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Guidance

# Recruiting staff

July 2016



## About Acas – What we do

Acas provides information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems. Go to [www.acas.org.uk](http://www.acas.org.uk) for more details.

## 'Must' and 'should'

Throughout the guide, a legal requirement is indicated by the word 'must' – for example, a Written Statement of Terms and Conditions of Employment must include....

The word 'should' indicates what Acas considers to be good employment practice.

### July 2016

Information in this guide has been revised up to the date of publishing. For more information, go to the Acas website at [www.acas.org.uk](http://www.acas.org.uk). Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.

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### About this guide

Most employers fully appreciate that the success of an organisation can hinge on its staff. But, finding and keeping the right number of employees with the necessary abilities and attitudes requires skills which can sometimes be undervalued, overlooked or simply rushed.

This guide goes through the stages of hiring a new employee up until their first day. Please see the companion Acas guide, *Starting a new employee: the induction*, on settling them in so they become effective as soon as possible and want to stay.

This guide is aimed at employers looking to handle recruitment themselves - whether they are the owner of a small firm, the head of a department in a larger organisation, part of a human resources team, or a line manager/supervisor. It will also help no matter if the involvement is in some or all of the recruitment process.

Job applicants may also find the guide useful in understanding the employer's perspective.

### Recruiting staff

The aim of recruitment is to get the best person for the job – and consistently fill vacancies that way. The importance of effective and fair recruitment should not be under-estimated.

Appointing people unsuited to a vacancy can be costly and mean:

- managers and supervisors will often have to invest additional time in training and supporting such a recruit when they could otherwise use the time and effort on other business
- where training or other support cannot help, there is a strong risk the new recruit will leave (or be dismissed from) the role. This will be demoralising for the employee concerned and can also upset the morale of the team they leave behind
- another recruitment process to fill the vacancy.

On the other hand, securing the best and most suitable recruit should bring benefits to the individual, their team, managers and the business as a whole.

## At-a-glance chart

### STEP 1: Hiring options

- Work out what is really needed – more staff, new skills, specific duties
- Make sure the employment terms and conditions on offer are attractive in the current labour market
- Don't forget the benefits of training and developing current staff



### STEP 2: Essential documents

- Consider factors, such as has the role changed or is it a completely new role, before preparing the documents
- The six documents:
  1. Job description
  2. Person specification
  3. Job application form
  4. Equality and diversity monitoring form
  5. Information about the employer
  6. Job offer letter template



### STEP 3: Advertise the job

- Consider the range of media and advertise opportunities in at least two channels
- Make important decisions, such as how the successful candidate will be picked, before compiling the job ad
- Compile the ad, including asking applicants to say if they need any 'reasonable adjustments' for any part of the recruitment process



### STEP 4: Sift and select

- Check again if applicants need any 'reasonable adjustments'
- Make 'reasonable adjustments' if the candidate is disabled
- At least two people should sift applications to select candidates for interviews etc
- Prepare for the interview/ tests/ assessment centre
- Conduct the interview/ tests/ assessment centre and score candidates
- Select the best candidate for the job



### **STEP 5: Complete final details**

- Offer the job and make necessary pre-employment checks
- Resolve any queries over the contract of employment and the checks
- File documentation e.g. candidate's written acceptance of the job offer
- Start to prepare for the new recruit's arrival

## **Step 1: Hiring options**

There is far more to an employer working out how many staff it needs and what it needs them for than might at first appear to be the case. In less considered situations, recruitment might simply amount to trying to plug gaps when they appear. The more proactive employer might consider a range of factors in determining current staffing needs – and anticipating what they may be in the future.

An employer should consider:

- **the needs of the business:** Consider if there will be enough work for new recruits – for example, can workloads be seasonal? Also, how can a temporary decline in productivity be avoided while new recruit/s are brought up to speed? In addition, check that the recruitment process will give a reasonable amount of time to both hire and settle in new recruits
- **changes in the labour market:** This includes monitoring the availability of appropriately-skilled candidates in the desired location, on the terms and conditions on offer, as well as what competing organisations are looking for and offering
- **developing new and existing staff:** Organisations will usually benefit in a variety of ways – including in recruitment - by developing the capabilities of new and existing staff. Coaching and training will better equip them for promotion, particularly where there may otherwise be a shortage of candidates. They are more likely to buy into this enthusiastically if they are consulted individually and/or through recognised representation such as a recognised trade union
- **are more staff needed?:** Pinpoint why and where extra staff are needed, and how many
- **are new skills needed?:** Pinpoint why and where new skills might be needed – sometimes an organisation needs more than just a higher headcount. Also establish if there is any need for specialist skills or knowledge and if the organisation can acquire these through staff development, recruiting new and already-skilled staff, or a blend of these options?

## Recruiting staff

- **competitors' pay and benefits packages:** Knowing what rivals are offering to attract recruits is important and is rarely just about pay. Benefits such as training, career development, flexible hours, part-time work/jobshares and working from home can be factors, too
- **presenting a people and family friendly image:** Having and/or developing such a reputation can be an advantage in attracting good applicants. This might involve offering increased flexibility or perks such as childcare vouchers and health plans
- **holding exit interviews:** Talking to departing staff, their colleagues and manager may give an insight into a consideration or requirement of which the recruiter may be unaware. They may also generate good ideas for useful changes, as well as giving the organisation a better understanding of why staff leave and if any steps might be taken to retain them
- **recruiting an adaptable workforce:** Recruiting staff who are multi-skilled, open to change, and demonstrate an enthusiasm for training and development can help an employer deal more efficiently with organisational changes
- **business practicalities:** Check the organisation has the premises, equipment, technology and resources to accommodate and develop new recruits as well as existing staff
- **will recruitment be handled in-house, or using an agency?** In some circumstances, especially where there is a need for particularly fast recruitment, a recruitment agency may be preferable to an employer recruiting staff directly. Recruitment agencies which are members of a trade association are subject to a code of practice and can provide effective recruitment.

