



PRIFYSGOL CYMRU
Y Drindod Dewi Sant
UNIVERSITY OF WALES
Trinity Saint David

RECRUITMENT AND SELECTION POLICY and CODE OF PRACTICE

1. GENERAL PRINCIPLES

1.1 Purpose

This document represents a code of practice aimed at promoting and maintaining professional standards and best practice in the recruitment and selection of employees at the University.

1.2 Aim

The University aims to recruit and select the highest calibre of staff to meet its continuously developing needs and its long-term prosperity. It seeks to achieve this aim by affording equality of opportunity taking account of current equality and diversity legislation. The University will recognise the following legislation:

- Equality Act 2010
- Rehabilitation of Offenders Act 1974
- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996
- Human Rights Act 1998
- Working Time Regulations 1998
- Data Protection Act 1998
- Working Time (Amendment) Regulations 2006
- National Minimum Wage Act 1998
- Transnational Information and Consultation of Employees Regulations 1999
- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Employment Act 2002
- Fixed –Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Information and Consultation of Employees Regulations 2004
- Gender Recognition Act 2004
- Racial and Religious Hatred Bill 2005
- Transfer of Undertakings (Protection of Employment) Regulations 2006
- Immigration and Worker Registration New points-based immigration system
- Employment Act 2008
- Transfer of Undertakings (Protection for Employment) (Amendment) Regulations 2009
all as subsequently consolidated, modified or re-enacted from time to time

1.3 Policy Statement

The recruitment and selection procedure seeks to provide a fair, systematic and reliable basis for selecting the most suitable candidate for any given vacancy. The University will endeavour to take appropriate measures to ensure that candidates are not subject to discrimination on the grounds of race, disability, gender or gender reassignment, age, religion or belief, sexual orientation, marital or civil partnership status, maternity and pregnancy, social class or any other grounds not relevant to good employment and learning practice. This policy is ratified by the HR Committee of the Governing Body.

1.4 Criteria for choice

The selection procedure will be evaluated and monitored to ensure that individuals are selected on the basis of their relevant competency and ability to fulfil the role. The process will be open to any person who feels that they meet the requirements of the post unless special internal ring-fencing criteria apply. All applicants will be assessed comparatively against the specification for the post.

1.5 Scope

The principles of this policy will apply to all staffing appointments at the University except for certain posts which shall be appointed by the Council, or as the Council shall by Ordinance prescribe.

1.6 Confidential

The University will place great emphasis on ensuring that all employees involved within the recruitment and selection process appreciate the importance of confidentiality. Potential candidates will be advised of the University's approach to the data handling aspects of the recruitment process. The University will take due heed of the requirements of the Data Protection Act 1998 and any related University policy.

1.7 Transparency

Whilst recognising that confidentiality is crucial the University will seek to demonstrate that the selection processes used are transparent to both applicants and to the University community. Occasionally staff involved in the selection process could be related to, or be closely acquainted with, an individual applicant. It is essential that 'an expression of interest' be declared to the Chair of the particular recruitment and selection panel or the Director of Human Resources (DHR), at the earliest opportunity. A decision will then be taken as to the appropriateness of including that individual employee in the short listing or interview process. Failure to 'declare an expression of interest' could result in disciplinary action being taken against the staff panel member concerned.

Staff involved in the recruitment process should not utilise facilities such as LinkedIn to secure additional information about candidates as this could advantage or disadvantage candidates or introduce unfairness or perceived unfairness into the practice.

2. ROLES AND RESPONSIBILITIES

2.1 Vice Chancellor

The Vice Chancellor has overall responsibility for all appointments, except for certain posts which remain the responsibility of the Council.

2.2 Members of the Council, Vice Chancellor and Senior Management Team

The members of the Council, the Vice Chancellor or Management Team agree to:-

1. actively endorse unbiased selection aimed at selecting the best person for the post.
2. promote a recruitment and selection procedure which is fair and non-discriminatory.

