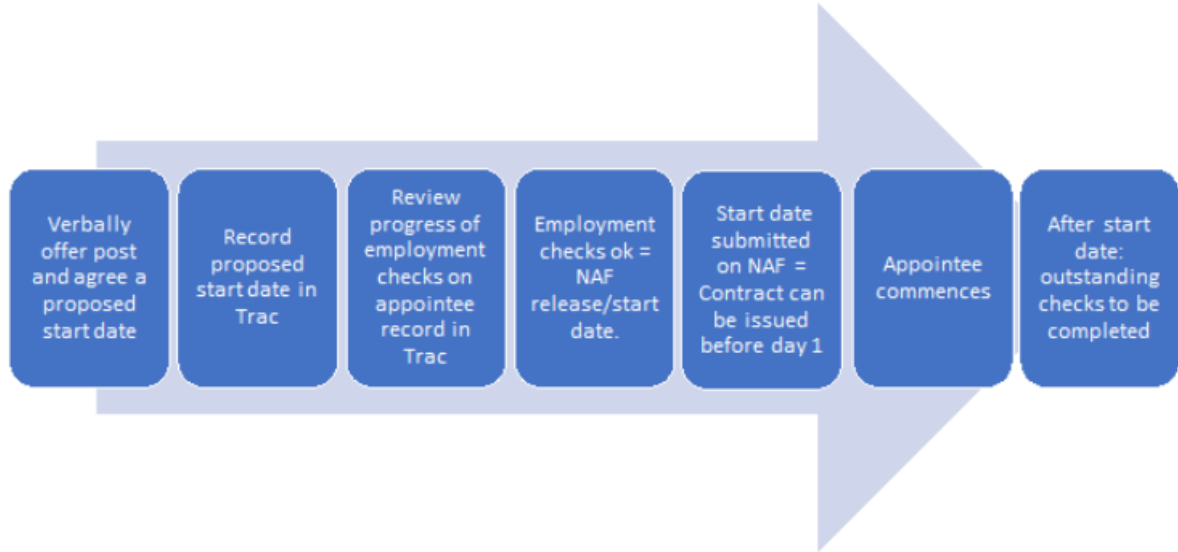
Following the selection process the preferred candidate should be verbally offered the position by the recruiting manager, subject to satisfactory pre-employment checks.

The offer letter needs to include a proposed start date and the Recruiting Manager must agree a start date that is realistic and achievable to complete pre-employment checks.

Start dates must be agreed in line with notice periods i.e. 5 weeks, 9 weeks and 13 weeks and a minimum of 3 weeks to be agreed where there is no notice period.

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Offer of proposed start date steps



Further information in relation to this can be found under the **'Manager Guidance – Proposed Start Date'**

6.7 EMPLOYMENT CHECKS

Once the successful candidate(s) are known, Recruitment will commence pre-employment checks.

Employment checks are classified as follows:

- **Mandatory**
 - Identity (ID Check)– ID software available from September 2022, if a face to face appointment will be required, candidate will receive a link through Trac to book this.
 - Right to Work (Visa/Work Permit) – if applicant does not have a digital in date Passport they will be required to attend a face to face ID check meeting candidate will receive a link through Trac to book this.
 - Occupational Health – Self declaration form will be issued with the offer letter unless the role is EPP/Food handler in which case a Full OH Questionnaire will be issued.
 - Professional Registration (where applicable)
- **Risk Assessable** - DBS will be a blocking check unless the manager tells recruitment they have risk assessed and wish to proceed with the proposed start date. Any Risk Assessment for DBS will be in line with the DBS policy.

It is not an automatic process for the DBS to be risk assessed. Normal procedure is to await the completion of the DBS before the employee commences employment, due to the high-risk factors. This risk assessment can only be an option if the application is with DBS and that a chaperone can

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	<p>be provided to the employee at all times. Please seek People Services guidance required.</p> <ul style="list-style-type: none"> • Non-blocking checks (checks that can be outstanding at time of start date) - References, Qualifications. Whilst these checks are not required to enable a candidate to commence employment, it is still very important that they are obtained in a timely manner to ensure total completion of employment checks. <p>Cardiff and Vale UHB has implemented Digital ID software that enables applicants to verify their ID digitally, removing the need for a face to face ID check appointment. Applicants can use this route if they have an in date digital passport (UK/ Irish) or a share code.</p> <p>The aim is to achieve quicker turnaround times for ID, RTW and DBS ID and will help enable the proposed start dates to be achievable.</p> <p>These checks are carried out by NWSSP Recruitment Services on behalf of the UHB. Recruiting managers must ensure that all mandatory employment checks are complete before the applicant can commence on the proposed start date.</p> <p>Checks for internal candidates will be determined by the role they are moving from and to, and the current information held on them. As a result, internal checks may be processed at a quicker pace.</p> <p>The internal appointments process can be viewed within Appendix 3.</p>
6.8	<p>EMPLOYMENT REFERENCES</p> <p>A reference provides a factual check of previous employment and should confirm information the applicant has already provided. There is legal requirement for references to be accurate and fair, with reasonable grounds to support any statements made.</p> <p>For external candidates, Recruitment will obtain two written references covering the last two years of employment and/or education history, one of which must be the current or most recent employer.</p> <p>References will no longer be obtained for applicants internal to the UHB.</p> <p>For applicants that work internal to NHS Wales, one reference will be requested, only if the reference is satisfactory. Many NHS organisations, and other employers, only provide factual references. In some cases, therefore, additional information may not be available. Factual references will confirm employment basic details such as dates of employment, job title, and in some cases sickness details.</p>