## Step 2: Essential documents

The key task here is for an employer to get ready all the necessary documents for a smooth recruitment process. It's also important to determine if and how a job may need to change from the role held by the last post-holder. Or, if it's a completely new role, it's important to finalise the requirements.

### What are the essential documents?

Employers will usually need to provide the following documents as a bundle to a job applicant:

1. Job description
2. Person specification
3. Job application form
4. Equality and diversity monitoring form
5. Information about the employer

Applicants should be provided with a covering note that makes it clear if the successful candidate will need any health checks or references.

The successful candidate will also require a **Job offer letter**.

Before preparing the documents, an employer should consider:

- **key tasks, skills, attributes, behaviours, values, knowledge and experience required for the role:** Have the aims of the role changed? Is new technology being introduced? Will the new jobholder require additional skills? Also, does the company have new products which need to be taken into consideration?
- **work flow:** Is it fairly constant or seasonal? Has it altered? Could staggered hours or overtime help with any peaks, troughs or changes? Details such as hours and times of work would need to be included in writing in the new employee's terms and conditions of employment
- **flexibility:** Being open to requests from candidates for flexible working can open up a vacancy to people with the skills the organisation seeks and who otherwise might not be able to consider the vacancy. The request may meet the organisation's business needs.

However, circumstances may suit keeping the role as performed by the last jobholder, and offering the same terms and conditions.

### Job description

Also known as a job specification, it should make clear the job's...

- **main purpose:** Try to do this in one sentence. For example, 'To increase revenue from advertising on the company's website by 25%'
- **main tasks:** Be precise. For example, 'Answering phones and typing company letters' is clearer than 'general office duties'

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- **scope:** Explain briefly the importance of the job and how it fits into the business. Also outline other duties and responsibilities.

Writing a good job description can help the employer clarify for everyone the requirements of the job, how a new recruit might need to be trained and settled into the role, and provide a basis for drawing up the person specification. It will also help to set expectations up-front for how performance is likely to be managed. For an example, go to the outline of a job description at [www.acas.org.uk/templates](http://www.acas.org.uk/templates).

An employer should be careful not to potentially discriminate in compiling the job description and the person specification. For example, does the role really need to be full-time? Or could it be done by two people working part-time in a job-share? For more information on discrimination, go to [www.acas.org.uk/equality](http://www.acas.org.uk/equality).

## Person specification

This should focus on...

- **skills and knowledge:** For example, managing sales accounts
- **experience:** For example, a minimum of one year in website advertising sales
- **aptitudes:** For example, a head for statistics
- **personal qualities:** For example, self-motivated and judging performance by results.

The above areas are sometimes termed and structured differently in some industries and sectors. For example, the NHS makes use of **values** and the Civil Service refers to **behaviours**.

The specification should be a concise profile of the person who would best match the job, spelling out which attributes are essential and which are desirable. It should help would-be candidates assess whether they should apply, and provide a benchmark for the employer to assess applicants. The attributes should not be inflated beyond those necessary for effective job performance - false expectations may result in disillusioned employees.

It is essential to any successful recruitment that the process is designed to actually test these areas, and do so in a way that can be measured.

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For an example, go to the outline of a person specification at [www.acas.org.uk/templates](http://www.acas.org.uk/templates).

## Job application form

This should match the level of the role and ask for information relevant to the job about...

- **the applicant:** For example, their current employment situation and notice requirements.
- **skills and knowledge:** For example, brief details of how they have used their skills in the past, and professional or technical qualifications.
- **experience:** For example, asking for brief explanations demonstrating team-working or managerial ability in previous roles.

An application form offers a number of advantages: it provides information, qualities, qualifications and experience as stated by the candidate; it can indicate the quality of a candidate; and help the employer to be consistent in assessing candidates. CVs, on the other hand, can differ in style, breadth of content and topics covered.

However, it is important to ensure application forms are not discriminatory. For example, to require a form to be filled out 'in your own handwriting', where written English is not relevant to the job, may discriminate against applicants whose first language is not English or applicants with disabilities that affect writing ability – an issue which may be avoided by making an electronic version of the form available.

## Equality and diversity monitoring form

This is used to seek details, where relevant, and which do not give the candidate's identity, of their...

- Age group
- Disability or long-term health condition
- Marriage/civil partnership
- Race/nationality/ethnic group
- Religion or belief
- Sex (gender)
- Sexual orientation

The form might also include some other areas such as caring responsibilities and working pattern – for example, full-time or part-time.

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But it should not usually seek details of pregnancy or maternity (because they are temporary), or gender reassignment (such statistics can risk identifying individuals).

A job candidate should send back the equality and diversity monitoring form separately from the rest of their application, without including their name. It should be filled in voluntarily and the form should state that the details will be used solely to build an accurate picture of the make-up of the workforce in encouraging equality and diversity. For more information, see the example of an equality and diversity monitoring form at [www.acas.org.uk/templates](http://www.acas.org.uk/templates).

### **Medical records**

Information about an applicant's health is confidential, and should be kept in a safe and secure location, and separately from a personal file. Under data protection laws, the candidate should be told if details of their application are to be kept, for what purposes and for how long.

## **Information about the employer**

This includes brief, relevant and interesting details which can help a candidate judge whether they match the job and workplace culture, ethos and values.

