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*U. Dymally*

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# Markfield

## Recruitment and Selection Policy and Guidelines

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## **Equal Opportunities in Recruitment and Selection Policy statement**

Markfield is committed to promoting equality of opportunity for all sections of the community in its recruitment policy. The key principles that should be thought about by members of the Executive Committee, staff and volunteers in promoting equal opportunities in recruitment are that:

- Markfield aims to be an Equal Opportunities Employer. We will assess in a fair and objective way how suitable an applicant is for a role. We aim to ensure that no job applicant or employee receives less favourable treatment on grounds of race, sex, colour, nationality, religion or belief, ethnic or national origins, disability, gender reassignment, marital status, sexuality, or whether they have an unrelated criminal conviction.
- Markfield values diversity and aspires as an employer to have a team of staff that fully reflects the richly diverse nature of our local community.
- Markfield will take all reasonable steps to meet any necessary special requirements to enable candidates with disabilities to apply for and carry out jobs, including job-share and flexible working hours.

### **Legislative framework**

Markfield recruitment policy and practice comply with all current employment and equalities legislation. For further details see [www.acas.gov.uk](http://www.acas.gov.uk) and [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

This policy will be reviewed every three years.

### **Recruitment & selection guidance**

The guidelines below set out the procedures to be followed by members of the Executive Committee, staff and volunteers. The guidelines should be used in a flexible way that keeps to the spirit of equality of opportunity. See also: [Administrative procedures for recruitment of staff and volunteers.doc](#)

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## **Introduction**

Markfield recognises that disabled people as a group are more likely to be abused or harmed. We believe everyone has the right to be safe from abuse and harm and everyone has responsibility for the safeguarding of children and vulnerable adults. The importance of safeguarding will be borne in mind throughout the recruitment process.

## **1. Job description**

Job descriptions are to be written by the post manager. All job descriptions must be approved by the Director. Job descriptions should be reviewed annually during staff appraisals. Any changes must be agreed between the manager, employee and the Director.

Job descriptions must contain the following information:

- Job title
- The spine point and the current salary range
- A brief description of the main purpose of the job
- A list of the main duties carried out by the post holder
- Divide the job description into two sections. The first part should deal with the tasks specific to the post. Do not include tasks unless they are a necessary part of the job.
- The second part should include the responsibilities as a team member.
- The section on responsibilities as a team member should contain the following elements:
  - Commitment to equal opportunities
  - Responsibility to work within Markfield policies and procedures
  - Attendance at team meetings
  - Attendance at training sessions
  - Attendance at supervisions and appraisals
  - The post holder is responsible for the safeguarding of service users.

## **2. Person specification**

The person specification is an important part of the process of ensuring equality of opportunity in recruitment and selection. It sets out the skills, attitude, qualifications, knowledge and experience needed to carry out the job. The job advertisement and short-listing process are based on the criteria in the person specification. The selection of the successful candidate(s) will be based on how well they meet the criteria in the person specification.

Job applicants should be given a copy of the job description and person specification.

The criteria listed in the person specification should be clear and objective and be closely related to the job description.

It is important that the person specification is not based on the characteristics of the person who has previously held the job.

The person specification should be as specific as possible. The minimum amount of experience and skills needed should be stated, giving the minimum amount required, e.g. six months' experience.

The person specification should be in two sections, firstly the *essential* criteria and secondly the *desirable* criteria. The essential skills must be clearly set out and differentiated from the desirable skills, to avoid inadvertent discrimination. The essential criteria should *only* include those skills and/or experience without which the job cannot be done.

Essential criteria should be measurable, either from the application form (e.g. good written communication skills), or at the interview, or through a task given on the day of the interview.

The person specification must include a reference to understanding of and commitment to equal opportunities.

Experience of disability (either personal or working with people with disabilities), or experience of working with other disadvantaged groups, should be an essential criterion for all roles that involve working directly with service users. For roles that do not involve direct service provision, the criterion should be knowledge of and positive attitude towards disabled people.

Where a job description is changed, the person specification should be reviewed accordingly.

