

Item: 3

Human Resources Sub-committee: 25 March 2025.

Recruitment and Selection Policy.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Overview

- 1.1. On 1 March 2016, the Council approved the current Recruitment and Selection Policy, an update which replaced the previous policy.
- 1.2. It is normal practice that Council Human Resource Policies are reviewed at least every 5 years. This review is therefore overdue; however officers have maintained a close overview of relevant legislation and best practice, and nothing of substance has arisen which would have warranted a formal review prior to this time.
- 1.3. Over time, as with most Human Resources Policies, operational processes can and do evolve which would not necessitate formal policy review. Such evolution of operational process is implemented by officers routinely.
- 1.4. At its meeting held on 21 June 2022, the Policy and Resources Committee recommended that the People Plan 2022-2026 be approved. The People Plan 2022-2026 established strategic priorities which included:
 - Building a talented, confident and resilient workforce with the capabilities to adapt to our changing environment.
 - Establishing a goal of the Council as an employer of choice with a focus on redesign of recruitment approaches as key components of delivering this.
- 1.5. The Council, like many other local and national employers, has to, and is likely to continue over coming years, face increasing challenge in recruiting and retaining a workforce.
- 1.6. Orkney has not for many years had sufficient local population capacity for a range of managerial, specialist, and professional posts. However, this challenging market now extends to many frontline posts as well.
- 1.7. Orkney's level of unemployment is so low, that it is in effect classed as full employment.

- 1.8. The Council's historical perceived advantages of higher salaries and better conditions of service are no longer the case, this differential has and continues to be eroded.
- 1.9. Orkney's geographical location will always be a challenge for many potential applicants. Over recent years, this is being compounded by a housing crisis of affordable and available housing for people to rent and buy, making recruitment even more challenging.
- 1.10. Since COVID-19 the recruitment marketplace has fundamentally changed, with many organisations having to grasp the remote and home working model, as well as many more employment opportunities arising for the local population making the available pool of applicants for Council employment even smaller.
- 1.11. The revised Recruitment and Selection Policy, incorporating the revisions set out in section 4 of this report, is attached at Appendix 1. Appendices 2 and 3 relate to operational procedures to enable officers to apply the revised policy.
- 1.12. The policies and supporting procedures have been written to ensure compliance with legal requirements and best practice recommendations wherever these can reasonably be accommodated.
- 1.13. Sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006, section 24B of the Immigration Act 1971 and Schedule 6 of the Immigration Act 2016 set out the legal obligation on the Council as an employer to evidence that all employees have the legal right to work in the United Kingdom.
- 1.14. The Equality Act 2010 and associated guidance from the Equality and Human Rights Commission set out the legal obligations on the Council in respect of ensuring a fair and non-discriminatory process in terms of the recruitment and selection of employees.
- 1.15. The Data Protection Act 2018 governs the lawful processing of personal data, which must be followed through the entire recruitment process from advertising, applications, short-listing, interviewing, pre-employment checking and retention and destruction of records.
- 1.16. The Employment Rights Act 1996 sets out the legal employment rights for all employees/workers, including the obligation for the Council to issue contracts of employment before people commence in post.

2. Recommendations

2.1. It is recommended that members of the Sub-committee:

- i. Approve the revised Recruitment and Selection Policy, attached as Appendix 1 to this report.

3. Policy Review

- 3.1. As part of the Council People Plan work, a Recruitment Task Force was established, from across the Council workforce and involving Trade Unions to consider the priorities for change and development for recruitment and selection.
- 3.2. The outcomes from this taskforce have formed the basis for the revised Recruitment and Selection Policy and supporting procedures as well as other operation developments in improved uses of system and automation of processes to improve candidate experience and reduce recruitment timescales where possible.
- 3.3. The significant revisions to the Recruitment and Selection Policy broadly covers changes to:
 - Establishing clear policy and framework to enable Corporate Leadership Team to approve short-term recruitment incentives to aid in especially challenging recruitment processes.
 - Redesign of recruitment advertising and supporting documentation i.e. job profiles to reflect modern, informative, appealing approaches to attract applicants.
 - A general approach of a less prescriptive policy, providing a broad framework for recruiting managers to wherever possible tailor their approach to reflect their needs.
 - Simplify and streamline shortlisting and interview panels, reducing minimum numbers of panel members wherever possible to make the process more efficient and less confrontational for applicants.
 - With the continuing move to online processes, to make the overall recruitment process as efficient as possible, ensuring that increased levels of support are available for applicants that may not be as proficient in the use of IT.
 - Ensuring that recruitment processes are efficient and effective; but allow for statutory compliance in respect of issuing contracts before an individual commences employment in a post.
- 3.4. A more detailed summary of the changes is included at Appendix 4 for ease of reference.

For Further Information please contact:

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Implications of Report

1. Financial

There are no immediate financial implications arising from this report. Effective recruitment and selection policy and procedures provide protection from the risk of employment tribunal complaints in terms of equality of treatment which could risk financial compensation awards against the Council.

2. Legal

There are no significant legal implications arising directly from the recommendations contained in this report.

3. Corporate Governance

As the composition of appointment panels is included as an Appendix to the Council's Standing Orders, any change approved as part of this policy review will require to be reflected in the Standing Orders.

4. Human Resources

The Human Resource implications are outlined in the body of the report.

5. Equalities

An Equality Impact Assessment has been carried out and is attached as Appendix 5 to this report.

6. Island Communities Impact

As this policy is unlikely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) within Orkney, a full Island Communities Impact Assessment has not been undertaken.

7. Links to Council Plan: The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:

- Growing our economy.
- Strengthening our communities.
- Developing our Infrastructure.
- Transforming our Council.

8. Links to Local Outcomes Improvement Plan: The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:

- Cost of Living.
- Sustainable Development.
- Local Equality.

Improving Population Health.

9. Environmental and Climate Risk

Not applicable.

10. Risk

Not applicable.

11. Procurement

Not applicable.

12. Health and Safety

None arising directly from this report.

13. Property and Assets

Not applicable.

14. Information Technology

Not applicable.

15. Cost of Living

Not applicable.

List of Background Papers

None

Appendices

Appendix 1: Recruitment and Selection Policy.

Appendix 2: Recruitment and Selection Procedure.

Appendix 3: Recruiting Migrant Employees Procedure.

Appendix 4: Summary of changes to Recruitment and Selection Policy and Procedures.

Appendix 5: Equality Impact Assessment.



Recruitment and Selection Policy

May 2025

Document Control Sheet

Review / approval history.

Date.	Name.	Position.	Version Approved.
March 2016.	General Meeting of the Council.	n/a.	1.0
April 2025	General Meeting of the Council.		2.0

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
2025	HR & OD		Draft	Fundamental review of policy and procedure as part of the Council Strategic People Plan.
Next due for review in 2029.				

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1. Introduction

People are the Council's most valuable resource. Orkney Islands Council wants to attract, recruit, develop and retain a skilled and flexible workforce. The Recruitment and Selection Policy and the accompanying procedure and guidance are designed to achieve a fair, effective, robust, and safe process.

We aim to attract and retain staff with the right values, skills, behaviours, attitudes, growing our own workforce for the future, to ensure we continue to deliver high quality services for the communities of Orkney.

The aims of this policy are to:

- Promote best recruitment and selection practice.
- Ensure a fair and equitable approach compliant with the Equality Act 2010.
- Provide a recruitment approach to safeguard and promote the welfare of children, young people, and protected adults that the Council provide services to.
- Ensure that those who may face challenge or disadvantaged in gaining employment i.e. through having convictions, disability, being unemployed etc, are not unfairly excluded from gaining employment.
- Provide developmental opportunities for local, young people to seek employment and develop long-term career opportunities.
- Provide clear framework for all recruitment and selection activity.

2. Scope

This policy and relevant supporting procedures and guidance will apply to all recruitment and selection activity in relation to the following groups of employees:

- Scottish Joint Negotiating Council for Chief Officials (Chief Executive, Corporate Directors, and Heads of Service).
- Scottish Joint Council for Local Government Employees (SJC).
- Teachers and other education professionals covered by Scottish Negotiating Committee for Teachers (SNCT) conditions of service.
- UHI Orkney Academic staff employed by Orkney Islands Council under National Joint Negotiating Committee for Scottish College.
- Orkney Ferries Limited shore-based staff, employed by Orkney Islands Council.

The policy and supporting procedures and guidance will also apply where the Council is seeking to appoint a temporary agency worker and/or fill a vacancy using a recruitment agency.

3. Responsibilities

3.1. Chief Officers (Corporate Directors and Heads of Service)

Chief Officers are responsible for ensuring that recruitment which takes place is authorised, that it takes place in line with this policy, and supporting procedures and guidance, and that officers taking part in recruitment decisions undertake designated training.

3.2. Recruiting Managers

Recruiting managers are responsible for:

- Ensuring that a recruitment and selection process is conducted in line with this policy and supporting procedures and guidance.
- Ensuring that recruitment and selection is based on an up-to date job profile.
- Ensuring that assessment of applicants is only conducted on the specified criteria in the job profile and that all assessment decisions are based on evidence from the application, interview, or selection process only.
- Ensuring that all decisions in recruitment are made on merit.
- Ensuring the security and confidentiality of recruitment information by all shortlisting and/or interview panel members.
- Ensuring that all relevant documentation is completed and forwarded to Human Resources and/or Payroll, in relation to recruitment and selection.
- Ensuring that recruitment checks are completed and satisfactory.
- Establishing, maintaining and developing a positive and ongoing relationship, throughout the recruitment process, with applicants and successful candidate(s).

3.3. Human Resources

Human Resources and Organisational Development (HR and OD) are responsible for:

- Ensuring that the Council has a Recruitment and Selection Policy and supporting procedures and guidance that are legal, fair and support best practice.
- Managing the centralised aspects of the recruitment process via Talentlink – advertising, interviews, offers of employment and contract issue.
- Providing relevant training, advice and guidance, and supporting managers in relation to recruitment and equalities.

3.4. All others involved in recruitment.

Any other individual involved in recruitment must:

- Ensure that they are familiar with this Recruitment and Selection Policy, procedures and guidance.
- Conduct recruitment and selection in line with Council policy, fairly and without prejudice.
- Undertake any training required by the Council.
- Ensure the security and confidentiality of recruitment information.

4. Procedures and Guidance

The Council has a range of supporting procedures and guidance to support implementation of this policy. These do not form part of the approved policy and, as such, are able to be amended and updated to reflect necessary changes to support more efficient and effective recruitment for the Council without formal review.

5. Exceptions to this Policy

In some specific circumstances, the Council has other agreed policy, procedures or process which have an agreed variation to the normal Recruitment and Selection Policy.

- Where an individual is awaiting redeployment in line with the Council Redeployment Policy and Procedure, i.e., ill health, avoidance of redundancy etc.
- Where there is a justifiable basis for a post to be advertised requiring applications from either male or female applicants only, in line with the Equality Act 2000.
- Where the Council offers a guaranteed interview scheme, as outlined in the policy.
- Where an employee has been in a post continuously for at least 2 years, on a temporary basis, and the post is established as permanent/becomes available on a permanent basis.
- Where the post has been temporary, with the same post holder in the post for a minimum of 4 years on temporary contracts, and approval is given by the Chief Executive to establish the post and employee contract on a permanent basis.

6. Guaranteed Interview Schemes

Orkney Islands Council offers a guaranteed interview to applicants, as part of its positive commitments to support the following:

- Care experienced young people, including care leavers up to the age of 26.
- Applicants with a disability, as defined under the Equality Act 2000.
- Current and former armed forces personnel.
- Those studying or having completed the Introduction to Care course.
- Orkney Islands Council Modern Apprentices or Graduate Apprentices.
- Orkney Islands Council employees with unpaid caring responsibilities. (refer to Council Carers Support Policy).
- Partners/resident family members of people relocating into Orkney to take up employment (refer to Council Relocation Policy).

7. Positive Action

The Council can follow the principles of positive action under the Equality Act 2010. This can be applied during a recruitment process when a tie breaker situation arises between two (or more) candidates of equal merit. Positive action allows the Council to make an appointment based on a particular protected characteristic possessed by a candidate.

This decision should only be based on evidence of an under-representation of a particular group or tackling disadvantage within the workforce. This process must only be used following consultation with the Head of Human Resources and Organisational Development or Service Manager (HR Operations).

8. Reasonable Adjustments

The Council is committed to making reasonable adjustments for applicants with a disability to any stage of the recruitment process including application, interviews and where an individual is successful in their applications for their employment.

The recruiting manager is responsible for contacting any applicant indicating that they need reasonable adjustments in the recruitment process to establish what support they would ideally like and for then looking to implement reasonable adjustments as far as reasonable possible.

Where it is not possible to implement reasonable adjustments or to the extent requested by an applicant, this must be communicated back to the applicant with an explanation as to why.

Separate advice and guidance is available on making reasonable adjustments to the recruitment process and advice and guidance is available from Human Resources.

9. Conflicts of Interest

Shortlisting and/or Interview/Selection panel members are required to disclose any relationship or knowledge of an applicant which might affect their ability to be impartial as set out in the Council Employee Code of Conduct, in order that a decision can be made on whether they should continue or withdraw from the process.

Where an applicant is a close relative of an employee or a Councillor, that employee or Councillor may not take part in that selection process.

Where there is any other possible conflict of interest for a panel member, they should declare this to the Chair of the panel. They should determine if it is appropriate that they continue to be a member of the panel or not. Advice and guidance may be sought from Human Resources as required.

It is recognised that in a small community there will be occasions where relatives work together, so for the purposes of selection a close relative is defined as spouse, partner, grandparent, parent, aunt, uncle, sister, brother, child, niece, nephew, grandchild (including 'step' and 'in law').

10. Lobbying

Any applicant attempting to lobby a Council employee involved in the recruitment process or a Councillor, directly or indirectly, to secure an appointment or promotion will be disqualified from the recruitment and selection process for that post.

If the individual determined to be lobbying is already an employee of Orkney Islands Council, they may be subject to action under the Council Disciplinary Policy and Procedures.

Similarly, Councillors and employees will not advocate for the appointment of any individual from out with the selection process. This does not preclude the provision of a reference if requested to do so.

11. Political Restrictions

Some posts in the Council are politically restricted by virtue of the Local Government and Housing Act 1989 and the Local Government Officers (Political Restrictions) Regulations 1990, as amended.

Where a political restriction applies this means that the applicant will not be permitted to be involved, or may be restricted, in political interests or associations.

Recruitment documentation including the advert and job description will make it clear that the post is politically restricted.

Human Resources and Organisational Development maintain a list of all politically restricted posts.

12. Modern Slavery and Human Trafficking

The Council is committed to the principles of the Modern Slavery Act 2015 and the abolition of modern slavery and human trafficking.

As an equal opportunities' employer, we're committed to creating and ensuring a non-discriminatory and respectful working environment for our staff. We want all our staff to feel confident that they can expose wrongdoing without any risk to themselves.

Our recruitment and selection processes are designed to ensure that all prospective employees are legally entitled to work in the UK and to safeguard employees from any abuse or coercion.

We do not enter into business with any organisation, in the UK or abroad in relation to recruitment and selection (including the supply of agency staffing), which knowingly supports or is found to be involved in slavery, servitude and forced or compulsory labour.

13. Advertising

All Council posts will normally be advertised fairly, openly and on a transparent basis. As a minimum all posts must be advertised internally to the Council, unless one of the specified exceptions in this policy apply and is agreed with Human Resources.

Advertising of posts would normally be via the Council recruitment portal but can include other forms of advertising including local press, professional organisations and social media.

14. Recruitment Incentives

In circumstances that the Council has acknowledged hard to fill posts, the Corporate Leadership Team in conjunction with the Head of HR and OD may choose to implement short-term temporary recruitment incentives i.e. Market Supplement, Golden Hello or Refer a Friend.

Any recruitment incentive must be supported by a business case that is equality proofed, temporary in nature, able to be funded within existing budget and will have agreed terms and conditions produced by HR and OD.

Please refer to separate policy/guidelines issued in relation to any approved recruitment incentives.

15. Applications

Applications for employment are made via the Council Recruitment Portal, unless there is a need for an alternative format as a reasonable adjustment for an applicant with a disability. The Council will provide reasonable support for applicants with a disability or who may require assistance in submitting an on online application.

Applicants requiring assistance in submitting an online application should contact HR Support on 01856 873535 ext. 2250 or via hrsupport@orkney.gov.uk.

The Council does not accept speculative applications of any sort or CVs as part of the application process.

16. Appointment Decisions

All appointments must be made based on merit and be consistent with current employment legislation.

There must be documentary evidence to support decisions made at each stage of the recruitment and selection process.

All recruitment decisions must be made based on a panel consideration; they cannot be the decision of one person.

17. Shortlisting

Shortlisting of all applications received will be conducted by the interview/section panel (see Panel Membership table in section 1.4.6 of the Recruitment and Selection Procedure).

Shortlisting will normally be conducted within a week of the advertised closing date for the post, or in line with any specified arrangements stated within the advert.

It is recommended best practice that shortlisting arrangements are made as part of the recruitment planning process and stated within adverts to help inform applicants as to when they would expect to hear about their outcome.

Shortlisting and interviewing will be conducted in all but very exceptional circumstances by the same panel.

Where a panel size is only 2 people, the same 2 people must undertake shortlisting and interview.

Where panel sizes are larger than 2 people the majority of the panel must be consistent for both shortlisting and interview.

Appointments in relation to permanent Head Teachers and Depute Head Teachers will be compliant with the provisions of the Scottish Schools (Parental Involvement) Act 2006 (see separate guidance).

All other Teacher/educational professional recruitment (including UHI Orkney Academic posts) shall be in line with normal Council provisions.

17.1. Participation in a Panel

All Council Officers involved in shortlisting or interview/selection of candidates via the recruitment process for the Council will have attended relevant approved training on Recruitment and Selection and Equality, Diversity, and Inclusion from Orkney Islands Council.

Other people involved in shortlisting or interview, including service users, are strongly recommended to have also conducted relevant approved training on Recruitment and Selection and Equality, Diversity, and Inclusion from Orkney Islands Council.

18. Interview/Selection

Interview is the normal method of selection for employment with the Council. The actual selection process for any post can also include other processes including presentations, skills assessments and in tray exercises.

The exact arrangements for the selection process will be confirmed to applicants following shortlisting.

18.1. Applicant Feedback

Feedback will be provided on request to any applicant for employment with the Council, irrespective of how far they progress through the recruitment process i.e. not shortlisted, not successful at interview and even the successful applicant(s).

For applicants who have disclosed a conviction, feedback on whether the conviction was the deciding factor will be made explicit, within the Criminal Convictions Risk Assessment process feedback.

Applicants applying under any of the guaranteed interview processes will automatically be provided with summary feedback.

19. Service User involvement in recruitment

Whilst not a requirement, services can should they wish appropriately involve service users in relevant recruitment processes. It is the responsibility of the Recruiting Manager/Chair of the panel to arrange any service user involvement and to ensure that this involvement is appropriate and that the service user has the appropriate ability to understand and effectively contribute to the process and maintain compliance with Council policies.

Examples of service user involvement include:

- Pupil involvement in a Head Teacher recruitment.
- Pupil involvement in House Parent recruitment at Papdale Halls of Residence.
- Student involvement in UHI Orkney, Principal recruitment.
- Resident (child/young person or elderly person) involved in Registered Manager recruitment process.

Service user involvement will normally be via means of a separate service user panel, facilitated and led by a Council Officer who has completed all relevant training on recruitment and selection and equality, diversity and inclusion.

It may be possible that a service user could join the main interview panel as an adviser (non-voting), subject to the following provisions being satisfied:

- They are of an age and ability to be able to effectively understand and contribute fully to the panel process.

- They cannot be a voting member of any interview/selection process.
- They must understand and follow Council Policies on Recruitment and Selection and Equality, Diversity and Inclusion.
- They must have attended/carried out Council training on both Recruitment and Selection and Equality, Diversity and Inclusion.
- Advice and guidance must be sought from Human Resources where it is intended that a service user is being considered to join a main interview/selection panel as an adviser.

20. Recruitment Checks and Vetting

Please refer to the Recruitment and Selection Guidance documentation (available on My View/Useful HR Information or from Human Resources) in relation to Recruitment checks and vetting, further details and advice, guidance, and support on what is required.

These provisions apply to all appointments including where a successful applicant is an existing Council employee.

20.1. Right to Work in the UK

All successful applicants must provide original, documentary evidence of their right-to-work in the UK, in compliance with the UK Government legislative requirements.

The Council must have seen original documentation, taken, certified and have on record clear copies of this documentation.

Evidencing the right-to-work in the UK is a mandatory part of the pre-employment checking for all successful applicants for all posts, including current employees of the Council. Please refer to the separate guidance on pre-employment checks for full details.

20.2. Sponsorship

For some applicants and some posts, the Council will also require putting sponsorship arrangements in place as part of the right-to-work in the UK, to comply with UK Government legislative requirements.

Adverts and relevant recruitment information must make it clear where sponsorship may be or is not available.

20.3. References

The Council References are a mandatory part of the pre-employment checking process for all successful applicants for all posts, including current employees of the Council. Please refer to the Recruitment and Selection Guidance documentation (available on My View/Useful HR Information or from Human Resources).

It is accepted that some employers have a policy of only providing references confirming dates and role of employment. In such circumstances, where this is confirmed as the employer's policy, this will be deemed an acceptable employment reference by the Council.

20.3.1. Providing a Reference on behalf of the Council

An employment reference request for any Council employee must be provided by the line manager, a more senior manager within the relevant line management structure who has/had knowledge of the employee/former employee.

In circumstances that this may not be possible i.e. no current managers have knowledge of the individual, a purely factual reference confirming employment role and dates should be provided.

The Council does not operate a policy that we would refuse to provide an employment reference.

Employment references/references on behalf of the Council cannot be provided by work colleagues, any such reference can only be a character reference from that individual and is supplied on a personal basis.

Referees are reminded that the content of any employment reference must be honest, accurate and factual and should not contain subjective opinions or unsubstantiated views.

It is recommended best practice that any employment reference provided by the Council is copied to the employee/former employee.

20.3.2. Employment References from Applicants

Employment references for working with the Council must be provided by the applicant's line manager, a more senior manager within the relevant line management structure of the organisation who has/had knowledge of the employee/former employee.

In circumstances where this may not be possible i.e. no current managers have knowledge of the individual, a purely factual reference confirming employment role and dates should be provided.

20.4. Health Clearance

The Council operates a risk management-based approach to recruitment health clearance for all posts, based on the demands of the role. Health clearance is a mandatory part of the pre-employment checking for all successful applicants for all posts, including current employees of the Council. Refer to the separate guidance on the Pre-employment Health clearance process.

20.5. Protection of Vulnerable Groups Scheme Membership

For posts working with children or vulnerable adults as defined in the Disclosure (Scotland) Act 2020 successful applicants are required to disclose current and spent criminal convictions.