## **Job offer letter**

In a job offer letter, it can be helpful to state for how long the offer will remain open, along with the other details listed below. While a deadline can help focus an employee on making a decision, an employer should carefully consider how much time the candidate might need to accept the offer, and how much time they may need before they can start the job – for example, how much notice is required by any current employer?

### **Option A**

A covering letter offering the job to the successful candidate and referring to an attached document, a Written Statement of Terms and Conditions of Employment. Part of the document is called the "principal statement" and must include details of:

- names of the employer and employee
- date employment starts
- whether a previous job counts towards a period of continuous employment and when that period started
- job location or locations

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- pay and whether it's weekly, monthly etc
- working hours
- holiday entitlement
- job description/job title
- details of any collective agreement that directly affects the employee's conditions of employment.

The rest of the Written Statement must outline: how long a job is expected to last if temporary; the end date if a contract is fixed-term; notice periods; pension information; and who to go to with a grievance. It must also say where details of sick pay, disciplinary, dismissal and grievance procedures can be found.

The letter should say what the candidate needs to do to accept or decline the offer. In the letter, the employer should also say it will carry out pre-employment checks and that the job offer is made on the condition that the results of the checks are satisfactory.

### **Option B**

A letter offering the job and giving some of the basics:

- job title
- any conditions applying to the offer – for example, before they start, passing exams, or after they've started, completing a satisfactory probation period
- main terms and conditions including salary, hours, benefits, pension arrangements, holiday entitlement and place/s of employment
- start date and any probationary period
- what the candidate needs to do to accept or decline the offer.

If this letter is to be part of the employment contract, it should say so. Also, if the employment lasts at least a month, the employer must give the employee the Written Statement of Terms and Conditions of Employment (outlined in Option A above) within two months of them starting work.

In the letter, the employer should say it will carry out pre-employment checks and that the job offer is made on the condition that the results of the checks are satisfactory.

For more information, see outline of both job offer letters and a Written Statement of Terms and Conditions of Employment at [www.acas.org.uk/templates](http://www.acas.org.uk/templates).

## **Step 3: Advertising a job**

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The aims of advertising a job include tempting the best candidates with the necessary skills and attributes, getting the right number of applicants and candidates to choose from and getting the best person for the job at the most effective cost.

### Considerations before advertising

- How should applicants respond to the advertisement – to the employer or a recruitment agency? By application form or CV? By email, online, post, telephone or in person? Are alternatives like tape or Braille available where needed?
- Who will sift applications, select candidates for the next steps and reply to the applicants promptly? Have they been trained to handle these tasks correctly?
- What do the next steps include – an interview, practical or written tests, an assessment centre? When will they be held and who will conduct them?
- How will the successful candidate or candidates be selected – will a scoring system as outlined in Step 4 be used?
- If practical or written tests are to be used, are they appropriate and non-discriminatory?
- Is everyone involved aware that personal information must be handled with respect and in line with the law? To find out more, see the Information Commissioner's Office's website [www.ico.org.uk](http://www.ico.org.uk).

### Writing the advertisement

- Does the advertisement convey the organisation's image and appear eye-catching?
- Is it easily understood and to the point?
- Make sure it includes the job title and main aspects of the role including pay, location and type of contract (for example, is it permanent or fixed term?). Where space permits, cover qualities, skills and knowledge essential for the post and career prospects.

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- State how applicants should apply, and give a contact name, phone number and/or email address if an applicant would like additional information or has queries.
- Give a clear closing date for applications.
- Make sure current employees, agency workers and external applicants are given the same information.
- Check it steers clear of any wording the employer is unsure about or thinks might be open to legal challenge. Apart from in very limited and lawful exemptions and exceptions, the advertisement must not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity race, religion or belief, sex (gender) and sexual orientation.

### **Be specific...**

1. A company that needs someone to speak to customers in Malay doesn't need to advertise for a Malaysian, they need to ask for someone who speaks Malay.
2. If a company wants someone who is hard working, rather than advertising for someone who is youthful or energetic, they need to ask for someone who can provide evidence that they can handle a demanding workload.
3. If a Christian school wants to hire a religious education teacher, they don't need to advertise for a Christian, they need to advertise for someone with a qualification or experience in Theology.

- State the organisation's commitment to equal opportunities and that it welcomes applications from all who believe they fit the essential requirements of the job.
- Ask applicants whether they need any 'reasonable adjustments' for any part of the recruitment process –it is good practice for an employer to do this at this stage. If space is limited, such as in a newspaper job listing, make sure this information is available as soon as further information is given or can be accessed.
- Where the services of an employment agency are being used, there are certain mandatory requirements when advertising a job. The agency should be aware of these, but further information can be found at [www.rec.uk.com/legal-resources](http://www.rec.uk.com/legal-resources).

## Where to advertise

## Recruiting staff

An employer can benefit from drawing on the experiences of applicants from different backgrounds. It should not advertise in just one kind of media, but use at least two different channels so it does not discriminate or end up with candidates from too narrow an audience.

Options include:

- **looking within the organisation:** If an employer wants to keep its best staff it should offer them opportunities to develop, as highlighted in Step 1. The best candidate might be an existing employee, and it is good for morale for staff to see they can progress within the organisation. Also, an employer should make sure internal applications are handled the same as external ones, in a clear and consistent process, to avoid suspicion of favouritism
- **the internet:** Now the dominant means for people to look for a new job and for employers to hire them. It is estimated that more than half of all jobseekers in the UK go online to look for a new post, and nearly all employers use the internet at some stage of taking on a new employee. This can range from simply advertising a vacancy through to handling the recruitment process largely online

The main internet recruitment tools include...