The criteria included in the person specification must not indirectly discriminate against any specific section of the community. For example, people with disabilities and people from ethnic minorities may be less likely to be able to demonstrate many years' direct work experience due to discrimination in the labour market and less access to jobs. People may have gained skills through informal experiences as well as through formal employment. Also be aware of skills that are transferable.

### **3. Restricted recruitment**

In some very limited situations recruitment to posts may be restricted – ie. applications are only solicited from a particular group (eg. men, women). Posts may be restricted if a particular group is under-represented on the staff of the project, and where the post meets relevant legislative requirements for restricting recruitment\*, ie. that it is a 'genuine occupational requirement' for that post (for example the need for the worker to be female to be able to provide personal care to a group of female service users). The decision to restrict recruitment must be ratified by the Executive Committee. Advertisements for these posts must clearly state the relevant legislation. If recruitment to a post is restricted this must be clearly shown on the advertisement and person specification.

\* Guidance on the law on this can be found at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **4. The application form**

Decisions to advertise posts must be approved by the Executive Committee, either at a meeting or through Chair's action.

Markfield has a standard job application form which should normally be used. Any circumstances where the standard job application is not used must be agreed by the Director. The guidance notes to applicants accompanying the application form (hard copy and online) should outline the selection process and include a description of the aims and key activities of the organisation, as well as a statement on our commitment to safeguarding.

Completed application forms are received by the Administrator. Application forms should be treated as confidential documents and should not be read by anyone who is not involved in the selection process.

Application forms of unsuccessful candidates should be kept on file in the Director's office for a minimum period of 6 months after the appointment. When they are no longer required, they should be disposed of as confidential waste.

The application form of the successful candidate will be filed in the person's individual personnel file.

#### **5. Equalities monitoring form**

The application form includes an equality monitoring form at the back, which must be treated as a confidential document. The monitoring form will be separated from the application form by the Administrator at the time the application is received. The equalities form will be dated, and the main form and the equalities form are then given the same corresponding reference number, split up and filed separately. Where applications are received by email the Administrator will save an electronic version of the form, without the equalities monitoring sheet, on the system in admin/personnel recruitment/ (name of relevant post being recruited to).

The information in the equalities form will not be used as part of the selection process, with the exception that all applicants who state they are disabled will be interviewed if they meet all the essential criteria for the post. Other than this the information in the equal opportunities' forms will be used solely for the purposes of collecting overall anonymised statistical information on job applicants.

At the end of the recruitment process the Administrator will collate the equalities forms with the application forms of shortlisted candidates. The chair of the interview panel is responsible for completing the recruitment analysis proforma which summarises the equalities stats on the applicants (age, ethnicity, etc). The recruitment analysis pro forma is saved in admin/personnel recruitment/recruitment analysis.

The Operations Manager will collate the recruitment analysis forms annually and report to the senior management team on the breakdown of data on applicants and those offered jobs (ie. race, sex, age and declared disability). The Operations Manager should make recommendations they consider necessary to address any imbalance in applications and job offers from any specific section of the community – for example, by considering changing where and how posts are advertised; further training for staff on equal opportunities in recruitment; a review of the interview processes.

#### **6. Advertising posts**

The Markfield logo should be used where possible in recruitment advertisements. The job title and details should be prominently displayed. The job title should be clear and concise.

The advertisement should include a short text describing The Markfield Project to set the vacancy in the context of the overall organisation.

When a post is advertised the following information should be made available to potential applicants on the Markfield website:

- The job advertisement giving information about the post/project, including closing date and interview date (if the date has been set)
- Application form (including the equal opportunities monitoring form)
- Job description
- Person specification
- Annual report
- Equal opportunities statement
- The advertisement should state that we will aim to meet any special requirements that candidates have because of a disability.
- The job requires an enhanced DBS check

Where a potential applicant does not have access to the internet, the above information should be sent in the post on request.

Where possible (depending on timescale and budget considerations), posts should be advertised in a variety of media including national, local, disability, and black and ethnic minority press, Haringey Council job bulletin and local job centre.

