

This chapter describes the recruitment and selection process and the legal implications of that process. A summary is set out in Figure 1.1, although you may need to modify this to reflect your particular requirements.

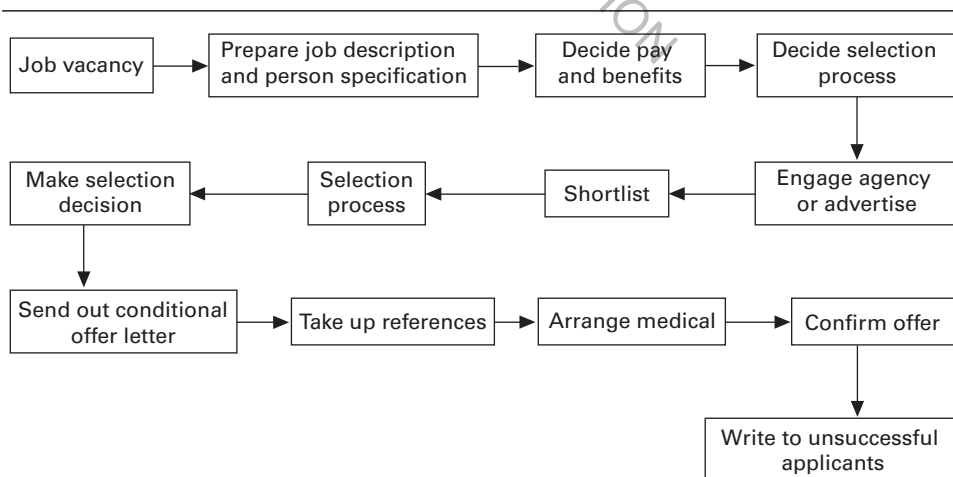
## Deciding whether to recruit

Before recruiting any new or additional staff you should consider whether there really is a need to do so. Not only do additional staff add to the organization's overheads but they will also increase the complexity of managing it. In some cases increases in staff numbers might trigger additional employment regulations.

Options that might avoid the need for an increase in permanent staff include:

- using contractors for certain activities;
- outsourcing or developing shared services arrangements;

**Figure 1.1** The recruitment process



- introducing more flexible working arrangements such as job-sharing, shift working or part-time working;
- redesigning jobs or changing the company's organization structure and/or processes;
- increasing working hours or introducing or increasing overtime;
- improving productivity;
- using temporary staff;
- redeveloping and retraining existing staff.

## Preparing a job description

### *Uses of a job description*

Although there is no legal requirement for a full job description, it makes sense to prepare one, as this will:

- clarify the responsibilities of the jobholder;
- aid the recruitment process;
- provide a basis for assessing training needs;
- help in appraising performance;
- help in assessing future staffing needs or in changing responsibilities;
- provide a valuable tool in analysing or changing the organization;
- be an essential requirement for any job evaluation process;
- be useful information in the event of any disciplinary action relating to job performance.

### *Content of a job description*

There is no one formula for what should go into a job description but it should generally include the following:

- job title;
- name of jobholder;
- main purpose of the job, which should describe succinctly, in one or two sentences, the key role of the job in the company;
- reporting line – the title of the job to which this one reports;
- subordinates – the jobs reporting to this one;
- main tasks or accountabilities – some jobs will be routine in nature, in which case the main tasks should be listed (see the job description extract for a secretary, below), whereas others will be relatively complex with the emphasis more on the achievement of objectives, in which case the main

accountabilities or responsibilities should be described in terms of end results (see the job description extract for a finance director, below);

- relevant statistics, such as budgets managed, sales targets and caseloads;
- main contacts and the reason for these;
- signature of jobholder and immediate line manager;
- date;
- generic accountabilities – many job descriptions now contain obligations which apply to all jobs whatever their nature eg ‘be responsible for your own continuing professional development’ and ‘follow the company’s safety policies and procedures and take all necessary actions to ensure the health, safety and welfare of yourself, your colleagues and third parties’.

### **Job description (extract) for secretary**

#### *Job purpose:*

To provide a full secretarial support service to a director.

#### *Main activities:*

- Type letters, reports and other documents, as required.
- Draft routine correspondence.
- Screen telephone calls, take messages and respond to routine enquiries.
- Respond to emails.
- Maintain a diary of appointments.
- Arrange meetings, travel and accommodation as required.
- Act as receptionist for visitors.
- Open and deal with post.
- Take minutes of meetings.
- Order stationery and office supplies.
- Maintain the office filing system and records.

**Job description (extract) for finance director***Main purpose of job:*

Contribute to the attainment of the company's business objectives by providing strategic and financial guidance and by ensuring that the company's financial commitments are met.

*Main accountabilities:*

- Direct and control finance staff to ensure that they are appropriately motivated and developed and so that they carry out their responsibilities to the required standard.
- Contribute to the achievement of the company's business objectives by providing advice and guidance on financial strategy.
- Provide financial advice and guidance to the company's managers and staff to enable them to achieve their objectives.
- Oversee the preparation of the company's financial accounts to ensure that these are presented accurately and on time.
- Develop and implement an internal audit programme to ensure that the company complies with financial procedures and regulations.
- Develop and maintain all necessary systems, policies and procedures to ensure effective and efficient financial management within the company.
- Monitor external contracts and services provided by suppliers to ensure that these are operating effectively and provide the best value to the company.
- Carry out all necessary actions to ensure that the company meets its financial and legal obligations.

## Preparing a person specification

A person specification is complementary to a job description. A job description describes the content of the job while a person specification describes the desired characteristics of the person required to do that job. Like a job description it is not a legal requirement, but is very useful for recruitment and in determining training needs (see sample person specification below).

### Sample person specification

<b>Job:</b>	Secretary/PA	
<b>Reporting to:</b>	Managing director	
	<i>Essential</i>	<i>Desirable</i>
<b>Qualifications:</b>	Educated to GCE 'A' Level or equivalent GCSE English Secretarial training	Degree GCSE Maths
<b>Experience:</b>	Previous office experience covering a range of activities similar to those required in this role.	
<b>Skills/competencies:</b>	Keyboard skills including word processing and familiarity with Word, Excel and PowerPoint, report writing skills Tact and discretion Good team worker Good written and verbal communication skills Highly organized Conscientious with a desire to do the job to a high standard Able to exercise initiative	Web publishing skills, including HTML, DTP
<b>Physical requirements:</b>	Smart appearance	
<b>Circumstances:</b>	Living within commuting distance of London Able to work overtime on occasions	

Two long-standing approaches used in the preparation of person specifications are Alec Rodger's seven-point plan and Munro-Fraser's five-fold grading system. Both of these suggest headings under which the attributes of an ideal candidate can be classified. Although these are now somewhat dated most of the criteria are still relevant, provided they are applied with discretion and you remember to take full account of the diversity of job applicants. For example, in assessing manual dexterity you would need to take account of any relevant disability, and verbal fluency might be affected by an applicant's country of origin.

### **The seven-point plan**

The seven points (from Rodger, A, 1952, *The Seven Point Plan*, NIIP, London) are as follows:

- 1 Physical make-up – appearance, bearing and speech.
- 2 Attainments – education, qualifications, experience.
- 3 General intelligence – intellectual capacity.
- 4 Special aptitudes – mechanical, manual dexterity, facility in use of words or figures.
- 5 Interests – intellectual, practical, constructional, physically active, social, artistic.
- 6 Disposition – acceptability, influence over others, steadiness, dependability, self-reliance.
- 7 Circumstances – any special demands of the job, such as ability to work unsociable hours, or travel abroad.