It is also a legal requirement to be a member of the Protection of Vulnerable Groups scheme through Disclosure Scotland in respect of either Children and/or Adults as relevant to their employment, with Orkney Islands Council, before they can commence employment.

The list of Council posts that require PVG scheme membership is available in the supporting documentation section and on My View Useful HR Information or from Human Resources.

Advertising and recruitment documentation for these roles must specify that a role requires PVG scheme membership for children and/or adults as it is a criminal offence for anyone barred from working with children and/or adults to apply for such a post and for the Council to employ anyone who is barred from working with children and/or adults.

The Council has a legal duty to undertake updated PVG scheme checks every five years, commencing from April 2026.

20.6. Government Baseline Personnel Security Standard

Any Council role that has an orkney.gov.uk email address or accesses the secure Council IT network, must satisfy the provisions of the above standard as specified by the UK Government.

This will require post holders to disclose any current but not spent criminal convictions and for a Level 1 check (formerly Basic Disclosure) to be conducted via Disclosure Scotland.

Where a post already requires a higher level of criminal convictions check i.e. PVG scheme membership a further check is not required.

The list of Council posts that require Level 1 Disclosure check is available in the supporting documentation section and on My View Useful HR Information or from Human Resources.

Advertising and recruitment documentation for these roles must specify that a role requires this check.

20.7. Other Criminal Convictions Checks

Other posts within the Council will require a Level 1 Disclosure check (previously Basic Disclosure) or a Level 2 Disclosure check (previously Standard or Enhanced Disclosure).

Where a post already requires a higher level of criminal convictions check i.e. PVG scheme membership a further check is not required.

The list of Council posts that require Level 2 Disclosure check is available in the supporting documentation section and on My View Useful HR Information or from Human Resources.

Advertising and recruitment documentation for these roles must specify that a role requires this check.

20.8. Evidence of Qualifications/Training

For any post that specifies that a qualification or specific training requirement (including a driving licence) is required, the recruiting/line manager must see the original evidence, take a certified copy, and forward this to HR Support so that it can be retained on the employee's personnel file.

20.9. Evidence of Professional Body Membership

For any post that specifies that membership of a professional body/organisation is required, the recruiting/line manager must see evidence of this, take a certified copy and forward this to HR Support so that it can be retained on the employee's personnel file.

The line manager should also ensure that evidence of continued membership is checked and maintained on record for the duration of the individual's employment in that role.

21. Offer of Employment

Successful applicants at interview/selection will be provided with a conditional offer of employment, confirming the Council's intent to employ them, subject to successful completion of all relevant pre-employment checking.

Following satisfactory completion of all recruitment checks the recruiting/line manager can agree a future start date with the applicant, ensuring that this will take account of any notice provisions, need for relocation etc.

Following confirmation of the agreed start date, Human Resources will issue a confirmed offer of employment.

These provisions apply to all appointments whether the successful applicant is an existing employee of the Council or not.

22. Starting in Post

Until such time as all recruitment checks are successfully completed, a start date agreed, and a confirmed offer of employment issued, a successful applicant cannot commence employment in their role.

It is illegal to enable an employee to commence work in a role where the Council does not hold verified documentary evidence of their legal right to work in the UK or for a post that requires PVG scheme membership for that scheme membership with the Council to be in place. Allowing a successful applicant to commence work in breach of these or any other legal recruitment provisions will result in action being taken under the Council Disciplinary Policy and Procedure.

These provisions apply to all appointments whether the successful applicant is an existing employee of the Council or not.

23. Data Protection

The recruitment and selection process requires that applicants share a range of necessary information with the Council. This information under the General Data Protection Regulations (The Data Protection Act 2018), will include information that will be personal and classed as special category i.e. criminal convictions or health information.

Orkney Islands Council is committed to ensure compliance with the principles of GDPR throughout the recruitment and selection process and has an Employment Privacy Notice available on the Council website.

23.1. Requesting Information

We will only ask for relevant information at the appropriate stage in the process, when it is necessary in the process i.e. only seeking information relating to criminal convictions for successful interview candidates, and for posts where it is appropriate to do so.

23.2. Processing Information

We will process all recruitment and selection information securely and will ensure that it is only available to those individuals who require it as part of the recruitment and selection process.

23.3. Retention of Information by the Council

Recruitment and selection information for unsuccessful applicants is only retained for a period of one month beyond the end of the recruitment process, in order that feedback may be provided or any complaint dealt with. Thereafter it is confidentially destroyed.

Recruitment information provided through the MyJobScotland system, is retained by CoSLA, who manage the system on behalf of the Council for 2 years, thereafter it is confidentially destroyed.

23.4. Sharing of Confidential Information to non-Council Employees

Anyone involved in Council recruitment and selection who is not an employee of the Council is bound by the provisions of this policy and is required to adhere to the same confidentiality and data security requirements.

Any application forms or recruitment information being shared with non-Council employees for the purposes of short listing/interviewing require to be returned (if in paper format) or be deleted from email and the individual's deleted items folder if they have been shared via email.

24. Recruitment and Selection Complaints

Orkney Islands Council is committed to promoting equality of opportunity and will endeavour to ensure no individual receives less favourable treatment through the Recruitment and Selection process.

Any individual who believes they have been treated less favourably than another individual or feel that they have been subject of discrimination during the Recruitment and Selection process, is entitled to complain.

Anyone wishing to complain should do so within 14 calendar days of being advised of the outcome of their application to the Head of Human Resources and Organisational Development, Council Offices, School Place, Kirkwall KW15 1NY.

Complaints will be investigated by an independent officer and a response normally issued within 21 calendar days from receipt of the complaint. There is no further right of complaint or appeal in respect of recruitment complaints.



Recruitment and Selection Procedures
May 2025

Document Control Sheet

Review / approval history.

Date.	Name.	Position.	Version Approved.
March 2016.	General Meeting of the Council.	n/a.	1.0
April 2025	General Meeting of the Council.		2.0

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
2025	HR & OD		Draft	Revision of procedures to support updated policy.
Next due for review in 2030.				

Procedures and Guidance

This document and the recruitment and selection procedures and guidance detailed in it sit separately to the Council Recruitment and Selection Policy.

As such this procedure and associated guidance and any future amendments do not require formal governance approval by Elected Members nor are they subject to formal collective bargaining via the recognised Trade Unions.

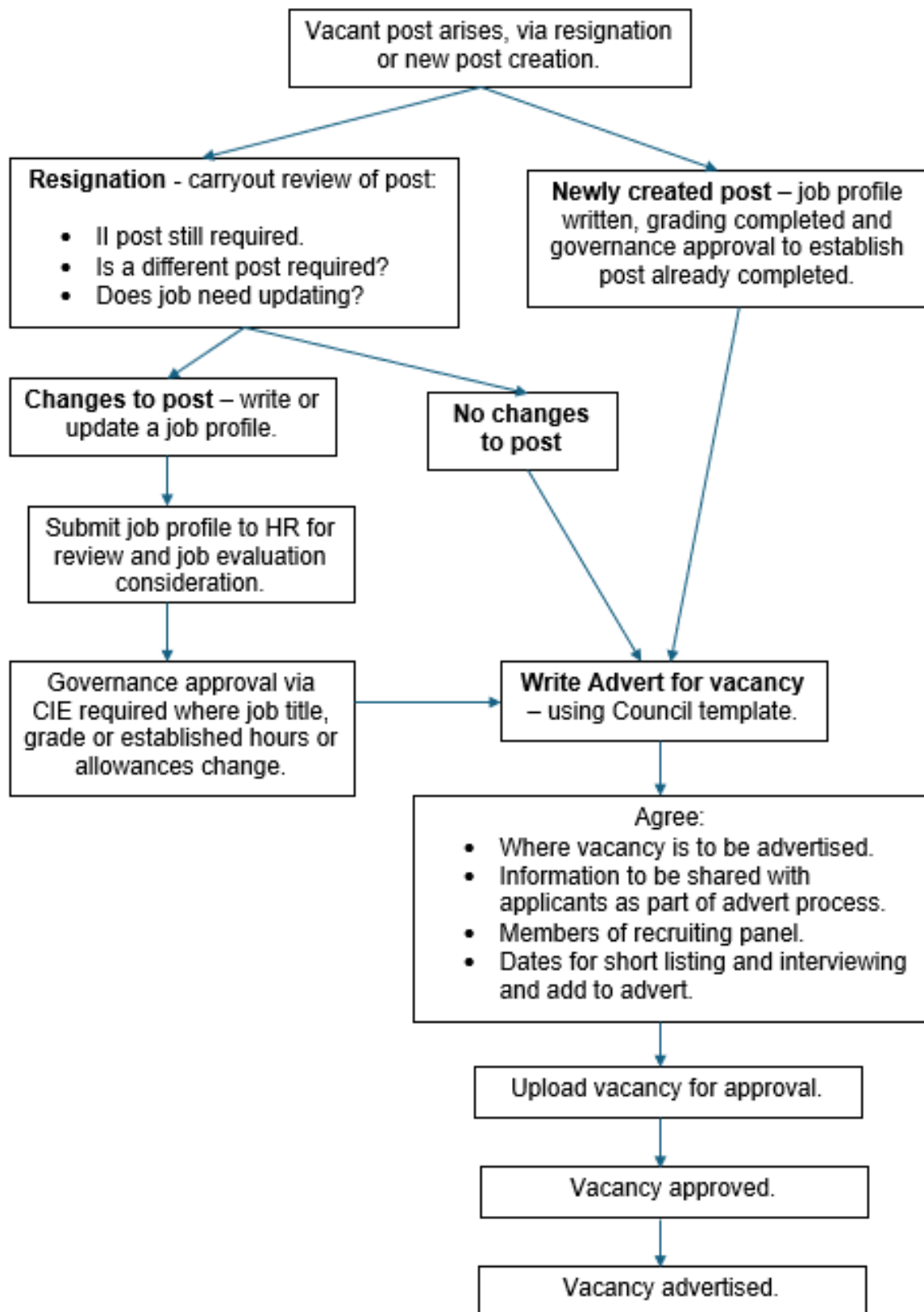
The Council remains committed to co-operative working with the recognised Trade Unions and will engage with them on any significant changes to recruitment and selection procedure.

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1. Preparing for Recruitment

1.1. Process Flowchart



1.2. Preparing for Recruitment

Taking time to plan and prepare effectively for recruitment and selection is critical and will make the process more effective, quicker and have a better chance of success.

The preparation needs to commence from the point at which a vacancy is going to arrive. This would include scheduling shortlisting and interview dates, and the panel, at the advertisement stage. Putting in this time, planning and scheduling is key to supporting a successful recruitment and selection process and contributing to a better applicant experience.

1.3. Vacancy Review

Whether the vacancy arises through a new post being established or by an existing employee resigning the process is largely the same.

- Consider the need to fill the vacancy.
- Always consider the following, before simply advertising a vacancy:
 - Do you need to fill the vacancy at all, in these times of tight financial restraints, can you manage without it?
 - Do you need something different to the current post, should you be taking this opportunity to redesign the post?
 - Are the duties and responsibilities of the role still the same, does the job profile need to be reviewed to ensure that it is still accurate?

1.3.1. Writing/Updating the Job Profile

A new job profile approach is replacing the Council job description and person specification format. The new approach has been developed based on feedback, is more modern, shorter and focused and is designed to meet what applicants want – a shortened, more informative document about the post and its conditions of service.

The job profile template also moves recruitment away from competency approach as well as an essential criterion only approach. With the challenges in recruitment and decreasing number of applications, the reality is that desirable criteria add little or no benefit.

As vacancies arise, recruiting managers will need to convert existing job descriptions and person specifications to the new job profile approach. This will take time; it is not as straightforward as simply copying and pasting; it will need care and consideration given to best summarise the role and requirements to a succinct document.

Should a vacancy be uploaded with no agreed job profile; this advertising request will be returned to the service for resubmission once the job evaluation has been completed.

A Job Profile template is included in supporting documentation and can be accessed from MyView/Useful HR Information/Recruitment Advert Templates.

Existing, completed job profiles are also available on MyView/Useful HR Information/Job Profiles, for reference.

1.3.2. Job Evaluation

Remember where a job is reviewed or changed, it will need to be reviewed to ensure that the changes do not impact on its grade. This may also result in a formal re-evaluation becoming necessary, which can take several weeks. This process must be concluded before the vacancy can be uploaded to be progressed to advert.

Should a vacancy be uploaded prior to job review/evaluation being concluded; this advertising request will be returned to the service for resubmission once the job evaluation has been completed.

1.3.3. Governance Approval

Where a change to any aspect of a post occurs whether it is the post name, established hours, grade or allowances that are payable, this will require formal governance approval via the Change in Establishment process. This process must be concluded before the vacancy can be uploaded to progress to advert.

Should a vacancy be uploaded with no completed CIE governance; this advertising request will be returned to the service for resubmission once the CIE governance has been completed.

1.4. Planning the Recruitment Process

1.4.1. Writing the advert

With the new succinct job profile approach, a new style of job advert is also necessary, to complement each other and avoid duplication.

Recruiting Managers should write their template adverts at the same time as they are writing their job profiles, so that they align and complement each other. The job advert templates will then be saved in a bank on My View/Useful HR Information/Job Adverts. Job Advert templates as well as existing, completed job adverts can also be accessed from there for reference.

1.4.2. Where to advertise – default advertising

All Council vacancies are advertised openly, fairly, and transparently. As a minimum internally to the Council, unless an agreed exemption under policy exists.

All externally advertised Council posts are advertised via the Local Government National Recruitment portal. As part of this, the vacancies are also advertised on a range of other recruitment websites by default.

All Council vacancies are also advertised on the Council's *Join Us* website, <https://joinus.orkneyislands.uk/> This is the new central location for information on working for the Council.

The Council will normally also have a regular generic advert in local press, promoting general employment with the Council and directing applicants to the Local Government National Recruitment portal.

Services can still choose as an option to look to advertise specific posts in local media as a standalone option. There will just not be the weekly, large advert with lists of job titles anymore.

Services may also choose to advertise posts in other publications, on other websites as appropriate and should link in with Human Resources in the planning of recruitment to discuss this in advance.

Services can also link in with Communications to seek advice and support in promotion of vacancies via Council Social Media or for advertising campaigns.

1.4.3. Advertising in other locations

The decision as to where else to advertise any post rests with the Recruiting Manager. There is a wide range of advertising options, which may suit specific posts. Recruiting Managers will need to carefully consider the possible benefits for any additional advertising and be clear about the likely costs.

Recruiting Managers must before upload of a vacancy for advert, have determined any additional advertising to be progressed and have made the necessary arrangements for this to be progressed.

The additional advertising must be specified on the upload for the post, so it and the costs of it can be approved as part of the approval of the post for advert.

Some of the other sources of possible advertising include:

- Standalone advert in the Orcadian.
- Advert in other newspapers.
- Advert on other recruitment websites.
- Professional/trade journals/websites.
- Local advertising including agreeing partner agencies i.e. NHS Orkney sharing advert around staff.
- Advert place in local shops or libraries etc.
- Use of a recruitment agency.

1.4.4. Use of Agency Recruitment

It would be unusual to make use of a recruitment agency as part of any initial advertising for a role. Normally agency recruitment is an option that could be considered where a role has been previously advertised on at least two separate occasions and an appointment has been unable to be made.

Agency recruitment can take many forms the standard approaches are:

- The agency is used as a source of possible applicants for the post.
- The agency is contacted to provide a temporary agency worker to undertake the role for a short period of time.

- The agency may undertake a full-service recruitment approach of candidate search and providing qualified applicants for the Council to interview and appoint as a Council employee.

Given the likely significant cost implications of agency recruitment, CIE approval is required, before agency recruitment is progressed.

Using an agency for recruitment in any of the above methods does not bypass the requirement to follow the Council Recruitment and Selection Policy in a broad sense.

Applicants must still be short-listed and interviewed against the job profile criteria to evidence that they have the necessary skills, qualifications, knowledge, and experience to undertake the role.

Normal pre-employment checks will still require to be conducted before they can commence in the role.

The Recruiting Manager remains responsible and accountable for ensuring that all agency recruitment follows the Council Recruitment and Selection Policy and procedure.

Recruiting Managers are advised to have an early discussion with Human Resources where they are considering the potential for the need to look at agency recruitment.

1.4.5. Applicant information

Applicant information to support a vacancy is to be available equally to applicants applying online as to any who may require a paper process.

Where possible, applicants should be directed via weblinks to the locations of documents rather than having copies of documentation circulating. This keeps the management of information to applicants clearer, less work to manage, up to date and accurate.

1.4.6. Determine the panel

Panels for selection should be kept the same throughout the process wherever possible. Panels should be kept as small as possible and should be the same for both shortlisting and interview, or for larger panels most of the panel (including the Chair) should be consistent across both stages.

Where possible selection panels should have a gender balance.

The minimum requirement for panels is as follows:

Chief Officials, SJC Employees and UHI Orkney Academic Staff Panel Make Up

Post at Recruitment	Chair	Other minimum panel membership
Chief Executive	Council Convener	<p>Full Council (All other elected members), unless Council wishes to delegate this to a smaller panel.</p> <p>Head of HR and OD.</p> <p>Independent External Adviser (optional).</p> <p>Where this is delegated to a smaller panel, the membership must be a minimum of:</p> <p>Leader of the Council.</p> <p>Depute Leader of the Council.</p> <p>Chair of all Service Committees.</p>
Corporate Director	Chief Executive	<p>Council Leader, Depute Council Leader, Chair and Vice Chair of relevant Service Committee.</p> <p>Head of HR and OD.</p> <p>Independent External Adviser (optional).</p>
Chief Officer IJB	<p>Chief Executive (Council)</p> <p>Chief Executive (NHS Orkney)</p>	<p>4 voting members of the IJB including the Chair and Vice-Chair.</p> <p>Head of HR and OD (Council).</p> <p>Director of People and Culture (NHS Orkney).</p> <p>Independent External Adviser (optional).</p>
Head of Service	Chief Executive	<p>Chair and Vice Chair of relevant Service Committee.</p> <p>Corporate Director.</p> <p>Head of HR and OD.</p> <p>Independent External Adviser (optional).</p>
Service Manager	Corporate Director	<p>Head of Service.</p> <p>Senior HR Adviser, on nominated deputy.</p>
Other posts	Line Manager or more senior manager.	Minimum of 1 other relevant Officer (Officer must be at least a grade higher than post being recruited to).

Teaching and other Education Professionals Panel Make Up

For both short-listing and interview/selection for Teaching/Other Educational Professional posts the minimum requirement for panels is as follows:

Post	Chair	Other minimum panel membership
Head Teacher (Permanent)	Corporate Director	Head of Service Service Manager (Adviser) Parent Council (x2) Elected Members (x2) Teacher Rep (Adviser)
Depute Head Teacher (Permanent)	Head Teacher	Service Manager Parent Council (x2) Elected Members (x2) Teacher Rep (Adviser)
Head Teacher (Temporary)	Corporate Director	Head of Service Service Manager Elected Members (x1) Teacher Rep (Adviser)
Depute Head Teacher (Temporary)	Head Teacher	Service Manager Elected Members (x1) Teacher Rep (Adviser)
Other Teaching Posts	Line Manager or more senior manager	Minimum of 1 other relevant Officer. (Officer will normally be at least a grade higher than post being recruited to)
Other Educational Professional Posts	Line Manager or more senior manager	Minimum of 1 other relevant Officer. (Officer will normally be at least a grade higher than post being recruited to)

1.4.7. Participation in a Panel

All Council Officers involved in shortlisting or interview/selection of candidates via the recruitment process must have conducted relevant approved training on Recruitment and Selection and Equality, Diversity, and Inclusion from Orkney Islands Council.

Other people involved in shortlisting or interview are strongly recommended to have also conducted relevant approved training on Recruitment and Selection and Equality, Diversity, and Inclusion from Orkney Islands Council.

The Chair of the Panel is responsible for ensuring that appropriate training is arranged via HR and OD.

Where an applicant is a close relative of an employee or a Councillor, that employee or Councillor may not take part in that selection process.

Where there is any other possible conflict of interest for a panel member, they should declare this to the Chair of the panel. They should determine if it is appropriate that they continue to be a member of the panel or not.

It is recognised that in a small community there will be occasions where relatives work together, so for the purposes of selection a close relative is defined as spouse, partner, grandparent, parent, aunt, uncle, sister, brother, child, niece, nephew, grandchild (including 'step' and 'in law').

Advice and guidance may be sought from Human Resources as required.

1.4.8. Setting shortlisting and interview dates

To help speed up the process of recruitment and to help applicants make informed decisions you should set shortlisting and interview dates as part of the planning recruitment process prior to advertising. You should also state these dates as part of the job profile/advert for the post.

1.5. Council recruitment cycle

The Council has a fortnightly cycle of advertising posts and a list of relevant dates.

The recruitment cycle dates are included in supporting documentation and the up-to-date list can be accessed from MyView/Useful HR Information or from HR Support.

1.6. Vacancy Management

The Council may from time to time put a temporary period of further restriction on advertising, as part of effective budget control procedures. Where this is the case, this will override existing recruitment processes. Please refer to the separate Vacancy Management process guidelines issued when relevant.

1.7. Uploading your Vacancy

All recruitment activity is to be uploaded via Talentlink which includes permanent, temporary, casual/supply relief posts and any vacancies agreed to be conducted as expressions of interest or recruited to from a previous pool of applicants.

1.8. Approval for advertising

Uploaded vacancies for advert are to progress via the normal approval process via Talentlink and must be approved and received by Human Resources by the published advert deadline to be included within a vacancy cycle.

Uploads that are received after the deadline or are not complete i.e. have no CiE, or the governance via CiE is not concluded, have no job profile, have no concluded job evaluation process etc. will be returned to the service for re-upload once the relevant process has been conducted.

The minimum approval for a post is either the Service Manager or more Senior Manager (Head of Service/Corporate Director) where they are the line manager for the post.

Services are strongly advised not to add in additional, unnecessary approval steps to any recruitment advertising process. This will only slow down the recruitment process for these posts.

1.9. Reasonable Adjustments

Recruiting managers should refer to the separate guidance on reasonable adjustments in recruitment and can seek advice and guidance from Human Resources as required.

1.9.1. Support with Application

Over 98% of applications for employment with the Council are submitted online with the My Job Scotland recruitment portal. This enables the application process and experience to be consistent for applicants, effective in terms of ensuring that we give consistent information and ask applicants for the same information and keeps the process as automated and efficient as possible.

There are a small number of applicants that either cannot apply online or who may not have access to do so.

The Council is committed to offer reasonable support and assistance to applicants to be able to make an application.

The preferred approach is to look to offer support to applicants to be able to apply online wherever possible, this ensures that all the improvements to the process and system to automate and streamline the timescale of recruitment will be effective.

The Council is also happy to arrange dedicated 1 to 1 time at Council Offices, Kirkwall for any applicant who may need assistance to register an account with My Job Scotland and to complete their application.

