



West Hampshire
Clinical Commissioning Group

RECRUITMENT AND EXIT PROCEDURE

Version 1.7

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CCG owner:	Heather Hauschild, Chief Officer
Links to other policies:	Conduct, Performance, Grievance and Absence Management Policy Probationary Period Policy Travel & Expenses Policy Dignity & Respect Policy NMC Revalidation: A Policy to Support Registrants and their Line Managers Agency and Interim Use Policy
Review date:	January 2021
For action by:	Line Managers
Policy statement:	The purpose of this document is to ensure that robust recruitment and exit procedures operate across West Hampshire Clinical Commissioning Group and are implemented in a consistent manner.
Responsibility for dissemination to new staff:	Line Managers, at induction.
Mechanisms for dissemination:	The policy will be published on the CCG website and will be promoted to staff through the staff newsletter.
Training implications:	Line Managers, at induction
Resource implications:	There are no resource implications
Further details and additional copies available from:	Website: https://www.westhampshireccg.nhs.uk/documents?media_folder=121&root_folder=Policies%20and%20guidelines
Equality Analysis Completed?	In line with CCG policy and our statutory duties, the Recruitment and Exit Procedure has been assessed for impact on equality groups. This document aims to have a positive equality impact for people that may seek a job with the CCG or who are employees that decide to leave the organisation. The document has been amended to minimise the risk of negative equality impacts

Consultation Process	Executive Team Equality Lead Staff Forum Staff Side Policy Sub Group Corporate Governance Committee (now Finance & Performance Committee)
Approved by:	Policy Sub Group
Date approved:	January 2018

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Website	Location in FOI Publication Scheme	https://www.westhampshireccg.nhs.uk/documents?media_folder=121&root_folder=Policies%20and%20guidelines
Keywords:	<i>Insert helpful keywords (metadata) that will be used to search for this document on the intranet and website</i>	

Amendments Summary:

Amend No	Issued	Page(s)	Subject	Action Date
1	Feb 2015	8, 9, 10, 11, 15, 21 & 26 and removal of appendices 2 & 3	Minor amendments due to change in process as a result of there no longer being a business manager in post.	17 Feb 2015
2	August 2016		Minor amendments throughout due to changes in CSU name, changes to CCG governance processes, recruitment of a business manager, updates to hyperlinks	June 2016
3	1 April 2017	14 and 15	To clarify that interview panels should be chaired by Band 7 or above and that all panel members should be suitably trained. Amend appendix.	March 2017
4	Jan 18	Throughout	Complete review in light of current processes	Jan 18
5	1 Aug 18	17 and 18	Sections 7.1.1 and 7.1.5 amended to reflect that candidates are asked to facilitate provision of any references and that HR will not except any requests to waive references, as instructed by Chief Officer. Reformatted into policy template format.	1 Aug 2018
6	1 Feb 19	21	To clarify that the duration of secondment should be a maximum of 12-18 months, as agreed by the Executive Team on 6 December 2018	1 Feb 2019

Review Log:

Include details of when the document was last reviewed:

Version Number	Review Date	Name of Reviewer	Ratification Process	Notes
1.03	June 2016	CSU HR / E&D Manager	Policy Sub Group / Board July 2016	As amend number 2 above.

Version Number	Review Date	Name of Reviewer	Ratification Process	Notes
1.04	March 2017	CSU HR	Policy Sub Group / Board March 2017	As amend number 3 above.
1.05	January 2018	SCW HR	Policy Sub Group / Board July 2017	As amend number 4 above.

SUMMARY OF KEY POINTS TO NOTE

This policy has been developed to ensure robust recruitment and exit procedures operate across the CCG, and that such measures are applied in a consistent manner. Specifically:

- This policy includes sections on:
 - Job evaluation
 - Recruitment procedure
 - Professional registration
 - Secondment
 - Leaving
 - Retirement
 - Working time regulations.
- This policy applies across the CCG and services covering all aspects of resourcing: secondment, permanent, additional and temporary staff
- Easy to follow flow charts have been provided:
 - Recruitment Approval Process
 - Recruitment Process
 - Leavers Process
- Templates for the forms and any other policies and guidance referenced can be found via [the HR Portal](#)
- More information is available from [Consult HR](#)

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RECRUITMENT AND EXIT PROCEDURES

1. INTRODUCTION AND PURPOSE

- 1.1 The purpose of this document is to ensure robust recruitment and exit procedures operate across West Hampshire CCG (the CCG), and that such measures are applied in a consistent manner, thereby providing clarity and structure for managers wishing to recruit staff and assurance to the CCG Board. These procedures will also be applied to the use of agency, interim and management consultancy staff which would need prior approval from the relevant director. All managers are required to adhere to this policy.
- 1.2 The CCG is committed to eliminating discrimination and advancing equality of opportunity for all and welcomes applications from a diverse range of candidates.
- 1.3 The CCG also complies fully with the NHS Employment Check Standards and the Disclosure & Barring Service (DBS) Code of Practice and undertakes to treat all applicants in the same way at each stage of the process.

2. SCOPE

- 2.1 This policy applies across the CCG and services covering all aspects of resourcing: secondment, permanent, additional and temporary staff.

3. PRINCIPLES

- 3.1 The CCG recognises the need for equality and diversity within the workforce and promotes equality and diversity issues and awareness. It endeavours to be an equal opportunities employer and has taken measures to ensure that any opportunity for discrimination during the recruitment and selection process is minimised. Personal information is removed from application forms prior to shortlisting and is used for monitoring purposes only. We will ensure that consistent selection criteria are used, the decision making process is recorded and it can be demonstrated that appointments are made on merit (where an individual has demonstrated that they have the necessary skills/knowledge and aptitude to undertake the role).
- 3.2 In line with our commitment to workforce equality and diversity and our duties under the public sector equality duty our selection process will support positive action.
- 3.3 The CCG and all line managers responsible for recruiting and selection will ensure that they are suitably trained and have the necessary knowledge and skills. The CCG will arrange training and support to recruiting managers, whenever required.

- 3.4 Recruitment and selection is carried out in accordance with all relevant legislation.
- 3.5 Data is held and destroyed in line with the Data Protection Act 1998. Only information essential to the recruitment decision will be obtained and will be kept in accordance with the Act.
- 3.6 The CCG has adopted a values based recruitment process.