### **The five-fold grading system**

This (from Munro-Fraser, J, 1954, *Handbook of Employment Interviewing*, Macdonald & Evans, London) involves the following five considerations:

- 1 Impact on others – physical make-up, appearance, speech and manner.
- 2 Acquired qualifications – education, vocational training, work experience.
- 3 Innate abilities – quickness of comprehension and aptitude for learning.
- 4 Motivation – individual goals, consistency and determination in following them up, success rate.
- 5 Adjustment – emotional stability, ability to stand up to stress and ability to get on with people.

The majority of organizations would also add competencies to any person specification. Essentially these are the characteristics and behaviours required of an individual for effective or superior job performance.

It should be borne in mind that only factors relevant to the job should be taken into account. Including any that may not be necessary for effective job performance, eg requiring a high level of physical fitness for a sedentary job, could leave you open

to claims of discrimination in selection. Equally, physical appearance might be relevant for customer-facing roles but not for those in research or back-office jobs.

You should describe the characteristics required for a particular job, determined by reference to the job description, against the various headings used. It is a common practice to enter two levels – the ideal and the minimum acceptable requirements to do the job. Job applicants can then be compared against these headings, although making the necessary assessments can be a complex and unreliable process.

## Role profiles

Many organizations use role profiles rather than job descriptions. The essential difference is that these will typically include not just a description of the job's responsibilities and tasks but will also incorporate the knowledge, experience, skills and competences required in the role. This means that a single document can replace the separate job description and person specification. Role profiles are often written in more generic and less specific terms than job descriptions and are commonly part of a job family approach which groups roles with similar characteristics eg sales, administration, production, finance, research etc.

## How to recruit

The first step when filling a vacancy should be to consider whether there is anyone internally who might be suitable, perhaps after a period of retraining. Where you take the decision to recruit externally the main ways of attracting applicants are:

- word of mouth;
- advertising;
- using recruitment agencies and selection consultants;
- using executive search firms ('headhunters');
- recruitment fairs;
- through the internet (see 'E-recruitment' below).

## Word of mouth

Recruiting staff by encouraging existing employees to tell their friends and relatives about vacancies is very common and some companies even offer financial incentives to staff who persuade someone else to join. Probably the main advantage of using this approach is that you may know more about the employee's background and there is likely to be a certain amount of peer pressure to do a good job. The main danger is that recruiting from a limited pool in this way could be discriminatory if all the recruits come from one section of the community and this does not reflect the mix in your catchment area. It is also less likely to provide the organization with a diverse workforce.

## Advertising

The aim of an advertisement is to encourage applications from suitable candidates for the job and also to promote the image of the company. The wording and layout should attract a sufficient number of candidates of the right quality but it should also discourage applications from those who would be unsuited to the job.

The basic content of the advertisement should be:

- the job title;
- the location;
- salary and main benefits;
- a brief description of the key responsibilities or duties;
- the qualifications, skills and experience required;
- the advantages of the job;
- how and to whom application should be made and any deadline date.

Information about salary is sometimes omitted from advertisements, for various reasons, but experience shows that this generally reduces the number of applications. You can usually obtain assistance with the design and wording of job advertisements from newspapers and professional journals, although it is clearly in their interests to sell as much advertising space as possible. An alternative approach would be to place the whole matter in the hands of an advertising or recruitment agency.

If you are preparing a job advertisement yourself you need to ensure that it is not discriminatory by implying that the job is open only to people of a particular race or sex, or that marital status, sexual orientation, religion or belief, age, disability or any protected condition as defined by the Equality Act 2010 will exclude applicants, unless there are compelling reasons for any such exclusion. For example, some disabilities will prevent a person from effectively carrying out certain types of work. Words that are one-sex specific, such as 'salesman', should be avoided. You cannot insist that an applicant must, or must not, join a trade union.

## Avoiding age discrimination

The Employment Equality (Age) Regulations 2006 came into effect on 1 October 2006 and are incorporated within the Equality Act 2010. The position is that, with some rare exceptions, you cannot discriminate on grounds of age when recruiting an employee (or during employment generally). When advertising you should:

- not specify a particular age or age range or use terminology that implies that you are looking for someone of a certain age, eg 'dynamic young graduate', 'mature person';
- avoid asking for a specific number of years of experience but instead describe the type of experience required;
- make clear that where certain qualifications are required an equivalent level will be acceptable; older candidates, for example, may not have taken GCSE examinations;



- use advertising media that can include a wide field of candidates rather than advertising only in publications that might appeal to a specific age range;
- review advertising and publicity information about the organization to ensure that there are no hidden messages about the age of applicants you are seeking to recruit.

Most organizations include an equality statement in their advertisements and an example is provided below (reproduced with the kind permission of the National Council for Voluntary Organisations – NCVO).

### **Equal opportunities – statement of policy**

[insert company name] is an equal opportunities employer and will apply objective criteria to assess potential suitability for jobs.

We aim to ensure that no job applicant or employee receives less favourable treatment on the ground of race, colour, nationality, religion, ethnic or national origins, age, gender, marital status, sexual orientation or disability.

Selection criteria and procedures are reviewed to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities.

All employees will be given equality of opportunity and, where appropriate and possible, special training to enable them to progress both within and outside the organization.

[insert company name] is committed to a continuing programme of action to make this policy effective and bring it to the attention of all employees.

### **Recruitment agencies and selection consultants**

One of the main advantages of using a recruitment agency or a selection consultant is that they can bring considerable expertise to the selection process and can frequently give advice on the kinds of reward and benefits package likely to attract suitable candidates. They can take many aspects of the recruitment process out of your hands including, for example, advertising vacancies, interviewing and shortlisting candidates and providing assistance with the final selection. They can also allow you to remain anonymous until the final stages, if desired.

The greatest drawback is probably cost, fees usually being based on a percentage of salary and ranging from about 15 to 30 per cent. The service will usually be provided on a no-result-no-fee basis and it may also be possible to recoup the fee if the candidate leaves within a certain period.

## ***Executive search consultants ('headhunters')***

This approach is more appropriate for the most senior vacancies where the company has very specific requirements. In this case the consultants will conduct a market search, often targeting people in senior positions in other companies or referring to their own database of candidates. This is a very useful way of approaching individuals who are known to be suitable but without revealing the name of the company.

The main drawbacks are that it can be costly and will automatically exclude those outside the headhunter's network who may nevertheless be very able but with a low profile. One other possible drawback is that there is an assumption that those who are currently occupying comparable positions would be suitable candidates, but this may take no account of how well they might be performing in those positions.

## ***Recruitment fairs***

Recruitment fairs provide an opportunity for the employer to give information about the organization and job vacancies in an informal setting. Candidates are able to see what opportunities are available without having to attend a formal interview. The fairs have the added advantage that they might attract applicants who possibly would not otherwise respond to job advertisements.

These fairs are generally professionally organized, with employers having stands to display information about their organizations. In the past these have proved particularly popular for recruiting graduates. To avoid infringing age discrimination legislation you must be careful to use other selection methods as well and also not to debar older candidates who may still be graduates, even if not recent ones.