Equally applicants with no online access at home, can wherever possible be supported to access online via public libraries or other Council facilities.

In exceptional circumstances, agreement can be given to enable a paper application to be completed. However, please note any paper application submitted will not enable the streamlined, automated recruitment processes to be used. These require manual process which will result in a longer recruitment process. The number of paper applications received generally by the Council in a year is in single figures.

Applicants requiring support or assistance with their application should contact either the Recruiting Manager or HR Support.

1.9.2. Support at Interview/Selection Process

The Council has a duty to make reasonable adjustments for applicants in the recruitment process where they have a disability. The application form and invite to interview correspondence ask applicants to advise if they need any form of assistance or support. Recruiting Managers are advised to make every effort to provide all reasonable support and assistance to applicants. Please refer to the separate guidance on reasonable adjustments.

1.10. Guaranteed Interview Scheme

The Council is committed to offering applicants in the following categories a guaranteed interview for a post, where their application meets most of the criteria selected for short-listing criteria (essential only).

The Guaranteed Interview categories that the Council supports are:

- Care experienced young people, including care leavers up to the age of 26.
- Applicants with a disability as defined under the Equality Act 2010.
- Current and former armed forces personnel.
- Those studying or having completed the Introduction to Care course.
- Orkney Islands Council Modern Apprentices or Graduate Apprentices.
- Orkney Islands Council employees with unpaid caring responsibilities. (refer to Council Carers Support Policy).
- Partners/resident family members of people relocating into Orkney to take up Council employment (refer to Council Relocation Policy).

Applicants are asked to tick the relevant box on their application form to confirm they meet the guaranteed interview criteria. There is no further process of establishing if the criteria are met, the Council works based on applicants having been honest.

1.10.1. Feedback for Guaranteed Interview Applicants

All guaranteed interview candidates who are unsuccessful either at being shortlisted for interview or being appointed at interview, must have written feedback provided to them by the Recruiting Manager.

This feedback should detail the following:

- The criteria from the job profile used to assess the application at short listing or assess the applicants at interview.
- Where their individual application or interview met the criteria and did not meet the criteria.

1.11. Interview Expenses

Whilst technically interview expenses can be paid, with the use of online/ Microsoft Teams or similar, the instances that they would be necessary will be minimal.

When making interview arrangements applicants requiring to travel should have their interviews accommodated to minimise overnight stays as far as possible.

The Council approach will be that where it is necessary for an applicant to attend for interview, from outwith Orkney, the Recruiting Service can choose to either contact the applicants and make and book necessary travel and/or accommodation directly or require an applicant book and claim these back.

Payment of/refund of interview expenses *is not* dependant on an applicant accepting an offer of employment.

The advert for a post and upload for a post must specify that relocation expenses are to be paid where appropriate.

1.12. Relocation

The Council has the ability, within HM Revenue and Customs rules to offer a relocation package, to successful applicants. Relocation expenses can be offered to any Council post, where this is deemed necessary to be able to tackle difficulty in recruitment.

The advert for a post and upload for a post must specify that relocation expenses in line with Council policy are to be paid where appropriate.

Please refer to the separate Relocation policy included in supporting documentation and can be accessed from MyView/Useful HR Information.

1.13. Recruitment Incentives

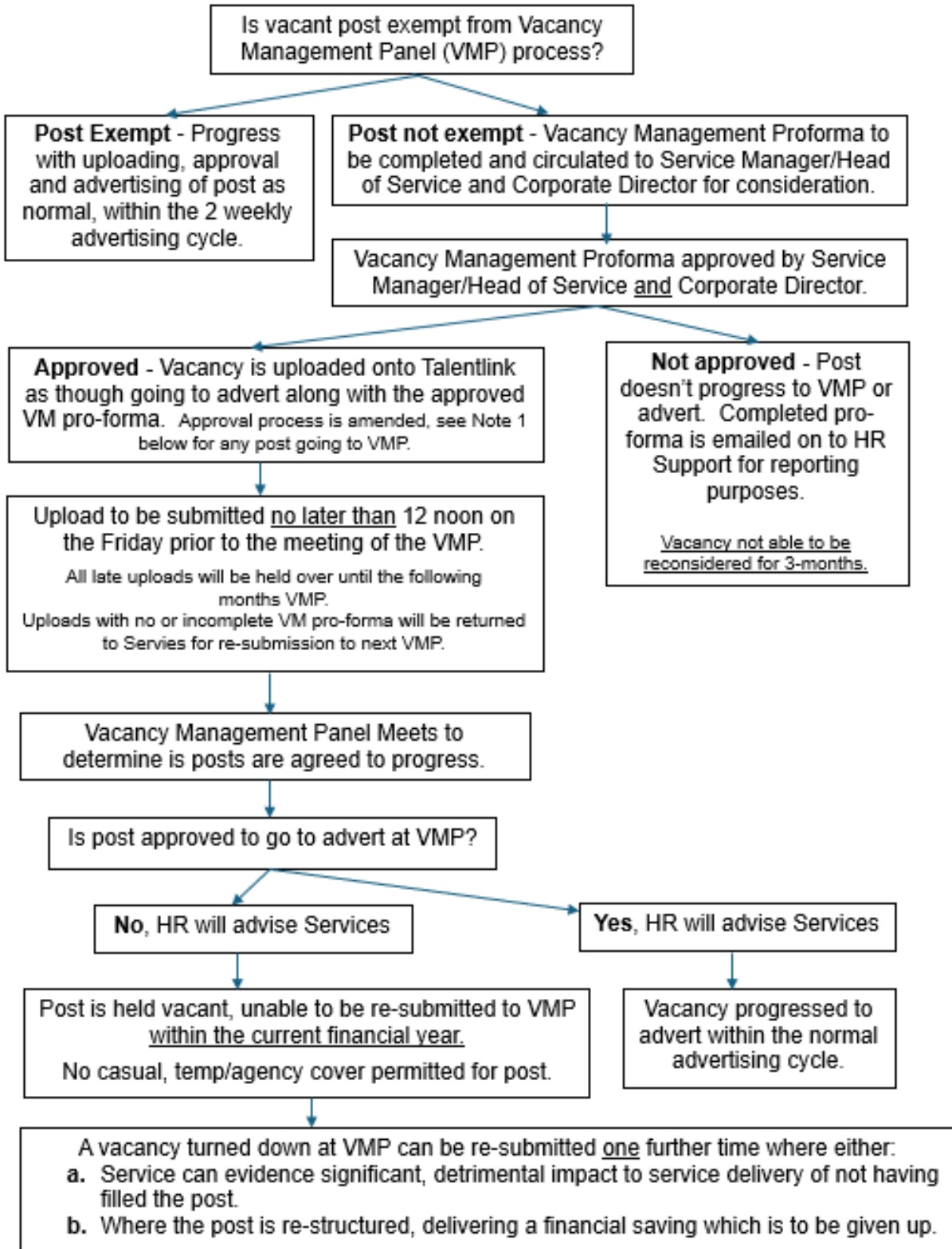
In circumstances where the Council has acknowledged hard to fill posts, the Corporate Leadership Team in conjunction with the Head of HR and OD may choose to implement short-term temporary recruitment incentives i.e. Market Supplement, Golden Hello or Refer a Friend.

Any recruitment incentive must be equality proofed, temporary in nature, able to be funded within existing base line budget and will have agreed terms and conditions produced by HR and OD.

Please refer to the separate Market Supplement Policy included in supporting documentation, can be accessed from MyView/Useful HR Information.

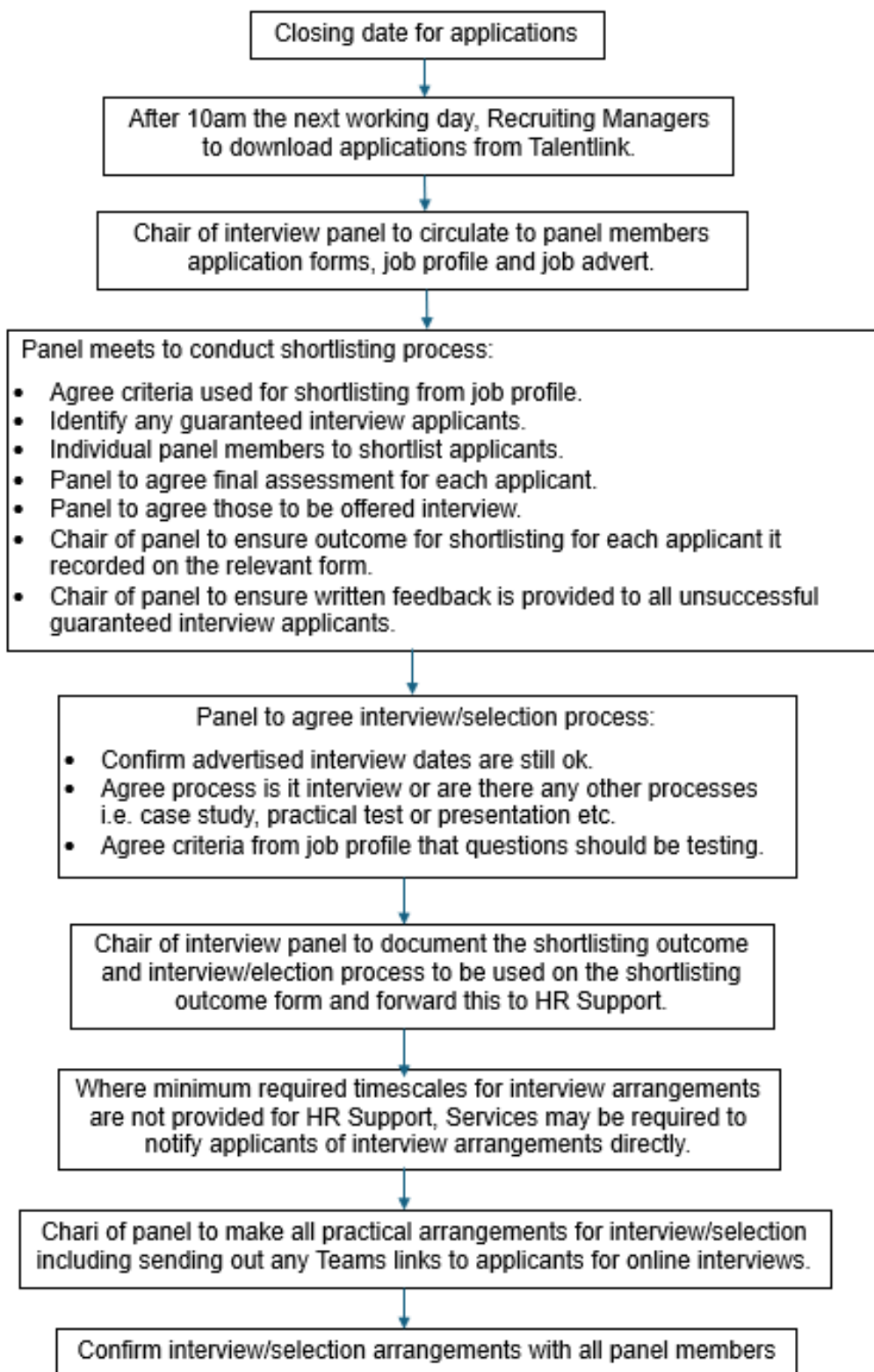
2. Vacancy Management

2.1. Vacancy Management Process Flowchart



3. Shortlisting and Selection

3.1. Shortlisting Process Flowchart



3.2. Shortlisting and Selection

The shortlisting and selection processes are the core areas of responsibilities for recruiting managers. Recruiting managers must ensure that:

- The processes are conducted in line with Council recruitment and selection and equalities policies and procedures and relevant legislative requirements.
- The processes are conducted promptly following closing date of the advert and in line with the published dates for shortlisting and selection in the advert.
- The processes only consider and assess the information provided by applicants via their application form and via the selection process, and not anything that may be known about them outwith the process.
- Applicants are provided with reasonable support and adjustments as necessary in the selection processes.
- Outcomes are confirmed promptly and using the published documentation to HR Support.
- Throughout the recruitment process applicants are kept informed of the progress of their application and importantly of any delays to the process.

3.3. Shortlisting Process

3.3.1. Getting submitted applications.

Council adverts normally close at 23:59 on a Sunday night, exact dates are included on the Recruitment Dates for the Council. These are available on My View/Useful HR Information or from HR Support.

Recruiting Managers will be able to access and download applications from 10:00 the following morning via the TalentLink system.

If you have any difficulty in accessing your applications, please contact HR Support.

Managers should then circulate the application forms to the members of the shortlisting panel in advance of the short-listing meeting, the date and time of which should have been set prior to the post being advertised.

3.3.2. Agreeing shortlisting criteria

The shortlisting panel should agree the criteria from the job profile that are to be used for short-listing. The Recruiting Manager can make recommendations.

Only criteria in the advertised job profile can be used to assess applicants.

Where a job profile has a required qualification and/or professional registration, or training requirements i.e. a Driving Licence these must be criteria used at short-listing.

3.3.3. Shortlisting process

Normally and in line with best practice, short listing will be conducted by the panel meeting, whether that is in person or online via Microsoft Teams. Where possible the panel should be of mixed gender.

The process to follow is outlined below:

- Recruiting Manager to circulate applications, advert, and job profile to panel member(s) in advance of meeting.
- Panel member(s) should ensure that they read each application thoroughly before the panel meets.
- Panel meets.
- Panel to agree shortlisting criteria to be used from the job profile.
- Each application is assessed individually by the panel against the selected criteria, with the assessment recorded on the Shortlisting outcome form by the Chair of the Panel.
- Once all applications are assessed and recorded, the panel should decide who meets the necessary level for invite to selection/interview.
- The selection process to be used should be agreed by the panel (see section 2.2 for further details).
- The shortlisting outcome form with the selection process detailed must be emailed to HR Support by the Chair of the Panel.
- Any notes or individual shortlisting conducted by panel members should be collected by the Chair, scanned, and emailed to HR Support along with the completed shortlisting outcome form.
- All copies of candidate application forms are to be returned and shredded (if meeting in person).
- If applications have been emailed out, the Chair of the Panel must ensure that all panel members have deleted them from their email and their email deleted items inbox.

3.3.4. Shortlisting and Right to Work in the UK or Sponsorship

Post Advertised as may be able to be sponsored.

Where a post is advertised as may be able to be sponsored by the Council, the shortlisting process must not consider or discuss any applicant's right-to-work in the UK or requirement for possible sponsorship.

All applications for these posts are to be assessed only on the identified criteria from the job profile. Right-to-work in the UK cannot be a shortlisting criterion used; this would likely be discriminatory.

Post Advertised as not able to be sponsored.

Where a post is advertised as not being able to be sponsored, only then where an application form explicitly states that the applicant either does not have the right to work in the UK or will need sponsorship, is it acceptable that this application is not considered. The outcome of the shortlisting must still be recorded on the relevant form, making it clear the reasons why it is not being progressed.

Where an application is not explicit on these, it must still be considered at shortlisting in the normal manner, or again the approach could be discriminatory.

3.3.5. Notifying outcome of shortlisting

The Chair of the Panel is responsible for ensuring that the shortlisting outcome is accurately recorded on the Council standard documentation and that this is then emailed back to HR Support.

Any notes or individual shortlisting conducted by panel members should be collected by the Chair and emailed to HR Support along with the completed shortlisting outcome form.

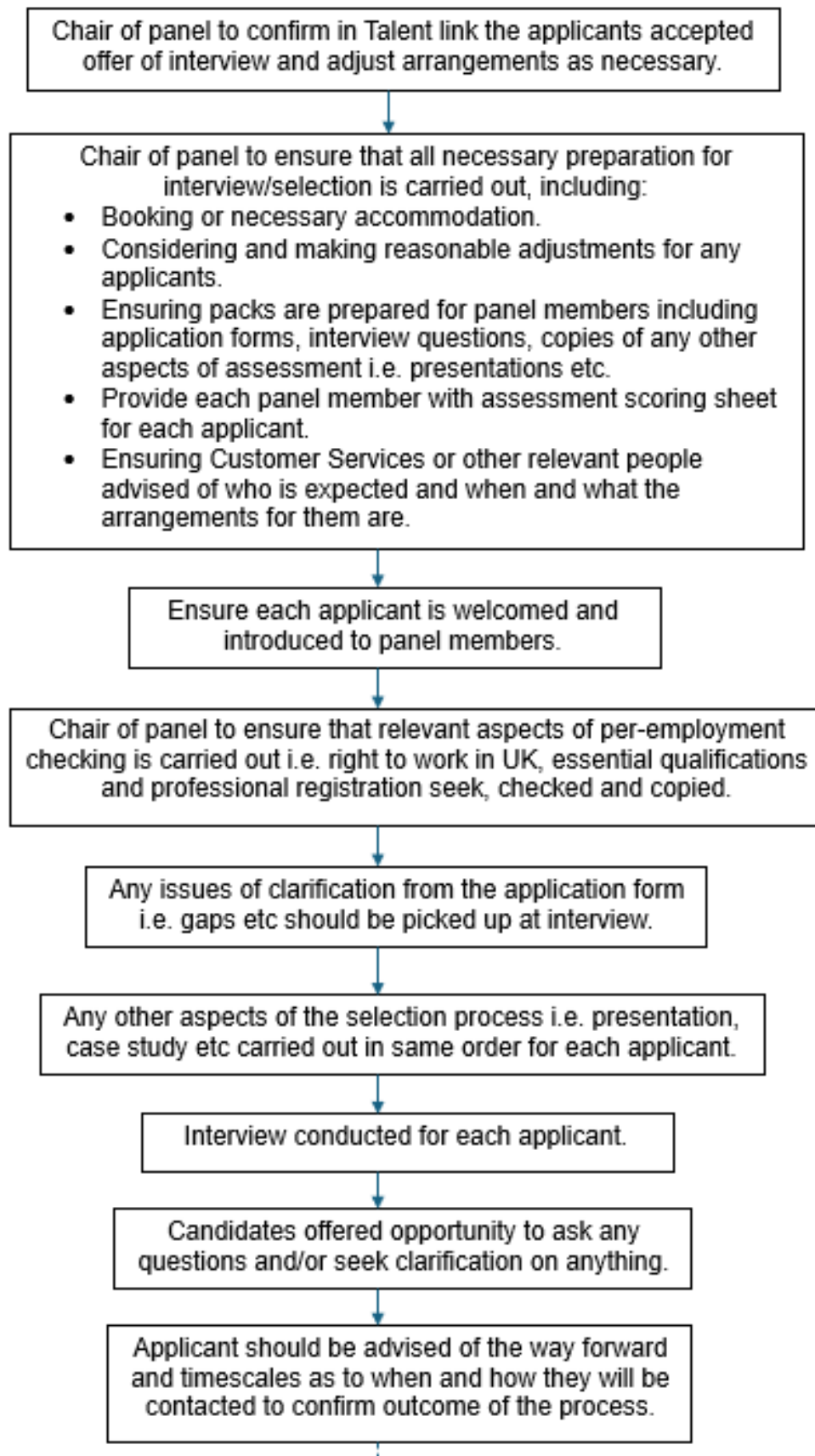
Please do not return copies of applications used in the shortlisting to HR Support, please shred these.

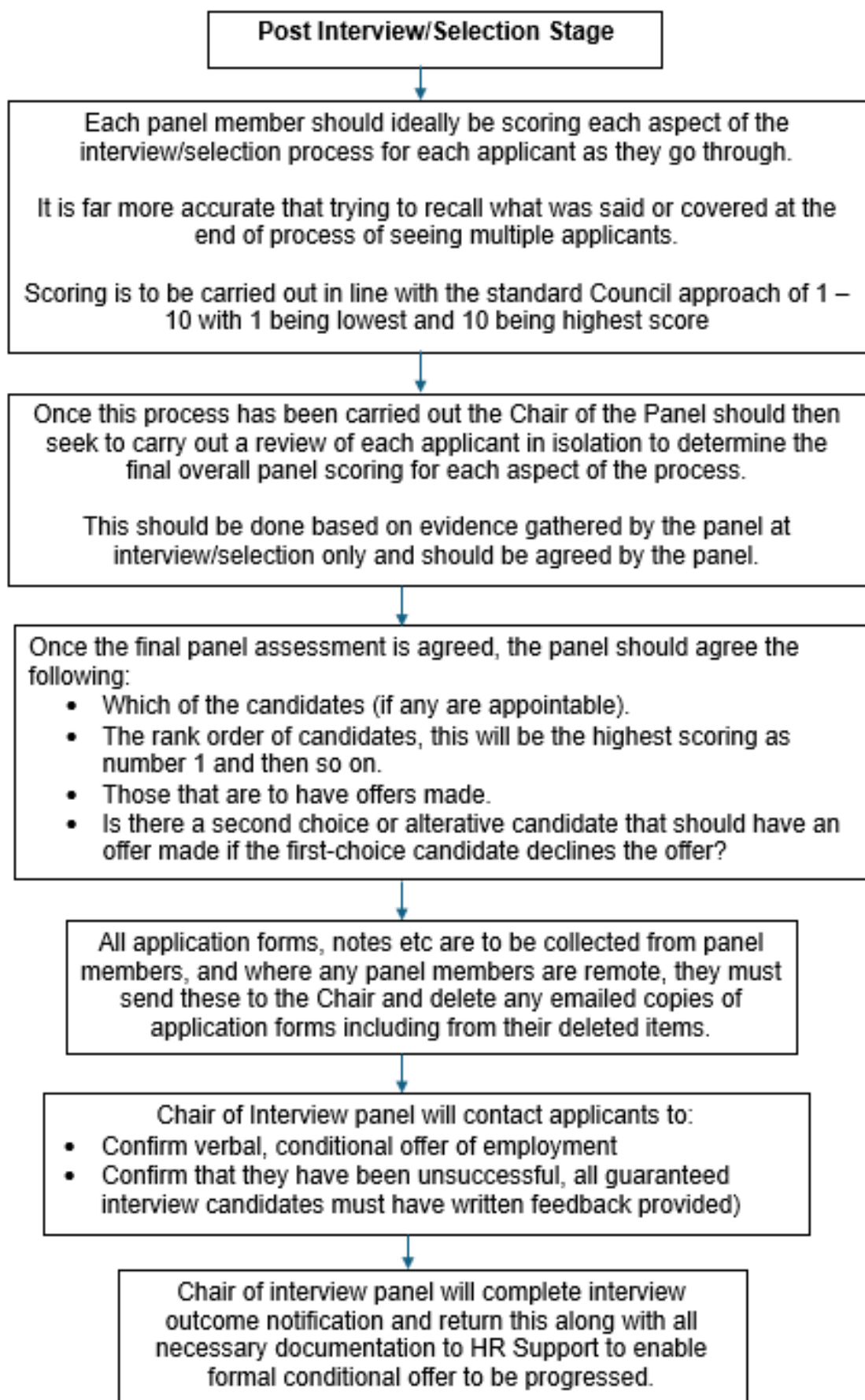
HR Support will on receipt of the shortlisting outcome form and arrangements for selection/interview, arrange for applicants to be notified of the outcome of their application. This will normally be completed within five working days (one week), following the date of receipt.