2.3 Director of Human Resources (HR)

The Director of Human Resources is primarily concerned with providing strategic advice, guidance and leadership across the institution on all aspects of the key risk areas of Human Resources. The Director of Human Resources is responsible to the Vice Chancellor for all operational matters associated with the appointment of Academic and Support staff.

2.4 The Human Resources Department

A key role of the HR Department is to guide and assist managers in the appointments process. In executing this duty the HR Department will have responsibility for monitoring the recruitment process and for the continual updating of the University's HR Policies and Procedures such that they comply with the requirements laid down by employment legislation and compliance regulations and additionally that they conform to best practice.

Main duties;

- To oversee the recruitment and selection process in all departments of the University

- To ensure that the recruitment and selection procedure meets the needs of the University and meets relevant legislative, regulatory and quality standards.
- To provide advice and support to Managers and Supervisors involved in recruitment of staff.
- To liaise with the Senior Directorate and other managers, as and when required, to establish staffing requirements and to plan recruitment.
- To manage the administration and monitoring of the recruitment and selection process.
- To assist in the preparation and compilation of appropriate Job Advertisements, Role Profiles, Job Descriptions and Person Specifications and the Additional Information leaflet relating to individual vacancies.

To meet these duties a small team, who are committed to continuous improvement, will support the Director of Human Resources. All members of this team will welcome constructive feedback from staff/colleagues in respect of improving the Human Resource systems at the University.

2.5 Other Staff involved in Recruitment

This will normally be members of the Senior Management Team, Heads of School or Heads of Unit. However, the University does at times encourage the involvement of other members of the University community to participate in interviews and these individuals will be provided with guidance prior to their involvement in the process. All individuals involved in the recruitment process will be expected:-

1. to adhere to the University recruitment and selection policy and code of practice;
2. to make sound, unbiased selection decisions, free of discriminatory practices;
3. to liaise with the HR Department and to ensure that accurate and relevant recruitment documentation, (job descriptions, person specifications, job advertisements, short-listing and evaluation sheets incorporating the standard scoring mechanisms) are used throughout the process. Adherence to authorised procedures is crucial in order to provide mitigation at times of challenge.
4. To announce any declarations of interest as indicated in 1.7 above.

2.6 External Individuals invited to join the Recruitment Team

Occasionally individuals, not employed by the University, but able to offer specific expertise, might be invited to be part of the Recruitment team. It is crucial that they are advised of the University's Recruitment and Selection Policy and that they agree to abide by the guidelines laid down in that Procedure and code of practice before they become a part of the recruitment team. The HR Department will issue, in advance, a specific recruitment pack to externals joining the recruitment team.

3. THE RECRUITMENT PROCESS

The HR Department will centrally co-ordinate all staff recruitment in order to ensure consistency and adherence to Recruitment standards and procedures. They will provide advice and guidance and also administer and monitor the recruitment process. Copies of documentation used during the recruitment process should be returned to the HR department. No other individual (s) engaged in the recruitment process has authority to retain any documentation used within the recruitment process.

3.1 Authorisation to Recruit

3.1.1 Authorisation to recruit

The HR department will be unable to commence any recruitment process without the receipt of an RS1 form - 'Authorisation to Recruit' – which has been authorised by the Pro Vice Chancellor (Finance & Planning) or the Executive Head of Finance under delegated authority

from the Pro Vice Chancellor (Finance & Planning). In order for the HR Department to be able to plan and manage the operation of the recruitment process there will be defined dates on a fortnight cycle when RS1 forms will be accepted for processing. Full details of the process and timeframe will be contained in the Guidance Notes produced for Managers and available on the University Intranet. Authorisation by the Pro Vice Chancellor will be subject to budget allocation at that point in time.

3.1.2 The following sequence of authorisations must be followed:

An 'authorisation to recruit form' **form RS1** (available on the Line Managers Folder or from the HR department) should be fully completed and forwarded to the HR department for submission to HR department.