On some occasions, with the agreement of the EC Personnel Sub-Committee, posts may be advertised internally first prior to advertising externally. Where this is done the vacancy will be notified to all current staff including those on leave or absent, via email and on the staff noticeboard.

## **7. Selecting the interview panel**

Careful consideration should be given to the selection of the interview panel.

The make-up of the panel should as far as possible aim to reflect the diversity of the project. Where possible, a person with a disability should be on the panel, wherever possible a parent/carer and/or a service user should be included.

The panel should be no smaller than two for any post, and for senior posts 3 to 4 people should be involved, including an EC member where possible. In the case on interviewing for the Director post there should be 3 EC members on the panel. The chair of the interview panel should usually be the post manager. Casual posts should have a two-person panel and permanent posts a minimum of three.

## **8. Shortlisting**

*Note: all members of the shortlisting/interview panel must read this guidance prior to carrying out shortlisting and interviews.*

The shortlisting panel should be the same as the interview panel, where possible.

The shortlisting should be based on assessing which applicants best meet the essential and desirable criteria in the person specification. Some criteria will be assessed through the application form and some through the interview and task.

If few or none of the applicants meet all the essential criteria, then consideration should be given to interviewing those candidates who most closely meet the various elements in the person specification. However, the panel should not be tempted to shortlist the 'best of a bad lot'. The name of the applicant will be removed from the form by the administrator before shortlisting is done.

All applicants with disabilities who meet all the essential criteria must be offered an interview.

At the shortlisting stage, declaration of interests, such as knowledge of candidate by any member of the interview panel, must be made known. Any member of staff who has a personal relationship with an applicant will, where possible, not be involved in decisions on shortlisting the person, nor will they interview them.

The chair of the shortlisting and interview panel is responsible for sending out letters inviting candidates for interviews. In the letter candidates should be informed whether they will be expected to carry out any tests or presentations as part of the interview process and ask whether specific arrangements need to be made. Candidates should be asked to confirm their attendance.

When the shortlist has been drawn up and interview invitations have been sent, the chair of the panel should give a list of shortlisted applicants and interview dates and times to the Administrator, so that the Administrator can compile papers for the interview panel (ie. copies of application forms and questions).

#### **9. References**

References from the current employer and other referee given on the application form will be requested after shortlisting and prior to interview where time allows (this is following the recommended procedure of the Local Safeguarding Board). If the applicant has requested that their current employer is not contacted until after a job offer is made, then only one reference will be requested at this stage before interview.

The letters to referees should remind them that the referee has a legal liability for the reference and it should contain no mistakes or omissions.

Reference requests should be made using the standard Markfield reference form and letter. (*Shared/admin/personnel recruitment/recruitment proformas*).

Telephone references alone are not sufficient under any circumstances.

When seeking references, a copy of the job description and person specification will be sent. Questions relevant to the post and specific aspects of the post should be asked. Questions asked should be based on the job description and person specification and may also include specific questions not covered in the interview.

Where written references substantially differ from the assessment of the candidate by the interview panel, further clarification in writing must be sought from the referee before an offer of appointment is withdrawn.

All references must be followed up by telephone by the post manager. The referee should be asked the following:

- to confirm that the reference was supplied by them
- to clarify any points that are unclear
- to ask if they have any further information to add.

The following points should be borne in mind when assessing references:

- References are not necessarily reliable and can be very general. A reference seldom indicates the circumstances within the employing company. They seldom indicate whether there is discrimination, lack of support, poor management, or excessive workloads. (References can say more about the referee than the candidates.)

The ultimate decision to appoint must be the Project's and not an external agency (eg. a funder).

## **10. Interviews**

The interview will be the basis for deciding the most appropriate person for the job.

The members of the interview panel should meet before the interview to discuss and agree on questions, format, and decide who will chair the panel.

The chair of the panel is responsible for ensuring that interview papers are compiled (questions and application forms) and copies given to all panel members.

### **Timetabling**

Allocate the same amount of time for interviewing each candidate. However, some flexibility is advised where interpreters/facilitators are used to assist candidates (ie. these interviews may take longer).