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If a reference for a successful candidate is unsatisfactory, advice should be sought from People Services before taking further action.

7 DISCLOSURE AND BARRING SERVICE

Disclosure and Barring Service (DBS) checks are an important tool in ensuring safer recruitment practices and patient safety. The [Disclosure and Barring Service Procedure](#) provides guidance on how requests for Disclosure must be managed, the levels of disclosure required and how to manage information provided by the DBS. Anyone involved in the recruitment and selection processes must familiarise themselves with the [Disclosure and Barring Service Procedure](#).

If a DBS check for a successful candidate is unsatisfactory, advice should be sought from People Services before taking further action.

If an employee identifies as trans or non-binary and requires a Disclosure and Barring Service disclosure, part of the process involves a strict requirement for applicants to state all previous names and aliases. The last page of the form then has to be completed by the “Registered Person”, who checks and verifies the contents and the evidence supplied.

The DBS has a confidential checking process for trans applicants who don’t want to reveal details of their previous identity-to a potential or existing employer. Any trans or non-binary employee who does not wish to disclose a previous name on the initial disclosure form has a legal duty to follow this special DBS procedure. If you are an employee working in recruitment, or with DBS checks, it is good practice to make this information available to all staff and applicants needing a DBS check.

To avoid unnecessary anxiety and stress for employees around revealing their trans status, employees can contact the DBS directly, using either the email or phone number below.

Trans applicants – sensitive@dbs.gsi.gov.uk

Telephone 0151 676 1452

Further information is available on the Disclosure and Barring Services

website: <https://www.gov.uk/crb-criminal-records-bureau-check/contact-disclosure-and-barring-service>

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The employment of staff from abroad is subject to the same recruitment procedures as for UK staff, except that where an individual has worked outside the UK, they are responsible for obtaining a satisfactory Certificate of Good Standing from their local police force prior to commencement in the post.

8 WITHDRAWAL OF EMPLOYMENT

A withdrawal of the conditional offer of employment may be required due to the unsatisfactory completion of pre-employment checks (e.g. references and right to work).

If consideration is being given to withdrawing an offer, candidates should first have an opportunity to explain or clarify, and it may be necessary to seek more information from the applicant in order to rule out the possibility of a simple misunderstanding or mistake. Given the possibility for discrimination, caution should be exercised before any decision is taken to withdraw a job offer.

Recruiting/line managers must take advice from the recruitment team and/or the People Services team for their area, prior to discussing an unsatisfactory reference with a candidate as well as advice from Occupational Health if the reason for the intended withdrawal is based on health or sickness absence, or if there is a DBS disclosure.

The recruiting/line manager will inform the candidate of the decision to withdraw the offer following which the recruitment team or recruiting manager will confirm the decision in writing.

If a potential employee is not responding to requests from the recruitment team, the People Services team will be informed and the candidate will be given a date to respond and, failure to do so will result in the offer being withdrawn.

9 CODES OF PRACTICE

All staff are required to comply, at all times, with the relevant codes of practice and other requirements of the appropriate professional organisations e.g. NMC, HCPC etc. or the All Wales Health Care Support Worker (HCSW) Code of Conduct if they are not covered by a specific code through professional registration. It is the post holder's responsibility to ensure that they are both familiar with and adhere to these requirements.