1. The Head of School/ Head of Unit must sign the RS1 form having fully completed the relevant sections.
2. Confirmation of budget availability must be sought from the Finance Department. The appropriate section of the RS1 form must be signed and dated before the completed form is forwarded to the HR Department.
3. The completed, signed and countersigned RS1 form must then be passed to the HR Department.
4. The following supporting documentation should be submitted with the RS1 form:-
 - the draft **job description**

The following supporting documentation should be submitted with the RS1 form:-

- the main elements of the job responsibilities, including any reporting relationships for the preparation of a job description. The HR department will provide support in the preparation of a Role Profile Template and will produce the final version for verification once authorisation to proceed with the post has been obtained.

The **person specification** which should specify the qualifications, experience, knowledge and personal qualities required to effectively undertake the job. Any specific circumstances relating to the job should be noted. Care must be taken to ensure that the requirements of the post are clearly and explicitly stated. The skills, aptitude, knowledge, and personal qualities sought **must be justifiable** and specifically related to the actual needs of the job. Educational and training requirements and work experience must not exceed **the minimum** requirements for satisfactory performance in the job. Any 'Essential' or 'Desirable' elements of the Person Specification should be clearly indicated as such. These standards must be realistic and must apply equally to all candidates in order to avoid discrimination of a direct or indirect classification. The Person Specification should indicate how the various elements will be identified. The HR department will provide support and will produce the final version of the person specification based.

- **draft job advertisement.** This should be constructed from the detail contained in the person specification. Section 3.6 below refers.

The University has agreed Generic Role Profiles for most levels of Support Staff posts. These have been evaluated in partnership with the trades unions and they will direct the structuring of Job Descriptions and HR staff will provide support and guidance. Job Descriptions for Academic posts have been designed from the national Generic Role Profiles.

The terms and conditions under which the post holder is to be employed must be consistent with the current University policies. Special cases must be fully discussed with the HR department.

It is recognised and appreciated that urgent recruitment circumstances may arise and in those exceptional circumstances guidance must be sought from the HR department.

The Finance department will be unable to instigate a payment through the payroll or the accounts systems; similarly an IT account will not be created, nor will any security access cards be issued without the release of the relevant authorisation forms from HR which are subject to receipt of form RS1. HR need to be able to contact the employee in advance of their commencement in order for the authorisation forms to be completed and signed. These checks will be required even if an employee has previously been employed at the University. (NB: the tax year is different to the academic year so even if someone has worked at some time during the academic year they may not still be live on the payroll system

3.1.3 Recruiting part time staff

Legislation relating to the appointment and employment of part time staff places on employers the responsibility of ensuring that part time staff are treated equitably with a full time member of staff. The University currently employs a large number of part time staff and it is essential that the recruitment process does not disadvantage those individuals because they are part time. Whilst managers will be influenced by budgetary constraints in respect of the appointment of part time staff they must also ensure that they follow standard procedures for the appointment of part time staff in order to avoid any inequality claims in comparison with full time appointments.

3.1.4 Recruiting staff for fixed term contracts of employment

There are legislative requirements in relation to the appointment of staff on fixed term contracts of employment. In order to ensure that the university is not in breach of the requirements for the employment of fixed term employees the HR department will provide the relevant guidance to managers.

3.2 Recruitment of young people and children

Local by-laws govern the recruitment of young people and children. Individuals under school leaving age must not be recruited, even for a few hours of employment, without seeking guidance from the HR department.

3.3 Right to work in the UK

The University will not employ an individual unless they have the legal right to work in the UK. All offers of employment will be subject to the candidate providing the required original documents showing evidence of their right to work in the UK (on an ongoing or restricted basis) **before they start work**. The HR department, (and certain other agreed individuals) will check the necessary documents during the recruitment process.