4. ROLES AND RESPONSIBILITIES

4.1 Managers responsibilities

- Assessing the needs and demands of their area regarding workforce cover; including consideration of not recruiting to posts where staff turnover, changing the existing skill mix, changing the existing full time equivalent (FTE) of the area by increasing or decreasing hours etc. Consideration should be given to how the work can be covered by existing staff and resources, including where this means re-prioritising workloads.
- Ensuring that all forms are correctly completed
- Liaising with their finance manager regarding workforce costs / budgets in relation to recruitment of staff, namely checking that there is sufficient funding available.
- Completing the recruitment forms / process in a timely and accurate manner.
- Completing this process as soon as they are aware that there is a need for recruitment or staffing changes, either as part of a leaver's process, due to higher demands being placed on the service, or if additional funding/investment are given to the service.
- Responsible for sending completed and authorised forms to the relevant people for processing.

4.2 Employees responsibilities

- Ensuring awareness of the procedure
- Adhering to processes

4.3 South Central & West (SCW) Human Resources responsibilities

- To assist managers and employees in the fair and consistent application of the policy
- To ensure responsibilities are adhered to in accordance with the SCW HR service level agreement (SLA).

5. RECRUITMENT PROCESS

Recruitment flow chart

Preparation

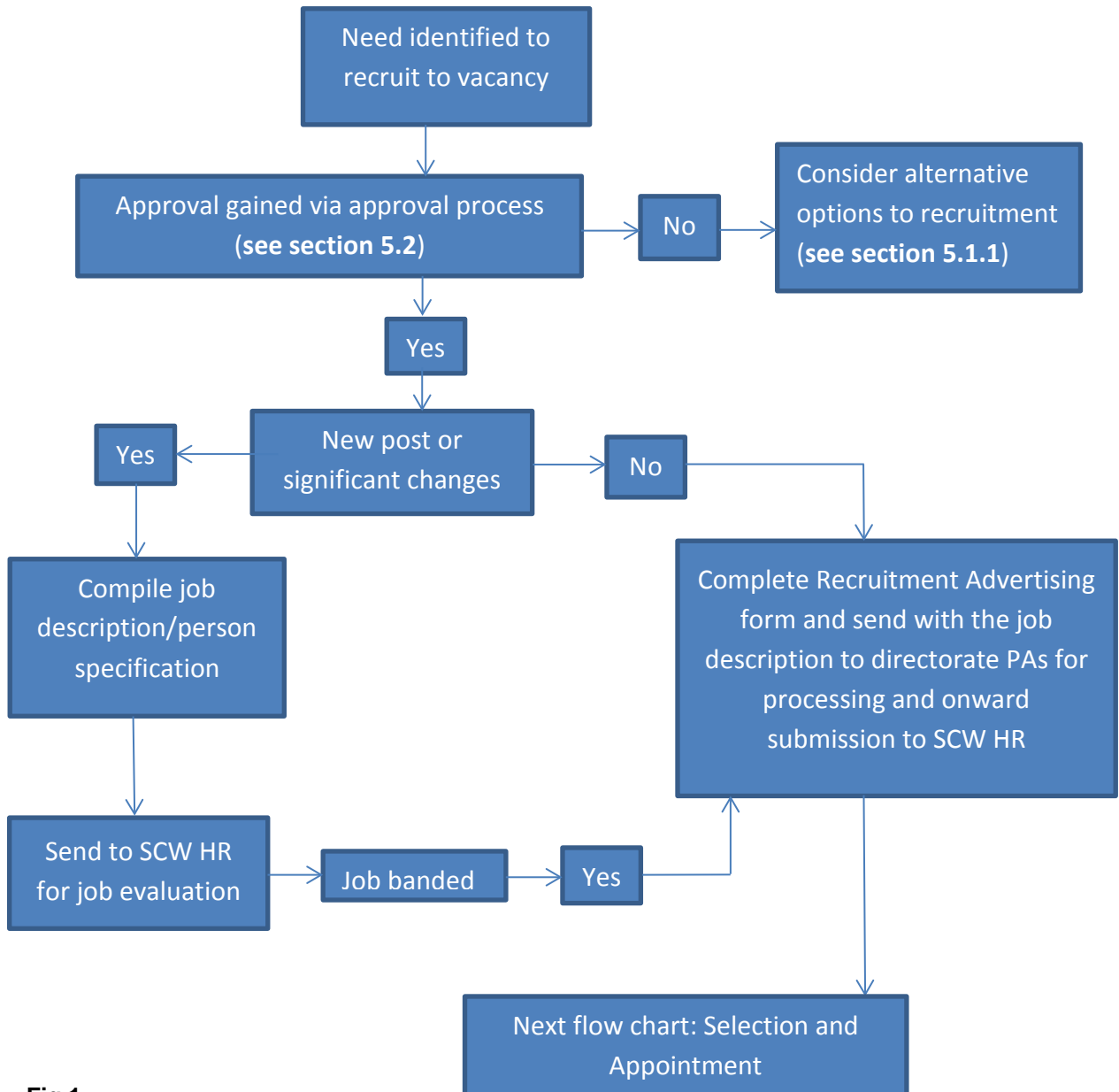


Fig 1

Selection and Appointment

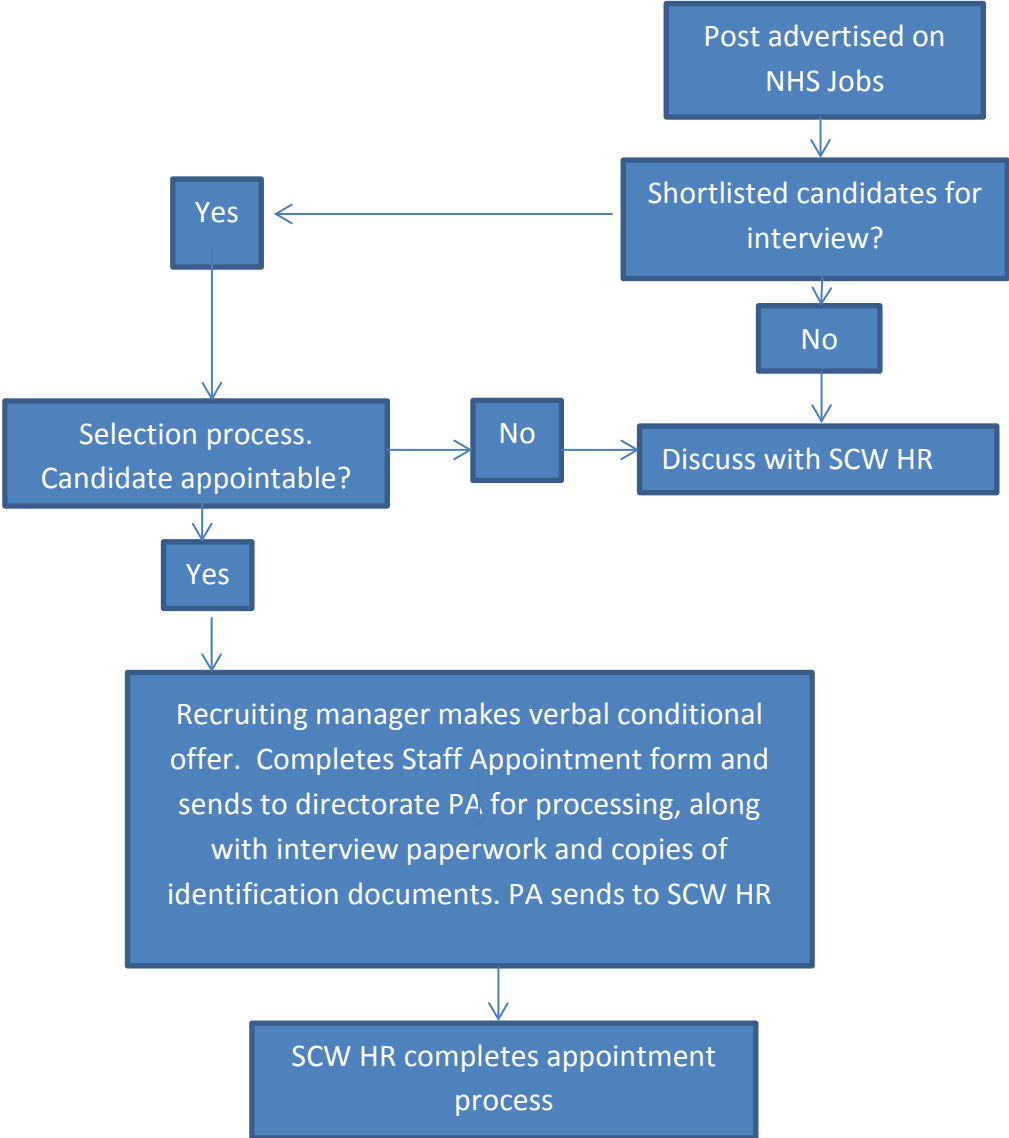


Fig 2