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10	<p>INDUCTION</p> <p>It is vital for line managers to prepare for how a new recruit is welcomed into their role and the UHB. Failure to do this can create a poor impression and undo much of the work which attracted the candidate to the job. As soon as the successful applicant accepts the job offer, managers should start to organise a carefully planned programme to settle them into the role, team and organisation, so they become effective as soon as possible, and want to stay. Managers should complete the local induction checklist as part of this process to ensure all mandatory elements are covered.</p> <p>New employees will be invited to a one hour ‘Welcome’ session delivered by a member of the Executive Board and coordinated by the Education, Culture & OD department. In most circumstances, this will be within 8 weeks of an individual’s start date. Line Managers must ensure that new starters are given time to undertake this programme.</p> <p>Additional key information will be disseminated through a mixture of face to face and electronic means.</p> <p>The Induction Checklist for New Starters should start being completed on the first day and finalised within two weeks of employment with the UHB wherever possible. All new starters must complete all Mandatory and Statutory training as soon as is practicably possible as part of the induction process.</p>
11	<p>EVIDENCE REQUIRED TO MAKE A SALARY OFFER</p> <p>Guidance on how to determine the applicant’s starting salary is attached as Appendix 2.</p>

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Appendix 1

LEGAL CONSIDERATIONS

At each stage of the recruitment process due consideration must be paid to the legislation enacted to ensure the elimination of discrimination.

Discrimination

In law, discrimination can be defined as:

- **Direct Discrimination** is treating someone less favourably than another in comparable circumstances e.g. not appointing a pregnant woman to a role because of financial concerns connected with covering the role during her absence due to maternity leave.
- **Indirect Discrimination** is where it was not the intention of the employer to discriminate against an employee, but nevertheless the outcome results in one group being disadvantaged in comparison to another, e.g. insisting on higher language standards than the necessary for safe and effective job performance would tend to disqualify people for whom English is not their first language.
- **Associative Discrimination** is where an individual is treated less favourably because they are associated with a person with a protected characteristic (e.g. a carer).
- **Perceptive Discrimination** is where an individual is treated less favourably based on a perception they have a protected characteristic when they do not.
- **Victimisation**
Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.
- **Harassment**
Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic

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themselves. Employees are also protected from harassment because of perception and association.

Genuine Occupational Requirement (GOR)

This issue used to be known as a 'genuine occupational requirement' ("GOR") or a 'genuine and determining occupational requirement'. However, the Equality Act 2010 leaves out 'genuine' and 'determining' from the provisions. The Explanatory Note to the Act states that: *'The requirement must be crucial to the post, and not merely one of several important factors. It also must not be a sham or pretext.'*

Thus, it must still be genuine, even if it is not stated on the face of the Act.

A Genuine Occupational Requirement means that it is lawful for an employer to require a job to be done by someone with a particular protected characteristic, (in terms of their age, disability, gender reassignment/identity, race, religion/belief, sex or sexual orientation) if having this characteristic is an occupational requirement to fulfil a specific role, e.g. stating that a member of a particular racial group is required for a role in the provision of a service to that racial group. A GOR should be stated in the advertisement.

One example of a GOR is a peer support worker who is required to have a 'lived experience' of Mental Health or other services.

Equality Act 2010

The Act defines unlawful discrimination as less favourable treatment because of a protected characteristic. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race (includes colour, nationality and ethnic or national origins)
- Religion or Belief
- Sex
- Sexual Orientation

It should be noted that though not a protected characteristic, having caring responsibilities is also covered by the Act.

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Rehabilitation of Offenders Act 1974

The aim of the Act is to prevent discrimination against those with previous criminal convictions. A conviction is classed as “spent” if there is no further offence committed after a specified period of time. The NHS is exempt from provisions of this Act, and applicants are required to declare all convictions, including “spent” convictions, on their application of employment.

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Appendix 2 - STARTING SALARY GUIDANCE

1 Scope of Guidance

This guidance is intended to assist managers with the process of placing new staff on to the appropriate salary. It is to be applied to all new appointees (excluding Medical and Dental) who gain employment within the Health Board, where their last employment was:

- outside the NHS
- another NHS employer and they move to Cardiff and Vale UHB
- another post within Cardiff and Vale UHB

This guidance is to be used by all appointing officers within the Health Board. Additional advice can be sought from the People Services Team.

2 Information for Appointing Officers

Potential employees must provide the appointing officer with evidence of their current salary **before** any offer of appointment can be made. Where possible, the evidence must be in the form of the employee's most recent payslip. The guidance on reckonable service and incremental credit (below) should then be used to determine the applicant's starting salary.

2.1 New employees from outside the NHS

The expectation is that employees from outside the NHS will usually start at the bottom of the pay band and work their way up. However, employers have the discretion to take into account any period or periods of employment outside the NHS where these are judged to be relevant (reckonable service). If recognised, this will equate to one increment for each complete year of reckonable service which can be evidenced. The purpose of this assessment is to consider relevant reckonable service and **not** to consider 'matching' the existing salary.

It must be noted that all staff appointed to posts in Band 2, Band 3, Band 5, Band 6 and Band 7 are all paid on the same pay point for the first two years of their employment. Band 4 staff are paid on the same rate for the first three years of employment. Any staff appointed to a Band 8 or Band 9 post is paid on the bottom pay point for five years. This means the scope for awarding incremental credit is somewhat limited.