The University holds a sponsorship licence issued by the Home Office and will comply with the requirements of the Home Office's points-based system which applies to non-EEA migrants wishing to come to the UK to work. UK nationals, certain Commonwealth citizens, Swiss and European Economic Area (EEA) nationals (except citizens of Croatia), some foreign students, "high value migrants" and overseas nationals who have indefinite leave to remain in the UK, have the right to work in the UK without having to obtain sponsorship from the University. Depending on the circumstances, their partners and family members may also have the right to work in the UK without being sponsored.

Before employing a foreign national, other than with certain limited exceptions, the University will first conduct a recruitment search (in line with Home Office rules) within the EEA and show that no "settled worker" (ie a worker who is an EEA national or normally resident in the UK with no immigration restrictions) is available to fill the post. This is the "resident labour market test".

Guidance must be sought from the HR department before making any appointment of a non-EEA national. Failure to comply could result in disciplinary action.

3.4 Equality of Opportunity in the recruitment of staff

The University's Equality and Diversity Policy clearly states that direct and indirect discrimination resulting in unequal opportunities is not acceptable. All appointments therefore have to stand the scrutiny of equal opportunities claims.

The methodology and time frame might be influenced by the sense of urgency in respect of the appointing of temporary lecturing staff, however, the University will still seek to recruit from a diverse audience. The HR Department will publish 'open' Job Advertisements (*blanket ad*) at least once a year inviting CVs from individuals representing various disciplines. Appropriate CVs will be placed on a Supplementary Staff list which Heads of School will be able to peruse.

3.5 Job Analysis

When considering a replacement post, consideration should be given as to whether, and to what extent, the post has evolved during the tenure of the departing post-holder. Consideration should be given to staff transfer, possibilities of adjusting the working hours of current part-time staff, work reorganisation and to technological advancements before embarking on the appointment process. A Job Analysis exercise is recommended. The Job Analysis is a process whereby information is collected and analysed in respect of the tasks, responsibilities and context of specific jobs. Undertaking a Job Analysis presents the opportunity to consider issues, relating to changes that have taken place since the post was last filled and to the appropriate skills and/or competencies to support the future development as well as the current needs of the post. This analysis will provide the basic data for the job specific elements of the Job Description and the Person Specification. The HR department can provide support or guidance in respect of Job Analysis exercises.

3.6 Advertising

The job advertisement should be closely based on the Person Specification.

Unless subject to any special ring-fencing criteria, non-specialist posts will be advertised internally in the first instance, whilst all others will be advertised internally and externally concurrently. All job vacancies will be advertised on the University Intranet and by issue of a global e-mail. Line Managers should ensure that staff members who do not have e-mail access are made aware of any vacancies notified by global e-mail. All external vacancies will also be advertised on the University website, and also on the Job Centre Plus website in order to ensure compliance with legal obligations relating to the recruitment of non-European nationals. External adverts will also be placed in the appropriate media (**as specified on the appropriate RS1 form**) and will be designed so as to avoid direct or indirect discrimination. The aim will be to attract as **wide** and **relevant** a response as is reasonably possible.

Unless placed outside of Wales job advertisements will be advertised bilingually - in Welsh and English. NB: Job advertisements should clearly indicate whenever there is an essential, purposeful bias e.g. vacancies which have an 'Essential' requirement for a particular qualification. Where the post holder will be required to work mainly through the medium of Welsh the job advertisement will appear in Welsh only, and a rider will be placed at the foot of the advert indicating the nature of the post.

The style of the Job Advertisement will normally conform to the corporate style, which could be changed to reflect marketing initiatives. Where the appointment is a joint appointment with an outside agency or organisation or another University or College it is crucial that the HR Department is advised early in the process if there is a requirement for the advertisement to include the logo of the other organisation. All advertisements should indicate that applications are acceptable through e-mail communication.

Job Vacancies will generally indicate a closing date of **2 weeks** after the publication of the advert. This might vary in order to incorporate varying dates of publication or specific target groups. Internal, vacancies should be advertised for a minimum of 5 working days.

The HR department will monitor response and conversion rates and the effectiveness and cost of all job advertisements and will report to Governing Body via the HR Committee.