5.1 Vacancy considerations

5.1.1 When a post falls vacant, managers will need to critically appraise the requirement to fill it. The following questions would need to be considered:

- Can the work itself be eliminated?
- Can the work be absorbed by re-organising existing resources?
- Is there still a job to be done?
- Is it the same job, at the same grade, as was done previously or has the job been approved for re-evaluation (see Fig 3)?
- Can skill mix be considered as an alternative?

- Will the job be permanent or temporary?
- Can the vacancy be covered with a temporary secondment?
- Is this one vacancy or can a single process be used to fill this and subsequent vacancies?
- Are you recruiting solely to fill this particular post or are you looking for somebody with promotional potential?
- Are there already sufficient funds within the existing budget to cover the replacement or are additional funds required?

5.2 Approval process

- 5.2.1 Where it is necessary to recruit to a vacant role, recruitment approval must be secured from the Executive Team by using the Establishment Control Form (ECF). A template is available on the [HR Portal](#).
- 5.2.2 The head of business services will collate and coordinate the submission of recruitment approval requests to the Executive Team. All requests must be signed.
- 5.2.3 Once approved, the head of business services will email confirmation to the CCG business manager, who will issue to the recruiting manager the recruitment reference number.
- 5.2.4 The business manager will email the recruiting manager and the directorate PA with the reference number.

Recruitment approval process (Establishment Control Form)