Timetabling of interviews should allow for a 10-minute break between interviews for writing up notes and scoring of candidates' answers.

The interviews should be carried out at the work location as far as possible.

### **Interview questions**

The panel should prepare a set of core questions to ask each candidate. This should include questions to check the candidates' comprehension of equal opportunities and safeguarding issues and the ability to implement the project's equal opportunities and safeguarding policies in their working practice.

Use a standard question form to include approximately 10 questions with a scoring system of 1-3, with 3 being excellent, for each interviewee and ensure all interviewees are asked the core questions.

Keep questions reasonably short.

The panel should allow some flexibility in supplementary questions to obtain further information, to clarify what the candidates mean and to enable candidates to fully demonstrate their knowledge and skills.

Use open-ended questions to discourage yes/no answers. Such questions will encourage responses, provide further information and elicit opinions. Avoid ambiguous questions. It is in the interest of both the Project and the candidate to ensure that all candidates are given the best possible chance to perform well. Avoid asking complicated questions with hidden meanings. Do not try to catch people out. Reiterate questions in a different way if candidates do not understand what is being asked of them.

### **Interview procedure**

The interviews should all be conducted by the same panel at the same location, and where possible on the same day.

The chair should make clear introductions of members of the panel and explain what will happen.

The purpose of notetaking should be explained to the candidate at the start of the interview, ie. it is to record points and as memory to fair decision making. Note taking should be unobtrusive and should be completed for each candidate before seeing the next candidate.

Tell all candidates in the interview full details of unsociable hours, irregular hours and travel requirements of the job.

Any gaps in the employment and education history on the application form should be addressed within the interview process and clear explanations requested and the answers recorded in the notes.

An interviewer should establish by a simple question whether the candidates have fully understood the requirements of the job.

Candidates should be given the time and opportunity to ask the panel questions.

Candidates should be told when they will know the outcome.

If applications are unsigned applicants should sign their application at interview.

### **Assessing candidates**

Candidates must be judged solely on the evidence (both from the application form and the interview and interview task) before the panel of the candidate's ability to do the job in question and not on hearsay or external knowledge. In reaching a judgement the panel should not be

swayed by surface personality but consider all aspects of how candidates measure up against the person specification for the role and how they complement and contribute to the staff team.

If the panel are unable to decide, they may talk the issues through with the Director or a representative of the Executive Committee.

Interview notes should be kept in case of follow-up by unsuccessful candidates for a period of 6 months. The reasons for selection and non-selection of all candidates must be recorded. These notes will be kept in the Director's office together with all the application forms. The chair of the panel is responsible for collating these notes and forms.

Feedback should be provided to unsuccessful candidates if requested. This should be done by the manager/chair of the interview panel in writing or on the telephone. Care needs to be taken over the way information is given out. Make sure you inform the candidate of the parts of the person specification they were weak on.

### **Second interviews**

In some cases, candidates will be invited for a second interview to explore further how they meet the requirements of the posts. Interview panels for first and second interviews do not have to consist of the same people, although at least one of the panel members should be present at both interviews.

### **Interviews by service users**

For certain posts candidates may be asked to participate in an additional interview conducted by a group or panel of service users. This may be a formal-style interview, or it may be informal (for example the candidates participating in a session to meet and interact with service users). Careful consideration must be given to the purpose and format of these interviews. They should be used to test how candidates meet specific parts of the Person Specification.

Candidates must be clearly informed as to the structure and importance of this part of their assessment and who is making the assessment (ie. service users themselves or an observer if they are participating in a session). The decision to hold this type of interview must be discussed with the Director, or the Executive Committee.

## **11. Special requirements**

This section of the guidance deals with candidates' special requirements, both at the point of application and at the interview.

We will try to facilitate any reasonable special requirements of job applicants. Examples of the kinds of special requirements we can meet are:

- **Enlarged print**

If the application form is needed in enlarged print, this can be done on the word processor and photocopier.

- **Audio**

We can provide both the application form and background information on audio format if required. However, if the production of written information is essential to the job, then the applicant needs to demonstrate how they will deal with this aspect of the work.