The notification for unsuccessful applicants will confirm that they can seek feedback on their application and that they should contact the Recruiting Manager to arrange for feedback. Refer to section 4.0 for further information on providing feedback to applicants.

Please note that there is also a possibility that successful applicants may seek feedback in advance of an interview. Recruiting Managers should provide feedback to them if requested but must take care not to provide any form of advantage to them in relation to any aspect of the interview/selection process to come.

3.4. Selection/Interview Process Flowchart





3.5 Selection Process

3.5.1. Agreeing the Selection Process

Recruiting Managers should ensure that, whatever the process for selection/interviewing will be, it is agreed and linked to the set criteria for the post as detailed in the job profile. All assessment of applicants must be able to be linked back to a job profile criterion for a post, as advertised.

The process used must be fair and consistent to all applicants, it should not actively favour internal candidates i.e. setting a question on an internal document or expecting knowledge of Council procedures and policies, unless these are openly available publicly or have been shared with all applicants.

3.5.2. Arranging selection process

HR Support will normally arrange for the issue of invites to interview/selection for applicants. For this to happen smoothly and enable applicants to have sufficient time to make necessary arrangements the minimum timescale for receipt by HR Support of arrangements for interview is as follows:

For recruitment processes that have applicants from outwith Orkney, which requires applicants to travel to Orkney for interview/selection.

- Received by HR Support at least 3 weeks minimum before interview/selection date – allowing HR Support 1 week to issue and applicants 2 weeks minimum notification.

All other recruitment processes:

- Received by HR Support at least 2 weeks minimum before interview/selection date – allowing HR Support 1 week to issue and applicants a week's minimum notification.

Where these minimum timescales are not provided, Services may be required to notify applicants of arrangements for interview directly, HR Support will be unable to progress these.

Where interviews are to be conducted online via Microsoft Teams or similar, the Recruiting Manager is responsible for setting up all necessary arrangements and issuing invites via MS Teams to applicants.

3.5.3. Clarifying gaps in employment/queries with application form

In preparation for an interview/selection process the Recruiting Manager should review each application form, looking for any anomalies or areas that need to be clarified at the start of the interview.

Routine areas for clarification include:

- An applicant not having provided a full employment history, which is a requirement of applying for work with the Council.
- Gaps in employment history that are not explained sufficiently.

Please ensure that any gaps or queries are picked up and a record of the information provided in response is noted and submitted to HR Support to accompany the application form.

3.5.4. Conducting initial stages of pre-employment checks

In line with the table and flowcharts at section 3.2, the Chair of the Panel should ensure that the relevant documentation and information is seen, checked, copied, and verified for each interview applicant.

These documents should be returned to HR Support along with the Outcome of Interview/Selection form.

Where these have not been completed the Outcome of Interview/Selection form must indicate against any candidate, so HR Support are aware that they will need to follow this up for any successful candidates.

3.5.5. Interview/Selection process.

The Recruiting Manager with agreement of the Panel can determine what the selection process for their post is to be.

Whilst it is an expectation that an interview will still form the main part of most recruitment processes within the Council, there are a range of other assessment options that can also be considered as part of the process, these include:

- Presentations.
- Case Studies.
- Practical exercises.
- Group discussion.
- Practical task-based selection, replacing an interview (see section 2.2.6).

Whatever process is put in place, must be objective, fair, and consistent for all applicants, designed to evidence the necessary skills, knowledge and experience for the post as detailed in the job profile criteria and the evidence is assessed and recorded.

3.5.6. Practical Tasked Based Selection

For some more practical, task focused posts i.e. a Cleaner or Domestic, it may be that rather than an interview a short practical task-based selection approach may be more appropriate.

This type of process will still require evidence to be gathered that the required criteria for the post have been satisfied.

Where a practical, task-based selection approach is to be used this will be communicated to applicants following shortlisting.

3.5.7. Notifying outcome of Interview/Selection process.

Verbal Outcome to Applicants

The Recruiting Manager will as soon as possible, following the completion of the selection/interview process, contact all applicants to advise them of the outcome of their process, whether they are successful or not.

Each applicant must as a minimum:

- Be advised whether they are being provisionally offered a post.
- Be offered the opportunity to seek feedback on their application, refer to section 2.2.9 for more information on candidate feedback.
- Be advised this will be followed up via email over the next week.

Notification to HR Support

Chair of the Panel/Recruiting Manager is responsible for ensuring that the necessary Interview/Selection outcome form is accurately and fully completed and returned promptly to HR Support.

The Council position is that all offers by default will be the first point of the grade, any placing higher than the first point must be approved by the relevant Head of Service or Corporate Director, with them signing the Interview/Selection outcome form.

Where no placing is indicated on the form, or where no signature from a Head of Service or Corporate Director is on the form for a higher placing, offers of employment will be made at the first point of the scale.

3.5.8. Conditional Offer of Employment

All offers of employment made following an applicant being successful at interview will be conditional.

They are subject to completion of the relevant pre-employment checks.

Once the pre-employment check process has been completed and all checks have been accepted by the Recruiting Manager, they can agree a start date with the applicant.

This start date will require to take account of the applicant's period of notice and allow a minimum of 1 week for HR Support to issue the confirmed offer and contract of employment. Equally where an applicant is relocating to Orkney you should ensure that the relevant time scale for this is considered in your discussion and agreement of a start date with the applicant.

It is a legal requirement that the applicant/employee must receive the contract of employment with confirmed start date before they commence employment in the post.

This requirement is the same for all applicants whether they are new to the Council or an existing employee of the Council taking up a new or additional post, or where their existing contract is being varied i.e. an increase or decrease in hours.

3.5.9. Providing Feedback to Applicants

It is the responsibility of the Recruiting Manager to provide feedback to applicants.

Feedback will be provided on request, other than where applicants applied under the guaranteed interview process who must automatically be provided with summary feedback.

For applicants who have disclosed a conviction, feedback on whether the conviction was the deciding factor must be made explicit, this will normally be done as part of the Criminal Convictions Risk Assessment process by the Service Manager conducting the risk assessment. See section 3.2.9.

4. Pre-employment Checking

4.1. Requirement to conduct pre-employment checks

The process of conducting pre-employment checks is essential to ensure that applicants are appropriate and fit for the role and often a legal requirement.

Pre-employment checks help to determine an overall assessment of suitability including whether an applicant can perform the duties and responsibilities of the role. Have applicants been honest in their application form and interview/selection process.

Do they have the relevant skills, knowledge, experience, qualification, and professional memberships and are they fit to undertake the role in terms of any criminal convictions record.

Pre-employment checking can take significant time, it is critical that Recruiting Managers ensure that:

- (1) As much of the information that can be gathered, copied, and verified in the interview/selection process, to ensure that the recruitment process is able to progress as swiftly as possible.
- (2) That where checks are to be conducted post interview, the manager should be maintaining regular contact with successful applicants to ensure that they are conducting their part of the checks swiftly and following up on any queries or questions they may have.

4.2. The Different Checks

The necessary checks to be conducted will vary slightly dependant on the post; there are some mandatory checks for all and some checks specific to different posts.

The table below summarises what checks are mandatory for all posts and where the predominant responsibility for conducting the checks sit.

Check	All Posts	Some Posts	At Shortlisting	Interview	Post Interview	Joint Int & Post
Essential Qualifications	X		X	X		
Essential Professional Registration		X	X	X		
Right to Work in UK	X		X	X		
Skilled Worker Sponsorship		X				X

Check	All Posts	Some Posts	At Shortlisting	Interview	Post Interview	Joint Int & Post
Driving Licence Check		X	X			X
References	X				X	
Health Clearance	X				X	
Criminal Convictions Check	X				X	
Criminal Convictions Risk Assessment		X			X	
Signed Acceptance of Job Profile	X					

4.2.1. Pre-employment Checking Process Flowcharts

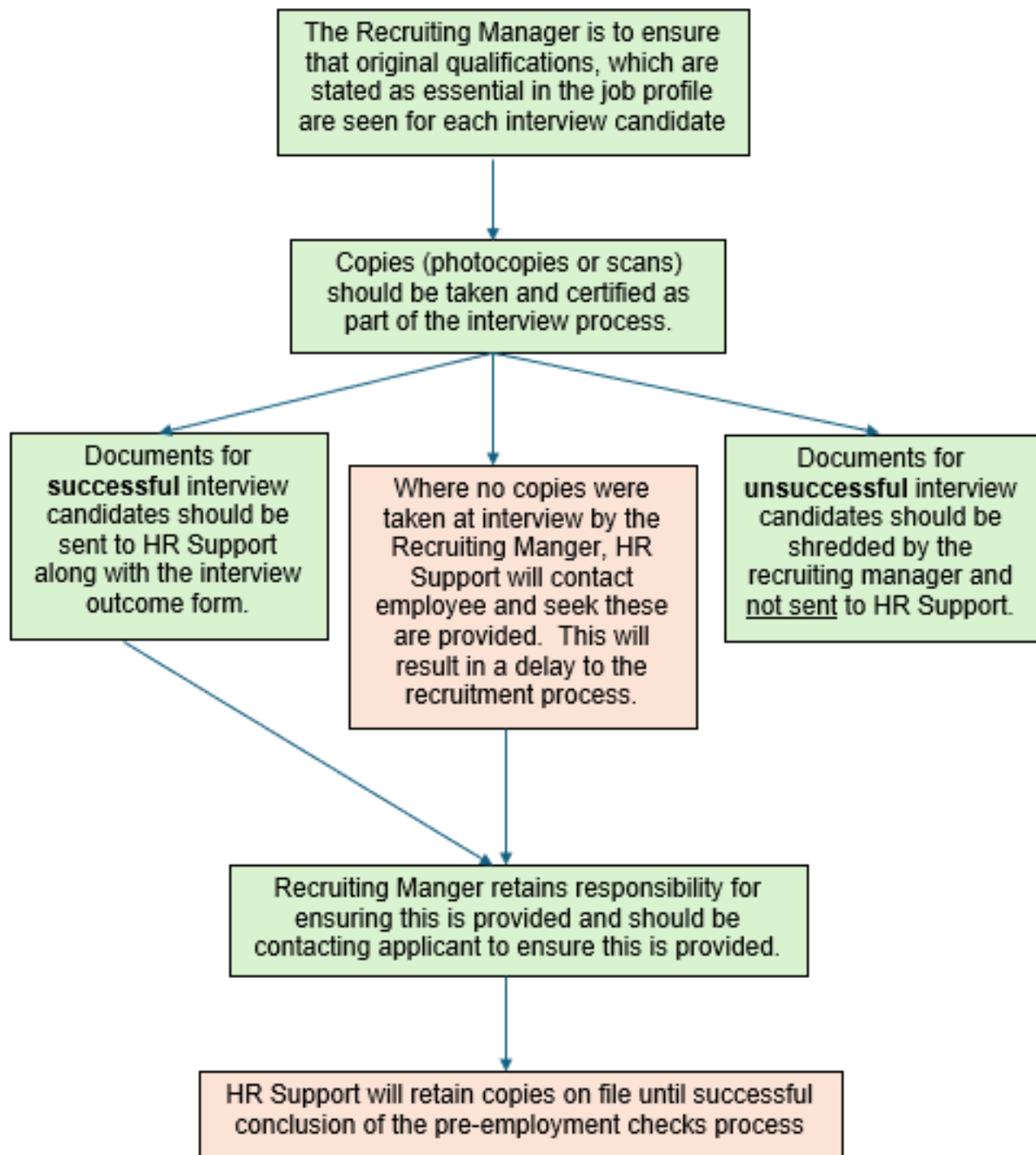
The following flow charts give a simple overview of the necessary process for the differing pre-employment checks and who is responsible for them.

- Essential Qualification Check
- Essential Professional Registration Check
- Right to Work in the UK Check
- Skilled Worker Sponsorship
- Driving Licence Check
- Reference Checks
- Health Clearance
- Criminal Convictions Check
- Criminal Record Risk Assessment

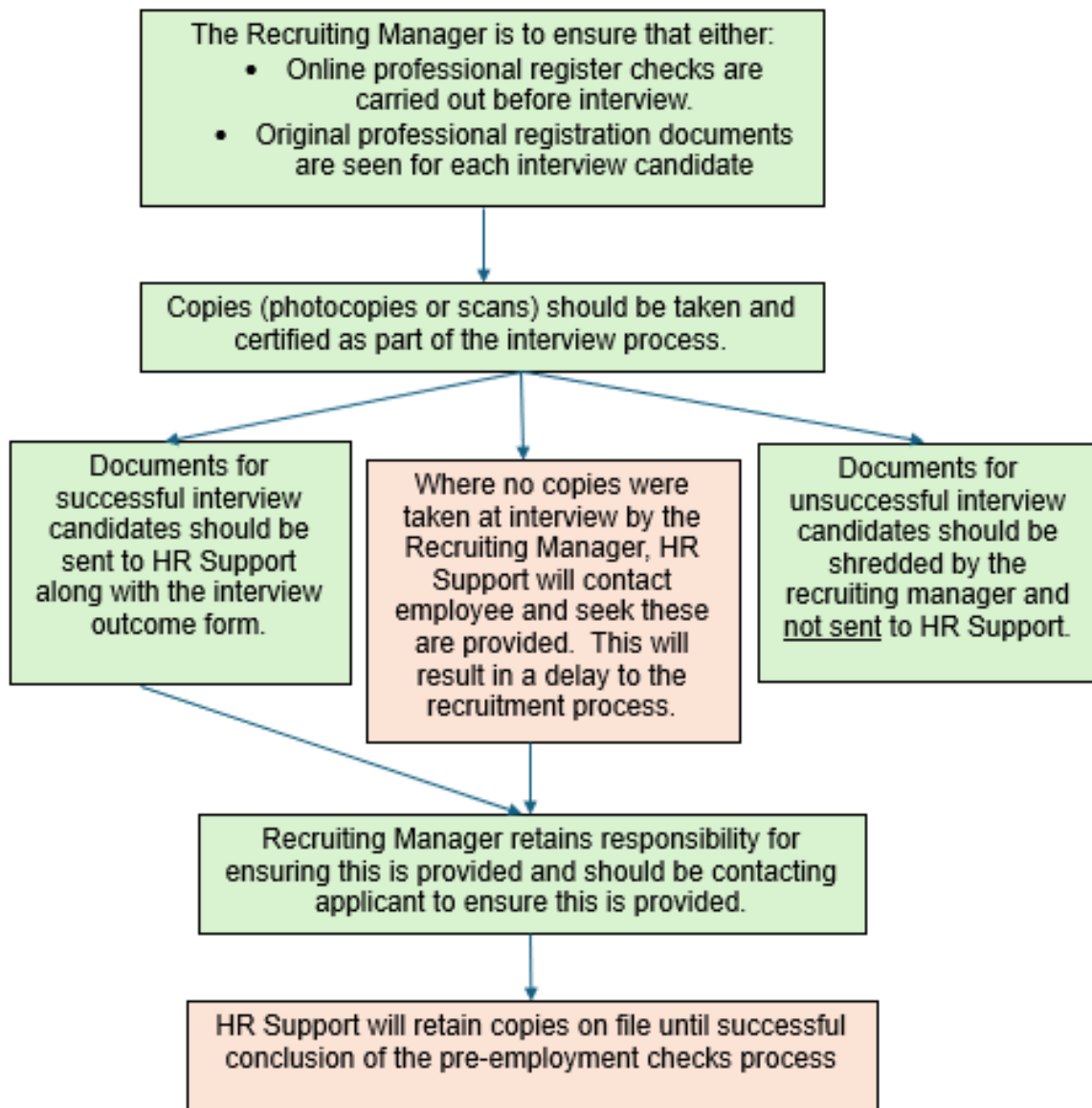
Colour Coding key to Flowcharts.

	Conducted by Manager
	Conducted by HR Support
	Conducted by Occupational Health
	Conducted by Applicant
	Not one person's responsibility or general process.

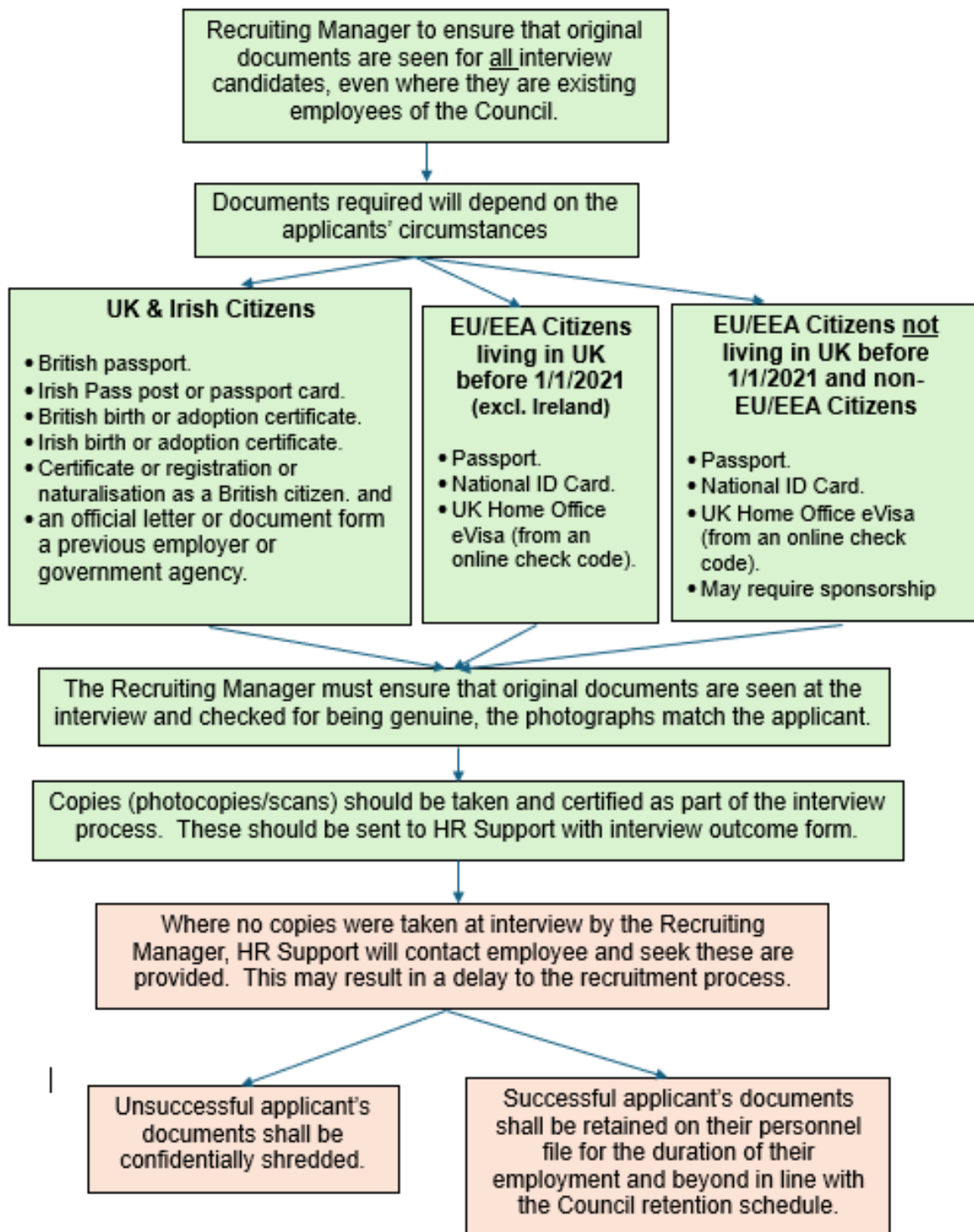
Essential Qualification Check Process Flowchart



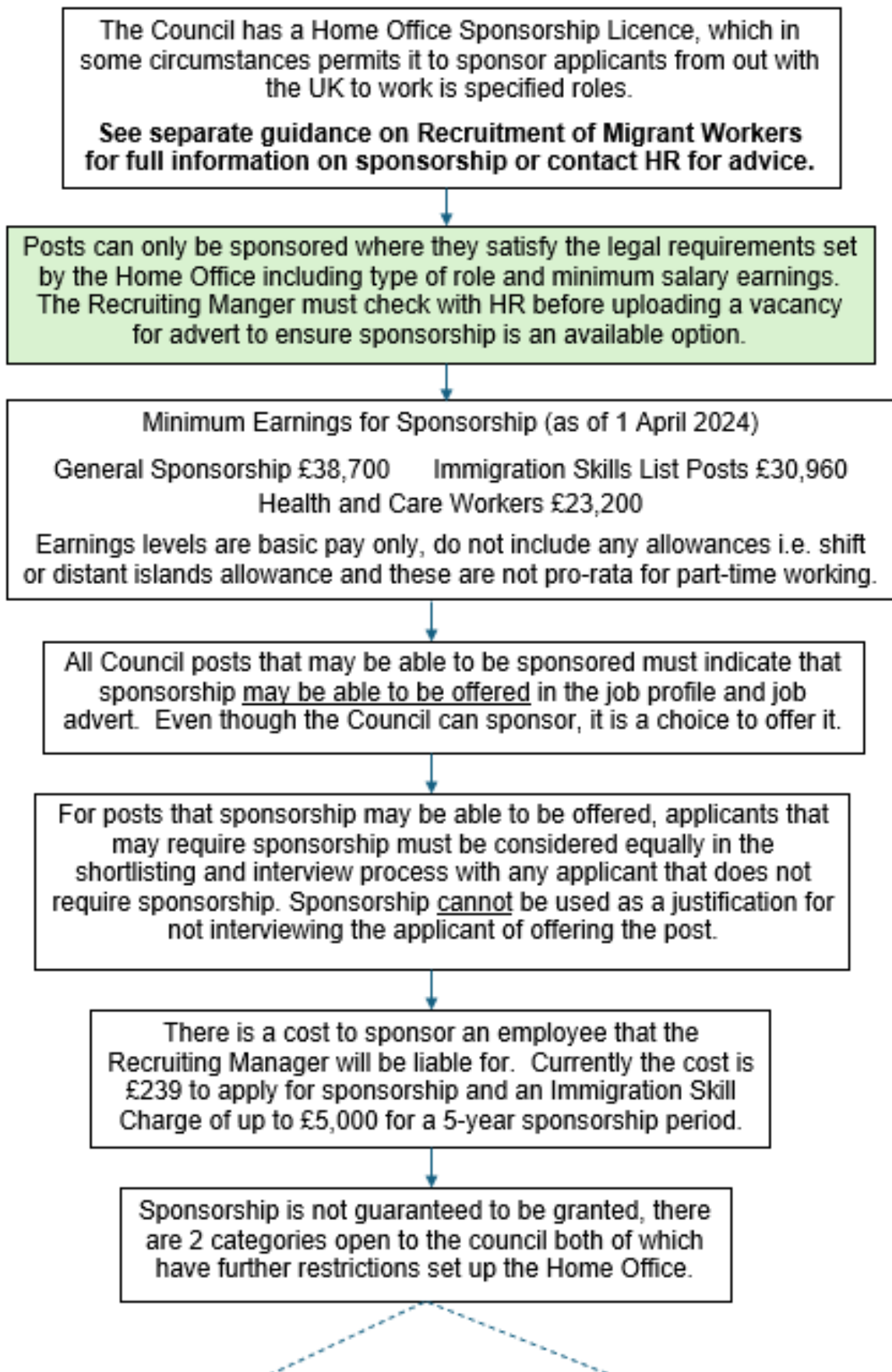
Essential Professional Registration Check Process Flowchart