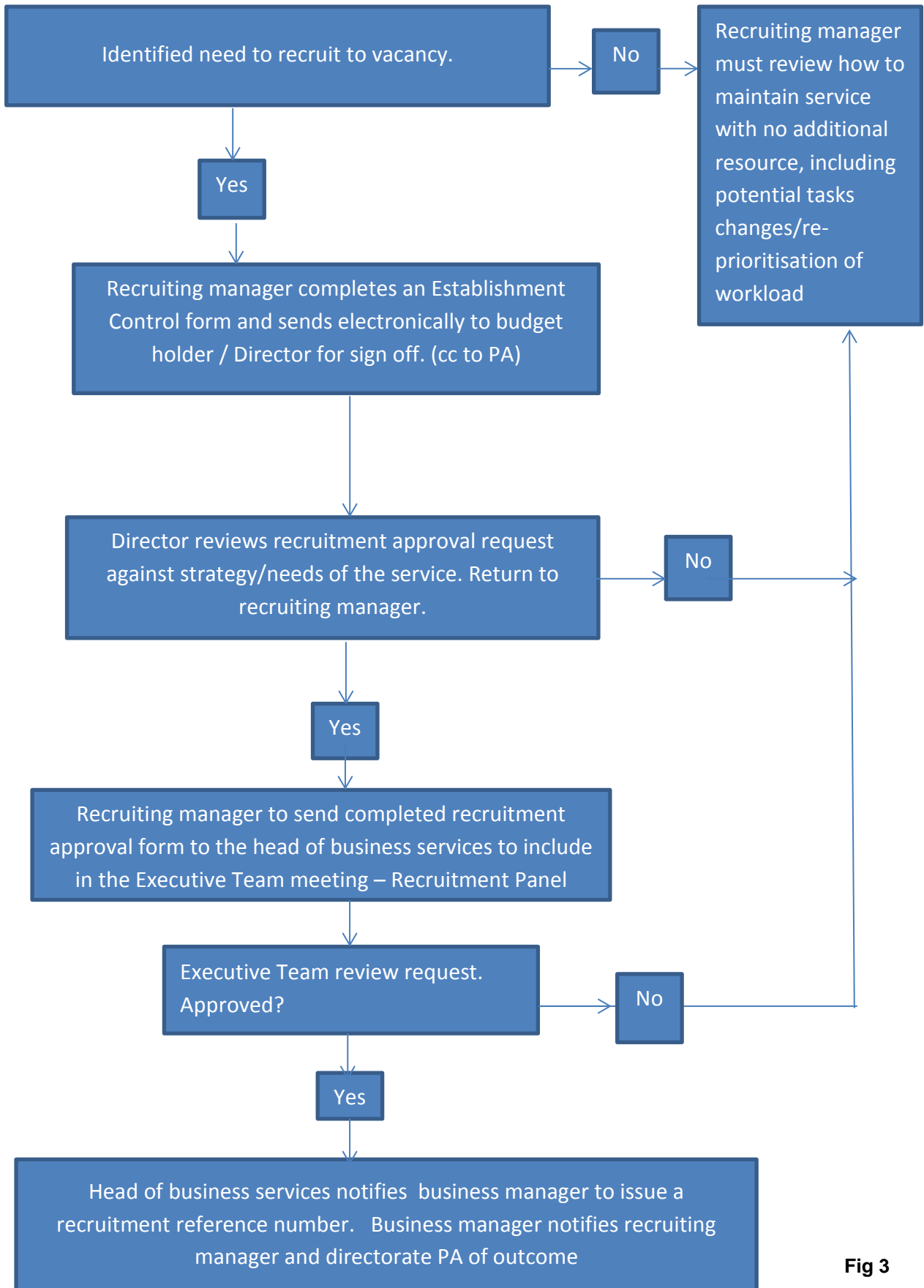


Fig 3

5.3 Compiling a job description and person specification

- 5.3.1 Having established that a vacancy exists, and approval has been confirmed, a job description and person specification must then be completed for the post in accordance with the CCG standard template. If it is an existing post then the current job description and person specification must be reviewed and any necessary changes made.
- 5.3.2 The job description must summarise the role and responsibilities of the post in a concise and accurate way. The person specification defines the qualifications, skills, experience, aptitudes and so on that are required by a person to fulfil the role. The criteria must be categorised as either essential (the minimum standards required to perform the job adequately) or desirable (the standards which will enable the person to perform the job more effectively). The criteria used should be competency based to ensure candidates demonstrate at interview how they have used particular skills previously.
- 5.3.3 The job description and person specification should be prepared and evaluated in line with the job evaluation process (please refer to section 5.4).

5.4 Job evaluation

- 5.4.1 The expectation is that managers work within the current bandings of staff for whom they are responsible. In circumstances where a manager believes consideration of a re-banding is appropriate, then this shall not proceed to a review unless the prior authorisation of the Executive Team has been sought as per the recruitment approval process.
- 5.4.2 Job evaluation will be carried out by a trained member of SCW HR and a staff side representative.
- 5.4.3 All job evaluation outcomes, both from new roles and revisions to existing posts will be coordinated by SCW HR. The outcome will be communicated to the director/manager concerned via email.
- 5.4.4 In the event that any individual or group of staff feel that the results do not reflect their role, they may appeal against the decision.

6. RECRUITMENT PROCESS – SELECTION OF CANDIDATE

- 6.1 The CCG is committed to eliminating discrimination against another individual on the grounds of protected characteristic(s) which includes age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.2 In accordance with the Equality Act 2010 no job applicant or employee shall receive less favourable treatment than others on these protected grounds.

- 6.3 No condition or requirement shall be placed on individuals or groups, which should have the effect of treating them less favourably, unless these can be justified on genuine grounds associated with employment.
- 6.4 The Equality Act 2010 allows the CCG to take positive action where particular equality characteristics are under-represented in the workforce. For example, where an applicant declares they have a disability and they meet the minimum criteria for a post they will automatically be invited for interview (Disability Confident). Or where two candidates are of equal merit following interview, recruiting managers in consultation with HR and the respective director may choose to select the candidate who represents an under-represented equality group within the existing workforce.

6.5 Advertising

- 6.5.1 In most circumstances recruitment advertising will be undertaken via NHS jobs. The HR SLA section 3.4 sets out the respective responsibilities of the SCW HR team and the CCG in terms of advertising vacancies. The timescales for advertising a post is within three working days of receipt of the completed advertising form.
- 6.5.2 Further guidance document: NHS England, Clinical commissioning group guidance on senior appointments, including accountable officer (<https://www.england.nhs.uk/wp-content/uploads/2015/10/ccg-snr-appt-guidance.pdf>)

6.6 Shortlisting

- 6.6.1 The following should be considered:
- Shortlisting may involve the whole panel but must be carried out by a minimum of two people to avoid any possible bias, one of whom would normally be the direct line manager.
 - Notes of the shortlisting decisions for each candidate should be recorded by each member of the panel.
 - All candidates should be assessed objectively against the selection criteria set out in the person specification.
 - The shortlisting should be completed online via NHS Jobs.

6.7 Selection and Interview

- 6.7.1 Further guidance will be issued to panel members by SCW HR within interview packs. However, the following should be considered:
- All redeployment candidates who meet the essential criteria for a post (as set out in the person specification) will be considered in the first instance prior to the competitive recruitment process
 - Interview panels should be chaired by Band 7 or above ensuring the recruiting manager is included on the panel

- All panel members should be suitably trained and have the necessary knowledge and skills
- Interview should be carried out by a minimum of two people; best practice would be three people, one of whom should be the recruiting manager. In some circumstances three panel members would be more appropriate including a member from another service / directorate. Consideration can be given to using a suitably experienced patient representative as a member of the interview panel.
- Selection is a two-way process: candidates are assessing the role and the CCG. Those involved in recruitment should consider how best to convey a positive image.
- It is recommended that a range of selection methods that are suitable for assessing both the essential and desirable criteria in the person specification are established, as this will enhance objective decision making which is difficult through interview alone.
- Interview questions and the structure of the interview should be consistently applied to all candidates and should be based on the person specification.
- The recruiting manager is responsible for ensuring copies of all candidates identification, qualification certificates and professional registration details should be taken **on the day** of the interview. This should be sent to SCW HR.
- Notes recording the salient points of the interview should be taken, so they can refer back to these when assessing candidates and making decisions.
- In the event that a candidate requests feedback about their performance in the selection process this should be arranged by the chair of the panel.
- Unsuccessful interview candidates should be dealt with courteously and sensitively and will, as a minimum, receive telephone notification of the outcome of the selection process by the chair of the panel within two working days.
- In the event that a candidate requests reimbursement for interview travel expenses, please refer to the Travel and Expenses Policy, section 5.3.