- an employer's own website marketing its brand, reputation and vacancies
- job-boards, the numerous websites advertising vacancies, while some also profile jobseekers. Some have vacancies covering a wide range of jobs, while others target a specific sector – for example, engineering
- social media, the internet-based tools people use to make contact and interact in all kinds of ways. It includes channels for listing job vacancies. Also, it is influencing how some employers now approach recruitment
- **Jobcentreplus:** Employers can advertise vacancies through the Government's online, Universal Job match, at [www.gov.uk/jobsearch](http://www.gov.uk/jobsearch). The vacancies also go on display at local Jobcentreplus offices. Disability Employment Advisers at Jobcentreplus offer support for disabled people to help open up job opportunities for them
- **recruitment agencies:** Often specialising in specific types of work such as catering, logistics or construction. They may already have potential applicants registered with them. Others, sometimes called search and selection firms or headhunters, focus on seeking out candidates for senior management or in highly-specialised fields

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- **national newspapers:** Advertising here can be expensive, but is likely to produce a batch of good applications, especially for specialist roles. In print and online. There are national ethnic newspapers, too
- **specialist publications:** Less expensive than the national press, these target potential candidates for niche and professional vacancies. Usually both in print and online
- **regional and local newspapers:** Tend to be for less specialised jobs or to target an area or locality. Again, usually both in print and online
- **local schools, colleges and universities:** It can be worthwhile for an employer to keep in touch with careers advisers here and take part in their job fairs. This can be useful in seeking particular skills and highlighting opportunities for trainees, apprenticeships or work experience. It is also worth bearing in mind that more students are staying at home to go to a local university to limit student debt
- **Skills Funding Agency:** It can help employers take on trainees and apprentices and can be accessed through [www.gov.uk/sfa](http://www.gov.uk/sfa).

### Using word of mouth

Advertising vacancies by word of mouth through existing employees and their social networks can be effective, but only if it is handled carefully in conjunction with other methods, and if the job details are then provided to interested applicants in written format.

Spreading word of vacancies only through existing employees and managers is likely to yield a limited pool of candidates and, unless the job is in a very niche area, unlikely to get the best possible candidates.

It is also unlikely to meet Equal Opportunities requirements because any imbalance in the make-up of the workforce is likely to be increased. The Equality and Human Rights Commission warns against this practice where the workforce is predominantly one sex or racial group.

## Step 4: Sifting and selecting

Whatever form an employer decides applications should take, it will have to go through them – also using the job description and person specification – to see how candidates measure up. It should select in a systematic way who best matches the job to draw up a shortlist of candidates for the next phase of evaluation – whether that is an interview or assessment centre.

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To avoid any unintended or unconscious bias, the sift and interviews should be done by at least two people trained to interview job candidates, and involve the line manager the successful candidate will report to, as well the HR department, if the organisation has one. The employer should also clearly state whether it will pay the candidate's reasonable travel expenses for attending an interview or assessment.

There is a variety of methods to aid selection, including interviews, practical tests and assessment centres. Usually, methods used will depend on the type of job to be filled, the skills of the recruiter and the budget for recruitment.

## Interviews

Most jobs involve having an interview. Its main purposes are to find out if the candidate is suitable for the job and give the candidate information about the job and the organisation.

### Preparing for the interview

- It is advisable for the employer and interviewers to plan core questions to probe skills, qualities and values essential for the job. It can help to use the application form, job description and person specification in devising the questions. At the interview itself, interviewers may find they have to probe some areas more with certain candidates.
- The questions should be 'open-ended' so they cannot be answered 'yes' or 'no'. They usually begin with 'what', 'why', 'when' or 'how'.
- Interviewers should familiarise themselves with the application, job description and person specification in advance of any interview. If the interviewers need to ask candidates to explore or expand on their applications, they should make sure they have read the completed applications beforehand.
- The interview should be planned so the candidates do most of the talking, which can be achieved with a handful of questions to be answered at length, or a longer list of shorter questions.
- The interviewers should share questions between them to draw on their own skills, knowledge, experience, training and qualifications.
- Try to anticipate any questions the candidate might ask and, where possible, have the answers to hand.

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- It is advisable that all interviewers are trained and aware of all relevant laws.
- Off-the-cuff interviews are likely to be different each time and, because they are inconsistent, unlikely to pick the right person and should generally be avoided.

## Conducting the interview

- Make sure the practicalities are handled to set a candidate at ease before the interview starts – welcome them, show them where the toilets are and ask if they would like a drink. Most importantly, make sure the interview will not be interrupted by visitors or telephone calls.
- Interviews should, where possible, be conducted by more than one person to avoid unintended or unconscious bias.
- So all candidates are treated fairly and consistently, they should be given the same opportunity to demonstrate they are the best person for the role, and to ask questions of the interviewers.
- Understand that it is common for both candidates and interviewers to be nervous.
- Listen carefully and make brief notes on key points.
- It can be helpful to score candidates' answers to core questions - for example, out of ten, with the top possible figure being the ideal score.
- Avoid asking for personal information or personal views irrelevant to the job, or potentially discriminatory questions such as 'Are you planning to have children in the next few years?'
- How an interview is handled can vary, but can typically involve:
  1. thank the candidate for coming, give them time to sit down and get their application materials in place, then make any introductions
  2. briefly outline information about the role and the organisation, and then move to the first question
  3. keep to the interview's time frame and ensure there is time to ask all the questions. Allow for some flexibility in the time candidates are given to answer questions - for example, by rephrasing a question if they answered it poorly the first time, or to ask for

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further examples in answer to a question if there's time at the end of the interview

4. Confirm the last question has been asked, check the candidate is familiar with the terms and conditions of the job and ask if they have any questions
5. tell the candidate what will happen next and when they can expect to hear about the outcome of the interview.