- **Sign language interpreting**

For applicants with a hearing impairment who use sign language, provision of a sign language interpreter is important to enable the candidate and the panel to gain the maximum from the interview. If the interpreter is unknown to the candidate, time should be allowed after introductions for the candidate/interpreter to get to know each other, recognise accent/dialect signs.

The provision of an interpreter allows the candidate to fully express him/herself, without solely relying on the signing skills of the interview panel.

Seating arrangements should be such that the candidate can maintain good eye contact with the interpreter and the panel. The rooms must have good light.

- **Assistance in writing the application form**

The completion of the application form is aimed at testing applicants' written communication skills. However, for roles where literacy skills are not a requirement for the job, assistance with completing the application form should be offered to candidates who request it.

- **Special requirements for skill tests**

If any skill tests are required, it is important to find out whether the candidate has any special requirements to enable them to perform these tests to the best of their ability.

## **12. Job offers**

The interview should form the basis of a *provisional* offer of appointment, subject to references, confirmation of right to work in the UK check and satisfactory DBS check. The offer letter will ask the applicant to respond to say whether they accept the provisional offer, and to confirm that they are fit and able to do the job, and state whether they would require any reasonable adjustments to be made to the job to take account of a disability. (See appendix 2 for guidelines on making reasonable adjustments for disabled staff). At the point when a decision has been made by the panel to make a provisional job offer to the successful candidate(s) the Director must be notified. All job offers and appointments must be reported to the Executive Committee at the next meeting. Provisional offers of appointment can be made on the telephone. The chair of the panel must then confirm this by letter signed by the Director, stating that the person was the successful candidate and that once satisfactory DBS check and references have been received, an offer of appointment will be made. At this point the recruitment analysis form should be completed and saved in admin/personnel recruitment/ recruitment analysis.

## **13. Disclosure and Barring Service (DBS) checks**

Enhanced DBS checks will be carried out on all staff and volunteers who will have unsupervised access to children or vulnerable adults or access to personal data on children and vulnerable adults. Previous convictions will not necessarily prevent a candidate from being offered a job, and DBS and Ofsted guidance will be followed in assessing a person's suitability.

Where recruitment needs to be completed quickly, to save time, all candidates who are invited for interview may be sent a DBS application form and asked to complete it and bring it with them to the interview together with the required original ID documentation.

For roles that do *not* involve working directly with or unsupervised contact with children or vulnerable adults, it may be permitted for new recruits to start work prior to the DBS check being received back. This must be authorised by the Chair of the Executive Committee.

Placements are also permitted to work at Markfield without the requirement for us to carry out a DBS check on condition that the person on placement is never permitted to work unsupervised.

### **Guidance on assessing candidates with previous convictions**

The application form asks candidates to declare whether they have any previous or pending police cautions or convictions whether 'spent' or 'unspent'. Failure by candidates to declare previous convictions/cautions at the time of recruitment will be grounds for non-appointment (or for dismissal if the person has been employed and the conviction/caution subsequently comes to light).

Declared previous convictions will not necessarily prevent a candidate from being offered a job. DBS and Ofsted guidelines will be followed when assessing a person's suitability (see Appendix 1 for full guidance to be followed in these circumstances).

If they have a previous conviction, applicants will be asked to submit details of this in a sealed envelope with their application, which will only be opened and considered after shortlisting.

### **14. Right to work in the UK declaration**

In accordance with the Asylum and Immigration Act 1996 (as amended on 1 May 2004) all prospective employees must declare that they have the right legally to work in the UK and must provide documentation proving that right before they start work. A full list of satisfactory evidence is saved in G:\admin\Policy, Procedures, Reporting\Policies, procedures and guidelines\Personnel policies.

All prospective employees must be asked to provide this evidence regardless of physical appearance or accent.

### **15. Re-advertising posts**

The option to re-advertise a post should be considered in the following circumstances:

- None of the applicants meets the essential criteria
- The response is very poor
- Only one person agrees to attend the interview
- Only one person is shortlisted
- If the response from disadvantaged groups is very poor once an analysis of the monitoring forms has been carried out.