Word of mouth recruitment is contrary to this Code of Practice. Staff are not discouraged from drawing to the attention of good potential candidates that a vacancy exists, but in order to avoid breach of the University's equal opportunities policy they should be referred to the HR department. No appointment must be made in breach of the University's Equal Opportunities Policy. Clarification should be sought from the HR Department.

3.7 Applicants - Indication of an interest in a particular vacancy

Internal and external applicants are encouraged to access application packs from the University intranet/website, although these can also be sourced from the HR Department. The HR department will record expressions of interest and submission of completed applications.

The applicant pack will contain:

- a) The relevant Job Description and Person Specification.
- b) A standard University application form which all applicants will be required to complete. This requirement is designed to achieve consistency and to ensure that particular questions, which could have legal connotations, are answered on a signed document. CVs will only be accepted as supporting documents not as a substitute for the completed application form.
- c) General information about the University and any further particulars about the post. This should be provided as an Additional Information leaflet and customised for each post. This document will provide information about the University, the location and facilities as well as factors such as holiday entitlement, pension schemes. If already determined the proposed interview date should also be included as well as reference to any task, presentation or test that will form part of the selection process.
- d) A Data Protection statement which advises potential candidates how their application data will be processed.
- e) Equal Opportunities / Applicant Monitoring Form. This form, when completed and returned by an applicant will be separated from the actual application by the HR Department before the application is forwarded to any member of the Selection Panel.

Attention will also be drawn to the importance of completing the application form, in full, and that the University may not be able to process an application that has not been fully completed. The application pack will include reference to the fact that the HR Department will be quite willing to provide assistance to individuals who require support in completing the form. Special provision will be made for people with disabilities or learning difficulties.

Candidates will be advised that, when completing the application form they should address the criteria specified in the Person Specification, as a match with these criteria will direct the short-listing process. Candidates are advised to be explicit about how they match the criteria and to provide relevant examples or evidence.

3.8 References

The HR Department will be guided by the rider on individual application forms in respect of seeking references before the interview process. Reference request grids are specifically designed in relation to the person specification. A copy of the relevant Job Description and the Person Specification and a SAE will accompany reference requests if sent by post. Reference requests for academic posts will be specifically designed to support the academic selection process. References received prior to interview will be presented to the chair of the respective selection panel.

4. THE SELECTION PROCESS

4.1 Selection Panel

The Vice Chancellor will chair selection panels of senior management staff appointments. Selection panels for permanent Academic staff will be chaired by the Vice Chancellor or the Pro Vice Chancellor Academic. They reserve the right to delegate the chair in respect of temporary vacancies of less than 12 weeks duration. A Pro Vice Chancellor will chair all Manager and Senior Support staff selection panels as appropriate to their line management function. The chair of the selection panel for other Support Staff appointments, including cover for periods of temporary absence, will be determined in consultation with a Pro Vice Chancellor. Names of panel members will be determined by the Human Resources Committee and noted on the RS1 form, or by the appropriate Pro Vice Chancellor. **The selection panel will comprise at least two members.**

The University will endeavour, wherever possible, to arrange a mixed gender panel. Selection panels sometimes include members of the Governing Body or specifically selected individuals external to the University. On **very rare** occasions someone external to the University might be asked to undertake the role of chair of the selection panel e.g. an external adviser or an individual with specific expertise.

The Vice Chancellor and the Pro Vice Chancellors may choose to delegate the chair for appointments for maternity, paternity, adoption, sickness or secondment or sabbatical cover or as stated above for posts of less than six months duration.

4.2 Short listing

Wherever possible **all** members of the selection panel should be involved in the short-listing process, and in all cases a minimum of two members. It is recommended that panel members meet to undertake short listing. Short listing will not commence before the actual closing date for receipt of applications.

The person specification should form the basis of the short list selection. Individual elements of the person specification will have an alphabetic symbol. This will be referenced to the short-listing evaluation matrix and will provide the basis and the evidence for the selection of individual candidates to the final shortlist.

