



SOUTH LANARKSHIRE
Leisure & Culture

Conditions of Service

Section One – Recruitment, Transfer and Termination

Section one - recruitment, transfer and termination

1. Recruitment

Appointment on merit

- 1.1 All appointments will be made on the basis of merit. Any false information provided as part of the recruitment process could lead to dismissal.

Filling of vacancies

- 1.2 The HR team, will receive all requests to fill vacancies, and will seek authorisation from the Finance Manager, in line with the established structure. A Vacancy list will be submitted to our Senior Management Team at their fortnightly meeting. Once approved HR will process the vacancy via the Central Recruitment Team of SLC as part of our Service Level Agreement for Recruitment services.
- 1.3 Generally, all vacancies whether temporary, fixed term or permanent, will be filled following advertisement, completion of selection activities/events and evaluation by a recruitment panel.
- 1.4 All vacancies will be assessed for redeployment matches in the first instance. The redeployment procedure aims to ensure a fair and consistent approach and ensure that effective support is provided to all employees in these situations. The process will operate in accordance with the Collective Agreement and Matching Process.
- 1.5 There are four distinct categories which are priority ranked as follows:
- Ill Health/disability: for employees who have developed ill health or have become disabled and require a change of duties as they can no longer remain in their current post.
 - Organisational restructure: for employees who are being displaced following an organisational restructure
 - Receipt of excess travelling expenses: for employees who are currently in receipt of excess travel expenses and are eligible for a relocation back to our nearer to their original work location or their home if the same or a comparable post becomes available.
 - Request to relocate to an alternative location: for employees who request a transfer nearer to their home location in order to reduce their travel to and from work under the employee Travel Plan.
 - Refer to the Redeployment Procedure on the Corporate I: Drive for full details.
- 1.6 Prior to redeployment, a discussion will take place with the employee, the appropriate trade union and the Diversity Liaison Officer where applicable.
- 1.7 Employees eligible to apply for redeployment will complete an internal form, found on the Corporate I: Drive or where the search for a suitable alternative post within the Trust has been exhausted it may be possible to extend the search to include vacancies within SLC. During this process support will be available from the HR team and/or the Diversity Liaison Officer, if appropriate.
- 1.8 The HR team will hold the list of all employees requiring redeployment. Managers will continue to raise recruitment requisitions for all vacancies in line with normal

recruitment procedures. All vacancies will be checked against the redeployment list when it is approved by SMT.

- 1.9 Employees will be contacted by the HR team as and when suitable vacancies arise. Employees who meet the role competencies will be matched or invited to selection events prior to vacancies being advertised. The post will not be advertised until each candidate has been fairly considered and assessed in line with the competence requirements for the post.
- 1.10 Employees will normally be given only one suitable offer of alternative employment. Where appropriate, assistance will be provided for the development of the necessary levels of competence and skill to deliver the role.
- 1.11 In certain circumstances, there may be a need to appoint from a pool of temporary employees e.g. seasonal employees, who have previously been assessed and vetted through the normal recruitment process.
- 1.12 All advertised vacancies including training programmes, will display the Trust's commitment to the "Double Tick" symbol, which guarantees an interview to disabled candidates who meet the competence based requirements of the role. As part of a positive action programme, appropriate vacancies will be advertised as Delivering a Fairer Future where a gender imbalance exists.
- 1.13 The advert must state clearly if any post requires a Disclosure, is subject to the Protection of Vulnerable Groups (Scotland) Act 2007, "Rehab. Excepted" or is Politically Restricted.

Disclosure of relationship/interest

- 1.14 Every employee who participates in the recruitment process will immediately disclose to the Chair of the Selection Panel or their Senior Manager, any relationship, or other interest, known to exist between themselves and any of the applicants. A decision will then be taken as to whether it is appropriate for the employee to continue, either as a member of the selection panel or in any other role e.g. administering a test.

Canvassing of or by members or employees

- 1.15 Any candidate canvassing members or employees of the Trust, either directly or indirectly, in relation to recruitment, will immediately be disqualified. Similarly, employees will not advocate any candidate; however this does not preclude them from providing a written reference where appropriate.

Updated May 2011

Job profile

- 1.16 A current job profile outlining the key purpose, accountabilities and role competencies, will be prepared for each post or generic group of posts. This will be reviewed by the manager each time the post falls vacant.
- 1.17 The job profile will contain a clear description of the personal qualities, competencies and qualifications required, and will indicate the competence based evidence required of the successful candidate(s). Candidates will be assessed against these competencies throughout the selection process.
- 1.18 The job profile will be approved by the Chair of the Panel who will check that it complies with the Trust's Equal Opportunities Policy and relevant legislation.
- 1.19 The job profile will not be changed after the recruitment process has started.

