

South Ayrshire Council

**Report by Chief Executive
to Cabinet
of 1 November 2022**

Subject: Revised Recruitment and Selection Policy

1. Purpose

1.1 The purpose of this report is to seek approval for:

1.1.1 the revisions applied to the Council 'Recruitment and Selection' Policy ('the Policy'), Handbook and Charter which incorporate:

- new online recruitment resources;
- changes to the Right to Work legislation;
- achievement of Recruit with Convictions Ambassador Status; and
- payment of SSSC fees; and

1.1.2 the implementation of a new guidance document on the Recruitment of Ex-Offenders.

2. Recommendation

2.1 It is recommended that the Cabinet:

2.1.1 notes the work that has been undertaken in the development of the revised Policy, Handbook and Charter, working with the Director of Recruit with Conviction and the Ayrshire Criminal Justice Partnership;

2.1.2 approves the revisions made to the Policy, Handbook and Charter (attached as Appendices 1 to 3);

2.1.3 approves the implementation of the new guidance document on the Recruitment of Ex-Offenders (attached as Appendix 4);

2.1.4 agrees that the Council will maintain its current position to discuss criminal convictions at interview;

2.1.5 requests that the Chief HR Adviser publicise and promote these procedures;

2.1.6 requests that officers from Procurement consider using the Ambassador's principles within commissioning and tendering by

the Council and report back to a future meeting of Cabinet with any proposals;

- 2.1.7 notes that the roll out of 'Recruit with Conviction' awareness and skills development training will be carried out for managers across the Council;**
- 2.1.8 agrees the updating of the Council's terms and conditions of employment to reflect the recommendations in this report;**
- 2.1.9 approves the changes made to the Recruitment and Selection complaints procedure (attached as Appendix 5); and**
- 2.1.10 approves the proposal that references requested by external organisations for current or former employees are solely issued by the HR department and only provide basic employment details (such as the position held and employment dates).**

3. Background

- 3.1 At a special meeting on 10 March 2002, Council approved a [motion](#) proposing that South Ayrshire Council become a Recruit with Conviction Ambassador.
- 3.2 A full review of existing policies and processes has been carried out in conjunction with the Recruit with Conviction Director. Recruit with Conviction Ltd is a not-for-profit company, established to fill the gap that exists for helping businesses to understand the issues and benefits from employing people with criminal records. It provides vast experience of business, criminal justice and employability support to provide a professional service within a tried and tested model which has been operating since 1998. Within the local authorities in Ayrshire, the work has been promoted by the Community Justice Ayrshire Partnership.
- 3.3 In the development of the revised procedures the HR team have undertaken training in the Recruit with Conviction programme and are now able to respond to complex enquiries related to the changes in law, Ambassador programme and fair decision making.
- 3.4 Recruit with Conviction has provided two options for the disclosure of criminal convictions: one at interview stage and the other once the recommended candidate has been identified.
- 3.5 Organisational Development produced a range of online resources to support recruitment activities due to the shift to online interviews during the pandemic and these have now been incorporated within the Policy and Handbook.
- 3.6 During the pandemic the Home Office introduced an adjusted check procedure to check and validate right to work documents for interviewees and new starters. This procedure allowed verification of right to work documents online without the need to see physical copies. The adjusted check procedure is now coming to an end on 30 September, meaning that from 1 October 2022 hiring managers will be required to check the physical copy of the right to work document at interview stage and we can no longer receive copies of these documents via email, unless these have been verified physically at interview.

- 3.7 Cabinet of 30 August 2022 agreed the payment of SSSC registration fees for employees up to and including those at Level 5. It was noted that if there was a national agreement reached as part of the consultations on the pay award to pay registration fees for all other employees, then appropriate arrangements would be made to implement that agreement.

4. Proposals

- 4.1 It is proposed that the Council maintains its current position to discuss criminal convictions at interview. Whilst this option places a requirement on the panel to be prepared for any disclosure and be able to discuss appropriately, disclosing at interview allows for the panel to enter into discussions with the applicant at an early stage. Both applicant and panel will have time saved as decisions are made sooner, thus expediting the recruitment process. Moreover, managers are already familiar with this process.
- 4.2 Instead, if convictions are not disclosed until the candidate is recommended and said convictions do not allow us to progress with the appointment, the panel will have to consider an alternative candidate or re-advertise. Therefore, this option could be time-consuming, and it would require a change to our existing processes.
- 4.3 It is therefore proposed to adopt the recommended changes applied to the Policy, Handbook and Charter which are summarised in Appendix 6 and highlighted in bold in the documents.
- 4.4 A guidance document on the Recruitment of Ex-Offenders is contained in Appendix 4. This will be used by managers in conjunction with the Policy and Handbook.
- 4.5 It is proposed that HR will work with Organisational Development to update the COAST module to include the Recruit with Conviction awareness training and the changes in Right to Work legislation.
- 4.6 The Policy has been updated to reference the payment of SSSC registration fees to employees up to and including Level 5. It is proposed that a further amendment may be required if agreement is reached for any additional employees.
- 4.7 It is proposed that the Council's terms and conditions of employment are updated to reflect the recommendations in this report.
- 4.8 It is proposed that the Recruitment complaint procedures are updated to remove reference to the appeal process. Complaining about a recruitment decision is in itself an appeal against the decision made by the panel chairperson and therefore there should be no further right of appeal.
- 4.9 It is proposed that references requested by external organisations for current or former employees are solely issued by the HR department and only provide basic employment details (such as the position held and employment dates). As external organisations can request detailed references and in different format, with HR providing basic employment details we can ensure that the information provided is consistent and appropriate without the risk of disclosing sensitive matters, such as absence details.

5. Legal and Procurement Implications

- 5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Not applicable.

7. Human Resources Implications

7.1 HR officers will work with colleagues from Organisational Development to update COAST and to facilitate the awareness training for managers.

8. Risk

8.1 Risk Implications of Adopting the Recommendations

8.1.1 There are no risks associated with adopting the recommendations.

8.2 Risk Implications of Rejecting the Recommendations

8.2.1 Rejecting the recommendations may impact on the reputation of the Council.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equality Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 7.

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** – This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitments 1 and 2 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness; and the Closing the Gap/ Reduce poverty and disadvantage.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Ian Davis, Portfolio Holder for Finance, Human Resources and ICT, and the contents of this report reflect any feedback provided.

13.3 Consultation has taken place with the Trade Unions who agree to the proposals set out in paragraph 4 above.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Chief Executive will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Upload the updated Recruitment and Selection Policy, Handbook, Charter and Guidance to The Core	30 November 2022	Chief HR Adviser
Arrange awareness training for managers	31 December 2022	Chief HR Adviser
Communicate with the wider organisation and partners to promote Ambassador status	30 November 2022	Chief HR Adviser
Update Terms and Conditions	30 November 2022	Chief HR Adviser

Background Papers [South Ayrshire Council \(Special\) – 10 March 2022 – Notice of Motion \(item 7\)](#)

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Recruitment and Selection Policy

November 2022
Version 2.0



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Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1	May 2019	Revised format and changes to terminology to reflect online processes	L Boyd	May 2020
2	Sept 2022	Revised format, updates related to online resources, 'Recruit with Convictions' and change to Head of service job title.	N Cecconi	Sept 2023



1. Introduction

- 1.1 South Ayrshire Council recognises the fundamental role that its employees play in achieving corporate aims and objectives and understands the importance of ensuring that the correct individuals are recruited and retained. The Recruitment and Selection policy aims to attract appropriate candidates, provide equality of opportunity, and enable a thorough assessment of competence to be undertaken.
- 1.2 Additionally, through a rigorous and robust selection process, safeguards for working with vulnerable members of our community will also be provided as procedures recognise the additional statutory requirements that are required and the more intensive level of assessment of candidates that will be needed.
- 1.3 The policy provides a framework through which a fair, consistent and lawful approach will be taken as the Council seeks to employ individuals who display the knowledge, skills, attitude, and behaviour that match its service delivery requirements and South Ayrshire's Values.
- 1.4 The Council's commitment to equality of opportunity for all is reflected in its Recruitment Charter. **This includes a commitment as a Disability Confident employer to interview applicants that can clearly evidence in their application that they meet the essential criteria of the vacant role and to ensure that reasonable adjustments will be made throughout the recruitment and selection process to meet the needs of candidates with a disability.** Also, alternative recruitment and promotional activities may be used to address areas of under-representation across the workforce.
- 1.5 **South Ayrshire Council is a Recruit with Conviction Ambassador and has undertaken work to ensure that people with convictions are treated within best practice guidelines when applying for work. All applicants are asked to declare any convictions within the current laws.**

Ambassadors promote safe and sustainable employment for people with convictions in their own workplace and seek to influence other workplaces too. Ambassadors will publicise and promote these procedures with partner organisations, sub-contractors and wider businesses or other networks.