Appointing managers will need to contact the Directorate Manager (or equivalent) and the People Services Team as soon as possible following the interview if they wish to make a case to increase the starting salary of a new employee from outside the NHS.

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Formal approval must be obtained from the Directorate Manager and the People Services Team **before** a written or verbal offer of a salary above the bottom of the band is made to a candidate.

The appointing manager must be able to justify their decision on the basis of evidence such as application forms, references, previous job descriptions and payslips. Consideration will need to be given to any 'time lapse' in the relevant experience and the appropriate professional standards.

Any decision taken must also take into consideration the impact on other staff already in post in the department or similar staff grouping. Care must be taken to ensure that incremental credit in recognition of previous relevant experience only recognises completed years of experience at the level of the pay band. Incremental credit will not be awarded for part-years. If necessary, advice can be sought from the People Services Team.

Incremental credit will not be given for reasons other than relevant experience. Where there are difficulties in recruiting because of market forces, a Recruitment and Retention Premium may be applied for.

If incremental credit is awarded, it must be clear as to which spine point the applicant is being appointed to.

It is the Manager's responsibility to ensure that the relevant paperwork is completed by all parties and sent to Payroll in a timely manner. If this does not occur, Payroll will automatically place the new employee on the minimum of the scale.

The incremental date will be the anniversary of their new appointment.

2.2 Employees who gain permanent promotion within the NHS

Pay on promotion must be set at the minimum of the new pay band, or if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay (by reference to basic pay plus any recruitment and retention premium, if applicable).

If on promotion, the working pattern remains substantially the same, staff will move to the first incremental point producing an increase when the basic pay, long-term recruitment and retention premium and the percentage enhancements for unsocial hours are combined. If the working pattern changes on promotion, pay should be set either at the

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minimum of the new pay band or if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay.

The incremental date will be the anniversary of their promoted appointment.

2.3 **Employees who gain temporary movement into a higher pay band and within the organisation**

The pay of employees who move into a higher pay band on a temporary basis will either be set at the minimum of the scale or if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay.

Where temporary movement into a higher pay band results in only one extra pay point the incremental date remains the same. Where temporary movement results in more than one extra pay point the incremental date for the period of the temporary movement becomes the date the movement began.

2.4 **Employees who transfer to a new post on the same pay band**

Employees who are already employed within the NHS and gain new employment on the same pay band will transfer on that point, retaining their incremental date.

2.5 **Employees who voluntarily transfer to a lower pay band**

Moving into a lower pay band on a voluntary basis should not put an employee in a better position than other employees who have gained experience and are working in a similar role within the same discipline or speciality.

The pay point of employees who voluntarily move to a post in a lower pay band in the same discipline or speciality will be determined by an assessment of their relevant reckonable service. The incremental point paid on commencement in the lower pay band will be determined by the number of completed years relevant service achieved in that same pay band or higher band. It should not be based on the monetary value of the salary in the higher pay band.

Example:

If a Band 5 employee, paid on the spine point 252, is promoted to a Band 6 but decides, after 12 months to apply for a Band 5 post, their 1 year service as a Band 6 would be taken into consideration for pay

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purposes. Accordingly, they would be re-appointed and paid on spine point 270 on the Band 5 pay scale. If they had been in the Band 6 post for less than 12 months, they would be re-appointed and paid on the spine point 252, but their incremental date will be amended

2.6 Employees who move to a different post as a result of Organisational Change

Employees who are required to move to a different post which incurs a detrimental change of salary as a result of organisation change will be entitled to protection of earnings as set out in the NHS Wales Organisational Change Policy.

2.7 Employees re-joining the NHS after a break in service

Where an employee is re-joining the NHS after a break in service of 12 months or less, they will be allowed to retain the incremental pay point in their previous Pay Band if they are re-joining the same pay band as they occupied before the break in service.

If the break was for less than 3 months and they are re-joining the same pay band they will also be able to retain their incremental date (deferred by the number of days break). However, if the break in service has been for more than three months their incremental date will be the anniversary of the date they re-joined the NHS.

Where an employee is re-joining the NHS after a break in service of more than 12 months, the reckonable service provisions outlined in section 2.1 will apply.

3 Confirmation of previous salary from another NHS Organisation

An inter-authority transfer will be undertaken by Payroll to confirm existing/previous NHS service if the new member of staff transfers from another Health Board, Trust or Health Authority. The inter-authority transfer will also confirm previous salary, sickness absence and parental leave. In the interim, if the individual transfers on the same pay band or receives promotion to the band above, a copy of the last NHS pay slip can be used to confirm the starting salary for Payroll before the inter-authority transfer is received. A copy of this pay slip should be sent to Payroll along with the enrolment form.

Recruitment – Internal Employment Check Process (Passport)