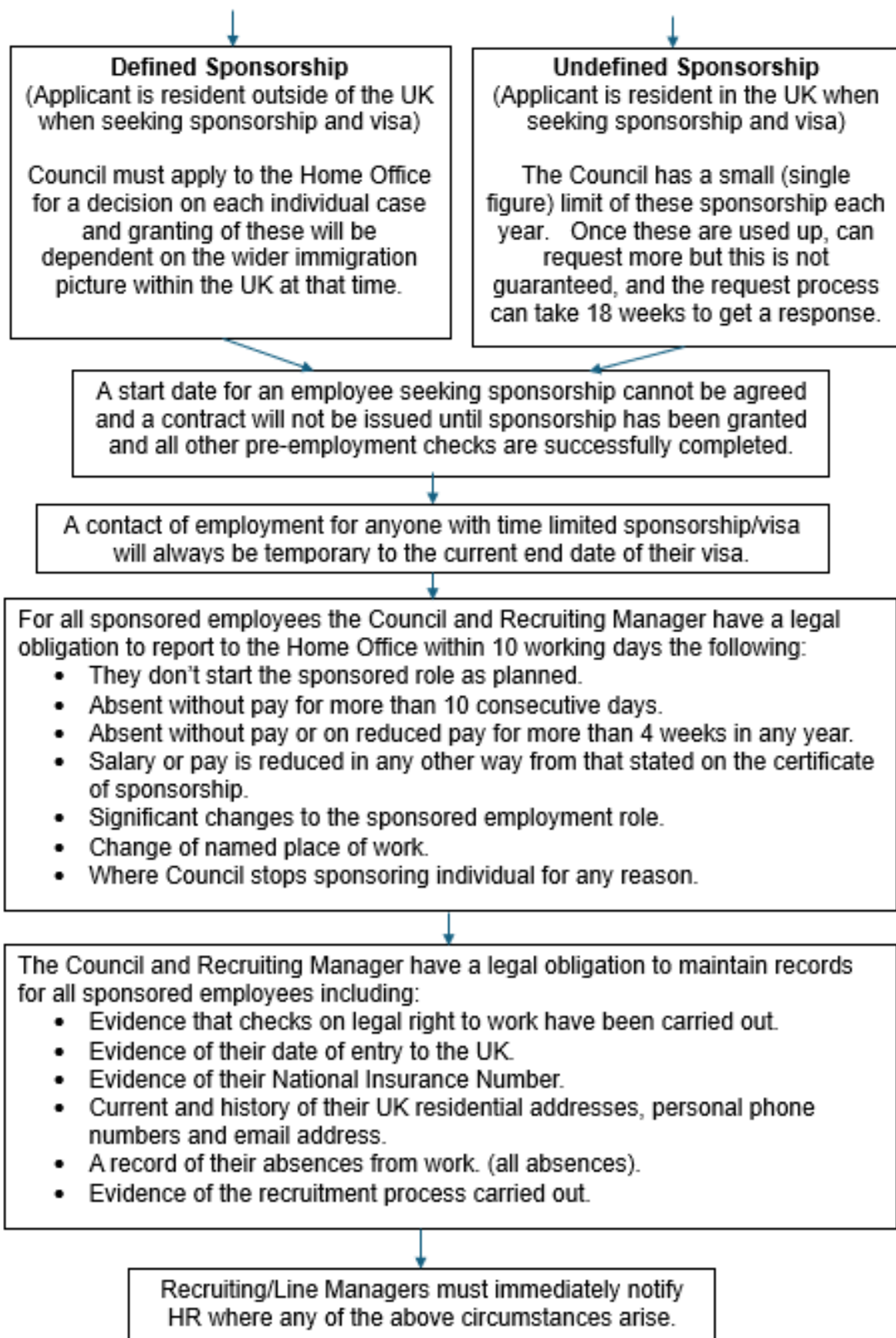


Right to Work in the UK Check Process Flowchart



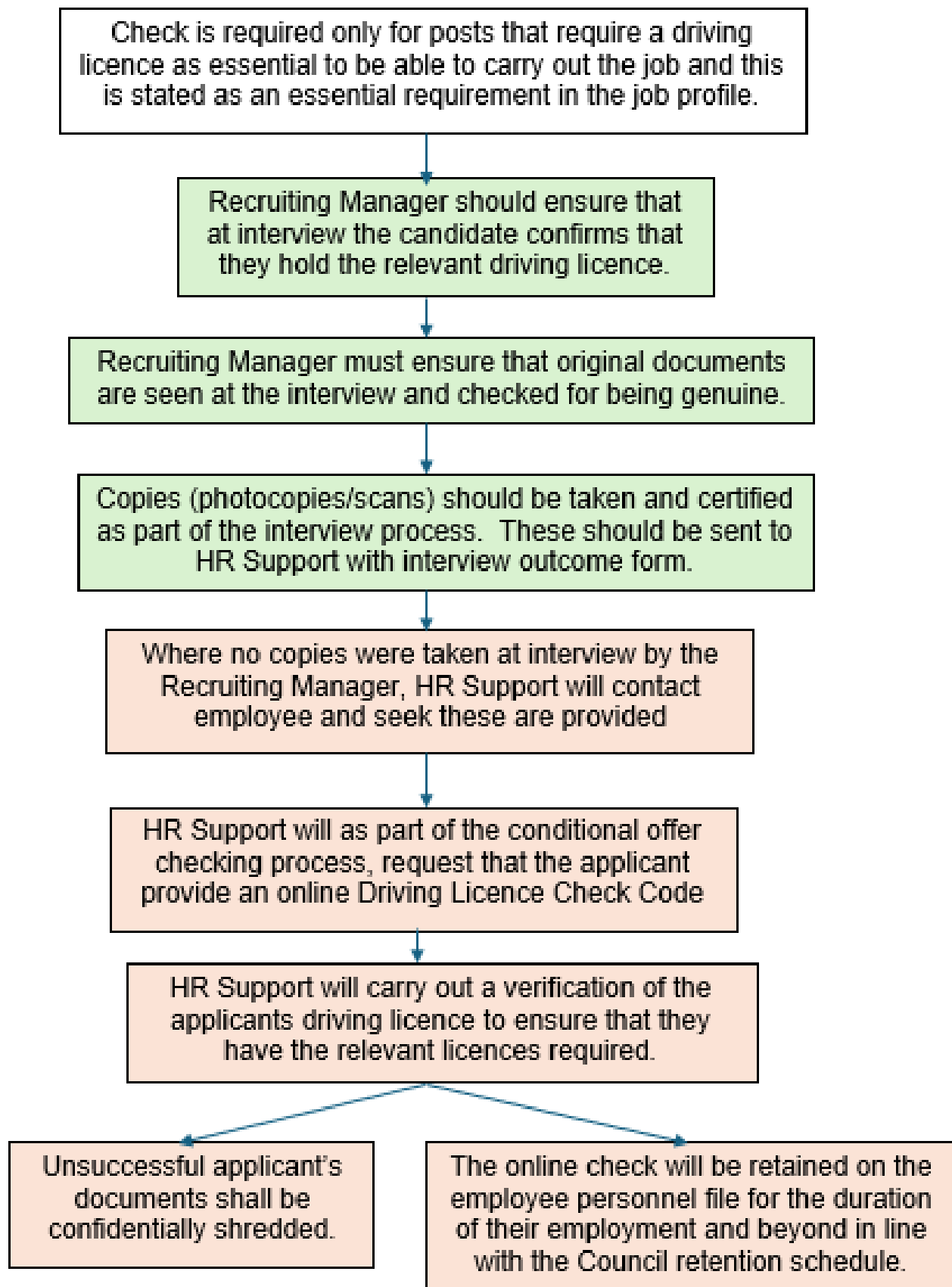
Skilled Worker Sponsorship Process Flowchart



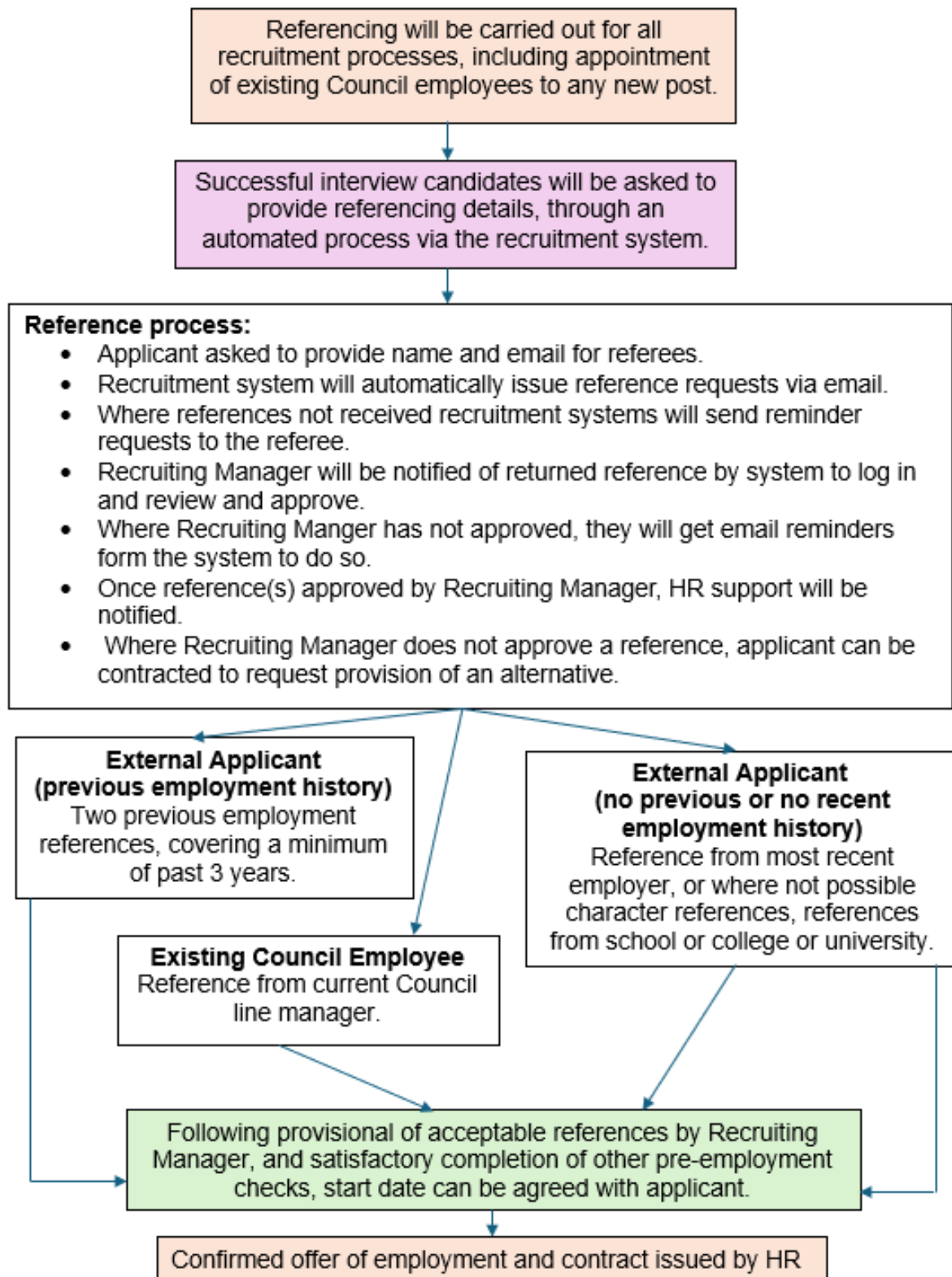


If you are in any doubt over any aspect of sponsorship, please contact your Service HR Adviser or email hradviser@orkney.gov.uk.

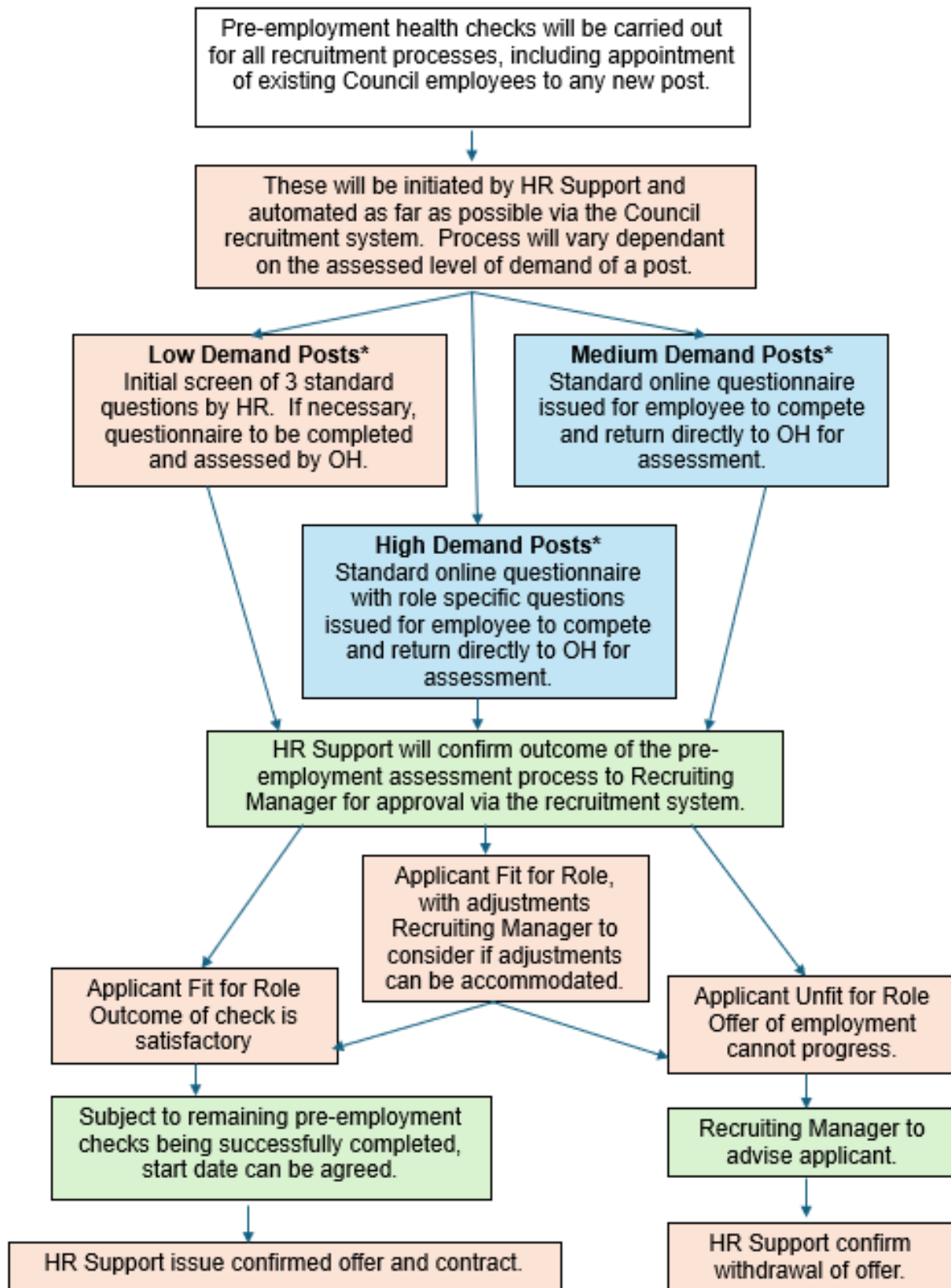
Essential Driving Licence Check Process Flowchart