Criminal convictions vetting

Rehabilitation of Offenders Act

- 1.20 The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 specifies the types of post which are "Excepted" from the provisions of the Rehabilitation of Offenders Act, and where applicants will be required to provide information on all convictions whether "spent" or "unspent".
- 1.21 Posts designated as "Rehab. Excepted", subject to a Disclosure check and the provisions of the Protection of Vulnerable Groups (Scotland) Act 2007, will be advertised as such (refer to 1.13).
- 1.22 Information on past convictions will be required from all applicants attending for interview. They will be asked to bring a completed Criminal Convictions Declaration Form sealed in an envelope. This will be opened by the Chair of the Panel prior to the start of the interview, however, any discussion about information provided will take place at the end of the interview.
- 1.23 A criminal record will only be taken into account for recruitment purposes where the conviction is relevant (see paragraphs 1.34 – 1.37 on the employment of people with past convictions).
- 1.24 Where the vacant post is subject to a Disclosure check, arrangements will be made for the recommended applicant to complete the necessary Disclosure application.

Updated May 2011

Posts subject to a standard/enhanced disclosure

- 1.25 The Trust will request a Standard Disclosure check on applicants recommended for appointment to posts where the duties involve:
- People involved in the administration of law
 - Senior management in banking and financial services
- 1.26 The standard disclosure contains:
- details of all convictions held on central records in the UK or it states there are no such matters
 - whether the individual is included on the sex offenders register.
- 1.27 The Trust will request a Protection of Vulnerable Group scheme membership check on applicants recommended for appointment to posts where the duties involve:
- regular contact with vulnerable groups (children, protected adults or both)
 - there are 4 main criteria for establishing whether the work is regulated; the position held, work activities undertaken, supervision of regulated workers and/or the establishment from which the work is carried out.
- 1.28 The Scheme record shows basic membership information:
- the type(s) of regulated work in respect of which the individual is a PVG Scheme member (thereby confirming that the individual is not barred from regulated work of that type)
 - If the individual is under consideration for listing for the type(s) of regulated work, stated the fact.
- The Scheme Record also includes any vetting information that exists in relation to the individual. Vetting information is:
- Convictions and cautions held on central records in the UK
 - Whether the individual is included on the sex offenders register
 - Other relevant information, which may include non conviction information provided by relevant police forces
 - Prescribed civil orders.
- 1.29 Each time a relevant post is filled the successful candidate will be subject to a Disclosure Check.
- 1.30 External candidates may be advised that they are being recommended for appointment but no offer of appointment will be made without a satisfactory Disclosure check having been carried out.
- 1.31 Where there is an urgency to fill a post, the employing area may offer an internal candidate an appointment subject to a satisfactory Disclosure check. However, this will only occur where the employee has previously been the subject of a Disclosure check by the Trust. Where the post is subject to the provisions of the Protection of Vulnerable Groups (Scotland) Act 2007, no offer of appointment will be made until a check has been made against the "Lists" maintained by the Scottish Executive for this purpose (see paragraph 1.24 above).

Employment of people with past convictions

- 1.32 The Trust is committed to the development of positive strategies to promote the employment of ex-offenders whose convictions have been assessed as not relevant to the position advertised.
- 1.33 Applicants will only be asked to disclose “Spent” convictions if the vacant post has been “Excepted” in terms of the Exceptions Order to the Rehabilitation of Offenders Act and all posts which are “Excepted” are advertised as such. Information about the Trust’s policy and procedures relating to the assessment and recruitment of people with past convictions will be provided to all job applicants.
- 1.34 The suitability of a person with a criminal record will vary depending on the nature of the job. Having a criminal record will not necessarily prevent an applicant from working for the Trust. The applicant’s suitability will be looked at as a whole in the light of the information available.
- 1.35 In some cases the relationship between the offence and the post will be clear enough for the selection panel to assess the suitability of the applicant for the post. Issues that the panel members should consider would include:
- The seriousness of any offence and its relevance to the safety of clients, members of the public, other service users and property.
 - The length of time since the conviction occurred
 - Whether the offence was a “one-off”, or part of a history of offending.
 - Any relevant information offered by the applicant about the circumstances which led to the offence being committed e.g. the influence of domestic or financial difficulties.
 - Whether the applicant’s circumstances have changed since the offence occurred making re-offending less likely.
 - The degree of remorse expressed by the applicant and their motivation to change.