Before re-advertising it may be useful to call a candidate or candidates back to a second interview. This gives you the opportunity to test them further on the essential criteria, either generally or on specific parts that they fell on.

Candidates should only be considered based on their application for a particular post, ie. applications for a previously advertised post should not normally be used as a basis for selection (except for casual worker posts – see section 18 below).

However, previous candidates can be encouraged to apply for new vacancies, but they must go through the same recruitment process as all other applicants. Copies of old applications are kept for 6 months, and the previous form can be used. Information about vacancies may be sent to suitable previous applicants.

## **16. Personnel files**

As soon as a candidate has confirmed their acceptance of a job offer, the chair of the interview panel must inform the Operations Manager (OM).

The Operations Manager must ensure that the DBS application is sent off as soon as possible, and when this is received back giving it to the Director, who informs the Administrator to record it in the personnel file and on the DBS spreadsheet.

The chair of the interview panel is responsible for notifying the administrator to set up the personnel file, complete the front sheet (except for telephone confirmation of references - see below) and filing copies of any qualification certificates. The chair of the interview panel is responsible for notifying the administrator to send out the requests for references.

The file must be signed off by the Director before the person starts work.

All appointments must be reported to the Executive Committee for formal approval at the next scheduled meeting following the person's appointment.

## **17. Keeping recruitment records**

The chair of the interview panel is responsible for collecting the interview notes from all members of the interview panel and putting these in a file, together with the applications of the unsuccessful candidates. This file is stored in the Director's office. The application form of the successful candidate is stored on their personnel file.

Recruitment records must be stored for a period of 6 months following the interviews.

## **18. Recruitment of casual workers**

Markfield maintains a bank of casual Play/Youth Workers and Support Workers who are used to work on sessions. The above guidance should be followed in respect of the advertising, shortlisting and selection of casual staff.

Shortlisting and interview round for the casual staff pool are carried out approximately 2- 3 times a year, following the procedures set out in this policy.

When managers/session leaders select staff from the casual worker pool to work on sessions they should consider first and foremost the skills that individual sessional workers must meet the needs of the group of service users they will be working with. They should also bear in mind equal opportunities principles and should aim to achieve a balanced staff group that reflects the diversity of the community.

### **19. Use of agency staff**

It is sometimes necessary to employ agency staff to work on sessions when there are not enough directly employed part-time and casual workers available. Markfield *only* uses employment agencies which take up references and carry out their own DBS checks on staff (ie. rather than relying on the previous employer's DBS check). When managers initially contact the agency, they should tell them that Markfield will *only* use workers whom the agency has DBS checked and obtained satisfactory references for.

The agency must send us the following information *before* the worker starts work:

- the DBS check number and the date it was done and confirmation that the check was satisfactory.

### **Agency fees**

When negotiating with a recruitment agency the rate we will pay for the agency worker, managers should make sure they are quoted the total cost to Markfield *including* the agency fee and VAT. As far as possible, subject to available budget, agency staff working on our sessions should receive the same rate as the directly employed staff they are working alongside.

### **Personnel files for agency staff**

For agency workers that we use for the first time, the service manager must make up a personnel folder for them which contains the following documents:

- the copy of the email from the agency stating the DBS number
- confirmation of the rate to be charged and the terms and conditions of the agency.

As for directly employed staff, the personnel files for agency workers must be signed off by the Director before the worker starts work.

### **Current agencies that we use for obtaining temporary sessional staff cover:**

**BS Social care** : 119 High Road, N22 6BB      Telephone: 8889 5199

#### **Special People:**

Brickworks Community Centre, 42 Crouch Hill, N4 4BY.  
Telephone: 020 7686 0253

### **20. Training of staff involved in recruitment**

Staff and service users who are involved in recruitment should receive training in safer recruitment, and as a minimum they must be inducted in this policy by a manager who has recruitment experience prior to participating on a recruitment panel.



## **Appendix 1 Guidance on assessing candidates with previous convictions**

Previous convictions will not necessarily prevent candidates from being offered a job. Markfield will only consider those offences which may be relevant to the specific job in question.