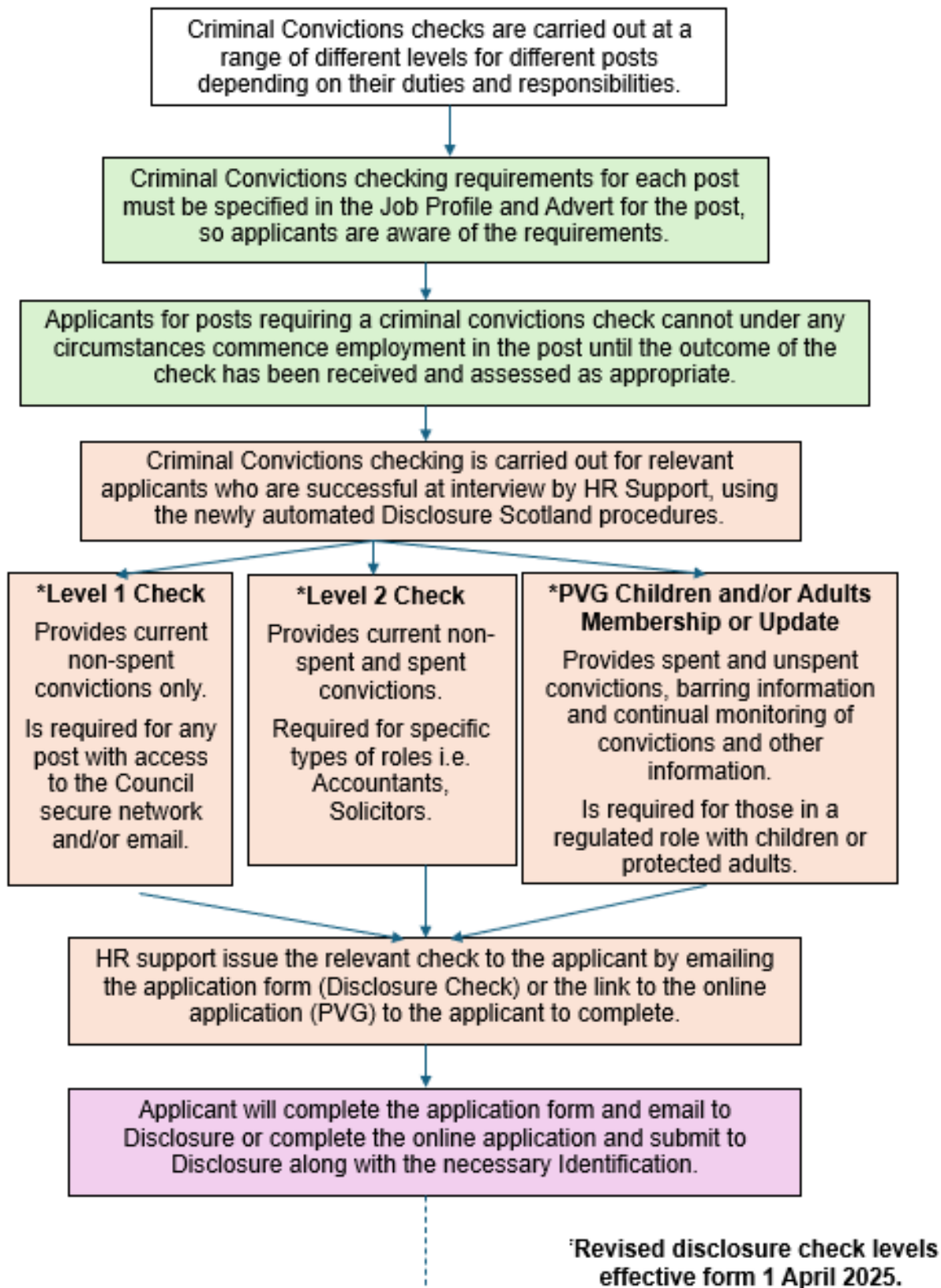
Reference Checks Process Flowchart

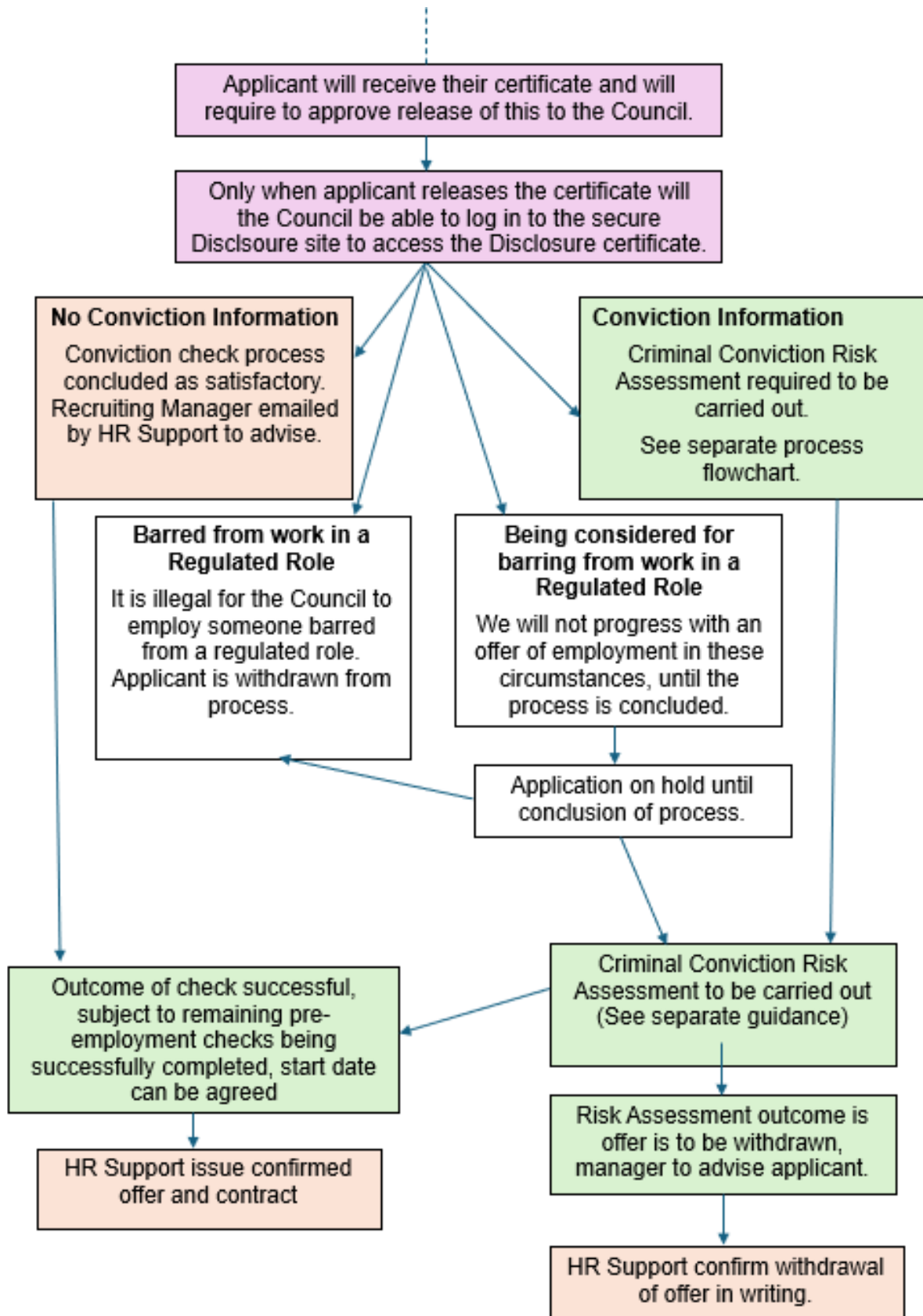


Pre-Employment Health Clearance Process Flowchart

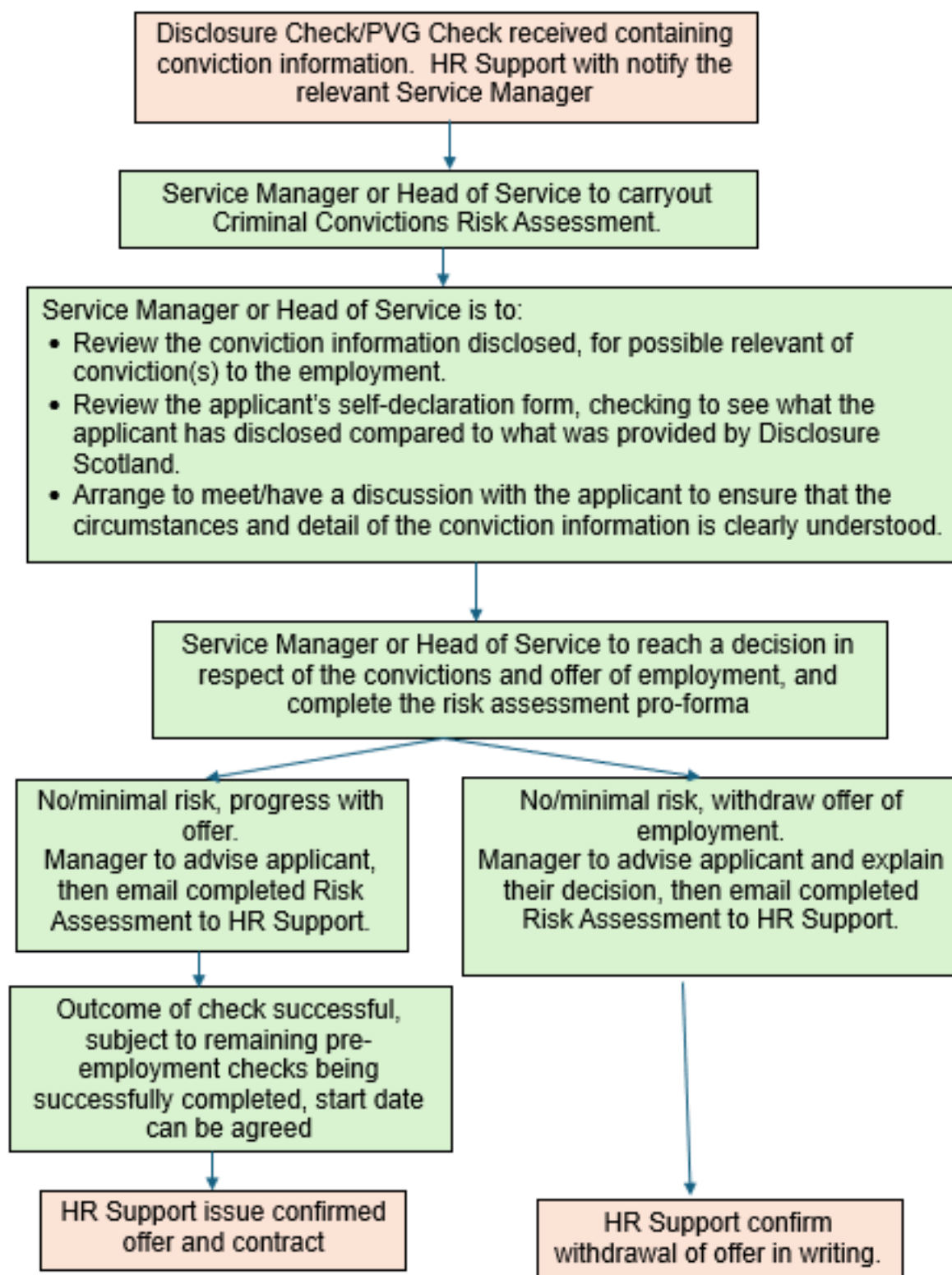


Criminal Convictions Checks Process Flowchart



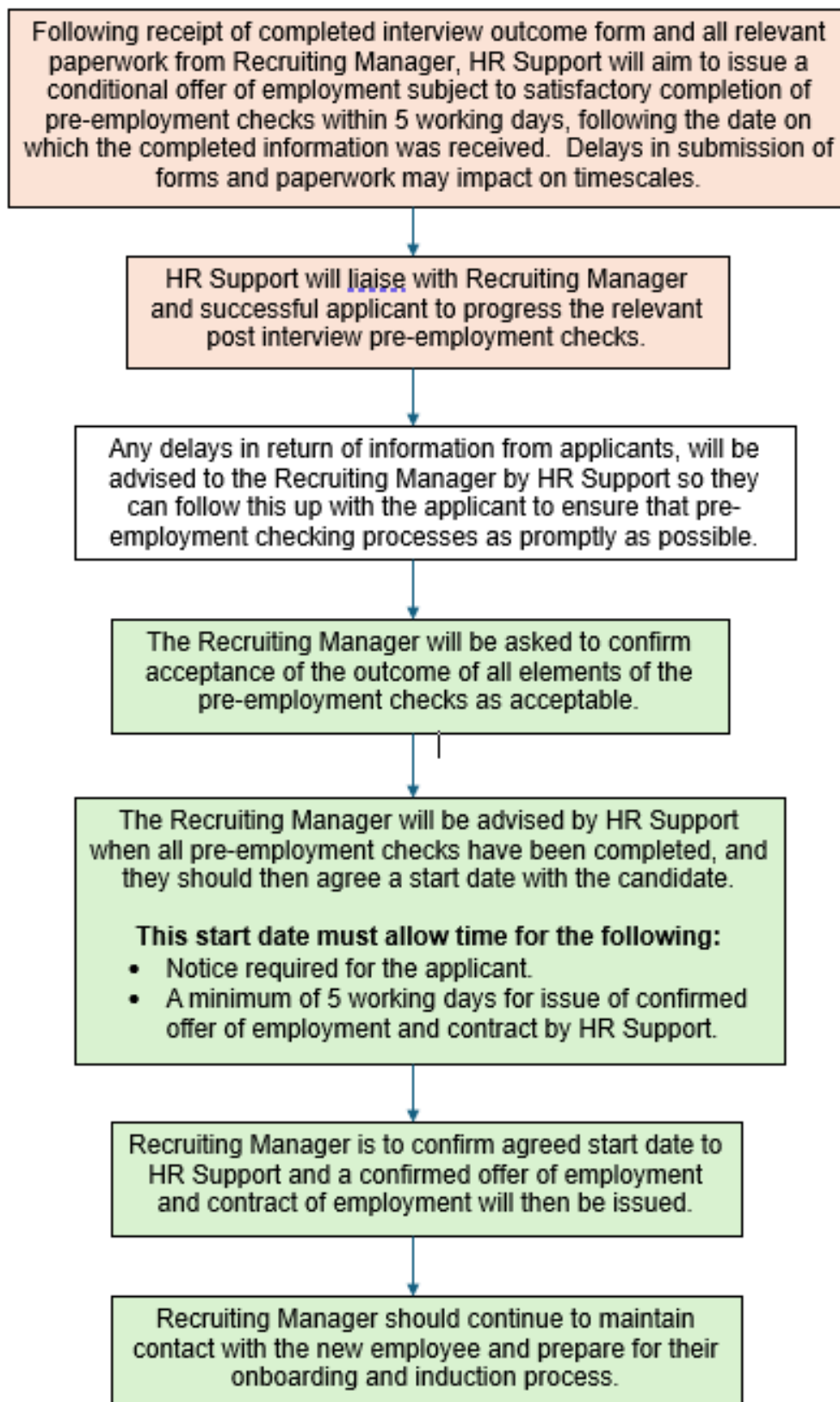


Criminal Record Risk Assessment Process Flowchart



5. Offer Process

5.1. Offer Process Flowchart



5.2. Conditional Verbal Offer or Employment

It is the responsibility of the Recruiting Manager to contact the successful candidate as soon as possible after the decision has been made to offer them a post conditionally and to ensure that the offer given is specified as being subject to satisfactory pre-employment checks.

5.2.1. Verbal Offer is Accepted

Where the applicant accepts the conditional offer, the Recruiting Manager should outline the process and way forward:

Applicant will received confirmation of conditional offer via email within the next week.

Applicant will receive separate emails outlining the pre-employment checks required and what is expected of them to complete these.

Upon successful completion of pre-employment checks the Recruiting Manager will look to agree a start date with the individual.

This start date will allow sufficient time for the confirmed offer and contract to be issued and for the employee to resign and work their notice with any current employer.

The Recruiting Manager will operate as the main point of support and contact for successful applicants throughout the pre-employment stage, providing advice guidance and assistance.

The Recruiting Manager should maintain ongoing, engagement and contact with the successful applicant(s) though this period.

The Recruiting Manager should also be prepared for requests for feedback from unsuccessful candidates.

For further guidance on making an offer and providing feedback see separate guidance on providing feedback to applicants.

5.2.2. Verbal Offer is not Accepted.

Where the applicant does not accept the verbal offer, where there is an agreed second choice, appointable applicant from the interview, the Recruiting Manager should contact them and make a verbal offer as outlined in 4.1. above.

Where the recruiting panel did not agree an appointable second choice applicant, the Recruiting Manager will need to confirm with all panel members that the verbal offer has been declined by the first-choice applicant and whether they are to make a verbal offer to a second-choice applicant or not.

Where the panel do not agree this or there are no other appointable applicants, the recruitment process concludes with no appointment which should be confirmed to HR Support in the normal manner.

In these circumstances the Recruiting Manager will require to consider the way forward for the vacancy. Please refer to Section 1 of this procedure, Preparing for Recruitment.

5.3. Issuing Formal Conditional Offer

The Recruiting Manager should provide the Interview Outcome Confirmation Form to HR Support, upon receipt of which, HR Support will then issue a conditional offer/contract to the successful candidate(s).

HR Support aim to issue conditional offers of employment within five working days of receipt of all completed paperwork from the Recruiting Manager. The five working days exclude the day on which the papers are received by HR.

This stage will include conducting pre-employment checks including any not completed in the interview as confirmed in section four of this document.

5.4. Agreeing a Start Date

Upon satisfactory receipt of pre-employment checks, HR Support will confirm these are complete with the Recruiting Manager. The Recruiting Manager will contact the candidate to confirm a start date. The Recruiting Manager will then let HR Support know of the candidate's confirmed start date.

5.5. Issuing Confirmed Offer and Contract

Subject to successful completion of all pre-employment checks and following confirmation of the agreed start, HR Support will issue the confirmed offer and the contract of employment. HR Support will aim to issue these within five working days of receipt of the agreed start date of employment. Upon receipt of these documents, the employee must review, sign, and return them to HR Support.

Where a new employee has not returned any or all the signed documentation, HR Support will notify the Recruiting Manager who must ensure that no later than the end of the first week of employment, the outstanding documentation is provided by the employee to HR Support.

5.6. Commencing Employment in Role

It is often the case that successful candidates who have been offered and accepted a role, will have to work a notice period with their current employer before they can start with the Council, and these can vary in length from person to person.

It is vital therefore during any such period before they start in post with the Council that the line manager stays connected with their new team member before they start employment to begin building a good employment relationship, and to help set and manage their expectations before they join.

For guidance on what a line manager should consider before, during and after their new team member starts, please see the New Employee Induction Manager's Guide.

6. Supporting Documentation

The following documentation support and should be read along with the Council Recruitment and Selection Policy and Procedures.

These documents are available on My View/Useful HR as indicated below or from HR Support.

6.1. Supporting Forms and Guidance

- Job Profile Template.
- Change in Establishment Process, Guidance and Form.
- Job Advert Template.
- Vacancy Upload Process Guidance.
- Vacancy Management Process Guidance and Form.
- List of Jobs Pre-employment Health Categories.
- List of Jobs Criminal Convictions Categorisation.
- Reference Template.
- Criminal Convictions Risk Assessment Guidance and Form.
- Shortlisting Outcome Form.
- Interview/Selection Outcome Form.
- Offer of Employment Guidance.
- Feeding back to Unsuccessful Candidates
- New Employee Induction Manager's Guide

6.2. Supporting Policies

Relocation Policy.

Market Supplement Policy.

Recruiting Migrant Workers Guidance.

Job Review, Evaluation and Appeal Policy and Procedure.



Recruiting Migrant Workers Guidance
May 2025

Document Control Sheet.

Review / approval history.

Date.	Name.	Position.	Version Approved.
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Date.	Author.	Version.	Status.	Reason.

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1.Introduction

Orkney Islands Council is committed to being an employer of choice and to supportive employment policies and procedures to assist individuals dealing with life situations. This approach starts with attracting and recruiting employees, through ensuring that our Recruitment and Selection processes are fair, consistent, and legally compliant.

Corporate Directors and the Head of Human Resources and Organisational Development are responsible for ensuring appropriate training, briefing or guidance on recruitment and specifically recruitment of migrant workers and ensuring statutory compliance and the smooth and effective operation of the process of employing migrant workers.

Corporate Directors and Heads of Service are responsible for the management of their Service and therefore have the responsibility of managing the operational, service delivery and budgetary implications of recruitment.

People Managers are responsible for ensuring that Council Recruitment and Selection Policy and guidance is applied fairly and consistently in all recruitment activities and for ensuring that all necessary right to work in the UK checks are carried out to prevent illegal working.

Purpose of guidance:

- Inform people managers of the UK immigration law requirements on recruiting migrants.
- Inform people managers of the statutory obligations of sponsoring of employees under the Council sponsorship licence.
- Ensure a consistent approach to employment of migrant workers.
- Preventing illegal working.

2.Principles

Employers in the United Kingdom are required to ensure that any employee or potential employee is legally entitled to work in the UK and is not subject to any immigration control which would prevent them from doing so. The UK Border & Immigration Agency provides further advice.

This guidance provides information on how and when to conduct a right to work check. You should also refer to the following documents –

[Code of Practice on Preventing Illegal Working: Right to Work Scheme for Employers](#)

[Code of Practice for Employers: Avoiding Unlawful Discrimination while Preventing Illegal Working](#)

3.Right to Work Checks

It is the Council’s legal obligation to conduct right-to-work checks to ensure that prospective employees can legally work in the UK. A maximum fine of £60,000 may be imposed for each illegal worker, on the Council or on the individual Recruiting Manager.

Additionally, there is a requirement to ensure that the correct right-to-work checks are conducted, conducted properly and that the appropriate, original documentation is seen, and certified copies taken and retained.

It is essential that People Managers and all officers involved in the recruitment of employees for the Council conduct these checks before an offer of employment is made.

People Managers leading recruitment processes are responsible for conducting sufficient checks to ensure that they and the Council are protected from acting illegally. The purpose of this guidance is to provide guidance and processes that require to be conducted by People Managers leading recruitment to ensure that migrant workers are lawfully recruited and employed.

As a People Manager responsible for conducting right to work checks you must follow this Home Office Code of Practice. If you follow this guidance and the Code of Practice you will have a statutory excuse for any civil penalty if you are found to have employed someone who is prevented from conducting the work, by reason of their immigration status.

[Employers Guide to Right to Work Checks](#)

[How to conduct a Right to Work Check](#)

Carrying out
Right to Work
Checks for
Prospective
Employees

Are the documents acceptable?
Normally a passport or birth certificate along with a document giving NI number
(see full list for all accepted documents)

Are they genuine and belong to the individual who has provided them?
Check photo is a true likeness
Check dates of birth on passport and any visa match

Copy & Certify
All documents should be certified by the person carrying out the check. Write:
“ the date on which this right to work check was made: ”
and then sign. Return via email to HR Support along with interview notes.

3.1. Checking and Verifying Proof of Identity and the Right to Work in the UK

The main requirements for People Managers are to undertake a manual document-based check and verify proof of identification that individuals have the right to work in the UK, as part of the interview process. Further guidance is available in the Council Recruitment and Selection Policy.

3.1.1. Manual Identify Checks

At each interview, the Chair of the Panel should ask **all** candidates (including any existing employee of the Council) for proof of their identity.

Interview candidates must be advised of the requirement to provide this identification in the interview arrangements correspondence. HR Support will normally conduct this, but where Services are arranging interviews directly, they must ensure that the same information is provided.

No offer of employment should be made (including a conditional offer) without this having been conducted.

3.1.2. Checking the Documents

Any of the following documents are appropriate proof of identity:

- A passport showing that the holder is a British citizen.
- A passport showing that the holder has a right of abode in the UK (a visa stamp).
- A passport or other travel document endorsed to show that the holder is exempt from immigration control, can stay indefinitely in the United Kingdom, or has no time limit on their stay.
- A passport or other travel document endorsed to show that the holder can stay in the United Kingdom - and that this endorsement allows the holder to do the type of work you are offering provided it does not require a work permit or certificate of sponsorship (CoS).
- An Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to accept employment.
- If the individual has an EU County (excluding Ireland) or Swiss passport, settled status needs to be checked. See 4.2-4.4 below.

It is the Chair of the Interview Panel's responsibility to check the documents carefully.

For manual identity checks, all the documents provided must be originals. Photocopies, printouts, or other copies are not acceptable. Documents should be checked for authenticity regarding the following:

- Photographs - does the person look like the photographs on their documents?
- Date of birth - is the date consistent with the appearance of the candidate?
- Expiry dates - if the documents have an expiry date - are they still within the validity period?

- Stamps and endorsements - do the passport stamps (visas) allow your job applicant to do the type of work you are offering?
- Name - is the same name used on all the documents?

3.1.3. Copying and Storing copies of the Documents

When the Chair of the Interview Panel is satisfied that the candidate's documents are genuine and entitle the person to work in the UK, they must take copies of them, ensuring that:

- The copy is clear, all information can be read, and any photograph is visible, and that all relevant pages are copied, front and back.
- The copy must be in a format which cannot be manually altered i.e. photocopy, digital scan, or digital photograph.

Where a photocopy is taken, this must be signed and dated by the Chair of the Interview Panel, as confirmation that:

- They have seen the original documentation.
- That the document identifies the person accurately.
- That any photograph is a true likeness of the person they have seen.
- That the document evidences the individual's right to work legally in the UK.

Where a digital scan/photograph is taken, when emailing these to HR Support the Chair of the Panel must ensure that the covering email confirms the validation criteria as detailed above.

The certified copies of documents must be securely sent to HR Support, no copies should be retained by the manager or service.

Certified documentation for successful candidates will be retained by the Council for the duration of the individual's employment, and then confidentially destroyed in line with the Council Retention Schedule.

Documentation for unsuccessful interview candidates will be confidentially destroyed by HR Support in line with all other recruitment paperwork in line with the Council Retention Schedule.

4. Recruiting post Brexit

4.1. British and Irish Citizens

British and Irish citizens continue to have the right to work in the UK and do not require to meet the points-based immigration rules.

We must still check and evidence British and Irish citizens' right to legally work in the UK and this is normally done through seeing:

- A British passport.
- An Irish passport or passport card.
- A UK birth or adoption certificate.
- An Irish birth or adoption certificate.
- A certificate of registration or naturalisation as a British citizen.

and

- An official letter or document from a previous employer or government agency i.e. HM Revenue and Customs, the Department for Work and Pensions or the Social Security Agency in Northern Ireland.

Copies of these documents should be taken, certified and retained.

[UK and Irish Citizens Evidence to prove Right to Work in UK](#)

4.2. EU/EEA Citizens, excluding Irish Citizens (Settled Status Scheme)

On 31 December 2020, free movement of people between the UK and EU (except Ireland), EEA countries and Switzerland ended.

EU, EEA, and Swiss nationals living in the UK before 1 January 2021 had to apply for 'pre-settled' status if they have been in the UK for less than 5 years, or 'settled status' if they have been in the UK for 5 years or longer.

This will give them the right to (continue to) work in the UK. To legally recruit a candidate with an EU, EEA or Swiss nationality living in the UK, the lead officer will have to check their settled status.

Until 1 July 2021, EU, EEA, and Swiss nationals who were living in the UK had the right to work in the UK based on their nationality.

After 1 July 2021, they can only work in the UK if they have settled status.

Individuals with an Irish passport do not need to apply for settled status and can continue to live and work in the UK based on their nationality.

EU/EEA/Swiss Nationals who were not resident in the UK prior to 31 December 2020 cannot make use of the Settled Status Scheme and must satisfy the UK points-based immigration provision as detailed in section 4.3 and 4.4 below.

4.3. UK Points Based Immigration Scheme

As a result of the UK leaving the EU, the free movement of EU citizens ended on 31 December 2020 and a new points-based immigration system, that applies to both European Economic Area (EEA) nationals (excluding Ireland) and non-EEA nationals, came into effect from 1 January 2021.

Under the new system, foreign nationals including European citizens (not able to get settled status) need to pass a points-based assessment before they are given permission to enter or remain in the UK or undertake work in the UK.

4.4. Sponsorship - Skilled Worker Sponsor Licence

Orkney Islands Council holds a Skilled Worker Licence which can allow individuals to come to the UK from outwith Britain, Ireland and for those EU/EEA citizens not able to access Settled Status Scheme to undertake an eligible job within the Council.

It is important to note that being able to sponsor an individual and getting a certificate of sponsorship for them are not the same thing. The UK Government control the number of sponsorships that can be issued, and this can result in the situation that, even where a post is eligible for sponsorship, a certificate of sponsorship may not be issued.

The process of applying for a certificate of sponsorship is complex, involves the applicant and the Council having to progress various stages and can from experience take up to three months for confirmation of a certificate of sponsorship being issued.

The UK Government announced changes to the immigration system that took effect on 4 April 2024. The changes impact the criteria and requirements for the Skilled Worker sponsorship route, which allows the organisation to recruit people to work in the UK in a specific job, in an eligible skilled occupation.

The Council can only seek a certificate of sponsorship for a General Skilled Worker visa if they meet the below requirements:

- The salary meets the new general annual salary threshold (minimum) of £38,700 (this cannot be pro-rated), or going rate for the occupation code, whichever is highest.
 - The salary earnings able to be considered for determination if the criterion for sponsorship is met excludes Distant Islands Allowance.