- 1.6 Recruitment and selection should be:
- **Effective** – by ensuring sufficient suitable individuals are encouraged to apply and being able to distinguish between those who are suitable and unsuitable.
 - **Efficient** – by ensuring that advertising and recruitment methods are cost and time efficient.
 - **Impartial** – by ensuring that equality of opportunity is considered as an integral part of the procedure.
 - **Fair** – by dealing with all who apply fairly, honestly, and courteously.
- 1.7 It is fundamental that any qualifications or requirements applied to a job must be genuine and justifiable.

- 1.8 Each individual will be assessed according to their ability to undertake the duties and responsibilities of that job.



- 1.9 References will be requested for recommended candidates and wherever possible a reference will be obtained from someone who has current/recent experience of the candidate in a work situation. Where a candidate is in employment, one of the referees must be a current employer. Where appropriate, employees will have access to training and development opportunities to achieve equality of employment potential.
- 1.10 Employees and potential employees should feel comfortable and supported to apply for positions with South Ayrshire Council.

2. Filling of Vacancies

- 2.1 When the decision is taken to fill a vacant post, consideration must firstly be given to the post's suitability for flexible working as detailed below. Further details of the flexible working options are available on the Core at [Flexible Working](#).

- Part Time
- Term Time
- Annualised Hours

2.2 Advertising

The recruitment market and relevant legislation demands flexibility in approaches to the advertising and filling of vacancies. The **Chief HR Adviser** will ensure a consistent approach to the advertising and filling of posts.

2.2.1 Redeployment

When a post has been approved to fill, consideration will always firstly be given to the suitability of the post for any employee on the Council's Redeployment List. In certain situations, employees may require redeployment, for example, due to health or displacement following restructuring, and a process of skills/capability assessment can lead to a transfer to a suitable alternative vacant post.

If the post remains vacant following consideration of its potential for redeployment it should be advertised.

As a priority, employees requiring redeployment will be given relevant training and support to maximise opportunities for redeployment.

2.3 Advertising Conditions

All other vacancies will be advertised according to the following conditions:

- 2.3.1 **Chief Officers:** Appointments to these posts are made by a Panel of Elected Members (Chief Officers' Appointments / Appraisal Panel).

Organisational Development in conjunction with the Recruitment Team, will coordinate all appropriate arrangements for advertising and selection process.



2.3.2 Head Teachers/Depute Head Teacher posts: In accordance with the Scottish Schools (Parental Involvement) Act 2006, the Parents' Council must be informed and included in selection processes.

2.3.3 Approval to Advertise: Vacancies will be advertised after appropriate approval has been sought; the following conditions will need to be approved:

- Justification for filling the post;
- Advert text with grade/salary and interview date (if known);
- Statutory legislative requirements which may be relevant and should be referred to in the advert i.e., (Rehabilitation of Offenders Act 1974 (as amended); the Protection of Vulnerable Groups (Scotland) Act 2006; provisions of Education (Scotland) Act 1980 (as amended));
- Is the post Politically Restricted?
- Is the post subject to a basic/standard/enhanced disclosure or PVG?
- Is the post subject to Police vetting?

2.3.4 Internal advertising: The Council encourages succession planning and career progression therefore vacancies can be restricted for internal promotion. Internal employees include:

- Temporary/Permanent employees
- Casual employees whether currently employed or not
- Modern Apprentices and employability programme participants

It will be for management to decide whether jobs should be advertised internally only in the first instance, or whether they should be the subject of simultaneous internal and external advertising.

Similarly, where a post has been advertised internally and only a small number of internal applications have been received, it will be for management to decide (regardless of whether person specification requirements are met), to proceed with interviews or advertise externally.

2.3.5 External advertising: All external adverts should comply with one of the following conditions:

- Post is of a specialist nature;
- Identification that there will be a limited response from internal applicants;
- Identification that the vacancy would benefit from exposure in the external market;
- The post is subject to a legal requirement under the terms of the Scottish Schools (Parental Involvement) Act 2006 or a Joint Funding Partnership arrangement;
- Regulated work where advertising to the widest possible pool of applicants is recommended.

2.4 All vacancies will be advertised using the recruitment portal [My Job Scotland](#). In addition, the following advertising sources may be used:

- Local Job Centres.



- National and Local newspapers, relevant professional website and/or Journals.
 - A range of alternative options, including posts, public flyers targeted at community groups, radio campaigns etc.
- 2.5 All applicants must complete an online application form. The Council can also provide an application form in various formats to meet the needs of individuals.
- 2.6 Where a vacancy arises which is similar to one which has recently been advertised or filled, consideration can be given to filling the second vacancy from the initial group of applicants. Advice should be sought from HR considering the timescales and similarities between the vacancies.
- 2.7 As part of the targeted approach to recruitment, HR will identify groups of high turnover vacancies to create job pools. This will provide flexibility to recruit from an established group of candidates who have already completed the selection process. Examples where job pools may be appropriate are Cleaners, Home Carers and Catering Assistants. Candidate details can be held for a period of 6 months and appointments will require an up to date medical, disclosure check, and satisfactory references.

3. Recruitment Panel

3.1 Relationships/interests

Where an applicant for employment with the Council is related to a Member of the Council, or to an employee, the officer within whose delegated authority it is to make the appointment to the post in question will, before exercising that authority, consult with the Chief HR Adviser who may require the officer to refer the appointment to the Chief Executive for decision.

3.2 Panel Requirements

- Any employee or Elected Member participating in recruitment and selection must have completed the COAST online E-Learning module.
- A minimum of two panel members must be involved at all stages of the process and every effort will be made to ensure that the composition of recruitment panels reflects the Council's commitment to equality.
- Agreement should be reached at the outset on:
 - the values-based job description, including the person specification which must not be changed after the recruitment process has started; and
 - the use of relevant selection methods throughout the selection process, for example, assessment centres, ability tests, personality profiles, role plays, in-tray exercises and value-based interview questions
 - All selection techniques and methods must be relevant and appropriate to the post in question and any forms of psychometric testing will be conducted by a suitably qualified Administrator or Assessor.
- **The panel chairperson should be prepared to discuss any convictions that may be disclosed and take leadership when speaking to the applicant.**



- In the section called ‘Recruitment & Selection’ on the Core, Hiring Managers can find a range of useful information on the recruitment and interview process including:
 - Value based Recruitment Matrices
 - Interview questions development examples
 - Interview question templates
 - Supporting documents for additional selection methods
 - Supporting documents for during the interview process

4. Selection

4.1 **Job Description:** The job description supports the assessment and selection process, and candidates will be assessed against the criteria set within it. The job description must:

- Outline the key purpose and accountabilities for the post or group of generic posts, including the person specification.
- Be prepared with reference to the relevant South Ayrshire Council values and behaviours, and the evidence required to demonstrate ability; and
- Be prepared in accordance with relevant legislation

In line with the Council’s Values and Behaviours framework, employees are expected to demonstrate **Respectful, Positive, Supportive, Ambitious and Proud** attributes in order to carry out the job effectively to an agreed standard.

Where a job description requires to be updated this should be discussed with your HR Policy and Operations Advisor for any possible job re-evaluation purposes.