Any candidate who discloses a previous conviction or caution should be asked at interview for further information. Similarly, following an interview and provisional job offer, where a DBS check reveals a previous conviction, caution or other additional information (for example about allegations or investigations) candidates should be invited to a meeting to be asked about this. The decision on whether to appoint them will be taken by the Director, who will assess this by looking at the points below. Notes should be taken of the candidate's responses to the questions and filed in their personnel file if they are offered and take up employment.

Points to be taken into consideration when considering previous convictions, cautions or additional information supplied by the Disclosure and Barring Service:

### **The nature of the offence**

In general convictions for sexual, violent or serious drug offences will be particularly strong contra-indications for work with children or vulnerable adults. Convictions for certain offences mean that a person is prohibited under Department of Health guidelines from working with children or vulnerable adults.

### **The nature of the appointment**

Often the nature of the appointment will help to assess the relevance of the conviction. Because Markfield service users include children and vulnerable adults, any serious sexual, violent, drug or drink offences would give rise to particular concern. Driving or drink offences would be relevant in posts involving transport of service users.

### **The age of the offence**

Offences which took place many years in the past may often have less relevance than recent offences. However, convictions for serious violent or sexual offences or serious offences involving substance abuse are more likely to give cause for continuing concern than for example an isolated case of dishonesty committed when the person was young. The potential for rehabilitation must be weighed against the need to protect children or vulnerable adults.

### **The frequency of the offence**

A series of offences over a period is more likely to give cause for concern than an isolated minor conviction.

## Interview proforma for applicants with previous convictions or cautions

*This form should be used for any candidate who has ticked 'yes' in the box on the application form asking about previous convictions or cautions. The questions below should be asked at the end of the main interview. Candidates should be informed at the beginning of the main interview that we will be asking them questions at the end about their previous convictions.*

Firstly, tell the candidate:

- Their previous conviction(s) or cautions will not necessarily prevent them from being offered a job. Markfield will *only* consider those offences which are relevant to the job they are applying for.
- It is essential that they are open with us at this stage. If they are offered a job, we will carry out a full CRB check (as we do with everyone who works or volunteers at Markfield). If the CRB check reveals information that they have not told us about in this interview, then we will withdraw the offer of employment.
- Make clear that they must tell us about any cautions as well as convictions.
- Tell them that the decision on whether their previous convictions or cautions will mean that we will *not* be able to appoint them will be taken by the Director. We will let them know about the decision by letter as soon as possible.

**Write in the answers that the candidate gives in the boxes below. This form should be filed with the other interview notes, and if the candidate is appointed, a copy should be filed in their personnel file.**

<b>Name of Candidate:</b>	
<b>Date interviewed:</b>	
<b>Interviewers:</b>	
<b>Questions:</b>	
What were the offence(s) that you were convicted of, or what were you cautioned for?  <i>Note: record what specific conviction or caution they received/ what level of sentencing eg fine/custodial sentence/community service</i>	
How did it/they happen?	

Have you had any other convictions or cautions since for the same or similar offences?	
What date did the conviction(s)/caution(s) happen?	
How old were you at the time?	
Tell us about what steps you have taken in your life to ensure that you will not offend in future.	
Anything else to add?	

## Appendix 2 ACAS guidelines on employing disabled staff and making 'reasonable adjustments'

Below are extracts from the ACAS guide to disability discrimination – obligations from employers. For full guide see: <http://www.acas.org.uk/index.aspx?articleid=1859>

### Definition of disability

Under the Equality Act: a person is disabled if they have 'a physical or mental impairment' which has 'a substantial and long-term adverse effect' on their 'ability to carry out normal day-to-day activities'.

- **Impairment** - may be a physical or mental impairment, or both. It is not necessary to establish the cause of the impairment, and it does not have to be the result of an illness. It is not always possible, or necessary, to categorise whether an impairment is either physical or mental – as there might be impairments which are both physical and mental. And while impairments which are visible can be easy to identify, there can be others which are not obvious – for example, some mental health conditions.
- **Long-term** - lasting at least a year, or likely to be for the rest of the person's life or likely to recur
- **Substantial adverse effect** - more than minor, but it may fluctuate or change, and may not be present all the time
- **Normal day-to-day activities** - not defined by the Act, but in and out of the workplace they are taken to be common things for most people. For example, in employment, they might include interacting with colleagues, using a computer, writing, following instructions, keeping to a timetable, sitting down, standing up, driving, lifting and carrying everyday objects.

