This PSO replaces and updates PSOs 8100 and 8110. PSI Amendments should be read in conjunction with this PSO.
EXECUTIVE SUMMARY

STATEMENT OF PURPOSE

The Staff Resourcing Prison Service Order (PSO) contains core policy principles relating to internal and external staff resourcing. It replaces PSO 8100 Recruitment and PSO 8110 Filling Vacancies and supports HR Operating Model (HROM) processes.

The high level policy set out in this PSO is to be used in conjunction with the process defined on the My Services site, and those in NOMS Shared Services’ knowledge base and work instructions.

DESIRED OUTCOME

To provide a policy foundation for NOMS Agency staff resourcing activity which:

- Ensures that NOMS is fully resourced with people who have the right skills, knowledge and experience to enable it to achieve its strategic objectives.
- Reflects United Kingdom and European Union (EU) employment and anti-discrimination law, the Civil Service Commissioners’ Recruitment Principles, the decisions of the NOMS Board, and Cabinet Office Requirements, including the Cabinet Office and Council of Civil Service Unions Efficiency & Relocation Support Programme (Protocol for Handling Surplus Staff Situations) 2008.
- Supports the HR Operating Model
- Supports both individual and organisational development

MANDATORY ACTIONS

All actions in this PSO are mandatory unless specified otherwise. Directors of Offender Management (DOMs), Governing Governors, Heads of Unit/Group, Human Resource Business Partners (HRBPs), and panel chairs/members must ensure that they are aware of these mandatory actions and that this policy is implemented and adhered to.

RESOURCE IMPLICATIONS

None.

IMPLEMENTATION DATE: 29 June 2009

signed

Robin Wilkinson
Director of Human Resources

Contact Point : HR Shared Service Contact Centre Tel 0845 010 3504 (VPN 7190 3504)
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CHAPTER 1 – INTRODUCTION

1.1 The following diagram describes the structure of this Order; which follows the stages of the resourcing process, from planning (chapter 2) through to monitoring results (chapter 9):

1.2 For information on the processes to be used to apply this policy, see My Services resourcing front page.
CHAPTER 2 – RESOURCE PLANNING

Producing a resource plan

2.1 Establishments and Headquarters Directorates maintain a 3-year staff resource plan which takes account of:

- Current and prospective vacancies
- Current and prospective skills needs
- Their organisational development plans
- Their talent management and succession plans, which have been developed in accordance with the NOMS Talent Strategy
- The time and activity required to fill a post.

2.2 Their resourcing activity should then be based on that plan.

2.3 Resourcing projections derived from those plans will need to be provided to the HR Directorate for analysis, to enable the HR Director to project and meet NOMS' high-level resourcing needs.

Identifying and managing surplus staff

2.4 The resource planning process will on occasions identify that the number of staff in a particular role/level and location exceeds the number required.

2.5 Governors and Heads of Group have responsibility for identifying and managing surplus staff. They must:

- Inform those affected at the earliest opportunity, and keep them fully informed throughout the process.
- Ensure that such staff are placed on a surplus staff list so that NOMS Shared Services and HR Business Partners (HRBPs) can initiate efforts to help them find a suitable alternative job.
- Follow a process for the identification and management of surplus staff which is fair and open to scrutiny, and complies with central guidance and instructions.
- Ensure that the relevant trades union are fully consulted.
CHAPTER 3 – PRIORITY APPOINTMENTS

Summary

3.1 Once a vacancy has been identified, as a result of an employee vacating a post or a new post being created, and before any other resourcing action is instigated, line managers must first consider:

- Disabled staff who may require the post as a ‘reasonable adjustment’, as notified by the HRBP
- Surplus staff
- Compassionate transfers
- Staff on a current reserve (merit) list, created by a previous selection process intended to fill the same post.

3.2 Line managers must consider vacancies in this order of priority, although in exceptional circumstances Governors, Heads of Group and above have the discretion to give priority to compassionate cases.

3.3 After internal recruitment has concluded (where it has been used), and in any event prior to advertising externally, line managers must also consider any civil servants requiring redeployment from other government departments and agencies, and who have applied through the Civil Service Vacancies (CSVacs) process.

3.4 With the exception of reserve candidate appointments, these are all forms of managed appointments. For further information on managed appointments, see paragraphs 6.6-6.14.

Posts offered as reasonable adjustments

3.5 Where someone is unable to continue with their present work as a result of a disability, as defined by the Disability Discrimination Act, Governors and Heads of Group must take reasonable steps to adjust that work in a way which would enable that person to continue in employment. These might include offering an alternative post for which the individual meets the relevant competencies. See PSO 8010 for further information.

Surplus Staff

3.6 Line managers identifying vacancies will be advised by Shared Services of members of staff who have been declared surplus and who might be suitable for the post. They must consider those individuals before advertising, and must appoint a surplus member of staff if s/he meets the requirements of the post, or could be developed to meet them within a reasonable period.

3.7 When more than one surplus member of staff is to be considered, line managers must determine a selection process. That process must be consistently applied to all candidates and be competency based, but does not require application forms to be submitted.

3.8 Line managers must rank candidates in order of merit and normally appoint the highest ranking candidate provided s/he meets the competencies for the post.

Compassionate transfer

3.9 When a member of staff requests a compassionate transfer, the Governor/ Head of Group, with advice from the HR Business Partner, must assess whether there are exceptional and pressing grounds for transfer, confirmed by documentary evidence as appropriate.
3.10 If supported, the line manager must seek approval from the proposed transfer location at Director of Offender Management (DOM) or Director level.