4.2 **Selection Process:** the initial stage of the selection process will be the gathering of information about the applicant(s). The method of achieving this may vary but will normally include application forms, initial telephone screening or open days.

The online application form on My Job Scotland will use screening questions to aid the short-listing process by selecting applicants that meet the essential requirements of the role.

4.3 **Short Listing:** The selection panel will compare each application against those identified in the job description. The short list of candidates for interview requires consensus from the panel. All applicants that can clearly evidence in their application that they meet the essential criteria of the vacant role as specified in the job description, will be shortlisted for interview. The result of the short-listing process will be submitted to the recruitment team who will notify the candidates for interview.

Information relating to protected characteristics and previous convictions will be withheld from the shortlisting process in line with the 2010 Equality Act and best practice as a Recruit with Conviction Ambassador.

At this stage the recruitment team will also notify the applicants who have not been shortlisted.



4.4 **Selection Process:** the selection process (e.g. value-based interview, assessment centre, practical/in-tray exercise) will be designed around the Council's values and behaviours where candidates will be required to evidence the requisite attitude and behaviour identified for the role.

The following will apply:

- Other than in exceptional circumstances a minimum of one week's notice will be given to candidates prior to a selection event;
- Where an ability test or personality profile is used, candidates will receive feedback from the Administrator or Assessor during the selection event;
- If a candidate is unable to attend a selection event at the given time, reasonable effort will be made to reschedule. The decision to reschedule will lie with the Chair of the recruitment panel who will consider factors such as the urgency in filling the post and the length of the delay;
- **Candidates attending a final selection event must bring with them a completed Criminal Convictions Declaration Form or Letter of Disclosure. This will be considered by the Panel Chair and any issues arising will be discussed with the candidate during the interview;**
- **The panel should when discussing information seek to understand any factors involved in applicants offending, time since offending and what effort the individual has undertaken to demonstrate they are unlikely to return to these patterns of behaviour.**
- **It is acceptable for the panel chairperson to ask questions related to the information they are provided with by the applicant (e.g. if the applicant states they were under the influence of drugs during offending, then it is acceptable to enquire about any recovery activities or abstinence programmes they have or continue to use). It would not be acceptable to ask about alcohol consumption unless the applicant had disclosed that they offended under the influence of alcohol.**
- **A guidance for the Recruitment of ex-Offenders is available for managers on the Core.**
- As part of the Council's commitment to Safer Recruitment, Panels must scrutinise application forms and seek reasons for any breaks in employment;
- All external candidates attending a final selection event must provide evidence of their eligibility to work in the United Kingdom by providing their original right to work documentation at interview
- All selection events must be conducted in a fair, consistent, structured and systematic manner. Candidates must be evaluated against the criteria and scoring mechanism contained in the selection profile;
- An assessment of each candidate must be made following the event using the Selection/Interview Assessment form.
- Where the post requires possession of a particular qualification or registration with an appropriate body, evidence must be produced at interview, which in the case of a required qualification must be the original certificate.



5. Offer of Appointment

- 5.1 Normally the recommended candidate will be contacted as soon as is practicable after the interview and be told verbally that they are the recommended candidate for the post, subject to receipt of satisfactory references and completion of other checks. This will be followed by a formal written offer of appointment. The recruitment team will advise all unsuccessful candidates by email within 2 weeks following the interview date.
- 5.3 The formal written offer of appointment which summarises the main terms and conditions of employment will be issued subject to the receipt of reference(s) and completion of the required checks. The recommended candidate will be given 14 days to accept the offer and return the appropriate paperwork. If the offer is not accepted within the timescale, it will be withdrawn.
- 5.4 All appointments will be made at the first point of the relevant salary scale. In exceptional circumstances an appointment may be made to a higher point with the approval of the **Chief HR Adviser**.
- 5.5 Where the post is considered to be Regulated Work as specified in the Protection of Vulnerable Groups (Scotland) (PVG) Act 2007, the recommended candidate will be required to become a member of the PVG scheme, or undergo a PVG scheme update if already a scheme member, prior to any formal offer being made. Candidates who are being recruited from outwith the Council will be required to meet the PVG registration costs.

6. Pre-Employment Medical Questionnaires

- 6.1 **External Candidates:** Following the selection process, a health questionnaire will be completed by the recommended candidate and will be screened by the Council's Occupational Health service.
- 6.2 **Internal candidates:** Where an existing employee moves from one post to a similar post e.g. clerical to clerical, there will be no need for pre-employment screening. However, where there is a basic difference in the types of tasks undertaken between the new and former posts e.g. administration to home care, a pre-employment medical questionnaire will be completed by the employee in question for screening by the Council's Occupational Health service.

7. References

- 7.1 Reference(s) will be obtained for the recommended candidate. Wherever possible a reference will be obtained from someone who has current/recent experience of the candidate in a work situation and where a candidate is in employment, one of the referees must be a current employer. This might include unpaid or voluntary work.

Further detailed guidance on the use of references is contained within the [Recruitment and Selection Handbook](#).



8. Appointment of Former Employees

- 8.1 Only in exceptional circumstances and normally only to a post to which it is difficult to recruit, will a contract of employment be offered to an individual who left the employment of the Council on the grounds of Voluntary Redundancy or Voluntary Early Retirement. In all cases the approval of the **Chief HR Adviser** must be given.

9. Canvassing of Council Members or Officers

- 9.1 Any applicant who canvasses an Elected Member or employee of South Ayrshire Council, directly or indirectly, in relation to recruitment will be immediately disqualified. Similarly Elected Members and employees will not solicit for an appointment for any person, although this does not preclude the provision of a reference if requested to do so.

10. Relocation

- 10.1 In limited circumstances assistance with relocation will be offered to successful candidates in accordance with the Council's Conditions of Service. The decision as to whether or not relocation expenses will apply will be taken by the **Chief HR Adviser** prior to advertising.

11. Post Interview Feedback

- 11.1 Post interview feedback will not be given automatically however, it will be made available on request.

For applicants who have disclosed a conviction, feedback on whether the conviction was the deciding factor will be made explicit.

12. Recruitment and Selection Complaints Procedure

- 12.1 South Ayrshire Council is committed to promoting equality of opportunity and will endeavour to ensure that no individual receives less favourable treatment throughout the recruitment and selection process. Accordingly, individuals who think they have been treated less favourably than other individuals, or who feel they have been the subject of discrimination during the recruitment and selection process, are entitled to complain. Anyone wishing to complain should write to the **Chief HR Adviser** within 14 days of being advised of the outcome of their application.

Complaints will be investigated by an independent Council officer and a response issued normally within 10 working days from receipt of the complaint, there will be no further right of appeal.



- 12.2 In certain circumstances the **Chief HR Adviser** can decide to suspend the recruitment process pending the outcome of a complaint.

13. Monitoring of Recruitment

- 13.1 As part of the application process, those who apply will be asked to provide equalities information. The information provided will be used to evaluate the effectiveness of the recruitment policy and will not be divulged to the selection panel.
- 13.2 In line with the Equality and Human Rights Commission (EHRC) recommendations, the Council will regularly analyse the composition of the workforce; the results of which will be used to measure the effectiveness of the Equality at Work Policy and, where appropriate, to develop appropriate positive action programmes.
- 13.3 Recruitment documentation will be kept for a period of six months following completion of the recruitment process.

14. Temporary Workers

Recruitment of temporary workers will be undertaken in the same way as recruitment of permanent employees. Further information on the definitions and procedures for the use of temporary workers is provided in the Council's [Code of Practice for Temporary Workers](#).

15. Agency Workers

In certain extreme circumstances i.e. imminent service breakdown, it may be possible to use Agency Workers. Approval for the use of Agency Workers is detailed in the Agency Workers Protocol the Council's [Code of Practice for Temporary Workers](http://ww20.south-ayrshire.gov.uk/corporateservices/HR/Shared Documents/Code of Practice for Temporary Workers.doc).