## ***Application form or curriculum vitae (CV)?***

One of the decisions you will have to make when recruiting staff is whether to ask candidates simply to submit a CV or to require them to complete an application form. The more appropriate approach will depend primarily on the seniority of the job and the number of vacancies to be filled. Where you are filling a senior job it is more common to ask for a CV and experience shows that asking for application forms in such cases can reduce the number of applicants. However, where you expect to receive a large number of applications, forms can be very useful in screening applicants, primarily because you are asking everyone for the same information in a structured way, which makes comparison easier.

Some of the relative advantages and disadvantages of application forms and CVs are set out in Table 1.1. An age bias-free application form can be downloaded from the Employers Forum on Age; website at [www.efa.org.uk](http://www.efa.org.uk).

**Table 1.1** Advantages and disadvantages of CVs and application forms

<b>CVs</b>	
<b>Advantages</b>	<b>Disadvantages</b>
Speed – most applicants will have a prepared CV.	Many CVs are professionally prepared and may not accurately reflect the applicant's true presentation skills.
The standard of presentation can give information about the applicant.	The applicant can conceal or leave out vital information.
Some applicants may be deterred by having to complete an application form.	Varied content and presentation can make comparison of different applicants complex.
It is simpler to ask for a CV than to design and issue an application form.	They may not give the information you actually require.
	They do not give applicants the opportunity to highlight the aspects of their career they consider the most relevant.
<b>Application forms</b>	
<b>Advantages</b>	<b>Disadvantages</b>
They can be designed to provide the information you require.	One form may not be suitable for all jobs.
Because the information is structured it is easier to compare applicants.	Forms put some people off.
Gaps in information can easily be seen.	They are not as fast and convenient as CVs.
The form can be used as a template for the interview.	Poorly designed forms may not obtain all the information you require and often do not provide sufficient space for certain answers (online application forms can overcome this by providing expandable sections).
Information from a form can easily be transferred to a personnel database.	There is a cost involved in producing and dispatching forms.
The standard of completion gives an indication of a candidate's ability to follow instructions.	

## E-recruitment

The growth of the internet means that a significant amount of recruitment is now carried out online. E-recruitment, or online recruitment, is defined as 'the use of technology to attract candidates and aid the recruitment process'.

According to a 2005 survey conducted by the Chartered Institute of Personnel and Development, 77 per cent of organizations used some form of human resources information system and 51 per cent reported that their use of technology systems was for recruitment and selection purposes. There is little doubt that this use of technology for recruitment will have increased in the intervening years. Research by the British Market Research Bureau has suggested that an internet search is the preferred job hunting method for one in four adults.

Technology can be used to:

- advertise vacancies on your company's website, on commercial job sites or job boards, or on social networking sites;
- track and process applications;
- select candidates through the use of online testing and by gathering applicant details.

### Company website

The company website can be used to give as much or as little information about jobs as you wish. At a minimum you could just provide details of any vacancies, or the website could be used to provide a more comprehensive recruitment service giving full details about the company, supplying job descriptions and person specifications, and providing an online application form.

### Job sites or job boards

These are databases of vacancies that are similar to the recruitment advertising section of a newspaper or magazine, but on a much larger scale. They will generally carry several different jobs from a variety of employers although there may also be a focus on a specific profession or industry, level of seniority or geographical location. They can include questionnaires or tests to enable applicants to improve their job-hunting skills. There is usually a reference back to the company's website. In using this approach the key considerations will be the cost of the service and the popularity of the site with the target audience.

### Applicant tracking

Applicant tracking is the process that enables you to keep track of the progress of candidates in respect of any vacancies applied for and to assist in managing the process.

### Online testing

Online testing involves the evaluation of candidates over the internet through psychometric or aptitude tests. Enabling tests to be conducted in this way reduces the considerable administrative burden of distributing and collecting written test papers.

## ***Advantages of using e-recruitment***

The main advantages of using e-recruitment are:

- it can speed up the recruitment process and reduce administration;
- it can improve the efficiency of the recruitment process;
- it has the potential to reduce costs;
- the ability to reach a wide pool of applicants;
- the ability to focus on a target applicant pool;
- the ability to advertise vacancies widely internally through the use of the company intranet;
- it promotes the image of the company as a modern, up-to-date employer;
- it offers 24-hour, seven-days-a-week access;
- it can reach a global audience;
- it makes handling high volumes of applications easier;
- it provides a databank of applicant information;
- it can be used to provide more information about the company and the job;
- it makes it easier for the applicant to apply for a job.

## ***Disadvantages of using e-recruitment***

The main disadvantages of using e-recruitment are:

- not everyone has access to the internet or would use it to conduct a job search and this can limit the field of applicants;
- ease of applying for jobs might attract a greater number of unsuitable applicants;
- it could limit applications from groups who cannot fully use the technology, eg certain disabled groups;
- if not carefully designed the process could discourage some applicants or give an unfavourable impression of the company;
- some tests could potentially give rise to allegations of discrimination;
- the process may be seen as impersonal, and put off some candidates.

E-recruitment is something that cannot be ignored but the process should conform to all the criteria of more traditional approaches and should be regularly monitored to ensure that it is delivering the required results. It should be fully integrated with other recruitment methods. It is also important to ensure that websites are kept up to date and that there is a contact number for those having technical difficulties.

# Interviewing

## General rules

Probably the most common way of selecting a person for a job is through the face-to-face interview. The most important points to bear in mind when you conduct an interview are:

- Ensure that the interview is free from interruptions and outside noise and that the location is suitable for the purpose.
- Ensure that enough time is set aside for each interview.
- Ensure that all parties involved have been told the date, time and venue for the interview.
- Read all CVs and/or application forms in advance.
- Prepare questions in advance (see example questions below).
- Avoid any questions that might appear to be discriminatory on grounds of sex, race, religion or belief, age or disability etc, such as, 'Do you intend to start a family in the near future?' or, 'Are you likely to want to take long holidays in your own country?' or, 'Will your disability mean that you have to have time off for hospital visits?' or, 'Do you think you would be able to work in a team of younger people?' These all suggest that factors other than ability to do the job are likely to be taken into account.
- Ensure that you ask a large number of open questions, ie questions that encourage discussion, rather than closed questions that elicit a 'yes' or 'no' answer. For example, it is better to ask, 'What do you like about your present job?' than, 'Do you like your present job?'
- If disabled people are attending the interview ensure that appropriate facilities are provided.
- If more than one person is involved in conducting the interview ensure that it is clear who will ask which questions.
- Keep notes of decisions reached and the reasons for them, as these will be important in the event of any candidate querying the selection decision. Remember, though, that candidates can have access to such notes through the Data Protection Acts.

Using the following checklist will help you ensure that you have covered all relevant points when you are about to conduct a selection interview.

## Preparation for interview – checklist

Consider the following factors when preparing for an interview:

- Do you have all relevant information about the candidates, including:
  - application forms/CVs;
  - all other correspondence with the candidates;
  - references if obtained;
  - results of any tests carried out;
  - personnel files of any internal candidates;
  - other relevant information?
- Have you identified important issues to be discussed at the interview?
- Do you have the job description?
- Do you have the person specification?
- Have the candidates been told the date, time and venue of the interview?
- Have you taken account of their travelling or work constraints?
- Have reception and security staff been told who to expect and at what times?
- Have the other members of any interview panel been told of the time and place of the interviews?
- Have the other panel members all been given the above information about the job to be filled and the candidates?
- Have the panel members been fully briefed about their roles in the interview?
- Have arrangements been made to pay any travelling expenses?
- Do you have all necessary information about the salary and terms and conditions relating to the job in question?
- Have you decided on the information you require and prepared a list of relevant questions (see below)?
- Have you considered the questions that candidates are likely to ask and your responses to these?
- Has a suitable interview room been prepared?
- Have you arranged to divert telephone calls and avoid interruptions?
- Are all mobile phones switched off?
- Have waiting and cloakroom facilities been provided for the candidates?
- Have candidate assessment forms been prepared and made available to the panel members (see example below)?
- Has the decision-making process been agreed?
- Has the process for notifying candidates of the result of the interview been agreed?
- Have the candidates been told about the stages in the selection process?