### **Take a tour**

In some situations, an interviewer may be able to briefly show the candidate around the workplace – this can present an opportunity to assess interaction with would-be colleagues, or give the candidate a better understanding of the environment they would be working in.

## **Practical tests**

These tests are now widely used together with application forms, interviews and references. If the job involves practical, technical or specialist skills, it is likely the candidate should be tested for ability before or at the time of interview.

Testing is common in jobs that require working with numbers, words, IT, other technology, logic and accuracy. Sectors which use tests range from defence to telesales/call centres.

Tests must relate to the requirements of the job. The aims should be clear and how the results are assessed objective. Records of tests should be retained in accordance with data protection laws.

An employer should think carefully before using any test:

- is it really necessary for the requirements of the job?
- is it relevant to the job description and person specification?
- what is the organisation's policy on using tests, storing results and giving feedback to the candidate?
- is the test discriminatory in any way?
- is there a reasonable return on the time and costs invested?

## Psychological tests

These can help measure intelligence, personality traits and even stamina.

One type of test is a multi-choice questionnaire assessing what is termed 'biodata' – short for biographical data. The questionnaire is said to probe past behaviour and reflect personality traits, attitudes, experiences, interests, skills and abilities. Its principle is that past behaviour is the best indicator of future behaviour.

Many organisations, particularly large ones, use psychological tests, but assessing personality is controversial. If using psychological tests, an employer should ensure recruiters are trained to use and assess them.

It is advised that tests should never be used as the only method of selecting new employees. Where a decision is made solely on computer processing of personal data, an applicant may require, under the Data Protection Act 1998, that the organisation reconsiders any rejection of them and reassesses the decision on another basis.

## Assessment centres

An assessment centre's role is to gauge how good the candidate is at what they would do in the job. Skills and personal attributes tested will vary between jobs, but may include leadership, analysis, working under pressure, team work, communication skills and numeracy.

Assessment centre activities used to examine these qualities might include presentations, role play, team exercises, interviews, a task that suddenly drops into the in-tray, looking at how a candidate interacts with others in their team and psychological tests.

Candidates are observed and marked, usually by staff in the organisation trained as assessors. The assessment centre usually lasts between half a day and two days, and is held at the organisation or a hotel, for example.

Assessment centres are expensive to run, so they tend to be used by large organisations. Sectors where they are commonly used include banking, retailing, manufacturing, IT, accounting, the legal profession, the Civil Service, the NHS, the police and Armed Forces.

As an alternative, some employers choose to mix a smaller number of assessment exercises alongside an interview process.

## Health checks

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If an employer believes it is necessary to ask health-related questions before making a job offer, it can do so only in the following circumstances:

1. to determine whether an applicant can carry out a function essential to the role
2. to take 'positive action' to assist disabled people
3. to monitor, without revealing the candidate's identity, whether they are disabled
4. to check that a candidate has a disability where this is a genuine requirement of the job.

The four limited circumstances under the Equality Act 2010 apply to all stages of recruitment before a job offer. This includes application forms, health questionnaires, interviews and any other assessment and selection methods.

Information on [making reasonable adjustments during a recruitment](#) can be found later in this guide. For more information on terms such as 'positive action' and 'monitor' see the Acas guide, Equality and discrimination: understand the basics at [www.acas.org.uk/equality](http://www.acas.org.uk/equality).

For most jobs, it is not necessary for candidates' health to be checked before they are offered a job, but once an employer has offered a candidate a job, whether unconditionally or conditionally, it is permitted to ask appropriate health-related questions.

This might be because of other legislation such as the legal requirement for a commercial vehicle driver to have an eye-sight test. Or, it might be to do with a requirement of the job – for example, the employer's cycle couriers need a health check because its insurer insists on it.

An employer should include the need for any health check or medical in the application pack for the job, and include it again in the letter offering the job. If the employer is going to ask for a health check on the candidate from the candidate's doctor, it must get written consent from the candidate first. Also, the candidate has a right to see the doctor's report and ask for it to be changed or withheld from the employer.

Employers making conditional offers are advised to keep a full record of why an offer is withdrawn for health reasons in case the matter leads to a claim of discrimination. An employer must also ensure that a health check itself does not discriminate. For example, targeting health checks at

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certain age groups or disabled people, or discouraging people from applying, are likely to be discriminatory.

## Selecting the best candidate for the job

The employer should have been systematic in using the application form, job description and person specification, and in marking candidates on their essential skills and qualities, whether in interview, tests or at an assessment centre.

It should now use those marks to determine which candidate has the highest tally – yet not overlook a low score in a crucial area. Using a structured scoring system will help an employer avoid the pitfalls of making snap judgements based on ‘gut feeling’ or sub-consciously looking for similarities to themselves in the candidate.

As soon as possible after an interview or assessment centre, the interviewers/assessors should write up their notes of key answers, scores and other important details.

The employer should decide the successful candidate and offer them the job as soon as possible. If they decline, the job should be offered to the next most successful candidate etc until the offer is accepted (or no acceptable candidates remain). As soon as possible after this, inform all the other applicants that they have been unsuccessful in the current recruitment.

Interviewers/assessors writing up their notes is not only for the decision-making process, but also to provide feedback to candidates if they ask. An employer should try to give positive feedback to unsuccessful candidates on where they might reasonably improve – in future, it might want them to apply for other suitable jobs. An employer might also want to keep candidates’ details to match against future vacancies.