The short-listing evaluation matrix – bespoke to each vacancy - should be used in the short-listing for all vacancies. The form should record the extent to which each candidate meets the requirements of each of the criteria specified on the person specification. Short listed candidates **must at least** meet the essential criteria for the post. If necessary the desirable criteria may be used to differentiate and refine the short list. On occasion there may be a requirement to 'weight' criteria. Advice should be sought from the HR Department before proceeding. Short-listing records will be retained by the HR Department for a minimum period of six months after the appointment has been made.

Consideration should be given in the process to those who meet the basic requirements of the post and belong to groups under-represented in the University. Applicants with a disability, in particular, should be invited for interview where they meet those essential requirements.

Following the completion of the short-listing the full file of applications should be returned to the Human Resources Department and, some indication of suitable interview dates, unless already agreed earlier in the process. HR Staff will, in conjunction with the chair of the panel, make the necessary interview arrangements including preparation for any agreed presentation, tests or other form of assessment.

NB. It will be the responsibility of the appropriate Senior Manager to advise any **internal** applicants if they have not been short-listed. Wherever possible this should be done before any detail might emerge into the public domain in relation to other short listed candidates. Whilst it

is recognised that information can emanate from various sources, confidentiality is expected from all staff involved in the Recruitment & Selection Process.

4.3 Invitation to Interview

In the 'invitation to interview' letter the candidate **must** be directed to notify the University of any special requirements that they might require in respect of the interview. HR Staff will make all the relevant arrangements in respect of the interview. The 'invitation to interview' letter will also refer to **relevant documentation that should be produced before the interview can commence.**

Objectivity is difficult to achieve through interview alone, therefore a range of selection of assessment methods should be considered, closely based on the person specification for the post. These methods will relate to the specific post and be work related e.g. a mock lecture or tutorial, word processing, database or other IT test, or in the case of Chefs tests incorporating preparation, cooking and presentation. Due care must be taken when selecting or designing assessment tests and in analysing their results to ensure that they are free from bias, and that they are specifically relevant to the post. A record or report of an assessment test must be produced for each candidate.

4.4 The Interview

The Selection Panel are expected to meet prior to the commencement of the interviews in order to agree actual questions as well as the structure of the interview.

The HR Department, in advance of the interviews, will issue all documentation in respect of the interview process. The pack issued to the chair will contain all the relevant assessment and appointment forms. The HR department will undertake the checks for proof of identity, right to work in the UK and of certification of essential qualifications / proficiency before the candidate is directed to the interview room. On notification of the name of the successful candidate, the HR Department will destroy any photocopies of documents presented by unsuccessful candidates.

Candidates should be warmly welcomed to the University and the Chair of the Selection Panel should ensure that all the panel members are formally introduced to each candidate. Candidates should be advised that members of the interview panel will be taking written notes.

It is important that candidates also have an opportunity to ask questions and at the conclusion of the interview they should be advised who from the University will contact them to notify them of the outcome of their application, the method of contact and when it will occur.

Before interviewees leave the interview room the Chair of the Selection Panel should formally ask each individual if there were any aspects of the overall recruitment process that they found unsatisfactory. A note of the interviewee's response should be recorded on their Interview evaluation sheet.

(More detailed guidance in respect of interviewing will be provided during Recruitment and Selection training sessions which all staff involved in staff recruitment are expected to attend).

4.5 Candidate Evaluation Process

The Chair of the Selection Panel can, following consultation with other members, decide to assess candidates at the end of the overall interview process or following each individual interview.

Whichever option is adopted it is important that any written notes on individual candidates are appropriate and legible.

An Interview Assessment Sheet must be completed for each candidate. This can be accomplished either by each individual panel member completing a sheet for each individual candidate or by a composite method whereby one sheet is jointly completed for each individual candidate and duly authorised by **every** panel member.