OR

- The post is a job on the Immigration Salary List (ISL) (which replaced the Shortage Occupation List (SOL)).
 - Occupations on the ISL can be recruited to on a salary below the general salary threshold. These occupations will still need to meet a threshold of either £23,200 (for Health and Care Visas), £30,960 (for General Skilled Worker visas), or their occupation-specific threshold, whichever is higher.

[Skilled Worker Visa: Eligible Occupations and Codes](#)

[Skilled Worker Visa: Eligible Occupation Coding Tool](#)

[Skilled Worker Visa: Immigration Salary List \(ISL\)](#)

[Skilled Worker Visa: Going Rates for Eligible Occupation Codes](#)

[Skilled Worker Visa: Healthcare or Education](#)

[Skilled Worker Visa: Healthcare or Education Eligible Jobs](#)

[Health and Care Worker Visa](#)

[Health and Care Worker Visa: Eligible Jobs](#)

4.4.1. Defined/Undefined Certificates of Sponsorship

There are two different types of Certificates of Sponsorship that the Council has access to via the Home Office, each has its own circumstances that they are applicable in and may have limited numbers:

Defined Certificate of Sponsorship

These are applicable for applicants applying for a Skilled Worker Visa (including Health and Care Worker Visa) and they are resident outside of the UK at the time of their application.

Any time the Council seeks sponsorship for an applicant from outside of the UK, there is no allocated number for the Council. The Council has to make an application of Sponsorship as normal and then it will be down to the Home Office if they will be prepared to allow this.

Undefined Certificate of Sponsorship

These are applicable for applicants applying for a Skilled Worker Visa (including Health and Care Worker Visa) and they are resident within the UK at the time of their application and includes a UK based applicant switching from another form of Visa to a Skilled Worker Visa (including Health and Care Worker Visa).

The Home Office has a set allocation of these that the Council can use each year. Once this allocation is used up, the Council can apply to the Home Office for an increase, but there is no guarantee that any more will be provided. The application process can take 18 weeks.

4.4.2. Level of English

Candidates will usually need to prove their knowledge of the English language when they apply for the visa unless they did this in a previous successful visa application.

4.4.3. Sponsorship before 4 April 2024

If an individual received a Certificate of Sponsorship (CoS) before 4 April 2024, they may be able to meet lower salary requirements.

Employees can be paid whichever is higher of £29,000, or the lower going rate for their occupation if they make an application to:

- Apply to this visa.
- Extend their visa.
- Update their visa.
- Change to this visa.

Lower salary requirements will only be in place for applications made before 4 April 2030. These salary requirements will be updated regularly, and their salary will still need to rise in line with the updated going rates each time they apply.

4.4.4. When Individuals Can be Paid Less

Individuals can be paid between 70% and 90% of the lower going rate for a job if the salary is at least £23,200 per year and they meet one of the following criteria:

- The job is on the immigration salary list.
- Under 26 years old, studying or a recent graduate, or in professional training.
- Science, technology, engineering, or maths (STEM) PhD level qualification that is relevant to the job (if they have a relevant PhD level qualification in any other subject your salary must be at least £26,100).
- Postdoctoral position in science or higher education.

Check how much employees will need to be paid for these jobs in the going rates table.

There are different salary rules for some healthcare or education jobs.

There are costs attached to sponsorship and the Lead Recruiting Officer must have budget responsibility or approval to proceed.

If you are considering recruiting a candidate from out with the UK, you must contact HR for advice by emailing hradviser@orkney.gov.uk.

4.5. Checking an Individual's Right to Work in the UK

To view a job applicant's right-to-work in the UK status, visit the UK Government/view-right-to-work site. [UK Government Right to Work Check](#)

You will need the applicant's date of birth and their right-to-work share code.

Guidance for applicants on getting a share code is available on the UK Government website. [Getting a Right to Work share code](#)

British and Irish citizens will not be able to access a share code, their documents should be manually checked. [UK and Irish Citizens Evidence to prove Right to Work in UK](#)

The document produced from any right-to-work check on the website must be downloaded and sent to HR Support.

5. Legal obligations as a Licensed Sponsor

The Council, as a Skilled Worker Sponsor, is expected to take responsibility for making sure that migrants comply with their immigration conditions. Managers must keep records on each migrant employee and report any changes to HR and the UK Border Agency, such as if they do not turn up for work, change address or leave the Council's employment. If we do not comply with these duties, we can have our licence downgraded or withdrawn.

There are legal implications if employers are found to be employing individuals who do not have the right-to-work in the UK. Employers could receive a civil penalty of £60,000 per worker if they do not have the right to work in the UK.

As a licensed sponsor, the Council is under a range of legal duties, which it must comply with, or it may have its ability to sponsor employees restricted or removed.

These obligations are:

- Reporting.
- Record Keeping.
- Complying with Immigration laws.
- Complying with wider UK laws.
- Not engaging in behaviours or actions that are not conducive to the public good.

A summary of the obligations follows, but full details can be found in the UK Government guide:

[Workers and Temporary Workers: guidance for sponsors Part 3: Sponsors duties and compliance](#)

5.1. Reporting

The Council must advise the Home Office, via the Sponsorship Management System (managed by HR) within 10 working days of any of these changes of circumstances:

- A sponsored worker does not start the role for which the Council is sponsoring them within 28 days.
- A sponsored worker is absent without permission for more than 10 consecutive working days. NB this would include any period of sickness absence that is not appropriately medically certified.
- A sponsored worker is absent from work without pay, or on reduced pay, for more than 4 weeks in total in any calendar year. NB this would include periods of sickness absence that are on half pay or no pay or periods of unpaid leave of absence.
- A sponsored worker's salary or pay is in any other way reduced from the level stated on their certificate of sponsorship.

- There are significant changes to the details of the worker's employment, other than those which require a change of employment application, such as: a change of job role, job title or core duties, or a promotion, provided the change is within the same occupation code.
- A sponsored worker's normal work location, as recorded in the certificate of sponsorship changes.
- Where the Council stops sponsoring a worker for any reason.

5.2. Record Keeping

The Council must maintain specific records for each sponsored employee and is required to keep these for a minimum of one year beyond the period of which it sponsors that individual.

The documentation that must be retained is:

- Evidence to confirm the Council has checked they have the legal right to work in the UK.
- Evidence of the worker's date of entry to the UK, where appropriate.
- Evidence of the worker's National Insurance number.
- A history of the workers contacts details (UK residential addresses, personal email address, telephone number and that this must always be kept up to date.
- A copy of the workers Criminal Convictions checks, where required.
- A record of the worker's absences.
- Evidence of the recruitment process for the sponsored worker, including evidence of satisfying the resident labour market test (or similar) as required.

Full details of all the record keeping requirements are detailed in UK Government guide:

[Workers, Temporary Workers, and Students: guidance for sponsors Appendix D: keeping documents - guidance for sponsors.](#)

Human Resources will normally maintain the documentary records; however, managers must ensure that these are provided and that changes to employee contract details are updated.

5.3. Complying with Immigration Laws

The Council must comply with all UK immigration laws and all parts of the Worker and Temporary Workers Sponsor Guidance, to do so the Council must:

- Only employ workers who are appropriately qualified, registered or experienced to do the job or will be by the time they begin the job – for example, if the worker will be sponsored as a doctor, you must make sure they have the correct registration that allows them to practise legally in the UK.
- Keep a copy of any registration document, certificate or reference that confirms they meet the requirements of the specific job and give this to us on request – we may request further information or evidence from you or the worker to confirm this requirement is met.

- Not employ workers where they do not have the experience, qualifications, or immigration permission to do the job in question, and stop employing any workers who, for any reason, are no longer entitled to do the job.
- Not assign a CoS where there is no genuine vacancy or role which meets the Worker or Temporary Worker criteria.
- Only allow the worker to undertake the roles permitted by the conditions of their stay.
- Only assign a CoS to workers who you believe will meet the immigration requirements of the route on which you propose to sponsor them and are likely to comply with the conditions of their permission.
- Not allow a sponsorship management system (SMS) user to assign their own CoS or assign a CoS to someone who is a close relative or partner of theirs.
- Disclose (by adding a sponsor note) if you know, or can reasonably be expected to know, that an SMS user has assigned a CoS to a close relative or partner of anyone else within the sponsor organisation.
- Only assign a CoS to a worker if you are satisfied, they intend to, and can, fill the role.
- Where relevant, understand and fulfil your responsibilities in relation to the Academic Technology Approval Scheme (ATAS) requirement.

5.4. Complying with wider UK Laws

The Council has a duty to comply with wider UK law (other than immigration law). This includes, but is not limited to:

- Complying with UK employment law, including, but not limited to, National Minimum Wage, the Working Time Regulations, and (where required) enrolling your employees on a pension scheme.
- Complying with illegal working and right-to-rent legislation.
- Holding suitable planning permission, local planning authority consent or any legally required licence registration or approval to run your type/class of business at your trading address (where this is a local authority requirement).
- If you are a food business, being registered with or approved by the relevant food authority.
- If you are required to be registered with or inspected or monitored by a statutory body to operate lawfully in the UK (such as a nursing or care home, financial or insurance business, or healthcare provider), ensuring you are registered with the appropriate body.
- Only employing a worker who has had a Disclosure Scotland check, where this is a requirement for the role.
- Where relevant, complying with our requirements on safeguarding children – see section L2 of Part 1: Apply for a licence for further information.
- Not engaging in any criminal activity.
- Not being subject to UK or UN imposed sanctions.
- Paying VAT or other duty penalties.

5.5. Not engaging in behaviours or actions that are not conducive to the public good

All sponsors have a responsibility to behave in a manner that is consistent with the UK fundamental values and is not detrimental to the wider public good.

The Home Office will not license organisations whose actions and behaviour are non-conducive to the public good. Such actions and behaviour include but are not limited to:

- Fostering hatred or inter-community division.
- Fomenting, justifying or glorifying terrorism.
- Rejecting the rights of, or discriminating against, other groups or individuals based on their sex, age, disability, gender reassignment, sexual orientation, marital or civil partnership status, race, or religion or belief (including lack of belief).

The Home Office will refuse a sponsor licence application or take the appropriate compliance actions if a prospective or existing sponsor is engaging, or has ever engaged, in such behaviour or actions. The compliance action taken will depend on the gravity of the behaviour and actions but could include compliance actions up to and including revocation of your licence.

6. Costs of Sponsorship

6.1. Costs for the Employing Manager/Service

Certificate of Sponsorship

The current cost for a certificate of sponsorship is £239.

Immigration Skills Charge

Where a Certificate of Sponsorship is assigned to an individual, under the Skilled Worker Route, an immigration skills charge must be paid by the sponsor where the individual to be sponsored is either:

Applying for their visa from outside of the UK to work in the UK for 6 months or more or inside the UK for working for any length of time.

There are a small number of types of employment that will not carry an immigration skills charge. [Immigration Skills Charge Information](#)

The current immigration skills charge is £1,000 for the first 12 months, then an additional £500 for each 6-month period thereafter, up to a maximum of £5,000 for a 5-year sponsorship certificate which is the maximum period a CoS can be issued for.

The immigration skills charge must be paid in full at the time of allocation of the CoS and will normally be charged to the Budgeted Code supplied for the advertising of the post unless HR are advised of an alternative.

6.2. Costs for the Sponsored Employee

The individual to be sponsored by the Council must apply for their Skilled Worker Visa, which will require them to pay for various things:

Application Fee (as of March 2025)
£719 for visa of up to 3 years.
£1,639 for visa of more than 3 years.
If the job is on the immigration salary list the application fee is reduced:
£551 for visa of up to 3 years.
£1,084 for visa of more than 3 years.

Healthcare Surcharge (as of March 2025)
£1,035 per year (maximum of 5 years)

Individual Applicants Funds (as of March 2025)

Individuals will also need to evidence funds of at least £1,270 (currently) in their bank account to show they can support themselves in the UK.
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Where an individual is also taking family members, they will incur application fees and Healthcare Surcharges for everyone.

7. Further Resources

If you have any questions in relation to Sponsorship of an employee, visas or right-to-work in the UK please contact Human Resources.

There are various helpful links throughout this guidance to important UK Government Home Office information, which are summarised in this guidance and should be read carefully when considering sponsoring.

7.1. GOV.UK Web Links

[Code of Practice on Preventing Illegal Working: Right to Work Scheme for Employers](#)

[Code of Practice for Employers: Avoiding Unlawful Discrimination while Preventing Illegal Working](#)

[Employers Guide to Right to Work Checks](#)

[How to carry out a Right to Work Check](#)

[UK and Irish Citizens Evidence to prove Right to Work in UK](#)

[Workers and Temporary Workers: Sponsor a Skilled Worker Guide](#)

[Skilled Worker Visa: Eligible Occupations and Codes](#)

[Skilled Worker Visa: Eligible Occupation Coding Tool](#)

[Skilled Worker Visa: Immigration Salary List \(ISL\)](#)

[Skilled Worker Visa: Going Rates for Eligible Occupation Codes](#)

[Skilled Worker Visa: Healthcare or Education](#)

[Skilled Worker Visa: Healthcare or Education Eligible Jobs](#)

[Health and Care Worker Visa](#)

[Health and Care Worker Visa: Eligible Jobs](#)

[UK Government Right to Work Check](#)

[Getting a Right to Work share code](#)

[UK and Irish Citizens Evidence to prove Right to Work in UK](#)

[Worker and Temporary Workers: Guidance for Sponsors Part 2: General Information](#)

[Workers and Temporary Workers: Guidance for Sponsors Part 3: Sponsors Duties and Compliance](#)

[Workers, Temporary Workers, and Students: guidance for sponsors Appendix D: keeping documents - guidance for sponsors.](#)

[Immigration Skills Charge Information](#)

Appendix 1: Visa Quick Overviews

These quick overviews are only intended to be a brief summary of the requirements for each visa and should not be taken as a definitive list of visa options or that the information provided is full in terms of qualification.

For full information please refer to the links to the UK Government website information or contact HR Operations with any specific query.

All costs/figures are correct as of August 2024.

Visas covered are:

A1.1. General Skilled Worker Visa

A1.2. Health and Care Worker Visa (Skilled Worker Visa)

A1.3 Other Types of Visa (Non-Sponsored)

A1.1. Skilled Worker Visa

<p>To Qualify</p>	<ul style="list-style-type: none"> • Must work for or have an offer of employment from a UK employer that has been approved by the Home Office. • Have a Certificate of Sponsorship (CoS) form the employer with information about the role they have been offered in the UK. • Job must the on the list of eligible occupations. • Be paid a minimum salary – how much depends on the type of work you do and the date you got your CoS. • Must have a confirmed job offer before applying for a Visa. • Must be able to speak, read and understand English, this will include proving this in the Visa application process.
<p>Eligible Occupations</p>	<p>Skilled Worker Visa - Table of Eligible Jobs.</p>
<p>Length of Visa/Sponsorship</p>	<p>Maximum duration of 5 years in any visa, may be extendable or individuals may be eligible to apply for permanent right to remain in UK.</p>
<p>Minimum Salary Requirements</p>	<ul style="list-style-type: none"> • Normally the minimum salary requirement will be either £38,700 or the going rate for the job <u>whichever is higher</u>. <p>Skilled Worker Visa - Going Rates (minimum salaries) Table</p> <ul style="list-style-type: none"> • If the post is on the Immigration Salaries List, the minimum earnings of £30,960 or the going rate for the job <u>whichever is higher</u>. <p>Skilled Workers Immigration Salaries List Going Rates Table</p> <ul style="list-style-type: none"> • Where the individual is either: <ul style="list-style-type: none"> ○ Under 26. ○ Currently in the UK on a Student Visa study at Batchelors degree level or above or have been in the last 2 years and a Student or Visit Visa was the last Visa. ○ Currently in the UK on a Graduate Visa or have been in the last 2 years.

	<ul style="list-style-type: none"> ○ Working towards a recognised qualification in a UK Regulated Profession. ○ Working towards full registration or chartered status in the job they are being sponsored for. ○ Must be paid at least 70% of the going rate for the job or £30,960 <u>whichever is greater</u>. ● Where the individual has a UK PhD or equivalent doctorate-level overseas qualification), which is relevant to the job they will be doing, they must either: <ul style="list-style-type: none"> ○ Be paid 80% of the going rate for the job or £30,960 where the PhD is in a STEM subject, or ○ Be paid 90% of the going rate for the job or £30,960 where the PhD is <u>not</u> in a STEM subject. <p>Skilled Worker Visa - Jobs that Qualify for a PhD discount.</p> <p>Skilled Worker, under 26, study, training of in a postdoctoral role Going Rates Table</p> <ul style="list-style-type: none"> ● When calculating minimum earnings: <ul style="list-style-type: none"> ○ You <u>cannot</u> include Shift Allowances or Distant Islands Allowance. ○ You <u>cannot</u> pro rata the minimum requirement for any part-time worker. 	
<p>Costs for Sponsored Employee</p>	<p>Application Fee</p>	<p>£719 for visa of up to 3 years.</p> <p>£1,639 for visa of more than 3 years.</p> <p>If the job is on the immigration salary list the application fee is reduced:</p> <p>£551 for visa of up to 3 years.</p> <p>£1,084 for visa of more than 3 years.</p>

	Healthcare Surcharge	Currently £1,035 per year (maximum of 5 years = £5,175)
	Available Funds	Individuals seeking sponsorship must evidence in their Visa Application that they can support themselves in the first month in the UK and this required them to have at least £1,270 in the bank.
Costs for Sponsoring Employer These costs must be paid in full at the time of allocation of the CoS and will normally be changed to the Budget Code supplied for the advertising of the post unless HR are advised of an alternative.	Sponsorship Application	£239 per Certificate of Sponsorship application.
	Immigration Skills Charge	£1,000 for the first 12 months of Sponsorship. £500 for each additional 6-month period of sponsorship. Maximum of £5,000 for a 5-year Visa.

A1.2. Health and Care Worker Visa - [GOV.UK Skilled Worker Visa Information](https://www.gov.uk/skilled-worker-visa-information)

<p>To Qualify</p>	<ul style="list-style-type: none"> • Must be a <u>qualified</u> doctor, nurse, health professional or adult social care professional. • Work in an eligible occupation. • Work for a UK employer approved by the Home Office. • Have a certificate of Sponsorship (CoS) from the employer, with information about the role they have been offered in the UK. • Be paid the minimum salary – how much will depend on the type of work they are doing. • Must have a confirmed job offer before applying for a Visa. • Must be able to speak, read and understand English, this will include proving this in the Visa application process.
<p>Eligible Occupations</p>	<ul style="list-style-type: none"> • Care Workers and Home Carers (Occupation Code 6135) • Senior Carer Workers (Occupation Code 6136) • Social Workers (Occupation Code 2461) • Occupational Therapists (Occupation Code 2222) • Residential, Day/Domiciliary Care Managers and Owners (Occupation Code 1232) <p>Full List of eligible occupations - https://www.gov.uk/health-care-worker-visa/your-job</p>
<p>Length of Visa/Sponsorship</p>	<p>Maximum duration of 5 years in any visa, may be extendable or individuals may be eligible to apply for permanent right to remain in UK.</p>
<p>Minimum Salary Requirements</p>	<ul style="list-style-type: none"> • Care Workers and Home Carers (£23,200) • Senior Carer Workers (£23,200) • Social Workers (£29,000) • Occupational Therapists (£29,000) • Residential, Day/Domiciliary Care Managers and Owners (£28,700)

	<p>When calculating minimum earnings:</p> <ul style="list-style-type: none"> You <u>cannot</u> include Shift Allowances or Distant Islands Allowance. You <u>cannot</u> pro rata the minimum requirement for any part-time worker. 	
Costs for Sponsored Employee	Application Fee	£284 per person, for a Visa of up to 3 years. £551 per person for a Visa of more than 3 years.
	Healthcare Surcharge	There is no healthcare surcharge for sponsored employees or their family members under the Health and Care Visa.
	Available Funds	Individuals seeking sponsorship must evidence in their Visa Application that they can support themselves in the first month in the UK and this required them to have at least £1,270 in the bank.
Costs for Sponsoring Employer	Sponsorship Application	£239 per Certificate of Sponsorship application.
	Immigration Skills Charge	£1,000 for the first 12 months of Sponsorship. £500 for each additional 6-month period of sponsorship. Maximum of £5,000 for a 5-year Visa.
<p>These costs must be paid in full at the time of allocation of the CoS and will normally be changed to the Budget Code supplied for the advertising of the post unless HR are advised of an alternative.</p>		

A1.3. Other Types of Visas (non-Sponsored)

Student Visa

There significant restrictions on working on a Student Visa, therefore this would not normally be a Visa that the Council would see as enabling meaningful employment.

Graduate Visa

A Graduate Visa does for the duration of the Graduate studies provide for an ability to work in most posts, however it is likely that there will be restrictions on the maximum number of hours able to be worked during academic terms.