7. RECRUITMENT PROCESS - APPOINTMENT

7.1 Offers of employment

- 7.1.1 It is important that offers of employment are coordinated and closely monitored within the CCG. For this reason, conditional offers of employment are to be made verbally by the recruiting manager, who should ensure that candidates are aware that they need to provide references covering at least the last three continuous years and that if

there are any difficulties, they will need to assist us by contacting referees so that they can commence in their new role by the agreed date. Internal candidates applying for internal promotion should ask their current line manager for a reference.

- 7.1.2 A preferred candidate form should be submitted by the recruiting manager to SCW HR team for contractual paperwork to be issued (in line with SCW HR SLA sections 3.14 and 3.15). The timescale for issuing contractual paperwork is within two working days of receipt of the completed staff appointment form and documentation, including interview scoring sheets and paperwork.
- 7.1.3 Copies of verification of Identity and qualifications must be seen and witnessed/ signed by the recruiting manager. These copies must be provided to SCW HR along with the staff appointment form **before** any conditional offer is made in writing.
- 7.1.4 SCW HR will process pre-employment checks and once these are received will be passed to the recruiting manager for approval. Once deemed satisfactory by the recruiting manager, a start date can be agreed between the successful candidate and recruiting manager. The recruiting manager will inform SCW HR of the confirmed start date. A firm offer letter will then be issued by SCW HR.
- 7.1.5 HR Recruitment will not accept any reference waivers. Any other waivers, such as Occupational Health and DBS require relevant executive sign off before sending to SCW HR Recruitment team.
- 7.1.6 For newly appointed or promoted staff the incremental date will be the date they take up their post.
- 7.1.7 A recruitment and retention premia is an addition to the pay of an individual post or specific group of posts where market pressures would otherwise prevent the employer from being able to recruit and retain staff. This can only be approved via the ECF and executive approval.
- 7.1.8 Pay should be set either at the minimum of the new pay band or, if this would result in no pay increase, the first pay point within the advertised pay band which would deliver an increase in pay.

7.2 Withdrawing an offer of employment

- 7.2.1 If, after careful consideration, it is decided to withdraw the provisional offer of employment the grounds for withdrawal must be very clear, such as due to unsatisfactory references. In this event advice should be sought from a human resources business partner/ manager. Any offer of employment can only be rescinded in writing by SCW HR team following prior discussion and agreement with the CCG.

7.3 Types of contracts

In addition to a permanent (full or part time) contract with no end date, also known as a substantive contract, the following may also be considered:

7.3.1 Temporary

- 7.3.1.1 Wherever possible any temporary staff should be sourced through the CCG staff bank (particularly in the area of administrative staff). If there are no suitable candidates available with the required skills and experience then agency staff options will be pursued.
- 7.3.1.2 Agency staff can only be engaged from an agency on the Crown Commercial Framework and for a specified period of time only (see Agency and Interim Use Policy). Further advice on this should be sought from the SCW HR Team.
- 7.3.1.3 All requests for temporary members of staff must be approved through the Authority to Engage Form: please refer to the Agency and Interim Use Policy.
- 7.3.1.4 The use of management consultants requires the approval of the Executive Team following the submission of a business case which outlines the project requirement and evidences that these skills are not available within the CCG.

7.3.2 Acting up

- 7.3.2.1 This is defined as where an employee assumes a more senior role for a period of time within the same service area or directorate.
- 7.3.2.2 An opportunity for 'acting up' into a higher pay band would occur, usually (but not exclusively) in the following circumstances:-
 - A vacancy has arisen that has not yet been filled but there is a requirement for the post to be covered
 - A member of staff has gone on long term sick and the post needs to be covered
 - A member of staff has gone on maternity/adoption leave
 - A member of staff has taken a career break
 - Short term increase in demand of work from customer
- 7.3.2.3 Acting up arrangements are not intended to be used to cover annual leave.

- 7.3.2.4 In light of the fact that the individual who acts up will need to have relevant skills and experience, it may only be necessary to initially advertise internally within the relevant department. Advice should be sought from the SCW human resources business partner/ manager.
- 7.3.2.5 Where there is a possibility of suitable candidates external to the department, the post may be advertised through NHS Jobs, via SCW HR.
- 7.3.2.6 In line with Agenda for Change Terms and Conditions temporary movement into a new pay band should not normally last more than six months or less than one month, except in instances of maternity / adoption leave, career break or long term sick leave where a longer period may be known at the outset.
- 7.3.2.7 If an 'acting up' post becomes available on a permanent basis, the post will be advertised in the normal manner.

7.3.3 **Fixed term**

- 7.3.3.1 Where employment contracts are agreed for a fixed period which have a defined beginning and end date. They should only be used in very specific circumstances (for example, to cover long-term absence such as maternity / adoption leave or for time-limited projects) which make it inappropriate to employ an individual under a permanent contract.
- 7.3.3.2 Staff who undertake a fixed term contract are protected under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 7.3.3.3 Where a post is fixed-term it will be advertised in the normal manner but will state that the contract is fixed term. The end date/reason for fixed term contract should be stated.
- 7.3.3.4 If a post that is fixed term is then available on a permanent basis, the post will be advertised in the normal manner.
- 7.3.3.5 Fixed term contracts will normally end automatically when they reach the agreed end date.
- 7.3.3.6 If an employee continues working past the end of the contract without it being formally renewed, then the CCG will need to give proper notice if they want to dismiss the worker.
- 7.3.3.7 If the employee has two years' service the employer needs to show that there is a fair reason for not renewing the contract. They may be entitled to a redundancy payment if the reason for non-renewal is redundancy.

- 7.3.3.8 Any employee on a fixed-term contract for four or more years will automatically become a permanent employee, unless the employer can show there is a good business reason not to do so.
- 7.3.3.9 When a fixed term contract is not renewed because the work has ended, the reason for dismissal may be redundancy. If the fixed term contract is being ended for another reason (for example, the postholder returning to work after a secondment or maternity / adoption leave) the reason for dismissal will be Some Other Substantial Reason and not redundancy.
- 7.3.3.10 Further advice should be sought from a SCW human resources business partner/ manager.