At the conclusion of the process a **New Appointment Advice form - Form RS11** - must be completed. A copy of this document will be included in the recruitment pack issued to the chair of the interview panel. This document is designed to provide a formal record of the name of the successful candidate, the salary and grade offered and the estimated date of commencement. Note should be made in the box marked 'other relevant comments relating to the appointment or contract' if the appointment is subject to any additional terms and conditions or if any immediate training requirement was identified during the interview process. The HR department should ensure that any training requirements identified are fed into the Staff Development plan in the appropriate manner. The Chair of the Interview panel should then sign the **RS11 form**. It should then be forwarded without delay to the HR department or handed to the HR representative present at the interview. This will trigger the next stage of the process - the issue of a formal offer of employment (based on the detail quoted on the RS11 form and the corporate standard).

NB The RS11 form should confirm if a DBS check is required or if membership of the HEA, or if the appointee is required to undertake a Teaching & Learning qualification so that the details can be included on the formal letter of appointment.

4.6 Advising Candidates of the outcome of the process

Unless specifically arranged to the contrary, by the Chair of the Selection Panel, the **Director of Human Resources** will be the designated Officer to advise successful candidates, although this responsibility might be delegated within the HR Department. The process of notifying unsuccessful candidates will be delayed until the successful candidate has, at least, verbally accepted the post.

The **relevant Senior Manager** should advise Internal Applicants if they are unsuccessful and also be prepared to give or to arrange counselling when deemed appropriate. The HR Department will be available to offer assistance and arrange counselling sessions should this be required.

4.7 Formal Letter of Appointment and issue of Contract of Employment

The HR Department will issue all formal offers of appointment letters and contracts of employment or, in respect of internal appointments, letters varying conditions of service. No member of staff shall make an indicative offer of remuneration or package of any permanent or temporary kind to a potential appointee or to any existing employee without prior agreement of the Director of Human Resources who will consult with the Pro Vice Chancellor Finance & Planning or the Vice Chancellor where necessary.

All appointments at the University are subject to the following standard criteria: -

- a) The individual's **Right to Work in the UK**.
- b) The receipt of **two references**, suitable to the University.
- c) Completion of a medical questionnaire which will be processed, on behalf of the University by an agreed occupational health specialist, who following review of the completed questionnaire will issue a statement indicating **medical fitness for the post**. The University reserve the right to extend the process to include, where it is deemed necessary by the occupational health specialist, a medical examination with an occupational health physician. The medical questionnaires will be issued by the University but will be returned, under strict confidentiality, direct to the occupational health specialist.
- d) Successful completion of a **defined probationary period**.

Many posts at the University will be subject to DBS check or to membership of the HEA or will require the appointee to undertake specific modules on the Teaching and Learning programme. Where these are considered as conditional to the appointment (as indicated on the RS11 form completed by the chair of the selection panel) they should be included in the formal offer of appointment letter.

4.8 Candidate Feedback

An unsuccessful candidate who seeks feedback relating to their performance at interview will be given a prompt response but only by an individual directly involved in the **appointment decision**. The Selection Panel should identify one individual who will coordinate the provision of feedback.

4.9 Staff Development

All staff involved in the process of Recruitment and Selection are required to take part in the University staff development, rolling programme specifically covering Recruitment and Selection. This programme is designed to address legal aspects as well as the University Policy and Code of Practice.

4.10 Interview Administration

All interview documentation must be returned to the HR Department immediately following the interviews but essentially within 24 hours of the completion of the process. The HR Department will undertake the task of destroying 'superfluous' documentation. It is essential that **ALL** interview questions and feedback notes are returned to the HR department for inclusion in the archive file. The HR department will comply with its statutory obligations in respect of the retention of information.

4.11 Breaches of the Recruitment and Selection Code of Practice

Breaches of the University's Recruitment and Selection policy or Code of Practice **could result in disciplinary action. In certain cases e.g. linked to discrimination, individuals could also face prosecution.**

4.12 Monitoring

The HR department and the HR Committee of the Council will undertake the monitoring of the Recruitment and Selection process. Constructive feedback will be actively encouraged in an attempt to continuously improve any part of the process.