### Making 'reasonable adjustments' during recruitment

An employer should ask whether a job applicant needs any 'reasonable adjustments', often called 'access requirements', for any part of the recruitment process. But employers should bear firmly in mind that this is not the same as asking an applicant if they are disabled. An employer can only ask health-related questions, before making a job offer, in very limited circumstances - see the section, Asking questions about health.

Key points in considering and making 'reasonable adjustments' at this stage include:

1. If a job candidate has indicated a disability in their application, or the employer becomes aware of it, or the candidate asks for 'reasonable adjustments', the employer must consider and make 'reasonable adjustments' to the recruitment process.
2. Before offering a job, an employer must only ask a disabled applicant what 'reasonable adjustments' are needed for any part of the recruitment process and, once those are in place, whether they are suitable, and/or to determine whether the applicant could carry out a function essential to the role with the 'reasonable adjustments' in place.
3. Otherwise, only after offering the job, should an employer ask the successful applicant what adjustments they will need to do the job and make progress at work.
4. If adjustments are 'reasonable', the employer must make them to ensure that workplace requirements or practices do not disadvantage a disabled applicant. An employer should be ready to discuss with the applicant what 'reasonable adjustment(s)' should be put in place.

### Making 'reasonable adjustments' to help disabled employees do their job

An employer must consider making 'reasonable adjustments', involving the disabled employee

or successful job applicant in the discussion about what can be done to support them and the decision, if:

- it becomes aware of their disability
- it could reasonably be expected to know they have a disability
- they ask for adjustments to be made
- the disabled employee is having difficulty with any part of their job
- either the employee's sickness record, or delay in returning to work, is linked to their disability.

The three main questions an employer should consider in assessing what 'reasonable adjustments might need to be made are:

1. Does it need to change how things are done?
2. Does it need to physically change the workplace?
3. Does it need to provide extra equipment or get someone to assist the disabled employee in some way?

In law, adjustments need not be excessive; they only must be 'reasonable'. **An employer is not required to change the basic nature of a job**, but, where there is a 'reasonable adjustments' cost, it is responsible for paying. Examples of a 'reasonable adjustment' might include: changing a disabled employee's terms and conditions of employment or working arrangements – maybe their hours, shift pattern or a move to flexible working, making alterations to the business premises – maybe changes to some of the layout of the furniture and/or the ways in and out of the building, providing additional equipment – maybe a computer at home so they can work from there when they need to.

Employers are accountable to decide what (if any) adjustments will be made. While an employer has a legal duty to make 'reasonable adjustments', there may be times when suggested changes are unreasonable and it can lawfully refuse to make them. Whether any suggested adjustments are reasonable depends on an assessment of factors including:

- are they practical for the employer to make?
- does the employer have the resources to pay for them?
- will they be effective in overcoming or reducing the 'disadvantage' in the workplace?
- will they have an adverse impact on the health and safety of others?

An employment tribunal may expect more from a large organisation than a small one because it may have greater means.

Making reasonable adjustments can be a complex area. The Acas Helpline on 0300 123 1100 can give advice on specifics. Also, the Equality and Human Rights Commission's Employment Statutory Code of Practice gives examples of 'Reasonable adjustments' in practice on [http://www.equalityhumanrights.com/sites/default/files/publication\\_pdf/employercode.pdf](http://www.equalityhumanrights.com/sites/default/files/publication_pdf/employercode.pdf)

See also – advice for employers from Disability Rights UK:

<http://www.disabilityrightsuk.org/careers-and-work-disabled-people#one>

<https://www.citizensadvice.org.uk/about-us/job-and-voluntary-opportunities/citizens-advice-job-opportunities/guaranteed-interview-scheme/>