## ***Interview structure***

When carrying out an interview you should have a structure in mind. This should comprise an opening, a middle and an end, and you need to take specific actions at each stage.

When opening the interview:

- Try to stick to the timetable; interviews too frequently overrun.
- Start by welcoming the candidate and try to establish rapport, perhaps by chatting about something inconsequential.
- Introduce yourself and any other interviewers.
- State the purpose of the interview and describe how it is to be conducted.

In the middle stage:

- Try to ask questions that are open-ended and encourage discussion – basically questions that begin with who, what, where, when, why and how, or phrases such as, 'Tell us what you think about ...'.
- Ask questions that relate to required job competencies and the applicant's previous experience, eg, 'Describe a time when ...' and, 'What did you learn from this?'
- Ensure that you avoid questions that could be construed as discriminatory.
- Avoid just going back over the application form or CV, repeating the information that is already there, but do clarify anything that is not clear.
- Do not hesitate to probe if the need arises; it is better to get any doubts out into the open than to wonder about them afterwards.
- Listen carefully to the replies, remembering that the candidate should do most of the talking, and try to read between the lines.
- Ask the interviewee to supply examples of the kinds of things he has done to get a clear idea of current and past experience.
- Keep notes of what is said, and if a number of candidates are being interviewed it is a good idea, in the absence of a photograph, to write a short pen-portrait of each of them; it is surprisingly easy to become confused after interviewing, say, six people in one day.

At the end of the interview:

- Invite the candidate to ask any questions about the job or the company.
- Tell the candidate what will happen next and when he can expect to hear the outcome.
- Ask the candidate if he has any expenses and explain how these can be claimed.

After the interview:

- Discuss and record your conclusions.
- Notify the candidates of the outcome as soon as possible; you may wish to delay telling any reserve candidate until the first choice has accepted but this delay should not be too long.



- Negotiate the salary and terms of employment with the successful candidate and prepare a contract of employment.

*Note:* It is important to retain a note of your reasons for appointing a particular candidate in case you receive any complaints of discrimination from those who were unsuccessful.

### **Example interview questions**

Some examples of the kinds of questions that can usefully be asked at interviews are set out below. However, you should remember that these are only examples and will need to be modified to meet your own precise requirements and in relation to the information provided by the candidate:

- Tell me about yourself and your career to date.
- What interests you about this job?
- What do you know about this company?
- What contribution can you make to this company?
- Why did you (why are you planning to) leave your last job?
- What do you consider to be your main strengths?
- What areas do you think you need to improve?
- Describe your current responsibilities.
- What have been your major achievements in your career to date?
- Looking back over your career, what would you have done differently?
- What have been the biggest problems in your current (or previous) job?
- What experience do you have of managing staff?
- Can you give examples of the types of people problems you have had to deal with?
- What experience do you have of managing budgets?
- Where do you see yourself in, say, five years' time?
- What other jobs have you applied for?
- What salary and benefits are you looking for?
- If offered this job, when could you start?
- Why should we appoint you in preference to any other candidate?
- Can you give an example of a time when you have had to:
  - make an important decision;
  - deal with a sensitive issue at work;
  - introduce a new system or process;
  - work as part of a team to achieve an important objective?

### Candidate assessment form

Name:

Job applied for:

Interviewer(s):

Date:

Rate the candidate as follows on the criteria below:

1 = Exceeds minimum requirements

2 = Meets minimum requirements

3 = Does not meet minimum requirements

	<i>Rating</i>			<i>Comments</i>
Qualifications	1	2	3	
Relevant experience	1	2	3	
Skills/competencies	1	2	3	
Team fit	1	2	3	
Personality	1	2	3	
Analytical ability	1	2	3	
Organizational skills	1	2	3	
Presentation skills	1	2	3	
Decision making	1	2	3	
Management skills	1	2	3	
Business acumen	1	2	3	
Drive/enthusiasm	1	2	3	

Overall conclusion:

## Other selection methods

A detailed discussion of other selection methods is beyond the scope of this book. However, some other techniques that might be appropriate in certain circumstances are described below.

### **Psychometric tests**

Psychometric tests provide an analytical and quantifiable way of measuring personality traits and abilities, intelligence and aptitudes that are likely to be relevant to the job.

Such tests should satisfy six criteria. Any test should be:

- 1 a sensitive measuring instrument that discriminates between subjects;
- 2 standardized, so that an individual score can be related to others;
- 3 reliable, in that it always measures the same thing;
- 4 valid, in that the test measures what it is designed to measure;
- 5 acceptable to the candidate;
- 6 non-discriminatory.

There are a number of different types of psychometric test that, for selection purposes, may be classified as intelligence tests, aptitude and attainment tests, and personality tests.

## Intelligence tests

Intelligence tests are the oldest kind of psychometric test, having been designed in 1905. However, they are rarely, if ever, used for selection purposes these days. The main problem with intelligence tests is that they are attempting to measure something that is very complex and about which there is much disagreement. It is possible that intelligence tests only measure an ability to do intelligence tests. In any case, they have limited application in the selection context and their use in the wrong circumstances could provoke resentment if candidates feel that they have already proved their intellectual capacity through their qualifications and experience.

## Aptitude and attainment tests

These are designed to test particular aptitudes or abilities and can therefore be made very relevant to the job in question. Aptitude tests measure an individual's potential to develop, whereas attainment tests measure skills that have already been acquired. Aptitude tests can examine such things as verbal and numerical reasoning skills, spatial ability and manual dexterity. Some of the most common attainment tests are keyboard skills tests, which are widely used and accepted. The most important aspect in designing all such tests is to ensure that they are properly validated.

## Personality tests

Personality is an even vaguer concept than intelligence and this is probably the biggest problem with personality tests. What exactly are they measuring? There are a number of different theories about personality and a number of different definitions, with some people taking the view that it cannot be defined and measured.

Personality tests can take a number of different forms, testing, for example, individual traits or characteristics, interests or values. Others may concentrate on specific workplace behaviour.

Some of the more common tests include the 16PF, Myers Briggs Type Indicator (MBTI), the FIRO-B and SHL's OPQ. There has been much debate about the validity of personality tests and studies have given variable results, but they are generally found to be more valid than the standard interview, especially when used in combination with other techniques.

## **Using tests**

Whatever tests are used, they should:

- ideally, be used as part of an integrated process with the selection procedure and supported by other approaches;
- be rigorously designed and validated;
- be administered by, or supported by advice from, someone trained to the standards of the British Psychological Society.

## **Assessment centres**

An assessment centre is not a single building or place, as the name might imply, but a range of tests and exercises, such as in-tray exercises, group discussions or presentations, given to a group of candidates who are evaluated by a number of assessors. They can last for several hours or several days. Because of their duration, the complexity of designing them and the associated costs, they may not be appropriate for small companies. However, they have generally been shown to be good predictors of job performance, and taking on a new employee is a big investment.