7.3.4 **Secondment**

- 7.3.4.1 This is defined as a planned, temporary move or 'loan' of an employee from their regular directorate or organisation to another directorate or to a completely different organisation.
- 7.3.4.2 Wherever possible and in order to minimise workforce costs, consideration will be given to secondments of NHS staff to the CCG.
- 7.3.4.3 Staff who enter into a secondment will be asked to sign a secondment agreement outlining the terms and parameters of the secondment.
- 7.3.4.4 Any individual who agrees to undertake a secondment will be expected to keep any information which may be made available to them as a direct result of the secondment (such as personnel, salary and business sensitive information) confidential.
- 7.3.4.5 Employees on secondment with an external organisation will retain all of their continuity of service rights with the CCG.
- 7.3.4.6 Staff who undertake a secondment will be entitled to return to their substantive post on completion of the secondment. Should the substantive post be subject to organisational change this will be dealt with in line with the normal CCG procedure.
- 7.3.4.7 The duration of a secondment will vary depending on the circumstances. However the minimum is three months and a maximum 12-18 months with exceptions to be arranged with the relevant line manager and support from SCW HR.

- 7.3.4.8 Where a department within the CCG identifies that a secondment opportunity exists, consideration should be given to the length of the secondment, any training required and the skills set or specialist knowledge required of staff undertaking the secondment.
- 7.3.4.9 Depending on the nature of secondment, the vacancy will either be advertised in the normal manner or a request will be made directly to the relevant department / organisation if the secondment requires specialist skills or knowledge.
- 7.3.4.10 There is no explicit obligation on the manager to release an individual but proper consideration should be given to such a request. Any refusal to allow an individual to uptake a secondment opportunity should be carefully considered and the potential long term benefits to the CCG should not be overlooked. An explanation should be given to the employee if a request is turned down.
- 7.3.4.11 Once agreed, SCW HR will liaise with the departments to facilitate an agreement.
- 7.3.4.12 Where a permanent position becomes available the post should be advertised in the normal manner.

8. OTHER RECRUITMENT CONSIDERATIONS

8.1 Disclosure and Barring Service (DBS)

- 8.1.1 The SCW human resources uses the disclosure service provided by the Disclosure Barring Service (DBS) to assess applicants' suitability for positions of trust.
- 8.1.2 The CCG is committed to safeguarding the welfare of those accessing its services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act 2006 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.
- 8.1.3 However, this duty must be carried out with due regard to all other relevant legislation protecting the rights of employees including the Protection of Freedoms Act 2012, the Data Protection Act 1998, the DBS Code of Practice, and the Human Rights Act 1998.
- 8.1.4 It is the responsibility of the recruiting manager to declare if a DBS is required. SCW human resources will facilitate the check as part of the pre-employment checks process if required.

- 8.1.5 The CCG will only undertake DBS checks for existing staff if their roles involve a regulated activity. However, we request that all staff inform us should they be convicted of a criminal offence whilst in our employment. In the event that we are informed of any criminal convictions, we will firstly consider whether the conviction is relevant to the post and whether any action is required. Failure to disclose criminal convictions may, in certain circumstances, give rise to action under the CCG's disciplinary procedure (see Conduct, Performance, Grievance and Absence Management Policy). However, managers are required to seek advice from SCW HR before proceeding on this basis.

8.2 Professional registrations

- 8.2.1 All staff who are required to be registered with a statutory regulatory professional / body to practice their speciality / field are fully aware of their contractual obligation to be registered with the relevant professional body.
- 8.2.2 All employees' registration details, where there is a requirement to hold such registration within the nature of their role, will be checked, monitored and recorded on the electronic staff record by SCW human resources.
- 8.2.3 It is ultimately the responsibility of all employees who require professional registration to practice to ensure that registration with their professional body remains current at all times and that they abide by the relevant professional code of conduct.
- 8.2.4 Employees / contractors must disclose to the CCG any conditions attached to his / her registration at the earliest available opportunity.
- 8.2.5 During the course of their employment employees must provide evidence that their registration has been renewed.
- 8.2.6 Failure to maintain professional registration and comply with the requirements of the registration, including in the case of medical revalidation, may result in disciplinary action.
- 8.2.7 Any nurses or midwives employed by the CCG should also refer to Nursing & Midwifery Council (NMC) Revalidation: Policy to Support Registrants and Their Line Managers
- 8.2.7 It is essential that all contractors / agencies the CCG engages with fully meet all legal and regulatory requirements. In this respect the onus is placed on the supplier (contractor / agency) to ensure all relevant workers fulfil all legal and regulatory requirements. These include, but are not limited to, the Data Protection Act (1998), the NHS Confidentiality Code of Practice (Approved DoH Guidance 2003), NHS Employers Employment Check Standards, all Disclosure and Baring Service requirements, Registration with the appropriate professional

bodies where appropriate, confirmation of Fitness to Work, Home Office status if applicable and working within the EWTDR regulations (Working Time Directive 1993 and Working Time Regulations 1998).

8.3 Working Time Regulations

- 8.3.1 A worker's average working time must not exceed 48 hours for each seven day period unless the worker has agreed in writing that the limit should not apply. Employers are required to take all reasonable steps to ensure that workers do not exceed the 48 hour limit. Such steps might include enquiring whether a worker has a second job and, if they have, adjusting working arrangements accordingly.
- 8.3.2 There are special regulations for young workers (defined as being under 18 but over 'school leaving age'), which restrict their working hours to eight hours per day or 40 hours per week.
- 8.3.3 An adult worker is entitled to a rest break where the working day is more than six hours. The rest break should be an uninterrupted period of not less than 20 minutes which the worker is entitled to spend away from the work station – and not at the end of the shift.
- 8.3.4 The rest break is not a paid period of time; it is taken as the employee's own time, but should still be taken within the working day to ensure that the employee maintains their wellbeing.
- 8.3.5 A young worker is entitled to a rest break of at least 30 minutes where their daily working time is more than four and a half hours. If possible this should be spent away from the work station.
- 8.3.6 An adult worker is entitled to not less than 11 consecutive hours rest (12 hours for young workers) in each 24 hours.