Eligibility for internally advertised posts

- 1.36 Internally advertised vacancies are open to the following groups of employees:
- Temporary/permanent employees of South Lanarkshire Leisure and Culture who are employed at the closing date of the advertisement.
 - Former employees of South Lanarkshire Leisure and Culture who resigned following maternity/adoption leave within 18 months of the closing date of the advertisement.

Recruitment panel

- 1.37 Every employee who participates in selection will attend the training course on Recruitment & Selection. Elected Members will be involved in the appointment of the General Manager and the Company Secretary, otherwise appointments are delegated to officers.

Updated May 2011

- 1.38 The size of the recruitment panel should be determined locally, however, it will always consist of a minimum of two interviewers who must have the ability to make an informed decision on the appointment. Every effort will be made to ensure that the composition of recruitment panels reflects the Trust's commitment to equality, e.g. by taking account of gender balance.
- 1.39 All panel members will be involved at all stages of the recruitment process and the membership of the panel will remain unchanged throughout.

Shortlisting

- 1.40 Shortlisting will be carried out by members of the Panel who will assess candidates against the competence based selection criteria.

Guaranteed interview scheme/disabled applicants

- 1.41 The Trust's Equal Opportunities Policy sets out its commitment to tackle discrimination and the barriers to accessing and remaining in employment which many disabled people encounter.

Any applicant with a disability who meets the competence based requirements of the role is guaranteed an interview under the provisions of the "Double Tick" symbol (see paragraphs 1.39 and 1.52).

- 1.42 This ensures that disabled people who apply for jobs with the Trust will receive fair treatment and be considered on their competence and ability to do the job.

Role of diversity liaison officer

- 1.43 The HR Officer for the Trust also acts as "Diversity Liaison Officer" (DLO). This role includes advising the Chair of the Panel of any "reasonable adjustments" which should be made to assist applicants at any stage of the recruitment and induction process.

Arrangements for selection events

- 1.44 Details of candidates to attend selection events should be recorded in myjobscotland or passed to SLC's Centralised Recruitment Team (as part of our Service Level Agreement with SLC for recruitment services) and candidate correspondence should be processed in line with Recruitment Charter. If a presentation is required then a minimum of one week's notice must be given. Each candidate must complete a Criminal Convictions Form and brought to selection event in a sealed envelope, together with the original certificates of any qualifications requested by the selection panel. The chair of the panel should open the criminal convictions form and information disclosed should be discussed during the selection event. Evidence of other information provided on the application form may be requested e.g. evidence of current earnings.

Updated May 2011

Asylum & Immigration Act

- 1.45 All external candidates shortlisted for interview will be required to provide evidence of eligibility to work in the UK as required by the Asylum and Immigration Act 1996 (as amended 2004).

References

- 1.46 Applicants will be required to provide two referees, one of whom should have known the applicant in an employment capacity where possible. Where the applicant is currently employed, a reference will be required from their present employer.
- 1.47 For roles identified as intrinsic by the Equality Act 2010, references will only be requested at the conditional offer stage of the recruitment process. Otherwise, references can be requested prior to the selection event unless the applicant has indicated that no contact should be made with the referee unless they are being considered for appointment. References will be issued using the standard reference request.
- 1.48 The Panel will contact the previous relevant manager for a verbal reference, if previously employed with South Lanarkshire Leisure and Culture.

Medical questionnaire

- 1.49 All external applicants recommended for appointment for intrinsic roles according to the Equality Act 2010, will be required to complete a medical questionnaire at the conditional offer stage of the recruitment process. The questionnaire will be forwarded to the Trust's Occupational Health Unit for screening.
- 1.50 Internal candidates will still be required to undertake health screening medicals for posts where this is a requirement.
- 1.51 No offer of appointment will be issued until screening has taken place and the candidate has been deemed fit for appointment.

Monitoring of recruitment

- 1.52 All candidates will be asked to complete a confidential Equal Opportunities Monitoring Form. This information is not divulged to the selection panel and will be used for monitoring purposes only.
- 1.53 In line with recommendations from the statutory Equality and Human Rights Commission (EHRC), the Trust will undertake an analysis of the composition of the workforce. The results of this exercise will be used to measure the effectiveness of the Equal Opportunities Policy and to develop appropriate positive action programmes.