## **Outdoor selection**

Outdoor selection involves using a series of outdoor activities as part of the selection process. Participants are put into challenging situations requiring them to demonstrate how they interact with others, for example by working with an appointed leader to solve a complex problem such as crossing a river by making the best use of their collective skills and materials provided, or by undertaking a physical challenge. This type of approach is most appropriate for large organizations with groups of applicants moving into new roles, and will not generally be suitable for small companies.

## **Work samples**

A work sample is an approach that requires applicants to perform the kinds of tasks they would carry out in the job. Although in the past this approach was confined to jobs requiring practical skills, such as skilled craft work, it is now often used for office jobs. Examples of work samples for such jobs include getting an applicant to carry out a role play, such as conducting a disciplinary interview, if that is likely to be part of the job, or writing a report about some aspect of the company. A common technique is the in-tray exercise, which requires applicants to show how they would deal with a typical range of internal problems and correspondence.

## **Biodata**

Biodata selection involves selection on the basis of biographical information including age, qualifications and jobs held. It is based on the assumption that past experience

and attainments are likely to be good predictors of job performance. Biodata questionnaires vary in the number and types of question asked but will typically seek information such as number of jobs, length of employment, hobbies and interests. Their main drawbacks are that they can be discriminatory because of the nature of the questions asked, they need to be individually designed for different organizations and they can quickly become out of date.

## Avoiding discrimination in selection

Under the Equality Act 2010 it is unlawful to discriminate in selection because of a 'protected characteristic' relating to an individual. These 'protected characteristics' are sex, sexual orientation, gender reassignment, marriage or civil partnership, race, religion or belief, age, disability, pregnancy and maternity. Discrimination can arise even if it is not the applicant who has the protected characteristic but the selection decision is affected by their association with a person who does, eg where an applicant is rejected because he has to care for someone with a disability. It is also unlawful to discriminate on grounds of trade union membership or non-membership.

An exception to the rules on discrimination is where there is what is called an 'occupational requirement' that can be justified as a proportionate means of achieving a legitimate aim. However, this must be crucial to the job in question, for example in dramatic performances where the role calls for a specific race or sex, where a social worker is required to deal with a particular ethnic group or where the work is of such an intimate nature that members of the public might object to a member of the opposite sex carrying it out.

Section 159 of the Equality Act also allows the employer to take a protected characteristic into account when recruiting or promoting where people with that characteristic are at a disadvantage or are under-represented. For example, if you have two equally qualified candidates, one man and one woman, but women are under-represented in the company, it would be legal to appoint the woman in preference to the man. In practice, there are usually very few occasions when there is a dead heat between two candidates and there are usually clear reasons for selecting the best person for the job.

Discrimination may be direct or indirect. Direct discrimination arises when one applicant is treated less favourably than another because of a protected characteristic. An example would be restricting certain jobs to members of one sex or a particular race. Indirect discrimination arises when the selection criteria are such that a smaller proportion of people with a particular protected characteristic can comply with them and the criteria are not justified by the requirements of the job. An example would be requiring applicants to take tests not relevant to the job and which would have the effect of putting certain groups of people at a disadvantage – for instance, physical lifting tests, which would discriminate against women or those with certain types of disability.

## ***Avoiding discrimination against disabled people***

The legislation relating to disability discrimination is now contained within the Equality Act 2010, which has repealed and replaced the Disability Discrimination Act 1995 and applies to all companies, regardless of size. This means that it is unlawful to refuse to offer employment for a reason connected with disability unless this can be shown to be 'a proportionate means of achieving a legitimate aim'. A legitimate aim would be where a physical disability prevented someone from carrying out a job to the required standard.

When considering applications from disabled people you should:

- consider what adjustments you can reasonably make to the job or the workplace to enable the disabled person to meet the requirements of the job – failure to make a 'reasonable adjustment' amounts to unlawful disability discrimination;
- emphasize the essential elements of a job in the person specification and job description so that any disabled person who can meet these requirements can be considered seriously;
- modify the recruitment process where necessary, for example by adapting tests;
- adapt physical arrangements if practical, for example by providing wheelchair ramps;
- consider allowing a disabled candidate to be accompanied, if appropriate;
- train managers and staff in their responsibilities in relation to the law.

## ***Avoiding age discrimination***

The Department for Work and Pensions suggests that you should:

- 1 Remove the date of birth section from any application form and instead put this information on a separate monitoring form that interviewers will not see.
- 2 Remove any other age-related questions. You can still ask applicants to describe their experience and jobs held.
- 3 Ensure that any special recruitment programmes for graduates or managers are open to all ages.
- 4 If you use a recruitment agency, check that it does not exclude people because of their age.
- 5 Focus on skills held and avoid preconceptions such as wondering whether an older person will be able to work with the latest technology or at a particular speed.
- 6 Train interviewing staff in all aspects of avoiding discrimination, including age discrimination.

- 7 Use people of different ages on an interview panel (where possible) to avoid any accusations that judgements were based on age.
- 8 Ask job-related questions.
- 9 Use selection criteria to assess candidates.
- 10 Monitor the ages of the candidates who applied, those who were shortlisted and the age of the person appointed.

Much of this advice amounts to no more than good selection practice, so it should not present a problem for most employers.

## Making a job offer

Once you have made the selection decision your next action should be to write to the successful and unsuccessful candidates. You can make an unconditional job offer but it is more usual to make any offer subject to the candidate meeting certain criteria, such as providing satisfactory references or passing a medical examination. At this stage it is better to defer writing to other shortlisted but unsuccessful candidates because your first choice may decline the offer.

The job offer should contain, as a minimum:

- the title of the job being offered;
- any conditions attaching to the offer;
- the location of the job;
- details of salary or wage, payment intervals and the annual review date;
- any significant benefits;
- the starting date;
- the hours of work;
- holiday entitlement;
- to whom the new employee should report;
- what the employee should do next.

Examples of offer letters are shown below.

You may also wish to consider making any appointment subject to a probationary period. If you do so this should be clearly stated in the offer letter, as should any special conditions attaching to this period. It is important to remember that what goes into the offer letter forms part of the contract of employment.

## Example offer letter 1

Dear

Following your recent interview at these offices I am pleased to be able to offer you the job of [insert job title] with this company.

This is subject to:

- (a) the receipt of satisfactory references;
- (b) a medical report from the company's medical adviser;
- (c) [insert any other conditions attaching to the appointment, such as the completion of a satisfactory probationary period].

If in the opinion of the company your references and/or medical report are not satisfactory, the company will withdraw this offer, or if your employment has already commenced, terminate your employment without notice.

The full details of this offer are as follows:

*Job title.* You will be employed as a [insert job title], although you will be expected from time to time to carry out other duties appropriate to a job at this level.

You will report to [insert job title].

*Place of work.* Your place of work is [insert location], although you may be required to work at any of the company's premises on a permanent or temporary basis.

*Salary and benefits.* Your starting salary will be £ [insert amount] per annum [or insert any other agreed period] and this will be paid on the last day of each month by bank credit transfer [or insert any other method agreed]. Your salary will be reviewed annually on 1 January [or insert any other review date].

In addition to your basic salary you will also be entitled to the following benefits [set out details of any bonus, company car, medical insurance or other fringe benefits].