9. LEAVING THE CCG

9.1 Leavers process

If an employee wishes to resign from West Hampshire CCG. The flow chart below summarises the leaving process to be followed:

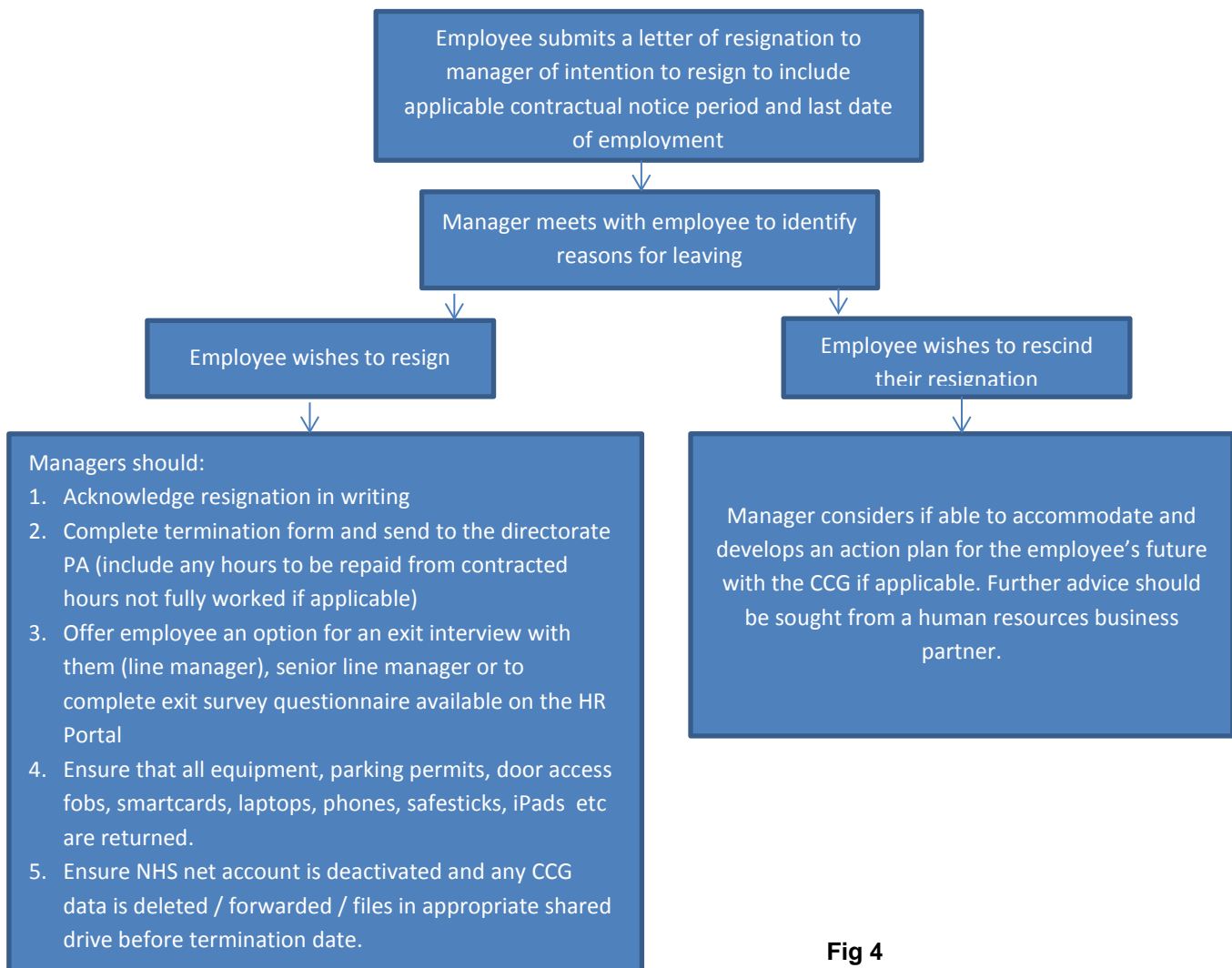


Fig 4

9.2.1 Retirement process

- 9.2.1.1 The CCG does not operate a compulsory retirement age. Retirement age is when an employee chooses to retire. Retirement age is not the same as State Pension Age which can be between 61 and 68. It may be 55 if a member is classed as special status (1995 Section Only).
- 9.2.1.2 Employees who have decided that they wish to retire or are considering retirement, in particular flexible retirement, must discuss their plans initially with their line manager.
- 9.2.1.3 Information on retirement options and benefits is available from the NHS Pensions website <https://www.nhsbsa.nhs.uk/member-hub>
- 9.2.1.4 Employees should bear in mind that NHS Pensions requires at least four months' notice of any request for payment of pension benefits in a timely manner.

- 9.2.1.5 Employees wishing to fully retire from work must resign from their employment, following the leaving process detailed above, giving the appropriate contractual notice. They will be expected to take all accrued annual leave prior to their leaving date.
- 9.2.1.6 Flexible retirement options are detailed in section 9.2.2. All requests must be in writing and will be considered in line with the flexible working procedure. If a change is agreed a change form will need to be submitted to SCW human resources.

9.2.2 Retirement options

Flexible retirement

- 9.2.2.1 Flexible retirement provides flexibility regarding the age at which an employee retires, the length of time it takes to retire and the nature and intensity of work in the lead up to final retirement. It assists the CCG by retaining the skills of key employees who are approaching, or are at, retirement age and provides a greater choice for employees.

Pre-retirement wind down (existing post)

- 9.2.2.2 An employee approaching their retirement may wish to gradually reduce the number of hours they work leading up to their actual date of retirement.
- 9.2.2.3 If a reduction in hours is agreed, the employee will be paid pro rata to hours worked.

Pre-retirement step down (less demanding role)

- 9.2.2.4 An employee approaching retirement may request to continue working in a less demanding role.
- 9.2.2.5 If a change in role is agreed, the employee will be paid the appropriate rate for that post. If there is a reduction in working hours, the employee will be paid pro rata to hours worked.
- 9.2.2.6 Members of the NHS Pension Scheme who are over the minimum retirement age, and whose pay reduces by at least 10%, may apply for the higher rate of pay to be protected for pension purposes. Further advice should be sought from a pension's officer.

Retire and come back to work

- 9.2.2.7 Under the provisions of the NHS Pension Scheme, employees have the option to retire from service and take all their pension benefits before returning to NHS employment.