Under the Data Protection Act 1998, a candidate can ask to see information held about them – for example, the application form, interview notes and references, or the full personal file if the candidate already works for the organisation. Go to the Information Commissioner’s Office at [www.ico.org.uk](http://www.ico.org.uk) to find out more.

Also, an employer should be aware that its reasons for appointing or not appointing a candidate might be challenged under discrimination legislation. To find out more, see the Acas guide, Equality and discrimination: understand the basics at [www.acas.org.uk/equality](http://www.acas.org.uk/equality).

## Step 5: Completing final details

### Pre-employment checks and offering the job

By now, the employer has decided who it wants. However, a further consideration should be what are called pre-employment checks – some are optional and some are a legal requirement.

- **Carrying out checks before a job offer:** Some employers carry out as many checks as possible before offering a job. This will offer reassurance that an employee is suitable before a job offer is made, and can also speed up the time it takes to get an employee to start work, but it can come at a financial and administrative cost.
- **Carrying out checks once an offer has been made:** Some employers carry out checks once they have sent a job offer letter and the candidate has accepted the post - but such an offer should say it will carry out pre-employment checks, and the job offer is made on the condition that the results of the checks are satisfactory. This method tends to reduce the financial and administrative costs, but can be problematic if candidates are subsequently found to fail any of the checks.
- **Carrying out checks once the job has started:** The employer might also offer the job on a probationary period so it can complete checks before offering the role permanently. This is likely to result in the fewest unnecessary checks. However, some legal checks may need completing before employment starts, and other checks may inadvertently become forgotten or disregarded.

Some of the checks are covered in the next section, including:

- Checking the right to work in the UK
- Disclosure and Barring Service (DBS) checks
- References
- Proof of qualifications.

A more detailed checklist of pre-employment checks is available at [www.acas.org.uk/templates](http://www.acas.org.uk/templates).

All checks must meet Data Protection Act 1998 requirements – these include that they must be lawful, necessary and fair, and information must be from a trusted source. Where possible, the employer should only check the successful candidate.

### Handling pay queries

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When considering how to attract applicants, the employer will usually have determined the going rate for the job, and should take into account any pay grades, scales, and relevant negotiated agreements in the organisation. While many job offers will involve employees accepting the advertised rate of pay, some employers may negotiate a pay rate with potential employees.

Some employers will offer different rates of pay to new recruits for a variety of reasons, such as to attract someone who has been 'headhunted' – but this should be handled carefully. The Equality Act says men and women in full-time or part-time employment have a right to 'no less favourable' pay, benefits and terms and conditions in their employment contracts where they are doing equal work. However, an employer may defend a claim if they can show the reason for the difference is due to a genuine factor and not based on the sex of the employee. For more on 'equal pay' go to [www.acas.org.uk/equalpay](http://www.acas.org.uk/equalpay).

Employers must also comply with National Minimum Wage rates which change every October, and the pay regulations for workers in agriculture and horticulture. For more information on pay, go to [www.acas.org.uk/pay](http://www.acas.org.uk/pay).

## References

The job application form should say at what point in the recruitment process any references will be sought. It is usually requested no earlier than the job offer stage, although details will often be asked for ahead of this. Speedy requests are often better because job offers that are made 'subject to satisfactory references being received' can become difficult – especially where an employee has started working and the reference is bad, or is not provided.

A prospective employer may ask for two types of reference:

- **professional reference:** usually from the candidate's current employer, or a previous employer or manager.
- **character (or personal) reference:** this typically comes from an independent person, often in a respected position, who knows the candidate well.

The prospective employer should only approach the candidate's current employer with the candidate's permission. Any request should include a job description to give the referee context. It should not ask for personal information or conjecture about the applicant.

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There are three main responses to a request for a professional reference and it is important for an ex-employer to be consistent in which it chooses:

- **a professional reference is given:** This can be written as the responding employer wishes, giving an assessment of the employee's performance and relevant personal qualities, in addition to core factual information. It must be true, fair and accurate.
- **a factual or basic reference is given instead:** Employers who do not wish to provide a full professional reference may choose to provide a version covering just clear and basic facts such as dates of employment, roles held and salary.
- **no reference is given:** There is usually no legal requirement for an employer to provide a reference, although there are some important considerations to be aware of (see below).

### Important considerations for employers who do not intend to give references

- Providing references for some employees but not others may result in allegations of discrimination.
- There are some regulated industries (such as financial services) where a reference must be provided.
- An employer may, in rare circumstances, be failing in its duty of care by failing to give a reference.

Where no reference is received, it can be useful for the prospective employer to have a policy that allows for recruitment with a probationary period.

Where possible, it is good practice for both employer and employee to be clear about how the employer will respond to reference requests before the employee applies for jobs.

Further, references should be written, not given verbally, to avoid any dispute about what has been said.

### Requests from applicants to see their references

Generally, if the reference deals with information already known to an applicant, it should be given to them if they ask for it. But, if the reference contains information the author of the reference would not want the applicant to see, this can become complex. For more on references, and what to do if a candidate asks to see their reference, see the data protection Employment Practices Code on the Information Commissioner's Office website at [www.ico.org.uk](http://www.ico.org.uk).

## Proof of qualifications

It is reasonable for an employer to ask the applicant for proof of qualifications, training or licences important to the job. The candidate may be asked to bring evidence of qualifications to the interview. If the checks are being made with someone or an organisation other than the candidate, it is good practice to make sure the applicant knows and that copies of any relevant documents will be held on their personal file.