*Hours of work.* Your normal hours of work will be from [insert start time] to [insert finish time], Monday to Friday [or other working days] with a paid one-hour break for lunch each day [or other appropriate wording]. The nature of your role means that you may be required to work overtime without additional payment. [Any requirement to work more than 48 hours on average and any need for the employee to sign an opt-out under the Working Time Regulations should be mentioned.]

*Holidays.* You will be entitled to [insert number] days' holiday per annum in addition to all public holidays. The company's holiday year runs from [insert date] to [insert date] and holidays cannot be carried over from one year to the next. During your first year of employment you will accrue holiday at the rate of [insert accrual rate] for each completed month of employment.



*Sick pay.* Your entitlement to sick pay and the procedure for reporting absences are set out in the staff handbook.

*Pension.* The company operates a pension scheme which you will be enrolled into on appointment and details will be sent to you separately.

*Notice period.* The company will give you [insert notice period] weeks/months' notice of the termination of your employment (on grounds other than gross misconduct), or any longer period required by statute. You are required to give the company [insert notice period] weeks/months' notice if you decide to terminate your employment.

Further information about the detailed terms and conditions applying to your employment can be found in the staff handbook.

*Acceptance.* I would be grateful if you would confirm your acceptance of this offer on the terms and conditions set out above by signing and returning the attached copy of this letter to me. I would also be grateful if you could contact me to confirm your likely start date.

I look forward to you joining us and hope that this is the start of a long and happy association with this company. If you require any further information or would like clarification of any aspect of this offer please let me know.

Yours sincerely,

### **Example offer letter 2 (for larger companies)**

Dear

Further to your recent interview I am pleased to offer you a job at this company based at [insert location] with a start date of [insert date].

This letter of appointment, together with the terms and conditions outlined in the enclosed staff handbook, which should be read in conjunction with this offer letter, constitutes the basis of your continuous employment with the company.

#### *Job title and grade*

Your initial job title and grade will be [insert title and grade]. Further details are given in the section on grades in the handbook. As a term of your employment, you may be required to undertake, from time to time, such other duties as may be commensurate with your position in the company.

### *Pay*

With effect from [insert date] your remuneration will be at a rate of £ [insert amount] per annum and comprises a basic pensionable salary of £ [insert amount] per annum plus a non-pensionable regional allowance of £ [insert amount] per annum. Your non-pensionable car allowance will be at a rate of £ [insert amount] per annum. Payment, which is subject in all cases to statutory deductions of Income Tax and National Insurance Contributions, will be made into your bank account in 12 monthly instalments on or around the [insert date] of each month. You will receive a monthly pay statement detailing gross pay and deductions and any subsequent changes to your salary will be highlighted on that statement.

### *Salary arrangements*

The company operates a performance-related pay policy and individual managers are rewarded according to their objectively assessed performance. Each year the amount of money available for distribution is expressed as a percentage of the basic salary bill for managers.

An individual manager's performance is reviewed against his or her annual objectives at the end of each year and a performance rating determined. The performance rating influences the pay award but comparisons with peers or peer groups within the company and market information of similar jobs outside the company will also be taken into account. Any awards are normally made in [insert date]. Full details of the company's performance-related pay policy will be available at your place of work.

### *Healthcare plan*

You will be eligible for private health cover during your employment in accordance with the rules of the company scheme. The scheme operates on terms and conditions that are in force from time to time. The company reserves the right at any time to vary the scale or level of benefits in force.

Details and registration documents will be sent to you from head office. Full cover under the scheme will commence from the date of acceptance of your signed application for scheme membership.

### *Car scheme*

You are eligible to participate in the company's car scheme subject to the rules of the scheme, which may change from time to time. For full details of the scheme please contact [insert appropriate person]. Alternatively, you may elect to take a cash option.

### *Hours of work*

The normal working week is 35 hours and this is normally for seven hours per day (excluding a one-hour unpaid lunch break) Monday to Friday inclusive. Your initial start and finish times will be 9.00 am to 5.00 pm Monday to Friday inclusive unless you have been advised otherwise.

### *Leave*

Annual leave. The holiday year runs from [insert date] to [insert date]. For further details including the entitlement for one completed year of service and above, refer to the handbook.

You are required to take a minimum of two working weeks of your annual leave as consecutive weeks. Further information on arrangements for taking annual leave will be available at your place of work.

Public and bank holidays. In addition to annual leave you are entitled to paid leave on public and bank holidays. Different arrangements may apply to shift workers and details are available at the relevant work location.

### *Absence from work*

No salary will be paid for periods of unauthorized absence. Subject to you following the absence rules laid down by the company, normal pay will be continued during periods of authorized absence due to sickness, subject to any service criteria that may exist from time to time. Any statutory sick pay entitlement will be included within this pay. Further details are given in the section on sickness in the staff handbook.

### *Place of work and mobility*

Your initial location will be [insert location]; however, you may be required from time to time to work at or from any company location. Full details are set out in the staff handbook.

### *Pension*

You will be enrolled in the company pension scheme, details of which are available from the company secretary.

### *Data protection*

It is important that our confidential personnel records are maintained as accurately as possible and under the Data Protection Acts 1984 and 1998 the company and employees have a mutual responsibility in this regard. You must notify the company in writing of any change in your personal circumstances, such as your address,

marital status, birth of children, attainment of professional qualifications, and so forth. For further details refer to the 'data protection' section in the staff handbook.

### *No smoking*

A 'no smoking' policy operates in all company premises. Staff who smoke on these premises may be subject to formal disciplinary procedures, which may ultimately lead to dismissal. This [includes/does not include] e-cigarettes.

### *Disciplinary rules*

Contravention of any disciplinary rules, misconduct or a failure to achieve the required standards of performance is likely to result in action being taken under our disciplinary procedures, which could include dismissal. General disciplinary rules are set out in the staff handbook.

### *Grievance procedure*

If you have a grievance related to your employment, you have a right to apply for redress. Details of the procedure are set out in the staff handbook.

### *Termination of your employment by the company*

You are entitled to [insert notice period] notice from the company to terminate your employment, or by such notice as may be required by statute, unless your employment is terminated on the grounds of gross misconduct. For further details please refer to the 'notice period' section in the staff handbook.

### *Termination of employment by you*

You are required at any time to give the company [insert notice period] notice in writing.

### *Acceptance*

I should be grateful if you would kindly sign and return the attached copy of this letter to your line manager to confirm your acceptance of this offer.

Yours sincerely

I hereby accept the offer and the terms and conditions with the company as set out in this document, together with the other conditions contained in the staff handbook, which I have read in conjunction with this offer letter.

Signed:

Name:

Date:

## Taking up references

Although there is generally no legal obligation on an employer to give a reference (apart from certain jobs regulated by the Financial Conduct Authority), many are happy to do so. Any reference you are given must be fair, honest and accurate. However, it has become increasingly common for employers to give a neutral reference – one that confirms that the employee was employed in a particular job with that company for a particular period, but makes no other comment about performance or attitude. Fear of possible litigation means that increasing numbers of employers now provide such references.

To ensure that you obtain all the required information about a prospective employee, the safest course of action is to provide a reference form, such as that set out below or, better still, to obtain references by telephone. Previous employers may be willing to disclose information about a prospective candidate over the telephone that they would be reluctant to put in writing, and it may also be possible to judge attitudes by the tone of voice used, though you need to bear in mind that telephone calls may be recorded. For a telephone reference to be of real value, you need to ensure that you ask the right questions. Using the reference form will help ensure this. In addition, you may want to confirm impressions gained at the interview or clarify any doubts you may have.