Revised HR Policy Review 2025 – Significant Changes Summary

1. Recruitment and Selection Policy

Conflict of Interest/Involvement in Recruitment	
Current Policy	Revised Policy – Section 8
Broadly no change of approach, simply some clarification.	<p>Where an applicant is a close relative of an employee or a Councillor, that employee or Councillor may not take part in that selection process.</p> <p>Where there is any other possible conflict of interest for a panel member, they should declare this to the Chair of the panel. They should determine if it is appropriate that they continue to be a member of the panel or not.</p> <p>Advice and guidance may be sought from Human Resources as required.</p>

Lobbying	
Current Policy	Revised Policy – Section 9
Broadly no change of approach, simply some clarification.	<p>Any applicant attempting to lobby a Council employee involved in the recruitment process or a Councillor, directly or indirectly, to secure an appointment or promotion will be disqualified from the recruitment and selection process for that post.</p> <p>If the individual determined to be lobbying is already an employee of Orkney Islands Council, they may be subject to action under the Council Disciplinary Policy and Procedures.</p> <p>Similarly Elected Members and employees will not advocate for the appointment of any individual from out with the selection process. This does not preclude the provision of a reference if requested to do so.</p>

Recruitment Incentives	
Current Policy	Revised Policy – Section 12
No current policy on recruitment incentives.	<p>Sets policy ability for the future for CLT to be able to implement short-term, temporary recruitment incentives, subject to there being a business case that is equality proofed.</p> <p>Any recruitment incentive must be supported by a business case that is equality proofed, temporary in nature, able to be funded within existing budget and will have agreed terms and conditions produced by HR and OD.</p> <p>Market Supplement Policy is being submitted for approval with revised R&S Policy.</p>

Job Description and Person Specification	
Current Policy	Revised Procedure – Section 1.3.1
<p>Current Job Description and Person Specification is lengthy, complex, unattractive to applicants, too much a list of tasks and not a broad descriptive summary.</p> <p>Person specs have significant and unrealistic levels of essential criteria and list desirable criteria that are barely ever used.</p>	<p>A new job profile approach is replacing the Council job description and person specification format.</p> <p>The new approach has been developed based on feedback, is more modern, shorter, focused and is designed to meet what applicants want a shortened, more informative document about the post and its conditions of service.</p> <p>The job profile template also moves recruitment away from competency approach.</p> <p>Job profiles will be essential criteria only approach.</p>

Advertising	
Current Policy	Revised Policy – Section 11 and Procedure – Section XX
<p>All vacancies must be advertised internally to Council.</p> <p>All external vacancies advertised on Council recruitment portal and in Orcadian, unless Service choose not to</p> <p>Recruitment cycle weekly.</p>	<p>All vacancies must be advertised internally to Council.</p> <p>All external vacancies advertised on Council recruitment portal.</p> <p>All external vacancies advertised on Council join us website.</p> <p>Services continue to be free to determine other sources of advertising as appropriate.</p> <p>Recruitment cycle changing from weekly to fortnightly.</p> <p>No longer have regular advert in Orcadian listing all job titles, will have regular advert promoting employment and directing people to where they can find employment opportunities with the Council.</p>

Panel Membership - Current

Shortlisting and Interview Panel Details for All Posts (except Teachers)

Level of Post	Chair	Elected Members	Officers/Others
Chief Executive	Council Convener	All other elected Members (Full Council)	Independent External Adviser (A) Head of HR and OD (A)
Executive Directors	Council Leader	5 Members of Council, including Chair and Vice Chair of the relevant Service Committee.	Chief Executive Independent External Adviser (A) Head of HR and OD (A)
Heads of Service	Chief Executive	3 Members of Council, including Chair and Vice Chair of the relevant Service Committee	Chief Executive Corporate Director (Line Manager) One other Executive Director selected by Senior Management Team. Head of HR and OD (A)
Service Managers G13 – G14	Corporate Director	No	Head of Service (Line Manager) Senior HR Adviser (A)
Senior Professionals / Team Managers G11 – G12 only	Corporate Director	No	Head of Service (Line Manager) HR Adviser (A)
All other posts out with the above	Line Manager	No	Line Manager Minimum of 1, maximum of 2 other appropriate Council Officers

Integration Joint Board

Level of Post	Chair	Elected Members/NHS Board Members	Officers
IJB Chief Officer	Council Leader or Chair of NHS Board	Integration Joint Board (6 voting members)	Heads of HR for Council and NHS (A) *Independent External Adviser (A)
Head of Service (where remit includes both Council <u>and</u> Health Provision)	Council or NHS Chief Executive	Chair and Vice Chair of Integration Joint Board	Council Chief Executive NHS Chief Executive *Independent External Adviser (A) Heads of HR for Council and NHS (A)

Selection Panel Details for Teaching Posts

Position	Shortlist Panel	Short List Interview Panel
Head Teacher	Executive Director (P) Head of Service (P) Service Improvement Officer (A) Human Resource Adviser (A) Elected Member - Committee Chair (P) (Chair) Elected Member from school catchment wards (P) **2 x Parent Council Representatives (P*) ***Specialist/Technical Adviser (A) Teacher Representative(A)	Executive Director (P) Head of Service (P) Service Improvement Officer (A) Human Resource Adviser (A) Elected Member - Committee Chair (P) (Chair) Elected Member – from school catchment wards (P) **2 x Parent Council Representatives (P) ***Specialist/Technical Adviser (A) Teacher Representative(A)
Depute Head Teacher	Head Teacher (P) (Chair) Head of Schools (A) **2 x Parent Council Rep.(P*) Service Improvement Officer (P) Human Resources Adviser (A) Elected Member from school catchment wards (P) ***Specialist/Technical Adviser (A) Teacher Representative(A)	Head Teacher (P) (Chair) Head of Schools (A) **2 x Parent Council Rep.(P) Service Improvement Officer (P) Human Resources Adviser (A) Elected Member from school catchment wards (P) ***Specialist/Technical Adviser (A) Teacher Representative(A)
Principal Teacher (Large Schools)	Head Teacher (P) (Chair) Other Head Teacher/DHT(P) Service Improvement Officer (P) ***Specialist/Technical Adviser (A)	Head Teacher (P) (Chair) Other Head Teacher/DHT(P) Service Improvement Officer (P) ***Specialist/Technical Adviser (A)
Principal Teacher (Small Schools)	Head Teacher (P) (Chair) Service Improvement Officer (P) Other Head Teacher/DHT(P) ***Specialist/Technical Adviser (A)	Head Teacher (P) (Chair) Service Improvement Officer (P) Other Head Teacher/DHT(P) ***Specialist/Technical Adviser (A)
Teacher	Head Teacher (P) (Chair) Principal Teacher/DHT/Other HT(P) Service Improvement Officer (P) ***Specialist/Technical Adviser (A)	Head Teacher (P) (Chair) Principal Teacher/DHT/Other HT(P) Service Improvement Officer (P) ***Specialist/Technical Adviser (A)

Panel Membership - Revised Procedure Section 1.4.6

Chief Officials, SJC Employees and UHI Orkney Academic Staff Panel Make Up

Post at Recruitment	Chair	Other minimum panel membership
Chief Executive	Council Convener	Full Council (All other elected members), unless Council wishes to delegate this to a smaller panel. Head of HR and OD. Independent External Adviser (optional). Where this is delegated to a smaller panel, the membership must be a minimum of: Leader of the Council. Depute Leader of the Council. Chair of all Service Committees.
Corporate Director	Chief Executive	Council Leader, Depute Council Leader, Chair and Vice Chair of relevant Service Committee. Head of HR and OD Independent External Adviser (optional)
Chief Officer IJB	Chief Executive (Council) Chief Executive (NHS Orkney)	4 voting members of the IJB including the Chair and Vice-Chair. Head of HR and OD (Council) Director of People and Culture (NHS Orkney) Independent External Adviser (optional)
Head of Service	Chief Executive	Chair and Vice Chair of relevant Service Committee. Corporate Director Head of HR and OD Independent External Adviser (optional)
Service Manager	Corporate Director	Head of Service Senior HR Adviser, or nominated deputy (Adviser)
Other posts	Line Manager or more senior manager.	Minimum of 1 other relevant Officer. (Officer must be at least a grade higher than post being recruited to).

Teaching and other Education Professionals Panel Make Up

For both short-listing and interview/selection for Teaching/Other Education Professional posts the minimum requirement for panels is as follows:

Post	Chair	Other minimum panel membership
Head Teacher (Perm)	Corporate Director	Head of Education Service Manager (Adviser) Parent Council (x2) Elected Members (x2)
Depute Head Teacher (Perm)	Head Teacher	Service Manager Parent Council (x2) Elected Members (x2)
Head Teacher (Temp)	Corporate Director	Head of Education Service Manager Elected Members (x1)
Depute Head Teacher (Temp)	Head Teacher	Service Manager Elected Members (x1)
Other Teaching Posts	Line Manager or more senior manager	Minimum of 1 other relevant Officer. (Officer must be at least a grade higher than post being recruited to)
Other Educational Professional Posts	Line Manager or more senior manager	Minimum of 1 other relevant Officer. (Officer must be at least a grade higher than post being recruited to)

Preparing for Recruitment	
Current Policy	Revised Procedure – Section 1.4.8
Recommended that shortlisting and Interview dates set ahead of advertising and advised in adverts. Approval for Advertising at Head of Service or Corporate Director.	Shortlisting and Interview dates set ahead of advertising and advised in adverts. Approval for Advertising at Service Manager for all posts below and Head of Service and Corporate Director only for posts that directly report to them.

Support for Applicants	
Current Policy	Revised Policy – Section 13 and Procedure- Sections 1.9 and 1.10
Offer reasonable support and adjustments for applicants with a disability, consists of mainly enabling a paper application to be submitted in the small number of instances this is relevant. Guaranteed Interview Scheme Offered to: <ul style="list-style-type: none"> • Care experienced young people, including care leavers up to the age of 26. • Applicants with a disability as defined under the Equality Act 2010. • Current and former armed forces personnel. • Those studying or having completed the Introduction to Care course. • Orkney Islands Council Modern Apprentices or Graduate Apprentices. 	Adopting an approach of offering a greater degree of 1 to 1 support in submitting applications, could be assisting to register with MyJobScotland, assistance to register for a free email account, assisting with completing online application where relevant. Where no other alternative paper application will remain but is not ideal as it prevents use of new and developing advancements in automation of process and required an entirely manual process just for that application which will slow down the recruitment process. Extending Guaranteed Interview Scheme to include: <ul style="list-style-type: none"> • Orkney Islands Council employees with unpaid caring responsibilities. (refer to Council Carers Support Policy). • Partners/resident family members of people relocating into Orkney to take up employment (refer to Council Relocation Policy).

Interview Expenses	
Current Policy	Revised Procedure – Section 1.11
<p>Interview expenses can be offered at discretion of recruiting manager.</p> <p>Applicants are required to book, pay, and claim back expenses.</p> <p>Interview expenses are not paid where an applicant is offered and turns down employment with the Council.</p>	<p>The Council approach will be that where it is necessary for an applicant to attend for interview, from outwith Orkney, the Recruiting Service can choose to either contact the applicants and make and book necessary travel and/or accommodation directly or require an applicant book and claim these back.</p> <p>Payment of/refund of interview expenses <i>is not</i> dependant on an applicant accepting an offer of employment.</p> <p>Payment of/refund of interview expenses <i>is not</i> dependant on an applicant accepting an offer of employment.</p> <p>These recommendations came through the Recruitment taskforce, current Council approach considered to be a potential disincentive for applicants.</p>

Service User Involvement	
Current Policy	Revised Policy - Section 17
<p>In certain cases, it is appropriate for service users to be involved in the recruitment and selection processes for members of staff involved in their care. It is recommended that such involvement will normally take the form of a service user panel, separate to the main interview panel, although in some cases a service user as member of the main interview panel may be another potential option.</p> <p>It is a requirement that before being involved in recruitment and selection, service users have training in recruitment and selection from Human Resources to ensure that they understand the process, their role and emphasising the need for confidentiality/equality of opportunity. Where the service user is to be a member of the formal interview panel, they must attend the normal Council Recruitment and Selection training, as is the case for any Council employee involved in recruitment.</p>	<p>Enables services to determine where appropriate service user involvement in recruitment.</p> <p>Service user involvement will normally be via means of a separate service user panel, facilitated and led by a Council Officer who has completed all relevant training on recruitment and selection and equality, diversity and inclusion. It may be possible that a service user could join the main interview panel as an adviser (non-voting), subject to the following provisions being satisfied:</p> <ul style="list-style-type: none"> • They are of an age and ability to be able to effectively understand and contribute fully to the panel process. • They cannot be a voting member of any interview/selection process. • They must understand and follow Council Policies on Recruitment and Selection and Equality, Diversity and Inclusion. • They must have attended/carried out Council training on both Recruitment and Selection and Equality, Diversity and Inclusion. • Advice and guidance from Human Resources must be where it is intended that a service user is being considered to join a main interview/selection panel as an adviser.

Notice for Selection Process Arrangements (Interviews)	
Current Policy	Revised Procedure – Section 3
<p>Current process:</p> <p>Applicants from out of Orkney 2 weeks’ notice for an interview.</p> <p>Applicants from within Orkney 1 weeks’ notice for an interview.</p> <p>Where minimum timescales are not able to be provide.</p>	<p>Applicants from outwith Orkney, for a process which requires them to travel to Orkney there must be a minimum of 2 weeks’ notice to the applicant and 1 week for HR to be able to progress the arrangements.</p> <p>All other selection processes – Orkney based applicants and applicants from out of Orkney not required to travel to Orkney there must be a minimum of 1 weeks’ notice to the applicant and 1 week for HR to be able to progress the arrangements.</p> <p>Where the minimum timescales cannot be provided Services may be required to make and communicate own interview arrangements.</p> <p>Interview arrangements via MS Teams or equivalent, recruiting manager is responsible for setting up all arrangements and issuing invites via MS Teams to applicants.</p>

Pre-Employment Checks	
Current Policy	Revised Policy – Section 18 and Procedure - Section 4
<p>Processes have been revised to account for required changes from relevant bodies/organisations i.e. Home Office, Disclosure Scotland and work is being finalised to implement automation of processes as far as possible via greater use of the back-office functions of Talentlink.</p> <p>Whilst there is <u>no shift of responsibility in the new policy between HR Support and Recruiting managers</u> greater clarification is provided to Recruiting Managers of their responsibility in the short-listing and interview processes of what aspects of the pre-employment checks they should be conduction to ensure that the recruitment process is able to progress as designed to enable new employees to start as doon as possible.</p>	<p>Changes that are being made are:</p> <p>Driving Licence Checks – UK Government now requires that these are conducted as online checks, applicants to supply a check code as well as a copy of their driving licence.</p> <p>Right to Work in the UK – UK Government is implementing an eVisa scheme that will require all non-UK and Ireland nationals to provide evidence of right to work in the UK via requesting and supplying employers with an online check code. This is being phased in during early 2025.</p> <p>Pre-Employment Health Checks – a revised, simplified, and as far as possible automated process is aimed to be implemented once procurement for new Occupational Health provider is completed, this is subject to the new provider’s own processes and abilities to deliver this.</p> <p>Criminal Convictions Checks – Separate guidance being issued re Disclosure Changes in April 2025 and April 2026. In summary:</p> <p>April 2025</p> <ul style="list-style-type: none"> • All existing levels of checks are replaces with new types. <p>i.e. Level 1, Level 2 with Barring and Level 2 with PVG.</p> <ul style="list-style-type: none"> • New approach or regulated roles replaces regulated work, changes the roles that can have PVG checks done. • Employers no longer sent criminal conviction information directly by Disclosure. Individuals must long into their online account and approve release of the information to an employer. • New charges to be implemented. <p>April 2026</p> <ul style="list-style-type: none"> • Legal obligation on the Council to have a process of rechecking all PVG scheme members every 5 years.

	<p>Revised Risk Assessment of Criminal Convictions check being brought in to support managers in making fair, reasonable and appropriate decisions and will also enable those decisions to be made by Service Managers rather than just Heads of Service and Corporate Directors. Also provides documentary evidence of the process of risk assessment which has to date not been something that has been consistently recorded.</p>
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<p>Offer of Employment Process</p>	
<p>Current Policy</p>	<p>Revised Policy – Section 19 and Procedure - Section 5</p>
<p>Current process is:</p> <ul style="list-style-type: none"> • Verbal Offer made by Recruiting Manager • Verbal Offer accepted by applicant. • Conditional Offer and contract issued by HR Support. • Pre-employment checks completed Satisfactorily. • Recruiting Manger agrees start date with applicant. • Start date confirmed to applicants by HR Support. <p>Talent Link system is not able to operate this way, so our processes need to change to match the system so that we can use the benefits of the automation and speed of the system in these processes.</p>	<p>To make use of the Talent Link contract module to automate and speed up the production and issue of offers of employment and contracts there is a need to change how the current offer process work. Guidance is being issued.</p> <p>Revised Process is as follows:</p> <ul style="list-style-type: none"> • Verbal Offer made by Recruiting Manager • Verbal Offer accepted by applicant. • Conditional Offer issued by HR Support to applicant via email through Talentlink. • Pre-employment checks completed Satisfactorily. • Recruiting Manger agrees start date with applicant, this must allow for applicants notice and a week for HR to issue contract and confirmed offer. • Confirmed offer and contract issued by HR Support to applicant via email through Talentlink. • Contract to be received and accepted by applicant before they start.

Issue of Contracts and Variations	
Current Policy	Revised Policy – Section 18 and Procedure - Section 5
<p>Current approach is that contract should be issued before new employees start.</p> <p>This is not always the case, there is a continuing practice in some Services of submitting new start and variations forms to payroll and not to HR or submitting them to HR after payroll.</p> <p>Equally there is a practice of getting the person to start or allowing the changes to start and then sometime later processing the contract change.</p> <p>These all result in the Council breaking the law and the experience to applicants and our staff being at a standard that is not alight to being an employer of choice.</p> <p>The Council must ensure that new and existing employees received their contract of employment or variation to their contract of employment before the start work or the variation to contract is started.</p> <p>This includes all current employees and variations and changes that require a variation to contract including changes to hours, changes to work location, changes to pay, changes to conditions of service etc.</p>	<p>Legal Requirement for Employees to have received contract or amendments to contract before the commence in a post.</p> <p>On the basis a minimum of a week is required by HR Support of the receipt of a request to issue a contract via recruitment a Variation issued by completion of a Change Form. This is so that the contract/variation can be progressed and issued before the start date. Managers need to ensure start dates agreed allow for this and notice provided to HR Support allows for this.</p> <p>This also means that the practice of submitting Change forms to Payroll first should also cease, Change Forms for contract variations must be submitted to allow contract variation to be issued before the start date.</p>



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Recruitment and Selection Policy
Service / service area responsible.	Strategy, Performance and Business Solutions
Name of person carrying out the assessment and contact details.	Craig A Walker Service Manger (HR Operations) craig.walker@orkney.gov.uk 01856 873535 ext. 2263
Date of assessment.	26 February 2025
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Recruitment and Selection Policy – existing policy, updated

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To ensure that the Council can attract and retain a workforce with the relevant skills, knowledge and experience in a legal and equitable manner.
Is the function / policy / plan strategically important?	These policies contribute to the Council People Plan strategic priority of building a talented, confident and resilient workforce with the capabilities to adapt to out changing environment. There are also links to the Council <u>Equality Outcomes</u> specifically in relation to attracting more diverse talent and reducing our gender pay gap.

<p>State who is, or may be affected by this function / policy / plan, and how.</p>	<p>Any possible applicant for employment with the Council. All Council employees.</p>
<p>How have stakeholders been involved in the development of this function / policy / plan?</p>	<p>Recruitment Taskforce of cross Council employees and Trade Union Reps reviewed current approaches and priorities for recruitment and selection at the start of the review to set key priorities. Policies have been reviewed and agreed by the Corporate Leadership Team. Policies are subject to collective bargaining with the Council recognised Trade Unions before final approval from Elected Members.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p><u>The Equality and Human Rights Monitor: Is Scotland Fairer report published in November 2023</u> by the Equality and Human Rights Commission reviews the available data and evidence to support evidence-based debate and decisions to drive action and meaningful change that will make life fairer for everyone in Scotland. The report focuses on six major areas of life for each protected characteristic; one of which includes work. Key findings include:</p> <ul style="list-style-type: none"> • The attainment gap between looked after children has not reduced resulting in lower further or higher education, employment or training outcomes. • Despite increasing levels of employment, disabled people in Scotland are more likely to earn a lower hourly wage and / or be in low-paid employment than non-disabled people, with the gap widening. • Despite increasing employment levels, ethnic minority workers in Scotland on average experience both a lower quantity and poorer quality of work, with consistently lower median hourly earnings and higher levels of insecure work. • The employment and gender pay gap in Scotland has narrowed. However, the Scottish labour market continues to have high levels of sex segregation and strong sex segregation in apprenticeships reflecting the labour market. <p>The Scottish Government published <u>A Fairer Scotland for All: An Anti-Racist Employment Strategy</u> focusing on four areas:</p> <ul style="list-style-type: none"> • Understanding the workforce through data.

	<ul style="list-style-type: none"> • Acting on recruitment and representation. • Driving cultural and attitudinal change. • Fair work policy and legislation. <p>The strategy provides guidance for employers to create inclusive workplaces by developing an anti-racist culture; raising awareness of the harms of racism, including hate-crime and supporting anti-racist campaigns.</p> <p>The <u>Disability Confident employer scheme</u> is a government initiative that encourages people to increase the number of disabled people they hire. The framework sets out three levels of achievement to support organisations put steps in place to help the recruitment, retention and development of disabled people.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.</p> <p>E.g. For people living in poverty or for people of low income. See <u>The Fairer Scotland Duty Guidance for Public Bodies</u> for further information.</p>	<p>The Scottish Government's <u>Fair Work First</u> programme is designed to support employers to embed fairer working practices including:</p> <ul style="list-style-type: none"> • The adoption of the real Living Wage. • To take action to tackle the gender pay gaps. • To take action to create a more diverse and inclusive workplace. • To offer flexible and family friendly working practices from day one of employment.
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>Policies are written to ensure compliance with all relevant equalities legislation and to aim to provide equal treatment for all, as far as is reasonably possible.</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>We continue to monitor recruitment and retention of colleagues based on ethnicity along with reporting on any pay gaps in this area. We aim for our recruitment processes to reflect the diversity of our communities.</p>
<p>2. Sex: a man or a woman.</p>	<p>We recognise that Orkney Islands Council has a gender pay gap and issues relating to occupational segregation in some areas. We have a commitment to reducing the gender pay gap within our Equality Outcomes and a specific action plan to help to address this. An inclusive recruitment policy supports this work.</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>N/A</p>

4. Gender Reassignment: the process of transitioning from one gender to another.	Disclosure Scotland produce specific guidance and a dedicated process in relation to trans gender and non-binary applicants to apply for criminal convictions checks. https://www.mygov.scot/transgender-disclosure-application
5. Pregnancy and maternity.	N/A
6. Age: people of different ages.	Aging population and workforce and priority to attract younger people in People Plan. Armed Forces covenant? One of the key aims of the Recruitment and Selection policy is to 'provide developmental opportunities for local, young people to seek employment and develop long-term career opportunities'.
7. Religion or beliefs or none (atheists).	N/A
8. Caring responsibilities.	The improved / supportive approach to flexible working options within the recruitment and selection framework will likely have a positive impact on those with caring responsibilities.
9. Care experienced.	The policy outlines our commitment to offering an interview to applicants who are care experienced with the aim of having a positive impact for this group.
10. Marriage and Civil Partnerships.	N/A
11. Disability: people with disabilities (whether registered or not).	Disability pay gap, Disability confident Reasonable adjustment guide? One of the key aims of the Recruitment and Selection policy is to 'ensure that those who may face challenge or disadvantage in gaining employment, including where this is as a result of having a disability, are not unfairly excluded from gaining employment'. This aligns to our commitment as a Disability Confident Employer as part of the Disability Confident accreditation framework. An alternative format approach to the application process is offered as a reasonable adjustment to disabled candidates as well as support for those who may require assistance in submitting an online application. The policy also outlines our commitment to offering an interview to applicants with a disability.

	There is a commitment to providing feedback to all candidates who are part of the guaranteed interview process.
12. Socio-economic disadvantage.	It might be worth including reference to the real living wage and Fair work first commitment and recruitment incentives to support those who experience socio-economic disadvantage?

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No
How could you minimise or remove any potential negative impacts?	Policies are written to ensure compliance with all relevant equalities legislation and to aim to provide equal treatment for all, as far as is reasonably possible.
Do you have enough information to make a judgement? If no, what information do you require?	Yes

4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	N/A It would probably be useful to reference here any monitoring / statistics based on protected characteristics?
Who will undertake it?	N/A
When will it be done?	N/A
How will it be monitored? (e.g. through service plans).	N/A

Signature: 

Date: 7 March 2025

Name: CRAIG A WALKER

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to Human Resources and Organisational Development at hrsupport@orkney.gov.uk.