Recruitment and Selection Handbook

November 2022
Version 2.0



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Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1	December 2017	Revisions reflect online recruitment process and changes to vacancy management	L Boyd	April 2018
2	September 2022	Revised format; Updates related to online resources, and 'Recruit with Convictions'; Change to Head of service job title.	N Cecconi	Sept 2023

1. Introduction

- 1.1 The Council is committed to delivering high quality services to the people of South Ayrshire. To achieve this, we need services which are fit for purpose and can adapt to changing demands. We recognise that to achieve this we must continue to improve and update our service delivery. This means that we must ensure we have a motivated and skilled workforce, willing and able to adapt to change.

A key part of achieving this workforce profile is that we must recruit the right people to the right roles. We must therefore deliver recruitment campaigns that attract the most suitable candidates and ensure that the selection process assesses competence, skills and behaviours through the application and selection process.

The purpose of this handbook is to provide practical guidance in relation to our recruitment and selection process, in line with the Council's Recruitment and Selection Policy and Recruitment Charter.

- 1.2 **We have adopted a digital approach to all aspects of recruitment and selection therefore:**

- **Vacancy Management will be requested and processed online here**
- **Applicants are asked to complete an application via My Job Scotland**
- **Panel members will be asked to view and shortlist applications, schedule selection dates, times and methods and complete post interview requirements online here**

- 1.3 This handbook applies to all employees with the exception of teaching staff for whom separate arrangements exist and these can be found in Section 2 of the Recruitment and Selection Policy.
- 1.4 Chief Officer appointments are also out with the scope of this handbook. Whilst similar procedures apply, Chief Officers are appointed through the Chief Officers' Appointments/Appraisal Panel.
- 1.5 Anyone who takes part in a recruitment panel must complete the mandatory "Management Essentials Managing Recruitment and Selection" elearning module on COAST. Panel Chairpersons should also have attended the practical half day workshop. These courses provide all the information and techniques needed to carry out a recruitment exercise.

2. Decision to Fill Vacancy

- 2.1 Once a decision has been taken to fill a vacancy, appropriate authorisation must be sought to recruit. The online vacancy management request form and the guidance document can be found here. The vacancy management request form must be submitted with a current, up-to-date job description which includes a person specification and any other relevant documentation (i.e., Cabinet or ELT papers). If the post has changed in any substantial way since the last job description, it should be put forward to Human Resources for job re-evaluation.



- 2.2 Consideration should also be given to whether the vacancy can be filled on a permanent or fixed term basis, and you should also consider if the post could be filled by someone working on a flexible basis, such as part time, term time or annualised hours. The following links provide details of the [Council's Flexible Working](#) policy and the [Council's Code of Practice for Temporary Working](#).

3. Job Description

- 3.1 The job description contains details of the main accountabilities of the role, the person specification and the knowledge, skills, attitude, and behaviours required to perform the role competently.

If there is no job description or you are unsure how to update an existing one, you should discuss this with your HR Policy and Operations Advisor. Once you have completed the job description you should pass this to your HR Policy and Operations Advisor who will ensure the job description is quality assured and files are updated.

4. Redeployment

- 4.1 The Council maintains a list of all staff requiring redeployment. In the first instance, any vacant posts which have been approved for filling should be considered against the skills profile of employees on this list. If there are one or more suitable candidates, then the redeployment process should be followed. Details can be found [here](#). If there is no one suitable then the post should be advertised.

5. Advertising

- 5.1 Vacancies can be advertised internal only or simultaneously external.
- 5.2 A range of legislative arrangements are in place in relation to recruitment. Where these conditions are applicable, they need to be clearly referred to during the advertising process. These could include

Legislation	Further Information
Politically restricted posts	Guidance
Posts subject to a standard / enhanced disclosure	www.mygov.scot/enhanced-disclosure
The Protection of Vulnerable Groups (Scotland) Act 2006 and 2020 Disclosure Scotland Act	www.mygov.scot/pvg-scheme
Immigration Asylum and Nationality Act 2006	www.gov.uk (Full Guide for employers on preventing illegal working in the UK)
Management of Offenders Act 2019 and Rehabilitation of Offenders Act 1974 (as amended)	Guidance on Recruitment of ex-Offenders
Equality Act 2010	Equality at Work Policy

To ensure compliance with these, you should consult with your HR Policy and Operations Advisor to ensure that any legislative requirements are met in relation to recruitment.



- 5.3 Vacancies will be advertised on My Job Scotland, accessed [here](#) and will normally run for 2 weeks. The advert provides the opportunity to clearly define the role and principal accountabilities of the post along with any essential legislative requirements or mandatory level of qualification.
- 5.4 In addition to advertising on My Job Scotland, other options could include: open nights/assessment days/events; job centres; poster/flyer campaigns in community-based centres or through local, national or industry specific media such as newspapers, journals, or websites. Consideration should always be given to the cost of external advertising, and this should always be approved by a Director/Head of Service.
- 5.5 **Short – listing/Pre – Interview**
- 5.1.1 Shortlisting should be completed online via Talent Link and the recruitment team will provide panel members with access to view applications. Panel Members should refer to the Managers Guide [here](#).
- 5.1.2 Panel members should compare each application against the job description and relevant value-based matrix and reach agreement on a short list of candidates to take forward to selection assessment/interview.
- 5.1.3 **The Council is a Disability Confident Employer and applicants who can clearly evidence in their application that they meet the essential criteria for the job as shown in the job description should be shortlisted and given the opportunity to demonstrate their abilities at interview.**
- 5.1.4 Applicants who have Additional Support Needs (ASN) or who are, or have been, in Looked After Care (LAC) and who apply for an Apprenticeship opportunity based within the Council, should be shortlisted for interview if they meet the essential criteria for the post.
- 5.1.5 Existing Council employed Modern Apprentices should be shortlisted for interview if they meet the essential criteria for the post and former Modern Apprentices are able to apply for vacancies for a period of 6 months following the end of their placement.
- 5.1.6 **The Council is a Recruit with Conviction Ambassador and has undertaken work to ensure that people with convictions are treated within best practice guidelines when applying for work. All applicants are asked to declare any convictions within the current laws.**
- 5.1.7 We will take into account relevant information about what was involved in offending and convictions are not an automatic bar to employment. This will depend on the nature of the post and the circumstances and background of offences. This does not mean that all those with convictions will be employed but we will treat applicants equitably.
- 5.1.8 Other points to note include whether the applicant is applying for the post on a part time basis or whether an applicant has recently accepted a voluntary severance/voluntary redundancy (VS/VR) package from the Council. If the employee has accepted a VS/VR package, then no appointment of a former employee can be made unless it is into a “difficult to recruit to” post.

For further guidance you should contact your HR Policy and Operations Advisor.

5.1.9 Once agreement has been reached on suitable candidates to take forward, the panel chairperson should complete the online shortlist/select for interview, and interview scheduler details in order that the recruitment team can contact candidates to advise of next steps e.g., date of assessment centre/interviews, methods to be used and time slots. The recruitment team will also issue criminal conviction declaration forms, the Letter of Disclosure (where applicable) and Access to Interview forms to candidates with disabilities. Further advice and guidance on reasonable adjustments can be obtained by contacting Human Resources. The recruitment team, following shortlisting, will also notify unsuccessful applicants by email.

5.1.10 There may be circumstances when interviews cannot be arranged face-to-face. For example, if a candidate is based outside of Scotland or the UK. In this case, the panel can carry out the interviews online (via Skype or Teams) and should notify the Recruitment team to ensure that correct interview details are sent to the candidates.

6. Assessment Methods

The Council applies a value-based recruitment framework and details can be found [here](#). Based on the requirements for the role, you should consider the assessment and selection method which would provide the best opportunities for the candidate to evidence their experience.

6.1 Value Based Interviews

Value based interviews work on the basis that the best indicator of future behaviour is past behaviour and that the way in which a person responded to a situation in the past is the most likely indication of how they will respond in the future. The value-based interview is focused on the behaviours, or competencies, that underpin fully effective job performance. Interview questions should be aimed at obtaining behavioural information against core competencies at the required level.