Most employers ask for two references: one from the last employer and one from another person who knows the candidate. In practice, it is only the reference from the candidate's last employer that is of real value because the other will generally be from a personal friend.

You should always get the candidate's permission to take up any references. A common practice is to take up references from previous employers at the offer stage, and to make the job offer subject to a satisfactory reference from the current employer. This allows the candidate time to give notice before the company is approached. An example letter and form asking for a reference are set out below.

### Letter applying for reference

Dear

Re: [applicant's name]

The above-named person has applied for a job as a [insert job title] with this company and has given your name as a referee.

We would be grateful if you would give us your opinion of his suitability for the job described by completing the enclosed form. We would also appreciate any other information you can give us that you feel might help us in making our decision, and which has not been covered adequately on the form.

Any information given will be treated as confidential. If a subject access enquiry is received from the applicant, under the terms of the Data Protection Act, we would be obliged to disclose the content of the reference, but the source of the information will be kept confidential.

Thank you for your cooperation.

Yours sincerely,

**Application for reference**

Name of prospective employee:

Company name:

Company address:

Name of person requesting reference:

*Information required:*

Date employee began employment with your company:

Job title:

Main responsibilities:

Number of days sickness in last year of employment:

Has the employee been subject to any disciplinary proceedings? YES/NO\*

If YES, please give details.

In your opinion is the employee:

Honest? YES/NO\*

Reliable? YES/NO\*

Punctual? YES/NO\*

A satisfactory performer? YES/NO\*

Would you re-employ him/her? YES/NO\*

Do you know of any reason why we should not employ him/her? If so, please specify.

Please give any further information that you feel might be relevant.

Would you be prepared to discuss this further over the telephone? YES/NO\*

Signature:

Name:

Date:

Position:

Telephone number:

\* Delete as appropriate.

## **Medical reports**

You can make an appointment subject to a satisfactory medical report from the company's medical adviser or the candidate's own doctor following any job offer. It is preferable to employ a company medical adviser because that person will have the company's interests at heart and the employee will have no right of access to the report. Where the report is prepared by the person's own doctor he has the right to see it and to amend it or to withhold information (Access to Medical Reports Act 1988).

Under the Equality Act 2010 it is unlawful to ask an applicant health-related questions before making any job offer except to:

- determine whether or not a reasonable adjustment needs to be made to the recruitment process;
- determine whether or not an applicant is able to carry out a function intrinsic to the role;
- monitor diversity;
- ensure that a disabled applicant benefits from any positive action measures in place;
- determine whether or not the applicant has a disability where this is an occupational requirement of the job; and
- vet applicants for national security purposes.

## **Checking qualifications**

There is ample evidence that a significant minority of applicants lie about, or exaggerate, their qualifications in job applications. You should make a point of checking qualifications by reference to professional yearbooks, by asking the applicants to bring any certificates along for verification or by direct reference to the examining body. Alternatively, there are a number of companies that are able to provide this service.

## **Rejecting candidates**

When rejecting job applicants the general rule is that you should try to notify them speedily but avoid entering into detailed explanations of the reasons for their lack of success. While it may be good practice to offer a verbal explanation if this is likely to help the candidate in any subsequent application you must be careful to ensure that you do not imply that rejection was for any other reason than suitability for the job compared to other candidates. An example of a rejection letter is set out below.

### **Example rejection letter**

Dear

Job of:

Thank you for [attending the interview for the above job at these offices on date]/  
[applying for the above job].\*

I regret that, after careful consideration, we will not be [taking your application  
any further]/[making you an offer]\* as there were a number of other candidates  
whose qualifications and experience more closely matched our requirements.

I would like to thank you for your interest in the company and to take this  
opportunity to wish you every success in your job search.

Yours sincerely,

\*Delete as appropriate

You should also retain the notes relating to any selection or shortlisting decision so that in the event of any complaint about your decision you can produce evidence in support of it. There have been a number of cases where members of ethnic minorities have been able to show that just putting a different name on an application can affect whether a person is invited for interview.

### ***Withdrawing a job offer***

You might sometimes have to withdraw a job offer that has already been made. Where this is not because of any fault of the candidate, such as failure to provide a satisfactory reference where that was a condition of the appointment, you should give the candidate pay in lieu of the notice period set out in the contract.

## **Special cases**

### ***Employment of offenders***

Under the Rehabilitation of Offenders Act 1974 an offender does not need to give the employer details of any past offence for which he is now considered to be rehabilitated.



Equally the employer must not take into account any such offences. These periods of rehabilitation vary depending on the nature of the offence and some, such as a sentence of custody for life, are excluded completely. The practical effect of the Act is that not only does the applicant not have to mention any 'spent' conviction, but could effectively lie about having committed an offence if asked directly whether he had any convictions. The relevant offences and time periods for rehabilitation are set out in the Act.

## Exceptions

There are some jobs for which people are required to declare their convictions regardless of whether they might otherwise be spent under the provisions of the Act. These include:

- appointment to any post providing accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training to people aged under 18 (including teachers, school caretakers, youth and social workers, and child minders);
- employment providing social services to elderly people, mentally or physically disabled people, alcohol or drug misusers, or the chronically sick;
- appointment to any office or employment involving the administration of justice, including police officers, probation officers, traffic wardens, etc;
- admission to certain professions that have legal protection, including lawyers, doctors, dentists, nurses, chemists, accountants, etc;
- appointment to certain jobs regulated by the Financial Conduct Authority;
- appointment to jobs where national security may be at risk (eg certain posts in the civil service and defence contractors).

A full list of these exceptions is contained in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Where appointments are to be made to jobs that are excepted from the Act you should make it clear to the applicant that checks about any previous convictions will be made and that the appointment is conditional on these.

## ***Working with children or vulnerable adults***

For many jobs, such as those involving work with vulnerable adults or children, there may be a need to check whether the employee has any criminal convictions which would bar that person from the job in question. These checks are now carried out by the Disclosure and Barring Service and are consequently now known as DBS (formerly CRB) checks. You would firstly need to decide whether the job met the eligibility criteria for such a check and further information on this can be obtained from the DBS website at <https://www.gov.uk/disclosure-barring-service-check>.

You can only arrange a DBS check on a successful job applicant but can withdraw the offer if anything is disclosed which would make the applicant unsuitable. If you

carry out more than 100 checks per year you should register with the DBS otherwise you can use an umbrella body to carry out checks on your behalf. You should ask the employee to complete an application form obtained from the DBS or umbrella body and then return the completed form to that body. The certificate will be sent direct to the employee and you would need to ask to see this.

You should tell the employee whether you require a standard check, which sets out spent and unspent convictions, cautions, reprimands and final warnings (cost £26) or an enhanced check (cost £44) which includes the foregoing plus any additional information held locally by police forces that's reasonably considered relevant to the post applied for.

You must not apply for a check unless the job role is eligible for one and you must tell the applicant why they are being checked and where they can get independent advice.

## ***Restrictions on employing children***

There are certain restrictions on the employment of children. These are:

- no children may be employed under the age of 14, except on 'light work', information about which should be available from the local council;
- children aged 15 may only work for up to eight hours on a non-school day;
- children under 15 may only work for up to five hours on a non-school day;
- children must not work for more than two hours on school days and Sundays;
- they must not work for more than 35 hours in any week in the school holidays if over 15, or for more than 25 hours if under 15;
- they must not work for more than four hours in any day without a rest break of one hour;
- they must not be employed for more than 12 hours in any week in which they are required to attend school;
- there must be at least two consecutive weeks in the school holidays without employment.