## Contract queries

As well as the job offer letter and Written Statement of Terms and Conditions of Employment, outlined in Step 2, the successful candidate's contract of employment includes:

- the employer's procedures, policies and documents referred to in the Written Statement – for example, on managing discipline
- employment laws such as those relating to annual leave and unfair dismissal (subject to any qualifying requirements, such as a required length of continuous employment)
- rules too obvious to be included in the Written Statement - for example, that an employee will not steal from their employer.

Before the new recruit starts, it is best for the employer to give them their Written Statement to avoid disagreements, or misunderstandings, and remind them where they can find out more about the organisation's procedures and policies.

The employer should make sure the new recruit has the opportunity to raise any queries and that it deals with them promptly, so that once they start they can focus on learning their role and fitting in.

## Other considerations

### Recruiting without discriminating

An employer must not discriminate against job applicants because of Equality Act protected characteristics such as age, sex (gender), disability, race, religion or belief and sexual orientation at any stage of the recruitment process, including when:

- advertising the role
- going through job applications

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- selecting candidates for interview/assessment
- offering a candidate the job
- offering terms and conditions
- and once an applicant becomes an employee.

There are other areas of recruitment where discrimination can happen. To find out more, see the Acas guide Prevent discrimination: support equality available at [www.acas.org.uk/equality](http://www.acas.org.uk/equality).

## Reasonable adjustments for disabled job applicants

An employer must ask whether an applicant needs any reasonable adjustments (often referred to as access requirements) for any part of the recruitment process.

Further, if a candidate has indicated a disability on their application form, or the employer becomes aware of it, or the candidate asks for reasonable adjustments to be made, the employer must consider making them.

### **For example...**

In many cases, reasonable adjustments are relatively simple and inexpensive for an employer to make:

1. a candidate with a hearing impairment may need to clearly see the interviewer so they can lip read
2. a candidate with limited mobility may need to know the 'accessibility routes' to the interview rooms in the employer's building
3. a candidate with dyslexia may need some additional reading time to familiarise themselves with materials used in an assessment centre.

## Reviewing if recruitment was effective

It is worth an employer regularly assessing the effectiveness of its recruitment process so it is clear what works well and where improvements are needed. Once a new recruit has settled in, an employer should look back at all the important areas:

- did the assessment of staffing needs turn out to be accurate?
- could the essential documents – for example, the job description or application form – be improved in any way?
- did the advertisement and the channels used produce enough suitable candidates from different backgrounds?

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- what proportion of unsuitable applications were let through at the sifting stage and is this an acceptable level for the organisation?
- did the recruitment method draw out what the employer needed to find out about the candidates' abilities and attributes?
- were there any problems in getting the successful candidate to accept the job offer?

An employer should also bear in mind that a successful recruitment process for one job does not automatically mean exactly the same approach will be fruitful next time. This can be the case if the labour market changes, such as new circumstances increasing the availability of graduates but reducing the number of available experienced staff.

## The right to work in the UK

Employers must check whether a job applicant it wants to employ is entitled to work in the UK before it actually employs them. It should also check thoroughly that all necessary paperwork is correct and up to date, as an employer can now face up to five years in prison for employing someone whom it has 'reasonable cause to believe' is an illegal employee . Also, an employer can be fined up to £20,000 per employee without the right to be employed in the UK.

In further measures in the Immigration Act 2016, which came into force on July 12, 2016, employees found guilty of a new criminal offence of illegal working can face up to six months in prison and/or a fine in England, Wales and Scotland. Also, their wages can be confiscated.

To find out more about the clampdown on illegal working, see the Home Office factsheet on [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/537205/Immigration Act - Part 1 - Illegal Working.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/537205/Immigration_Act_-_Part_1_-_Illegal_Working.pdf)

To avoid discrimination, employers should be consistent in their checking and not simply check recruits they assume would not be eligible.

British citizens, citizens of the Channel Islands, the Isle of Man, the Republic of Ireland and the rest of the European Union, Switzerland, Iceland, Liechtenstein and Norway are all entitled to work in the UK.

For more about eligibility to work in the UK and an employer's obligations, go to [Check if someone can work in the UK - GOV.UK](#) or [Check a job applicant's 'right to work' documents - GOV.UK](#) for more information including:

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- Checking if someone can work in the UK
- An employer's guide to right to work checks
- The Home Office's code of practice for employers on avoiding unlawful discrimination while preventing illegal working.

## Criminal records

An employer can ask for details of a criminal record, but if it does it must ask the correct question of the prospective employee.

For most roles, an employer is only allowed to ask about what are termed 'unspent cautions and convictions' under the Rehabilitation of Offenders Act 1974 (ROA). For these roles, an employer is entitled to a basic criminal record check called a 'Basic Disclosure' and the correct question to ask applicants is: Do you have any unspent convictions? Yes / No.

However, there are certain types of job exempt from the ROA where it is necessary to ask a different question. For example, for roles including working with children and/or vulnerable groups, and in healthcare, and certain regulated financial roles. The correct question for these roles is: Do you have any cautions, convictions, reprimands or final warnings which are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)? Yes / No. These roles may be eligible for a Disclosure and Barring Service (DBS) check which might be 'Standard' or 'Enhanced'.

An employer must explain to a job applicant or employee how or why the role is eligible for a DBS check and where they can get independent advice.

All these checks can be a complicated legal area.

