

Recruitment and Selection Policy

Contents

Policy	3
Determining whether there is a vacancy	4
Selection Panel (SP)	4
Assessing and selecting applicants	5
Interviews and assessments	5
Successful applicants	5
Pre-employment Checks	5
Right to work in the UK and identity checks	5
References	6
Basic criminal records check.....	6
Assessment of the results of the basic criminal records check	6
Security Clearance.....	7
Unsuccessful applicants (following interview)	7
Monitoring	7
Data Protection	7
Business Continuity	8
Document control sheet	9

Policy

The Scottish Information Commissioner (the Commissioner) recognises that our staff are fundamental to our success. We need to be able to attract and retain staff with the necessary skills and attributes to enable us to fulfil our organisational objectives.

Recruitment is the overall process whereby we appoint staff to fill vacant or new posts.

Selection covers the series of activities used to best identify the most suitable candidate for any particular vacant post on the basis of their job-related skills and abilities.

The purpose of this policy is to provide a sound framework for the recruitment of staff based on the principles outlined below.

This policy aims to make sure that the Commissioner attracts, selects and retains the most suitable candidates by using the most appropriate, efficient, fair, open and effective recruitment and selection processes.

The Commissioner has a legal responsibility to ensure that no unlawful practices occur in the recruitment and selection process and the processes that are in place help us to meet our obligations in relation to the following legislation and codes:

- Equal Pay Act 1970
- Rehabilitation of Offenders Act (1976)
- Human Rights Act 1998
- Employment Rights Act 1996
- Employment Relations Act 1996
- Equality Act 2010
- Data Protection Act 2018
- UK General Data Protection Regulation
- Equality and Human Rights Commission (EHRC) Code of Practice on Employment

<https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>

- Information Commissioner's (ICO) Code on Employment Practices.

[The employment practices code \(ico.org.uk\)](https://ico.org.uk/for-organisations/guide-to-the-employment-practices-code/)

No job applicant will receive less favourable treatment on the grounds of sex or marital status, on racial grounds, or on grounds of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Job applicants will be selected on the basis of their job-related merits and abilities.

The aims of the policy will be achieved by ensuring that:

- vacancies receive as wide a pool of potential applicants as possible

- there are clear, concise and objective job descriptions and person specifications for each post
- when selecting applicants for interview,
 - the members of the Selection Panel (SP) will have no access to information about the candidates which might allow them to discriminate against any candidate on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
 - processes will be fair, objective and decisions will be justified, consistent and recorded
- we will make reasonable adjustments for disabled applicants during the recruitment process
 - we will provide and accept information in accessible formats, where this would be a reasonable adjustment. Accessible formats include email, Braille, Easy Read, large print, audio format and data formats.
 - all applicants who are invited for interview will be asked if they have additional support needs and offered assistance if needed.
- we will undertake regular monitoring of our recruitment using the information obtained from the separate and anonymous Equal Opportunities Monitoring Forms (EOMF)
- the EOMFs will not be made available to the Senior Management Team (SMT) or the SP in advance of an interview and are destroyed securely once the relevant information has been gathered from the forms and the reports prepared and submitted to the SMT.
- staff who are offered a contract to work part time hours, or are employed on temporary or fixed-term contracts will have the same employment conditions and rights as staff contracted to work full-time hours and/or staff on permanent contracts

Determining whether there is a vacancy

A vacancy presents an opportunity to critically examine the gap in the Commissioner's workforce that the vacancy has created. The SMT will consider whether recruitment is the most appropriate solution to filling a vacancy. Other options to recruitment include reorganising work distribution, increasing the responsibilities of an existing staff member, redesigning job tasks, restructuring, redeployment, secondment or using agency temporary staff for short-term assignments.

If recruitment is the appropriate solution, then the SMT will also decide whether the vacancy:

- is to be filled internally or externally
- is suitable for flexible working or job-sharing in accordance with our employment policies

Selection Panel (SP)

A SP will be formed for each recruitment exercise. There will be at least 2 people on the SP, one of which must be a member of the SMT. The SP may include non-management members of staff provided they are at a salary band above that of the post being recruited.

SP members from outside the Commissioner's office may be used where all the candidates are well known to the Commissioner's staff and/or there is a need for particular expertise or technical knowledge/experience that is not obtainable within the Commissioner's office.

SP members must declare any personal knowledge of or relationship with an applicant.

SP members should also have received appropriate recruitment and selection training, including training on the diversity aspects of recruitment and selection and the relevant legislation.

Assessing and selecting applicants

Our C5 Recruitment and Selection Procedures provide more detail on the matters that will be considered and the steps to be taken in recruitment, assessment and selection.

Interviews and assessments

Interviews may take place virtually or in person.

If an interview takes place in person, the Commissioner will reimburse travelling expenses up to £100.00 for attendance at an interview or assessment. Reasonable travelling expenses will be agreed as part of reasonable adjustments for a disability. Applicants will be asked to provide receipts as proof of purchase and will not be reimbursed without a receipt.

If there are several suitable applicants following an interview or assessment, to assist in the final decision, the applicants may be invited for a second interview and/or assessment. Applicants will be informed if there is a further interview and/or assessment and any delay in making an offer of employment.