A value-based interview should eliminate the possibility of a subjective or biased assessment; instead, a method of investigative questioning is used to draw from the candidate what they actually did, said, and thought in a situation.

Interview questions should be written in a way which allows the candidate to demonstrate their competencies against the Council's Competency Framework. If you need help writing value-based questions you should speak to your HR Policy and Operations Advisor.

6.2 Candidates should be provided with the value-based questions 10 minutes before their interview to enable them to prepare notes and consider examples that they feel demonstrate competence in a particular area. The candidate can refer to their notes during the interview.

Each value-based question and answer is normally expected to take around 5 minutes; however, this will depend on the requirement for supplementary questions. Supporting information on value-based matrices and interview questions can be found [here](#).



6.3 Other Assessment Methods

To provide a more thorough evaluation of a candidate's skills, it is good practice to use a range of different assessment methods which are not used in isolation, but which can form part of the assessment process.

Organisational Development can provide advice and guidance in relation to the design and delivery of assessment centres and other selection methods.

Please Note - It is important that you plan and resource an appropriate time schedule, so the panel/candidate is aware of the duration of each stage in the assessment process.

- **Assessment Centres** - this method involves candidates completing a number of different tasks as part of the selection process. Tasks should be designed to allow opportunities for candidates to show different aspects of their skills and abilities. Assessment centres can involve individual or group work, presentations, in tray exercises, problem solving exercises, group discussions or role play.
- **Practical Ability Tests** - where the post involves practical skills, for example word processing, working with spread sheets or telephone techniques, ability tests can be designed which directly relate to the requirements of the job.
- **Personality Profiles** - these tests are in the format of a questionnaire with multiple choice answers. Candidate answers are then compared against a norm group (a group of similar people - this could be managers/executives, or it could be simply the general population) to measure how consistent the answers are with others who are likely to be in that group. Candidate and panel feedback will normally be provided on the day of selection by a qualified officer from Organisational Development; you should therefore allow time within your schedule.
- **Case Study/In –Tray Exercise** - this selection method is designed around a work-based scenario that requires a timed response from the candidate and is used to assess problem solving ability to decide on an appropriate course of action. Time requirements will vary depending on the exercise however it is usual for in-tray exercises to last from between 20-45 minutes. Once completed, these will usually be presented to the panel in advance of the interview, however if time does not allow this, the panel may decide to review all in-tray exercises following conclusion of interviews.
- **Presentation Topic** - candidates are asked to prepare and deliver a presentation at the start of their interview. This selection method is relevant when presentation skills are a requirement of the job. Candidates should be provided with the presentation topic in advance of the interview and asked to email their presentation by a specified date and time. Presentations are usually expected to last around 10 or 15 minutes.

6.4 Scoring

All assessed elements, including those detailed above must be scored using the Council's Interview Assessment form which will be sent to the panel chairperson by the recruitment team. This provides a scale of measurement which should be used for each element to be assessed:

- 1 = Failed to meet standards
- 2 = Partly met standards
- 3 = Mostly met standards
- 4 = Fully met standards

The total score for each candidate should include each element that has been assessed using the scoring above. There should only be one interview assessment form for each candidate that is completed by the panel chairperson.

7. Interview Structure

- 7.1 In line with the Recruitment and Selection policy, a minimum of 2 panel members must be involved at all stages of the process. Every effort should be made to ensure that the composition of the panel reflects the Council's commitment to Equality [here](#).
- 7.2 The panel chairperson should have all the relevant paperwork, e.g., job description including person specification, candidate application forms, timetable, interview assessment form(s), value-based framework, and question sheet for each member of the panel and the chairperson's checklist.
- 7.3 An appropriate time schedule for the interviews should be worked out in advance so that the panel are aware of the duration of each stage of the process. Interviews should start on time to ensure that each candidate is allocated the same amount of time and therefore receives equal treatment.
- 7.4 At the beginning of the interview, the panel chairperson should introduce everyone on the panel and explain the process and the expected timeframe. **The panel chairperson should also verify the candidate's Right to Work documentation (e.g., British Passport, British Birth Certificate, Biometric Residence Permit, etc....) prior to commencing the interview. A list of acceptable right to work documents is available here.** At this stage, opportunity should also be provided to the candidate to ask any questions.
- 7.5 At the end of the interview candidates will be provided with the opportunity to discuss any conviction(s) relevant to the role.

8. Offer of Appointment

8.1 Post Interview

Following the selection process, the panel chairperson should inform the relevant candidate that they are the 'recommended candidate' subject to satisfactory completion of all relevant checks and should obtain a copy of their Right to Work documentation. A start date should not be agreed at this point.



The recruitment team will advise all unsuccessful candidates by email within 2 weeks following the interview date.

- 8.2 Within 3 working days from the interview the panel chairperson should complete the online 'Post Interview' steps via TalentLink and submit the following documents to the recruitment team for the recommended candidate only: the interview assessment form, chairperson checklist, a copy of the Right to Work document and the Criminal Conviction Form. On submission, the recruitment team will request references (including PVG reference requests). Once references have been returned, they will be sent to the panel chairperson for checking and confirmation that they are satisfied with the content.

The recruitment team will also issue a health questionnaire which will be forwarded to Occupational Health to ensure that any appropriate health checks are carried out to ensure the recommended candidate is fit for employment.

The recruitment team will contact the panel chairperson when all checks are concluded via the online Starter Process at which point the chairperson can provide a start date to enable for the contract of employment to be issued. and

- 8.3 **The formal written offer of appointment summarises the main terms and conditions of employment** for the recommended candidate. In exceptional circumstances the offer maybe issued **subject to the receipt of reference(s) and completion of the required checks. The recommended candidate will be given 14 days to accept the offer and return the appropriate paperwork. If the offer is not accepted within the timescale, it will be withdrawn.**
- 8.4 Only in exceptional circumstances and normally only to a post to which it is difficult to recruit, will a contract of employment be offered to an individual who left the employment of the Council on the grounds of Voluntary Redundancy or Voluntary Early Retirement. In all cases the approval of the **Chief HR Adviser** must be given.
- 8.5 In relation to unsuccessful candidates, the panel chairperson should securely store all paperwork for 6 months then destroy.

9. References

- 9.1 It is the responsibility of the panel chairperson to ensure they are satisfied with any reference provided and that any factual information provided by the referee, such as dates of employment, is accurate. Panel chairperson should check:
- the reference has come from a bona fide source
 - the address for the referee is not the same as the candidates' home address
 - the reference has been signed with the same name and designation of the individual providing the reference
- 9.2 The Council provides many front-line services to vulnerable members of the community and as such it has a duty to follow safe recruitment procedures. All reference requests which apply to posts which are regulated in terms of the Protecting Vulnerable Groups (PVG) Scheme will stress that the post holder will have unsupervised access to children and/or protected adults.

We will also provide the opportunity for the referee to contact us by telephone should they wish to discuss the reference in confidence.

- 9.3 In some situations, additional or alternative references may be required. This could involve contacting any previous employer detailed by the candidate in addition to those cited as referees. This might arise where:
- the candidate has worked for their present employer for a short period of time;
 - the candidate has no recent/current work record;
 - an earlier position in the candidate's employment history appears to be especially relevant;
 - a named referee refuses to provide a reference;
 - a candidate is self-employed. In such circumstances they should be asked to identify someone who can provide a character reference.
- 9.4 If additional references are being checked, the candidate should always be contacted and advised of the reason for this. Should the candidate refuse, they should be advised that their application will not be taken further.
- 9.5 References provided by the Council must be issued by HR and will only include confirmation of employment details, such as dates of employment and position held. Should managers receive a reference request directly, they must forward this to the HR team at HR-policyoperations@south-ayrshire.gov.uk and should Managers wish to provide a personal reference, they can do so; however, the reference must be provided from their personal email address rather than the Council one and not on Council letterhead.**
- 9.6 Where a candidate advises they previously worked for the Council, the panel chairperson must check with the Service to establish whether there was any conduct or other issues that would be relevant.
- 9.7 When a candidate has been promoted or transferred to a different role within the same service, there is no requirement to obtain an internal reference.**

10. Candidate Feedback

- 10.1 Post interview feedback will not be given automatically however, it will be made available on request. Feedback should be provided by the panel chairperson.
- 10.2 If the candidate was not selected due to the nature of a conviction or convictions, then this should be made explicitly clear to the applicant. Equally if the conviction(s) were not the deciding factor this too should be made clear when providing feedback.**
- 10.3 If a barred individual under the higher-level disclosure system has applied to a regulated role, the HR team will report this to Disclosure Scotland.
- 10.4 The purpose of post interview feedback is to help unsuccessful candidates focus on all aspects of their application with the aim of enhancing their future performance. All requests for interview feedback should be treated in confidence and should not affect the consideration of any future application submitted by the individual.