Selection process

- 1.54 Each candidate will be assessed against the criteria within the job profile.

Updated May 2011

- 1.55 Where an ability test or personality profile forms part of the selection event the candidate will normally receive feedback from a trained assessor during the selection event. All selection events must be conducted in a fair, consistent, structured and systematic manner. The candidates must be evaluated against the criteria and scoring mechanism contained in the selection profile. When the multiple selection methods are used, for example, assessment centres, all relevant feedback must be taken into account.
- 1.56 Where a disabled candidate is shortlisted for interview, the Chair of the Panel will liaise with the Diversity Liaison Officer to arrange any “reasonable adjustments” which might be required under the Disability Discrimination Act (see paragraphs 1.43 and 1.44).

Offer of appointment

- 1.57 Each successful applicant will be issued with an offer of appointment, a schedule which summarises the main terms and conditions of employment relevant to their employee group and other Trust information.

Continuous service

- 1.58 For the purpose of Section 1(3) of the Employment Rights Act 1996, the Trust does not recognise service with any previous employer(s) as being continuous service with the Trust.
- 1.59 The Trust does recognise continuous service as defined in the Redundancy Payments (Local Government) (Modification) Order 1983 and subsequent Amendment Orders for the purpose of calculating entitlement to redundancy payments, annual leave, sick pay and maternity leave.
- 1.60 The Trust also recognises service with other Public Sector Partner Organisations as continuous service for calculating entitlement to annual leave, occupational sick pay, occupational maternity pay and other entitlements. A list of the agreed Public Sector Partner Organisations is maintained by SLC’s Corporate Personnel Services.

Induction

- 1.61 The Trust has an induction framework which applies to all new employees.

Post interview counselling

- 1.62 Post Interview Counselling will be available on request to unsuccessful candidates to enable them to present themselves more effectively in the future. The Chair of the panel should carry out counselling wherever possible. A booklet giving guidance on post interview counselling is available on request from HR.

Updated May 2011

Recruitment complaints procedure

- 1.63 Applicants alleging unfair treatment may submit a written complaint to the General Manager for consideration under the Trust's Recruitment Complaints Procedure. For further information see Conditions of Service Section, Employee Relations.

Flexible working

- 1.64 All posts will be eligible to be considered on a flexible working basis, unless stated otherwise. Please refer to Section Three, Flexible Working and Leave Provisions for further details.

Updated May 2011

2. Employment of temporary employees

2.1 The recruitment of temporary employees will comply with the Trust's Code of Practice on the Employment of Temporary Employees.

2.2 There are two types of temporary appointments, namely fixed term and occasional.

Definitions

2.3 A temporary appointment will be made where there is a clear service need, and if an appointment is expected to last for 4 weeks or more.

Duration

2.4 A temporary appointment will normally be for a specific period, with the reason for the temporary appointment and termination dates being clearly stated on the appointment letter. The reason for the temporary appointment will usually determine its duration which could be on a long or short-term basis. Where it is not possible to specify a termination date, e.g. due to sickness absence, such appointments will be reviewed at 13 week intervals to allow a termination date to be set.

Recruitment

2.5 All temporary vacancies will be filled using the Trust's normal recruitment, selection and screening procedures.

2.6 Where there is an immediate need for cover when someone is absent, e.g. lifeguard, hall keeper, etc. an appointment may be made from a pool of potential employees who have previously been recruited using the normal recruitment procedures.

Entitlements

2.7 Temporary employees will be paid the evaluated rate for the job and will be entitled to employee benefits depending on their length of service. They will be issued with a package of terms and conditions comparable to those in a permanent role, pro rata as appropriate.

2.8 Temporary employees contracted for 13 weeks or less may take annual leave subject to the needs of the service and where this is not possible, arrangements for payment in lieu of annual leave will be made on termination of employment.

2.9 Temporary employees contracted for 13 weeks or more may take leave during their period of employment again subject to the needs of the service.

2.10 Other than when the contract is terminated by completion, the minimum period of notice to terminate employment will be 1 week for each completed year of service. Where a fixed term temporary contract is made permanent, this will be confirmed in writing.

Updated August 2010

Occasional workers

Definition

- 2.11 Occasional workers are workers who are generally used on a one-off or casual basis to cover annual leave, sickness etc.

Recruitment

- 2.12 Occasional workers will normally be recruited via the pool of potential employees and will be paid the evaluated rate for the job.