Successful applicants

An applicant who is successful at interview and who receives a conditional offer of employment must undertake pre-employment checks to progress to an unconditional offer of employment.

The pre-employment checks will include:

- Right to work and identity checks
- References
- Basic criminal records check
- Security clearance - security clearance is required for all posts

The Commissioner can only make a formal unconditional offer of employment once the pre-employment checks process is complete and satisfactory assessments of the checks have been obtained.

Pre-employment Checks

Right to work in the UK and identity checks

When we offer someone a job, we must ask for proof that they have the right to work in the UK and if we do not check this we could be subject to a civil penalty.

The right to work in the UK and identity checks will be carried out by the Finance and Administration Manager (FAM) and we may ask for the relevant evidence prior to an interview taking place. The Head of Corporate Services (HOCS) will assess the right to work and identity checks and confirm whether they are satisfactory.

If an employee's right to work is time-limited, we will need to check their right to work and identity documents when they are due to expire.

We do not need to do checks for existing employees from the EU, EEA or Switzerland if they came to the UK before 1 July 2021.

Applications for the EU Settlement Scheme closed on 30 June 2021. Since 1 July 2021, EEA and Swiss citizens cannot use their passports or national identity cards to prove they have a right to work in the UK. The majority of EEA and Swiss citizens will now need to prove their right to work using the Home Office online right to work service. The EEA includes the EU countries and also Iceland, Liechtenstein and Norway.

Irish citizens have unrestricted access to work in the UK and can prove their right to work in the UK by using their Irish passport or passport card or another proof of identity.

If an applicant's right to work in the UK and identity checks are not satisfactory, the applicant cannot be appointed to the post being recruited to and, if these checks are carried out prior to interview, may not be able to take part in any interview.

References

If an applicant is successful at interview and a conditional offer of employment is made, the applicant will be asked to provide the names of two referees, one of which should be their most recent employer. The Commissioner has a C5 References Policy and Procedures document which provides more detail.

The references will be assessed by the HOCS who will advise the Commissioner as to whether they are satisfactory. If satisfactory references are not provided the conditional offer of employment will be withdrawn.

Basic criminal records check

If an applicant is successful at interview and a conditional offer of employment is made, the applicant must apply for a Basic Criminal Records check via Disclosure Scotland (the applicant will be expected to obtain this and incur the cost for the certificate. Current charges and other information on disclosure certificates can be found at the Disclosure Bureau's website www.disclosurescotland.co.uk.)

Assessment of the results of the basic criminal records check

In determining whether an unspent criminal record is relevant and would lead to withdrawal of a conditional offer of employment on the basis that the assessment of this pre-employment check is unsatisfactory, the unspent criminal record will be assessed in relation to the tasks which need to be performed and the circumstances in which the work is to be carried out. Relevant considerations which we will take into account in reaching our assessment include:

- the nature of the offence (for example, offences involving fraud, theft, violence or abuse) and its relevance to the position, given that the role could include access to funding, work with the public and teamwork, but does not require a driving licence
- the seriousness of the conviction

- the age of the conviction

The circumstances of the offence may also be relevant and, also, any pattern of offending and changed circumstances.

Security Clearance

All staff employed by the Commissioner have to undergo security clearance and there is a Security Vetting Policy and Procedure set out in the Employee Handbook.

If an applicant is successful at interview and a conditional offer of employment is made, the applicant will be asked to complete a security vetting form which will be processed by the Scottish Parliament's Security Office on behalf of the Commissioner. The system of security vetting operated is similar to the national vetting systems used by UK central Government Departments, Agencies and Devolved Administrations.

Once the security vetting has been completed, the outcome will be communicated to the applicant and the HOCS. If satisfactory security clearance is not obtained the conditional offer of employment will be withdrawn.

Unsuccessful applicants (following interview)

All unsuccessful candidates who have attended an interview will be advised that they have been unsuccessful.

Monitoring

Once the recruitment and selection process is completed, a monitoring report for the job will be prepared by the FAM. This will include: where the job was advertised, gender of applicants, age of applicants, number of applicants with disabilities and profile of ethnic origin. The report will include information in respect of all applicants, all applicants selected for an interview and successful candidates.

Data Protection

Personal data will be held, used, processed and securely destroyed in line with the Commissioner's Data Protection Policy and Handbook, Information and Records Management policies and the File Plan and Retention Schedule.

The Commissioner recognises the importance of safeguarding personal privacy when dealing with information received from applicants during a recruitment process. Relevant data protection laws, including the UK General Data Protection Regulation and the Data Protection Act 2018, require us to inform an applicant about what data we hold on an applicant and the purposes for which this data might be used. This information can be found in the Commissioner's Privacy Notice, available at: <http://www.itspublicknowledge.info/home/privacy.aspx>.

The Commissioner undertakes to process personal data obtained during a recruitment process in accordance with the following data protection principles. Personal data will be:

- used lawfully, fairly and in a transparent way
- collected only for valid purposes that are clearly explained and not used in any way that is incompatible with those purposes
- relevant to specific purposes and limited only to those purposes

- accurate and kept up to date
- kept only as long as necessary for the specified purposes and
- kept securely.

Business Continuity

For business continuity purposes, it may be necessary to provide temporary and interim policies to add to or amend the provisions set out in this policy, for example, when dealing with the impact of a pandemic.

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