RECRUITMENT CHARTER

Appendix 3

South Ayrshire Council is committed to providing the best possible recruitment experience for applicants and will actively work to remove any barriers to equality of opportunity at all stages of the recruitment process.

THESE ARE OUR COMMITMENTS TO YOU AS A JOB APPLICANT:

- We will treat you in a polite, helpful, and friendly manner at all times and will apply the recruitment process equally to all prospective applicants.
- We will provide you with an e-mail address and/or contact number which can be used to reach a member of the Recruitment Team who will deal with your enquiry.
- As a Disability Confident employer, we are committed to interview applicants that can clearly evidence in their application that they meet the essential criteria of the vacant role and to ensure that reasonable adjustments will be made throughout the recruitment and selection process to meet the needs of candidates with a disability.
- You will be asked to complete an online application form. We will accept a CV from visually impaired applicants which gives all the information requested on the application form and we can provide the application form in large print, in Braille, on audio tape or on computer disc. A paper application form may be accepted for some positions by exception. It is important that you complete the application form as fully as possible.
- We will treat the information you provide in confidence and store it securely. Your application form will only be seen by Human Resources employees and those managers involved in the recruitment procedure. Diversity questionnaire information will be used for monitoring purposes only. We will only collect the personal data we need to process your application.
- After interview, we will contact the recommended candidate as soon as possible by email and normally within 7 days although posts which are subject to Disclosure Scotland checks may take longer.
- A formal written offer of appointment will be issued to the recommended candidate upon satisfactory completion of all recruitment checks. The successful candidate will be given a specific deadline to accept the offer and return the
- You will receive an instant automated e-mail acknowledging that your on-line application has been successfully received by the Council.
- We will normally advise you by email if you are being invited for interview within 2 weeks of the closing date for the post.
- We will give you reasonable notice of the date and format of the interview, and if you are required to make a presentation to the interviewing panel, a minimum of 1 weeks' notice will be given.
- We will be pleased to make any arrangements you need, for example, help with ramp access, a sign language interpreter or information in large print.
- If you are invited for interview but are unable to attend at the given time, we will try to make alternative arrangements. However, this will depend on the alternative timescales and urgency to fill the post.
- We will contact only the recommended candidate's referees, and this will include the current most recent employer.
- If you have been unsuccessful at interview, we will normally advise you by email within 2 weeks, feedback should be made available on request.



appropriate paperwork or the offer will be withdrawn.

Recruitment of Ex-Offenders Guidance

November 2022
Version 1.0



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Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1	September 2022	First version created and uploaded on Core	N Cecconi	Sept 2023

1. Introduction

- 1.1 South Ayrshire Council has undertaken work to ensure that people with convictions are treated within best practice guidelines when applying for work. All applicants are asked to declare any convictions within the current laws.
- 1.2 We will consider relevant information about what was involved in offending and convictions are not an automatic bar to employment with South Ayrshire Council. This does not mean that all those with convictions will be employed; however, we will treat applicants equitably.
- 1.3 Part V of the Police Act 1997, and the protection of Vulnerable Groups (Scotland) Act 2007, are aimed at helping employers and other organisations assess the suitability of applicants for particular posts and to make safer recruitment decisions in relation to positions of trust by widening access to criminal record information.
- 1.4 To this end, the Act provides for the issue of various criminal conviction certificates. In Scotland, these certificates are issued by Disclosure Scotland and are known as Basic, Standard or Enhanced Disclosures. In addition, people undertaking regulated works receive a PVG Scheme Record or PVG Scheme Record Update.

2. 'Spent' and 'Unspent' Convictions

- 2.1 The Rehabilitation of Offenders Act 1974 provides protections for those with convictions in the recruitment process. Following a defined "rehabilitation period, convictions can become "spent" and are not disclosed during the recruitment process.
- 2.2. It is lawful to take into account "unspent" convictions during recruitment, but it is unlawful for employers, or prospective employers, to take into account "spent" offences in relation to which the person concerned is deemed to have been legally rehabilitated.
- 2.3 The Management of Offenders (Scotland) Act 2019 (MOO) was introduced to amend provisions previously covered in the Rehabilitation of Offenders Act 1974 with regards to the times for disclosing previous convictions. The provisions of the Act work to support people with convictions on the path to employment.
- 2.4 The time periods are now much shorter and means that many convictions are likely to have become spent. The changes are applied to all convictions in Scotland and older convictions are treated within the Management of Offenders time periods.
- 2.5 While a conviction is within its disclosure period, it is "unspent" and is made available to employers. The most likely time periods to be encountered are listed at Appendix 1. The full list of new Scottish Disclosure periods is available <https://www.gov.scot/policies/reducing-reoffending/disclosure-of-convictions/>.
- 2.6 During this time it is not unlawful to discriminate on the grounds of a conviction, this does not always mean that unspent convictions will be relevant to job roles and not all those who disclose a conviction will be excluded from employment.

- 2.7 Once a conviction has passed its disclosure period, it will not be made available and becomes a “spent” conviction. At this point, it becomes unlawful to discriminate on the grounds of this information.
- 2.8 Where there is access to vulnerable people or privileged information, posts may be listed as “Exempt” from the 1974 Act and the protections of spent convictions do not apply.

3. PVG Scheme

- 3.1 When a post is exempt from the 1974 ROA most roles will fall within the Protecting Vulnerable Groups (PVG) Scheme, this means that both spent & unspent information is available as well as Other Relevant Information (ORI) which has a bearing on the persons suitability for such roles. Some posts are still subject to Standard or Enhanced disclosure within specific circumstances & departments.
- 3.2 Where posts are within the higher-level scheme, members must be deemed as fit person to work with Children or Vulnerable adults and can be members of either or both schemes. If an applicant or staff member is Barred from the PVG system, they cannot undertake work with the vulnerable and it is an offence for them to seek work. The Council will never employ anyone within the PVG system who has been barred from the relevant scheme.
- 3.3 When a post is within the higher-level scheme it does mean that privileged information is made available in order that relevant assessment can take place and to ensure the protection of Children & Vulnerable people. Again, it should be made clear that although information on job applicants’ previous convictions is made available, it does not mean they will be unsuitable for employment.
- 3.4 There are now rules within the DS Act and 2015 Amendments to PVG which allow historic offences to be removed from PVG records, these convictions are treated as “protected” and need to pass certain tests before they are protected. These convictions must first appear on the rules lists <https://www.mygov.scot/convictions-higher-level-disclosures>.
- 3.5 There are two lists: firstly those “Disclosed according to rules” or less serious convictions and “Offences that must be disclosed unless a Sherriff orders otherwise” or more serious convictions. For offences to be protected they must be spent under the MOO disclosure periods and individuals convicted 15 years previously for adults (over 18) or 7.5 years for under 18’s.
- 3.8 Those convictions listed as less serious “Disclosed according to rules” will in most cases be automatically removed after 15 years from applicants PVG scheme membership record.
- 3.9 For convictions that are “Unless a Sherriff orders otherwise” or more serious the individual must apply for their conviction(s) to be removed. A submission must be made to the court where the individual was convicted, and the relevant sheriff may then agree to protect that conviction.