5. EMPLOYMENT STATUS

5.1 Employed v Self-Employed Status

The decision to categorise employment status as employed or self-employed often causes difficulty particularly in lecturing appointments.

Employment status is not a matter of choice but follows from the terms and conditions of the engagement. **There is no statutory definition of 'employment' or 'self-employment' so the decision depends on a number of criteria derived from Case Law.** In determining whether a particular lecturing engagement amounts to employment or self-employment it is necessary to look at the terms, conditions and the facts surrounding that engagement. Employment status is not clearly defined and therefore referral to the status Inspector at The Inland Revenue might be recommended where difficulty is experienced in determining the position. The Inland Revenue has a checklist designed to assist in establishing employment status and this is available on their website.

The current ambiguity between employed v self-employed status poses a financial risk associated with the failure to collect revenue under national taxation laws. By contravening these laws the University faces the risk of fines being imposed as well as the repayment of the uncollected revenue (income tax, employers **and** employees' contributions, with interest) for failure to comply with the laws associated with PAYE and NIC collection.

5.2 Lecturing on Validated Modules

All Lecturers and other Teaching Staff/Tutors who are engaged to lecture on validated modules, whether appointed on a salary or an hourly rate, will be classified as 'Employed' status and their payment will be processed through the payroll and will be subject to the deduction of tax and national insurance. The fact that an individual is able to produce a generic self-employed certificate may not provide the eligibility for classification of self-employed status for the particular engagement at the University.

GUIDANCE FROM THE STATUS INSPECTOR OF THE REVENUE indicates that LECTURERS ARE NOT ELIGIBLE TO CLAIM FOR TRAVEL TO WORK EXPENSES.

Many of the lecturing/part time teaching appointments are likely to be classified as Fixed Term contracts and due to new legislation all fixed term contracts must be monitored by the HR department.

New legislation was introduced in October 2004 in respect of Fixed Term contracts. The termination of a fixed term contract has to be dealt with under the terms of the Dispute Resolution legislation and this must be dealt with by the HR department. Failure to comply with the terms of the legislation WILL leave the University open to an automatic claim of unfair dismissal through an employment tribunal.

5.3 Guest / Visiting Lecturers or Programme Directors

It is acknowledged in section 3 of this policy and procedure that some Academic Departments may have a requirement for a specific subject specialism to be taught which is outside the knowledge and experience of the staff within the University. Guest / Visiting Lecturers offer a flexible staffing option designed to support the establishment team of staff.

If a guest / visiting lecturer or director makes a request for payment through his/her registered company then the payment can be processed through the Finance Office and the responsibility for income tax and national insurance will become the responsibility of the individual Guest / Visiting Lecturer through his/her company.

A Guest / Visiting Lecturer who is invited to deliver a 'one-off' talk or series of talks on a subject about which he/she has specialist knowledge **and which is not part of the core curriculum** may well come under the classification of 'Self-Employed' status.

5.4 Temporary or Occasional Lecturers

The Inland Revenue indicate that Lecturers engaged on a less formal basis to give, for example, a series of lectures on a particular topic, are the classification group whose employment status for tax purposes often poses the greatest difficulty to ascertain.

5.5 Other Categories

Categories described in 5.2 to 5.4 above are the most common lecturing engagements arranged by the University, but other staffing requirements may also require definition of employed or self employed status.

NOTE: If the University ascertain the employed/self employed categorisation wrong then it will be the University who will be liable for the fine and payment of unclaimed revenue and probably not the individual concerned. Attention is drawn to the guidance provided by the Revenue regarding self employed/employed status of the above lecturing engagements. Copies of these guidance notes are available from the HR Department who should be consulted for further advice before proceeding.

End of document

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Related documents

Rehabilitation of Offenders Statement
 Induction & Probation Policy and Procedures
 DRB Procedures
 Mentoring Policy