## ***Employment of overseas nationals***

All European Economic Area (EEA) nationals, citizens of Switzerland and Commonwealth citizens with the right to abode have the right to work in the United Kingdom. Other nationalities will generally need a work permit, although there are a number of exceptions to this general rule. Further information can be obtained from [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk).

The EEA includes the following countries:

Austria	Germany	Malta
Belgium	Greece	Netherlands
Bulgaria	Hungary	Norway
Croatia	Iceland	Poland
Cyprus	Ireland	Portugal
Czech Republic	Italy	Romania
Denmark	Latvia	Slovakia
Estonia	Liechtenstein	Slovenia
Finland	Lithuania	Spain
France	Luxembourg	Sweden

Since February 2008 a points-based system has been in place to assess people wanting to come to work in the UK. There are five tiers within the points-based system:

Tier 1: Highly skilled

Tier 2: Skilled

Tier 3: Low skilled

Tier 4: Students

Tier 5: Temporary workers (including holiday workers)

Sponsorship by an employer is essential for Tiers 2–5. Those in Tier 1 who meet the points requirement are allowed to come to the UK to seek work or to pursue self-employment opportunities.

The criteria applying to these categories are kept under constant review and as the coalition government sets limits on the number of migrant workers it is essential to check the latest information on one of the relevant websites mentioned below.

## Immigration Act 2016

The following provisions of the Immigration Act 2016 came into force on 12 July 2016:

- The existing criminal offence of knowingly employing an illegal migrant is extended to the situation where an employer has ‘a reasonable cause’ to believe that a person is an illegal worker and the maximum penalty will increase from two to five years.

- The establishment of a Director of Labour Market Enforcement who will oversee the relevant enforcement agencies ie the Gangmasters and Labour Abuse Authority, the Employment Standards Inspectorate and HMRC.
- The offence of working illegally and the power to seize illegal workers' earnings as the proceeds of crime under the Proceeds of Crime Act 2002.

Further changes will come into force on 24 November and these include:

- increasing the Tier 2 (General) salary threshold for experienced workers to £25,000, with some exemptions (the threshold will be further increased to £30,000 in April 2017);
- increasing the Tier 2 (Intra-Company Transfer) salary threshold for short term staff to £30,000;
- reducing the Tier 2 (Intra-Company Transfer) graduate trainee salary threshold to £23,000 and increasing the number of places to 20 per company per year;
- closing the Tier 2 (Intra-Company Transfer) skills transfer sub-category.

A new 'immigration skills charge' will be placed on certain employers who sponsor skilled workers from outside the EEA. Public authorities will have a duty to ensure that each person who works for a public authority in a customer-facing role speaks fluent English (and/or Welsh where appropriate).

More information is available from [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk).

## Employment of Croatian nationals

From 1 July 2013 Croatia joined the EEA giving Croatian nationals the right to live and work in any EU member state. However, member states are allowed to apply transitional arrangements restricting access to the labour market and the UK is applying such restrictions. This means that any Croatian, with some exceptions, wishing to work in the UK must obtain an accession worker authorisation document before he can be employed. This is normally a Purple Registration Certificate issued by the UK Border Agency. You will need to check, validate and keep copies of this document unless the employee falls within an exempted category as described in the Home Office Guide 'Guidance for employers on preventing illegal working in the UK: Croatian nationals', dated July 2013.

## Immigration, Asylum and Nationality Act 2006

Under the Immigration, Asylum and Nationality Act 2006 it is a criminal offence to employ overseas nationals aged 16 or over without authorization from the immigration authorities. This means that you must check to ensure that any potential employee can provide evidence of his entitlement to work in the United Kingdom. Any employer who knowingly employs an illegal immigrant is liable to a penalty of £20,000 per illegal worker.

There are two lists of documents that can be used as evidence of the right to work in the UK. Documents provided from List A establish that the person has an ongoing entitlement to work in the UK. Documents from List B indicate that he only has limited leave to be in the UK, so the checks should be repeated on that employee at least once every 12 months, until he produces documents from List A or leaves your employment.

List A documents are:

- UK passport;
- EEA or Swiss passport or national identity card;
- UK residency permit issued by the Home Office or UK Border Agency;
- Biometric Residence Permit issued by the UK Border Agency indicating that the person can stay indefinitely in the UK;
- passport or travel document showing a right of abode in the UK;
- immigration status document issued by the Home Office or UK Border Agency giving a right to stay in the UK indefinitely if produced with an official document showing that person's name and National Insurance number;
- birth certificate issued in the UK, Channel Islands, Isle of Man or Ireland if produced with an official document showing that person's name and National Insurance number;
- adoption certificate issued in the UK, Channel Islands, Isle of Man or Ireland if produced with an official document showing that person's name and National Insurance number;
- naturalization certificate if produced with an official document showing that person's name and National Insurance number;
- letter from the Home Office or UK Border Agency indicating that the person is allowed to stay indefinitely in the UK if produced with an official document showing that person's name and National Insurance number.

List B documents are:

- passport or travel document indicating that the person is allowed to work in the UK;
- Biometric Residence Permit issued by the UK Border Agency indicating that the person named in it can stay in the UK and is allowed to do the work in question;
- work permit, letter or other approval to take employment issued by the Home Office or UK Border Agency when produced with either a passport or another travel document showing that the holder is allowed to stay in the UK and do the work in question;
- Application Registration Card issued by the Home Office or UK Border Agency stating that the holder is permitted to take employment, when produced with evidence of verification by the UK Border Agency Employer Checking Service;

- Immigration Status Document issued by the Home Office or UK Border Agency indicating that the holder can stay in the UK and do the work in question, when produced with an official document giving the person's name and National Insurance number;
- letter issued by the Home Office or UK Border Agency to the holder or the employer indicating that the person named can stay in the UK and is allowed to do the work in question when produced with an official document giving the person's name and National Insurance number.

Further information is available from [www.ukba.homeoffice.gov.uk/employingmigrants](http://www.ukba.homeoffice.gov.uk/employingmigrants) and [www.ukba.homeoffice.gov.uk/employers](http://www.ukba.homeoffice.gov.uk/employers). You should ensure that you check the latest rules before employing overseas workers.

### **Further information**

Access to Medical Reports Act 1988

Accession of Croatia (Immigration and Worker Authorization) Regulations 2013

Asylum and Immigration Act 1996

Chartered Institute of Personnel and Development (2005) *People Management and Technology: Progress and Potential*, CIPD, London, online: <http://www.cipd.co.uk/surveys>

Data Protection Act 1998

Edenborough, R (2002) *Effective Interviewing – A Handbook*, 2nd edn, Kogan Page, London

Employment Act 1989

Equality Act 2010

<http://www.askgrapevine.com/>

[http://www.direct.gov.uk/en/campaigns/Vetting/DG\\_183218](http://www.direct.gov.uk/en/campaigns/Vetting/DG_183218)

<http://www.homeoffice.gov.uk>

<http://www.ind.homeoffice.gov.uk>

<http://www.ukba.homeoffice.gov.uk>

Immigration, Asylum and Nationality Act 2006

Rehabilitation of Offenders Act 1974

The Children (Protection at Work) Regulations 1998 and 2000

The Executive Grapevine, Executive Grapevine International Ltd

The Safeguarding Vulnerable Groups Act 2006