- 3.10 Although conviction may be protected, there remain provisions to allow for relevant concerns to be reported using Other Relevant Information (ORI) where there are concerns for the vulnerable.

4. Dealing with disclosure at interview

- 4.1 The council requests that applicants disclose their convictions at interview either verbally or in writing. This allows the panel to have a reasoned and careful discussion of applicants' pasts as part of their selection.
- 4.2 For both the applicant and the panel it is important that have a chance to discuss the record presented and assess any impacts on employment.
- 4.3 If an applicant discloses any conviction(s), the panel should first take time to thank the individual for their disclosure and the panel lead should be prepared to ask questions based on what information has been provided.
- 4.4 If an applicant discloses verbally, they may not be as clear over their description as they have been during the interview, and you may notice changes in their body language.
- 4.5 If an applicant has provided a written disclosure, they are likely to have had some advice on how to disclose and this may include much of the detail that you would be seeking to understand about their offending and steps taken to stop.
- 4.6 It is necessary for the panel to ask questions related to the information provided. It is common for offending to be linked to periods of external influence such as chaotic lifestyles, drug and/or alcohol misuse, other people's influence, or financial hardship. This is not an exhaustive list, and the panel should be aware that each disclosure will be unique.
- 4.8 Consideration should be given to the "disposal" (penalty) imposed by the courts. There are rules within sentencing for the judiciary depending on the factors involved in offending and this is the most consistent benchmark of the severity of the offence itself.
- a. Financial penalties are the most common disposal in Scotland while Community payback or CPOs are a fixed number of hours (up to 300) unpaid work that the individual must undertake.
 - b. CPO's & financial penalties are non-custodial disposals and may indicate that offence could be considered as relatively minor, however this should become apparent to the panel from discussion with the individual and will be influenced by the nature of the conviction itself.
 - c. Custody is evidently a more serious disposal and the length of term imposed will have a bearing on the perceived severity. Sentences of less than 4 years are considered "Short Term" and can become spent. More than 4 years is considered "Long Term" and cannot currently become spent in Scotland.
 - d. There are many other disposals which are less common and if these are encountered the panel should seek advice from HR.

- 4.9 The panel can and should ask questions if there are any area's they feel have not been covered by the applicants' disclosure. The panel should use their judgement depending on the information received and if adequate and appropriate information has already been detailed, it may not be necessary to enquire further. Questions should only relate to the information provided and should assist the panel in being sure that behaviours have been addressed and any chance of re-offending has been mitigated. For example, if an applicant has disclosed substance misuse, it is acceptable for the panel to ask about how this has been addressed and any recovery programmes or abstinence the individual has been involved in. If offences have involved alcohol, it would again be acceptable to enquire about cessation from alcohol, but it would be inappropriate to ask about other substances. There are likely to be many other factors that applicants can disclose, and these examples are provided for guidance only.

5. Decision Making

- 5.1 When making decisions relating to convictions, the panel should consider the information provided and consider: the severity, including disposal(s), of any convictions; the time since conviction; the manner in which the applicant takes responsibility for their actions; cessation from or recovery from alcohol/substance misuse and what activities have been undertaken to address behaviours.
- 5.2 Within the higher-level systems, there will be a larger amount of information provided to the panel and extra consideration will understandably be given. ORI information may not involve conviction information but is presented for the purposes of safeguarding.
- 5.3 If the panel is satisfied that the information and responses provided has adequately addressed their questions, then the individual can be recommended for employment.
- 5.4 Similarly, if the panel is not satisfied, it is acceptable to not offer employment based on a conviction(s). Please note that it remains unlawful to decide on the grounds of spent or protected information and the panel must discount information presented by the applicants if it would not be presented in law. Also, advice should be sought from the HR team.
- 5.5 The Council retains the right to decline an application on legislative grounds should it be deemed to be necessary.

Appendix 1 – Sentences and Disclosure Periods

Sentence	Disclosure period - aged 18 or over when convicted	Disclosure period - aged under 18 when convicted
Custodial sentence not exceeding 12 months	Term of sentence plus two years	Term of sentence plus one year
Custodial sentence exceeding 12 months but not exceeding 30 months	Term of sentence plus four years	Term of sentence plus two years
Custodial sentence exceeding 30 months but not exceeding 48 months	Term of sentence plus six years	Term of sentence plus three years
A fine	12 months	Six months
A compensation order	12 months	Six months
An order for endorsement made by a court in relation to an offence mentioned in schedule 2 of the Road Traffic Offenders Act 1988	Five years	Two years and six months
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service.	10 years	Five years
A sentence of dismissal from Her Majesty's service.	Seven years	Three years and six months



Recruitment and Selection *Complaints Procedure*

November 2022
Version 2.0



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Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
2	September 2022	Change to Head of service job title; removed reference to the appeal stage and amended appendices accordingly.	N Cecconi	Sept 2023

1. Introduction

- 1.1 South Ayrshire Council is committed to promoting equality of opportunity and will endeavour to ensure that no applicant receives less favourable treatment. Accordingly, applicants who think they have been treated less favourably than other applicants or who feel they have been the subject of discrimination during the recruitment process are entitled to complain.

2. Procedure

- 2.1 Anyone wishing to complain should be advised to write to the **Chief HR Adviser** within 14 days of being advised of the outcome of their application. The letter of complaint should be forwarded to the HR Policy and Operations Coordinator who will pass it to the HR Advisor in the area where the vacancy sits that is the subject of the complaint.
- 2.2 On receipt of the complaint, the letter/email should be acknowledged by the HR Advisor (**Letter R&S Complaint 1**).
- 2.3 The HR Advisor should then carry out an investigation as soon as possible into the complaint and have this completed (normally **14 days** from receipt of the complaint).
- 2.4 The HR Advisor should then prepare a draft report and response letter using the templates (**R&S Complaint 2, R&S Complaint 3 or R&S Complaint 4**) and send to **Chief HR Adviser** for review and comment along with any relevant paperwork.
- 2.5 The **Chief HR Adviser** will review the investigation report and response letter and provide feedback to HR Advisor who carried out the investigation, who will in turn prepare the final response and report.
- 2.6 The response and report should be issued by the **Chief HR Adviser** normally within **10 working days** from receipt of the complaint; therefore, all recruitment complaints must be dealt within this timescale. There will be no further right of appeal.

~~2.7 If after receiving a response, an internal applicant remains dissatisfied, an appeal can be submitted in writing to the Executive Director, Resources, Governance and Organisation, within 14 days of receipt of the response. Applicants who are employees of South Ayrshire Council will have their complaint heard at Stage 2a of the Council's Grievance Procedure, (Invite to 2a, R&S Complaint 5 and Response to 2a, R&S Complaint 6). Stage 2a is the final step in this process, there is no further right of Appeal.~~

~~2.8 If after receiving a response, an applicant who is not an employee of South Ayrshire Council remains dissatisfied, will be called to a meeting involving both parties and chaired by an Manager who has not previously been involved in the process. If the applicant feels the matter remains unresolved, she/he will be required to pursue the matter through channels external to the Council.~~

3. General Information

- 3.1 Information/paperwork on the recruitment exercise relevant to the complainant, e.g., job description, person specification, scoring matrix etc should be requested from the Recruitment Team. (Only information relevant to the complainant should be released along with the report, other applicants' information should remain confidential).
- 3.2 The template letters included in this procedure are for guidance, letters can be adapted to suit particular circumstances.
- 3.3 Following the investigation, a copy of the investigation report and response letter should be sent to the Recruitment Team for logging. All relevant paperwork and correspondence concerning the complaint should be filed in the employees' personnel file.
- 3.4 The Recruitment Team will prepare a monitoring report for the **Chief HR Adviser** on a quarterly basis, highlighting the number of complaints, reasons and outcomes.
- 3.5 In certain circumstances the **Chief HR Adviser** can decide to suspend the recruitment process pending the outcome of a complaint.