An employer can get free advice from Nacro, the crime reduction charity. Its Employer Advice Service is on 0845 600 3194 or email [employeradvice@nacro.org.uk](mailto:employeradvice@nacro.org.uk)

Job applicants and employees can get free advice from Nacro's Resettlement Advice Service on 0300 123 1999 or email [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)

Also, Nacro has a practical guide to employing ex-offenders. Recruiting safely and fairly is available from [www.nacro.org.uk/recruitingsafelyguide](http://www.nacro.org.uk/recruitingsafelyguide).

There is also information on the Acas web page, [Criminal record checks](#)  
**Job market changes and trends**

## Recruiting staff

An employer will benefit from keeping abreast of changes in the labour market which can affect its chances of securing the skills and attributes it seeks.

Recent trends in the workplace include:

- **ageing workforce:** The number of older employees is forecast to carry on rising in the decades ahead. Reasons include the increasing proportion of older people in the UK - the Office for National Statistics says people aged 65 and over will make up almost a quarter of the population (23%) by 2035, compared with 17% in 2010. Also, the retirement age of 65 has been largely scrapped, and changes to pensions mean many employees look to carry on working because they cannot afford to retire until later
- **more women at work:** 2015 has seen a record number of women in the UK workforce – an increase of almost 800,000 in four years, according to Government figures. They said almost seven out of every ten women between 16 and 64 were in work (67%). The figures also revealed more women getting jobs in agriculture, manufacturing and construction
- **young workforce:** After concern in 2013 that more than one in five people between 16 and 24 – almost one million – were unemployed, the figure fell to 743,000 at the start of 2015. However, there is still reported to be misunderstandings between some young people and some employers in what they expect of each other in the workplace – for example, many young jobseekers complain they do not get feedback about why they did not get the job.
- **homeworking:** The number of employees working from home is predicted to continue rising, particularly in office-related work. The Office for National Statistics said more than four million people in 2014 worked from home some or much of their time – the highest figure since records began in 1998. While most were self-employed or worked in the family business, the rest – more than a third – were employees. The research also found homeworkers tend to be in skilled roles.

## Further information

### Useful tools online

- Outline of a job description
- Outline of a person specification
- Outline of a recruitment checklist
- Outline of job offer letters

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Outline of a pre-employment checklist

Outline of a Written Statement of Terms and Conditions of Employment

All the above are available at [www.acas.org.uk/templates](http://www.acas.org.uk/templates)

### **Acas learning online**

Acas offers free E-Learning, including courses on Contracts of employment and Written Statements, and Pay and reward.

### **Acas training**

Our recruitment training is carried out by experienced Acas staff who work with businesses every day. Go to [www.acas.org.uk/training](http://www.acas.org.uk/training) for up-to-date information about our training and booking places on face-to-face courses.

Training can be specially designed for smaller companies and our current programme includes:

- recruitment, selection and retention
- employing people – a practical introduction
- human resource management for beginners
- contracts of employment.

Also, Acas specialists can visit an organisation, diagnose issues in its workplace, and tailor training and support to address the challenges it faces. To find out more, go to [www.acas.org.uk/businesssolutions](http://www.acas.org.uk/businesssolutions).

### **Acas guidance**

Age and the workplace - a guide for employers and employees

Apprentices

Discipline and grievances at work

Discrimination: what to do if it happens

Equal pay

Equality and discrimination: understand the basics

Flexible working and work-life balance

The right to request flexible working

Handling pay and wages

Homeworking – a guide for employers and employees

How to manage performance

National Minimum Wage

Prevent discrimination: support equality

Social media and recruitment

Starting a new employee: the induction

Unconscious bias

Younger workers

### **Additional help**

## Recruiting staff

Employers may be able to seek assistance from groups where they are members. For example, if an employer is a member of the Confederation of British Industry or the Federation of Small Businesses, it could seek its help and guidance. If an employee is a trade union member, they can seek help and guidance from their trade union representative or equality representative.

## Keep up-to-date and stay informed

Visit [www.acas.org.uk](http://www.acas.org.uk) for:

- Employment relations and employment law guidance – free to view, download or share
- Tools and resources including free-to-download templates, forms and checklists
- An introduction to other Acas services including mediation, conciliation, training, arbitration and the Acas Early Conciliation service
- Research and discussion papers on the UK workplace and employment practices
- Details of Acas training courses, conferences and events.

**Sign up for the free Acas e-newsletter.** The Acas email newsletter is a great way of keeping up to date with changes to employment law and to hear about events in your area. Find out more at:

[www.acas.org.uk/subscribe](http://www.acas.org.uk/subscribe)

**The Acas Model Workplace.** This engaging and interactive tool can help an employer diagnose employment relations issues in its workplace. The tool will work with you to identify areas of improvement you can consider, and will point toward the latest guidance and best practice:

[www.acas.org.uk/modelworkplace](http://www.acas.org.uk/modelworkplace)

**Acas Helpline Online.** Have a question? We have a database of frequently asked employment queries that has been developed to help both employees and employers. It is an automated system, designed to give you a straightforward answer to your employment questions, and also gives links to further advice and guidance on our website:

[www.acas.org.uk/helplineonline](http://www.acas.org.uk/helplineonline)

**Acas Helpline.** Call the Acas Helpline for free and impartial advice. We can provide employers and employees with clear and confidential guidance about any kind of dispute or relationship issue in the workplace. You may want to know about employment rights and rules, best practice or may need advice about a dispute. Whatever it is, our team are on hand. Find out more: [www.acas.org.uk/helpline](http://www.acas.org.uk/helpline)

### Look for us on:

Facebook - <https://www.facebook.com/acasorguk>

LinkedIn - <http://linkd.in/cYJbuU>

Twitter - <http://twitter.com/acasorguk>

YouTube - <https://www.youtube.com/user/acasorguk>