- 9.2.2.8 Employees considering this option, who have NHS Pension Scheme membership prior to 5 April 1997, must request the Guaranteed Minimum Pension (GMP) check from the pensions officer in the first instance. Retirement cannot go ahead unless the GMP check has been passed.
- 9.2.2.9 If the request is agreed, there must be at least a two-week break between employments, to include a minimum 24-hour break in pensionable employment to satisfy the requirements of the NHS Pension scheme.
- 9.2.2.10 Members of the 1995 section must work less than 16 hours per week within one calendar month of retirement, and / or be under the normal retirement age, to avoid their pension being suspended. This restriction does not apply to members of the 2008 /2015 sections.
- 9.2.2.11 Employees who are in receipt of any earnings related protection will lose that protection on their return to work following the break in service.
- 9.2.2.12 Once an employee retires and receives their pension benefits in relation to their NHS service, this service will no longer be counted as 'reckonable' for redundancy purposes (para 16.6 of NHS Terms and Conditions). Where an employee takes their pension benefits and returns to work at the CCG, reckonable service will begin from the date of return to employment after the break in service.
- 9.2.2.13 Employees who retire and take their pension benefits before returning to work will not be able to re-join the NHS Pension Scheme.

Draw down (partial retirement)

- 9.2.2.14 Members of the NHS Pension Scheme – 2008 / 2015 sections may elect to partially retire and take some of their benefits. To do this the employee must have reached at least the minimum retirement age of 55 and have reduced their pensionable pay by at least 10%.
- 9.2.2.15 Between 20% and 80% of pension entitlement may be taken and pension membership will continue to build up. Pensionable pay must remain reduced for at least a year otherwise eligibility to a pension will cease. Benefits can be drawn down twice before final retirement.

Voluntary early retirement (VER)

- 9.2.2.16 An employee may opt to take VER at any time from the minimum pension age applicable to the scheme they are, or have been, a member of provided they have at least two years membership. The minimum retirement age is 50 for members of the NHS Pension Scheme - 1995 section, and 55 for members of the NHS Pension Scheme – 2008 / 2015 sections. For employees who joined the NHS Pension Scheme – 1995 section for the first time on or after 6 April 2006, or previously left the Scheme before 31 March 2000 with deferred benefits and re-joined on or after 6 April 2006, the minimum retirement age is 55.
- 9.2.2.17 An estimate of pension benefits can be requested from the pension's officer however, final figures will be calculated by NHS Pensions. Employees considering VER, who have NHS Pension Scheme membership prior to 5 April 1997, must request the Guaranteed Minimum Pension (GMP) check from the pensions officer in the first instance. VER cannot go ahead unless the GMP check has been passed.
- 9.2.2.18 To leave employment due to voluntary early retirement the employee must resign from their employment, giving the appropriate contractual notice. They will be expected to take all accrued annual leave prior to their leaving date.

Late retirement

- 9.2.2.19 Employees who remain in employment beyond the normal retirement age, and remain in the NHS Pension Scheme, may continue to earn benefits to age 75 or until they reach 45 years membership. There are no provisions to increase benefits for members of the 1995 section if they are paid late. Members of the 2008 and 2015 sections will have any pension earned before age 65 increased to take account of the fact that it is being paid later than the normal retirement age.

10. APPEAL

- 10.1 An employee may use the grievance procedure (see Conduct, Performance, Grievance and Absence Management Policy) if they feel that they have been treated unfairly in relation to the application of this policy.

11. HUMAN RESOURCES SERVICE LEVEL AGREEMENT

- 11.1 These procedures are consistent with and should be followed in conjunction with the HR service level agreement with NHS South, Central & West. This agreement outlines the HR service provided to West Hampshire CCG to

include all aspects of recruitment, transactional HR, general HR administration, temporary staffing, advice pertaining to operational HR / discipline / grievance and absence, workforce planning, strategic support and management communication.

12. TRAINING

- 12.1 All employees need to be aware of this policy and their responsibilities. This will be achieved by the policy being available to all staff via the CCG website.

13. EQUALITY ANALYSIS

- 13.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.
- 13.2 Where English is not the first language or there are difficulties in reading this policy, employees should contact their line / other appropriate manager or senior officer within their organisation, an SCW HR or staff representative for advice and guidance.
- 13.3 In line with CCG policy, an equality analysis has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or trade union membership or non-membership in relation to the application of this policy.

14. SUCCESS CRITERIA / MONITORING THE EFFECTIVENESS OF THE POLICY

- 14.1 The effectiveness of this policy will be monitored by the SCW HR team to ensure the correct procedures have been followed and timescales met. Any learning points and trends will be identified by the SCW HR business partners who will make recommendations to the HR director about changes which need to be made. The application and impact assessment of this policy will be monitored by the West Hampshire CCG Policy Sub Group.
- 14.3 Policy monitoring and review will include analysis of the available equality characteristics of people applicants, interviewees and successful candidates, in order to identify any differential treatment or bias during recruitment. The equality characteristics of leavers will also be monitored.

15. REVIEW

- 15.2 This policy may be reviewed at any time at the request of either staff side or the CCG but will be reviewed automatically in the event of new legislation or guidance emerging or triennially.

16. CONTACT INFORMATION

Position	Telephone No.	Email Address
Head of Business Services	023 8062 7460	
Business Manager	023 8062 7688	
Human Resources	0300 123 6220	For recruitment only: scwcsu.recruitment@nhs.net For general HR queries: scwcsu.hrsupport@nhs.net For payroll and HR input queries: scwcsu.hrinput@nhs.net For e-expenses: scwcsu.expenses@nhs.net
Pensions, Via Payroll	023 8071 1123	sbs-s.pensions@nhs.net

17. REFERENCES AND LINKS TO OTHER DOCUMENTS

- NHS England: Clinical Commissioning Group guidance on senior appointments including accountable officer
<https://www.england.nhs.uk/wp-content/uploads/2015/10/ccg-snr-appt-guidance.pdf>
- Government: Maximum weekly working hours
<https://www.gov.uk/maximum-weekly-working-hours>
- Government: Retirement age
<https://www.gov.uk/retirement-age>
- NHS Shared Business Service: Payroll & Pension Service
<https://www.sbs.nhs.uk/es-payroll-pensions>
- Advisory, Conciliation and Arbitration Service (ACAS)
<http://www.acas.org.uk>
- Disclosure & Barring Service
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- NHS Employers
<http://www.nhsemployers.org/your-workforce/plan/building-a-diverse-workforce/tools-and-resources>
- Equality and Human Rights Commission: Employment: Statutory Code of Practice
<https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>