R&S Complaint 1 – Acknowledgement

Dear

RECRUITMENT AND SELECTION COMPLAINTS PROCEDURE

I write to acknowledge your letter/email of **DATE** where you have outlined your concerns regarding the application of the Council's Recruitment and Selection Policy as applied to the **POST TITLE** vacancy that you applied for on **DATE**.

As referred to in the Recruitment and Selection Complaints Procedure, I have been asked to investigate your complaint and report back to the **Chief HR Adviser** within 14 days of receipt of your complaint, you will then be notified accordingly.

Yours sincerely

HR Advisor



R&S Complaint 2 - Report

SOUTH AYRSHIRE COUNCIL

INVESTIGATION INTO RECRUITMENT COMPLAINT XX DATE OF REPORTXX POST TITLE, GRADE AND LEVEL:

1. Introduction

Name of complainant, nature of complaint, date of formal complaint and who carried out investigation

2. Background

Brief summary of complaint

3. Investigation Process

Details of how investigation carried out

4. Findings

Include specific details on recruitment complaint and findings, also depending on the nature of the complaint, other information should be included e.g., panel selection, chair of panel, how many applications received, how many candidates interviewed, details of recruitment process, how short listing carried out, feedback to candidates etc.

5. Summary/conclusions

Summary of / conclusion from findings above

6. Appendices

Include any relevant paperwork used in the recruitment process, e.g., scoring matrix, job description, person specification etc. relevant to the person making the complaint.

R&S Complaint 3 – Complaint not Upheld

Dear

RECRUITMENT AND SELECTION PROCEDURES

I refer to your letter/email of **DATE**, requesting **ADD REASONS** in relation to your recent application/interview for the post of **POST TITLE** and would confirm having arranged for an investigation to be undertaken into this matter.

I now enclose a copy of the report (and related appendices) outlining the findings of this investigation, from which you will see that it has been determined that **ADD CONCLUSIONS** in line with the Recruitment and Selection Procedures of South Ayrshire Council.

Yours sincerely



R&S Complaint 4 – Complaint Upheld

Dear

RECRUITMENT AND SELECTION PROCEDURES

I refer to your letter/email of **DATE**, requesting **ADD REASONS** in relation to your recent application/interview for the post of **POST TITLE**.

Following an independent review of the recruitment process for this post I can now respond to your points as follows:

- 1.
- 2.
- 3.
- 4.

Based on the findings outlined above I do believe that there were unsatisfactory **ADD REASONS** in the recruitment process, for which I apologise on behalf of South Ayrshire Council. On that basis I have asked for **DETAIL RESOLUTION**.

If you have any other queries or concerns in the interim, please do not hesitate to contact **NAME** at the number shown above.

Thank you very much for drawing this to our attention and I hope this experience does not deter you from applying for any future posts within South Ayrshire Council.

Yours sincerely



Summary of Changes – Recruitment and Selection Policy

Paragraph	Page	Change
1.4	3	Reference to Disability Confident and clarification that candidates with disabilities are still required to meet the criteria for the post, rather than being entitled to guaranteed interviews.
1.5	3	New paragraph to include reference to Recruit with Conviction Ambassador status
2.3.4 - 2.3.5	5	<p>We changed the paragraph titles to Internal Advertising and External Advertising, instead of 'Internal Advertising only' and 'Simultaneous external and internal'. Managers have the choice to advertise both internal and external when they request a vacancy, rather than being restricted to advertise internal only due to the challenges of the current labour market. Vacancies are only restricted to internal advertisement if ring-fenced during service reviews.</p> <p>We removed the following paragraph about liaison with Trade Unions as this doesn't happen at Recruitment stage.</p> <p><i>In doing so, managers should liaise with appropriate trade unions and take into account the need to comply with statutory equalities legislation which implies a requirement to recruit from the widest possible pool available, while on the other hand providing effective promotion opportunities and succession planning for existing employees.</i></p>
3.1	6	Wording added from the scheme of delegation to clarify the process where an applicant is related to a Member of the Council or to an employee.
3.2	7	Added reference to the online recruitment resources now available on the Core
4.1	7	Values have been updated with the addition of 'Ambitious' and 'Proud'
4.3	7	Added paragraph to confirm that <i>Information relating to protected characteristics and previous convictions will be withheld from the shortlisting process in line with the 2010 Equality Act and best practice as a Recruit with Conviction Ambassador.</i>
4.4	8	Added reference to the Letter of Disclosure and panel chairperson responsibilities when interviewing applicants with convictions.
4.4	8	<p>Added wording around the requirement for candidates to provide a physical copy of their right to work document at interview so that this can be verified by the chairperson.</p> <p>Added link to the guidance on the recruitment of ex-Offenders.</p>

Summary of Changes – Recruitment and Selection Handbook

Paragraph	Page	Change
1.2	3	Added paragraph to include the adoption of a digital approach to recruitment and selection (i.e. vacancies are now requested on the Core via the Vacancy Management form)
5	4	<p>Changed title from 'Recruitment Campaign' to 'Advertising' and removed 2 paragraphs. Managers have the choice to advertise both internal and external when they request a vacancy, rather than being restricted to advertise internal only due to the challenges of the current labour market. Therefore, the following paragraphs are no longer viable:</p> <p><i>Any recruitment campaign should be agreed with the relevant HR Policy and Operations Advisor. Vacancies will usually be advertised internally in the first instance and will be open to employees such as those who are temporary/permanent, casual or bank whether currently employed or not, and Modern Apprentices/Trainees. Vacancies can be advertised internal only or simultaneously external.</i></p> <p><i>Only if a suitable internal candidate is not identified should vacancies be advertised externally. If there is a particular reason why a vacancy requires to be advertised internally and externally simultaneously, approval must be sought on the vacancy management request. Permission will only usually be given when: the post is of a specialist nature; it is recognised that there will be a limited response from internal candidates; the post is subject to a legal requirement or a Joint Funding Partnership arrangement; or in cases of regulated work where advertising to the widest possible pool of applicants is recommended.</i></p>
5.1.3	5	Added reference to the Council being a Disability Confident employer.
5.1.6	5	Added paragraph to include the attainment of Recruit with Convictions Ambassador Status
5.1.10	6	Added reference to online interviews when a candidate is located outside of Scotland or the UK.
7.4	8	Added reference to the requirement for the chairperson to verify the right to work documentation of the candidates at the interview
9.5	10	Paragraph changed with the proposal that external references are only issued by HR and only provide basic employment details (position and employment dates)
9.7	10	Added a paragraph to clarify that internal references are not required when a candidate has been promoted or transferred to a different role within the same service.
10.2	10	Paragraph added around interview feedback when a candidate has not been selected due to the nature of their conviction(s)

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Revised Recruitment and Selection Policy
Lead Officer (Name/Position/Email)	Wendy Wesson (Chief HR Adviser) Wendy.wesson@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	No	No
Disability	No	No
Gender Reassignment (Trans/Transgender Identity)	No	No
Marriage or Civil Partnership	No	No
Pregnancy and Maternity	No	No
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	No	No
Religion or Belief (including lack of belief)	No	No
Sex – gender identity (issues specific to women & men or girls & boys)	No	No
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	No	No
Thematic Groups: Health, Human Rights & Children's Rights	No	No

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
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Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	No	No
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	No	No
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	No	No
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	No	No
Socio-economic Background – social class i.e. parent’s education, employment and income	No	No

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	No adverse impact
Advance equality of opportunity between people who share a protected characteristic and those who do not	No adverse impact
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	No adverse impact
Increase participation of particular communities or groups in public life	No adverse impact
Improve the health and wellbeing of particular communities or groups	No adverse impact
Promote the human rights of particular communities or groups	No adverse impact
Tackle deprivation faced by particular communities or groups	No adverse impact

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	NO
Rationale for decision: A full assessment had already been carried out when the policy was firstly implemented, and the changes implemented will have no adverse impact on South Ayrshire Council employees.	
Signed: Wendy Wesson	
Date: 27 th September 2022	