Entitlements

- 2.13 Occasional workers will be entitled to accrue annual leave from day one of employment. They will be able to take leave after 4 weeks continuous service. If their contract ends before 4 weeks, they will be paid for the days accrued.
- 2.14 If a temporary contract is offered, a package of terms and conditions equal to those in a permanent role, pro rata as appropriate will be issued. The worker will then be entitled to all employee benefits excluding those which extend beyond the contracted period.

Agency workers

- 2.15 In exceptional circumstances, it may be necessary to use Agency workers subject to the proviso that such cover will be for as short a period as possible, with a view to filling the post on a temporary or permanent basis.
- 2.16 Requests for the use of Agency workers will be put in writing to the General Manager for approval following consultation with the appropriate Trade Union(s) which will be assessed through the vacancy vetting process and requests will require to be supported by evidence of the particular special circumstance.
- 2.17 In accordance with the Agency Workers Regulations 2010, the Trust is required to identify a comparator employee. Pay information, including details of the relevant terms and conditions, should be provided to the agency at the onset of the appointment. The agency is responsible for ensuring that the agency worker receives these terms and conditions if they complete the 12 week qualifying period. HR will be responsible for notifying the agency of these requirements.
- 2.18 SLC's Centralised Recruitment Team (as part of our Service Level Agreement for Recruitment Services) will ensure that the agency selection is in accordance with the National Framework Agreement. This will include ensuring that the agency adhere to application process, relevant screening, including obtaining references from current employers and the completion of a criminal convictions declaration form by the candidate.
- 2.19 Where a Standard/Enhanced Disclosure is required to carry out particular work, this will be carried out by the SLC's Central Recruitment team on the Trust's behalf for contracted posts (occasional staff will be disclosed via the HR team). In such instances only agency workers who have been vetted may be used and all such workers will be subject to an annual criminal records check.

Transfer to other duties / location

- 2.20 If so required, an employee may be employed at another location or within another service or on other appropriate duties than those to which initially appointed. Prior discussion will take place with the employee and appropriate Trade Union.

Updated March 2012

3 Termination of employment Notice

3.1 The period of notice required to terminate an employee's employment is set out in the Schedule of Terms and Conditions accompanying the offer of appointment.

3.2 In accordance with the terms of the Employment Rights Act 1996, the following periods of notice shall apply to terminate employment:-:-

Period of Continuous Service	Minimum period of notice by SLL
4 weeks or more but less than 2 years	One week
2 years or more but less than 12 years	One week for each year of continuous employment
12 years or more	12 weeks

3.3 Unless otherwise stated, the minimum period of notice for permanent employees on either side will be as follows:

Grade 1 to Grade 3	(scp 1 – 80)	4 Weeks
Grade 4 to Grade 5	(scp 77 – 116)	8 Weeks
Grade 6	(scp 113 and above)	12 weeks

3.4 Temporary appointments are normally terminated by a minimum of one week's notice on either side unless otherwise stated in the offer of appointment.

Normal retirement age

3.5 The normal retirement age for Trust employees is 70 years. Employees can also apply to work beyond the age of 70 and this will normally be granted subject to the needs of the service and the employee's ability to continue working.

HR will contact all employees, at least six months before retirement date, informing them of their right to work beyond retirement age prior to reaching 70 years.

Applications to work beyond the normal retirement age must be made in writing at least three months prior to reaching the age of 70, and each extension granted will be reviewed on an agreed basis. Employees considering working beyond normal retirement age should seek advice from the Strathclyde Pension Fund about any issues for their pension including continuing contributions.

Retirement

3.6 Employees may retire under the terms of the Local Government Pension Scheme, subject to regulations in situations including ill-health, early retirement and retirement on option. In cases of retirement on option, at least 3 months notice should be given. Full details are available from HR.

Updated August 2010

Redundancy

- 3.7 Where employment is terminated due to redundancy, the terms of the Employment Act 2002 will apply. For the purposes of redundancy, the Trust recognises continuous local government service as defined in the Redundancy Payments (Local Government) (Modification) Order 1983 and subsequent amendments.

Termination (other cases)

- 3.8 There are other circumstances where employment can be terminated, e.g. disciplinary procedures, capability. In any of these types of cases, advice should be sought from the HR Department.

Exit interviewing

- 3.9 Every employee leaving the employment of the Trust for reasons other than retirement, redundancy or dismissal, will be asked to attend an exit interview to assist in the evaluation of the effectiveness of Trust policies.

Updated August 2010