3.11 If that approval is granted, then a Governor or Heads of Group with a suitable vacancy must then appoint to that post the individual who is the subject of the compassionate transfer request.

3.12 Members of staff can only be removed from the compassionate transfer list when they move to other posts; or on their request; or following a change of circumstance, as identified either by their current Governor / Head of Group or by the DOM at the proposed transfer location.

3.13 Line managers must provide members of staff who are seeking a compassionate transfer with details of Employee Support Services.

**Reserve (Merit) List**

3.14 Where:
- A vacancy is not filled through any of the above routes
- A previous selection process intended to fill that post has generated a reserve (also known as a merit) list
- The list is still extant (a list can last for up to 12 months from the date the results are issued)
  - line managers must appoint candidates from that list in merit order.

3.15 A reserve list can also be used to fill similar roles with the same functions and competency requirements.

**Civil Service Vacancies (CS Vacs)**

3.16 If a vacancy has not been filled internally by a disabled member of staff requiring an adjustment, by a surplus member of staff, through a compassionate transfer, or through internal recruitment action - Shared Services will then pass vacancy information to surplus staff in other government departments and agencies, through the Civil Service Vacancies (CSVacs) arrangements.

3.17 Line managers must consider any candidates who apply through this route; rank them in order or merit; and normally appoint the highest ranking candidate if s/he meets the competence criteria.
CHAPTER 4 – STANDARD RECRUITMENT THROUGH FAIR AND OPEN COMPETITION

Civil Service Commissioners’ Recruitment Principles

4.1 NOMS’ recruitment processes are based on the principle of selection on merit on the basis of fair and open competition, as described in the Civil Service Commissioners’ Recruitment Principles, which can be found at www.civilservicecommissioners.org:

- **Merit** - means the appointment of the best available person: no one should be appointed to a job unless they are competent to do it, and the job must be offered to the person who would do it best.

- **Fair** – means there is no bias in the assessment of candidates. Selection processes must be objective, impartial and applied consistently.

- **Open** - means that job opportunities must be advertised publicly and potential candidates given reasonable access to information about the job and its requirements, and about the selection process.

4.2 The Commissioners except certain appointments from these principles. Those exceptions are described in section 6B.

4.3 Internal recruitment is not covered by the Recruitment Principles; but NOMS seeks normally to apply the same principles when filling vacancies internally, other than in certain cases where managed appointments are appropriate.

Chaplains, psychologists, HR Business Partners and finance specialists

4.4 When recruiting chaplains, psychologists, HRBPs or finance specialists, line managers must seek advice from the appropriate headquarters unit or regional office, and additional considerations apply – see My Services: Recruiting chaplains, psychologists, HRBPs and finance specialists.

Advertising vacancies

4.5 The line manager must notify Shared Services of the vacancy and provide details of the post, including competencies drawn from the NOMS Competency and Qualities Framework (CQF). Shared Services will then advertise the vacancy using internal advertising systems; and/or external media contract facilities and the Civil Service Recruitment Gateway.

4.6 Shared Services will ensure that advertisements:

- Reach a wide and diverse range of prospective applicants
- Provide an equal and reasonable opportunity for prospective applicants to become aware of vacancies
- Make clear that vacancies are open to all candidates unless there is a ‘genuine occupational qualification or requirement’ (see paragraph 4.9 below)
- Identify whether the post is open to part-time working or job sharing. All posts must be open to part-time working or job sharing, unless the Governor / Head of Group has carried out an assessment of the post and deemed these arrangements to be unsuitable.

4.7 Shared Services will ensure that prospective candidates are provided with information on:

- The job, including its location
- The selection process
- The eligibility and competency requirements
- NOMS’ commitment to equal opportunities
- The Guaranteed Interview Scheme
- For external recruitment, the regulatory role of the Civil Service Commissioners
4.8 See My Services for details of minimum eligibility criteria, including (for internally advertised posts) avenues of promotion. To be eligible for an internally advertised post, a member of staff must have satisfactorily completed probation - or, for fixed term and casual staff, have completed six months' satisfactory service and have been recruited through fair and open competition.

Genuine Occupational Qualification or Requirement (GOQ / GOR)

4.9 The law recognises that, in certain circumstances, there might be a genuine and determining occupational requirement for a post to be filled by someone from a particular group – for example, someone of a particular religion, gender or age.

4.10 In those circumstances, Governors, Heads of Group and above may, in consultation with the HR Business Partner, make a case to establish a genuine occupational qualification or requirement which would restrict the advertisement of the post to members of that group.

4.11 However, the law also places very tight parameters around the scope for applying a GOQ/GOR. A decision to apply a GOQ/GOR must be defensible in law, and must follow the criteria and processes set out in PSO 8005.

Assessment and selection

4.12 Assessment and selection will be based on:
- A selection panel – for:
  - internal recruitment – through either level transfer, or progression to a higher level; in some cases following on from assessment centre accreditation; or
  - external recruitment
- An assessment centre – for:
  - internal accreditation of suitability for particular types of role; or
  - external or internal recruitment for particular types of role.

4.13 See My Services for information on what assessment route applies to a particular role.

Recruitment by selection panel

Selection panel membership

4.14 When a decision to recruit is made, the line manager must identify a recruitment panel and chair (which would normally include him/herself). The line manager must ensure that:
- The recruitment panel comprises at least two people.
- All are at least at first line manager level, and at a level equivalent to the advertised post. For internally advertised posts, one member must be at a level higher than the post.
- The panel members are competent to undertake their roles, either through:
  - having attended a suitable training course;
  - previous experience; or
  - being briefed and coached through the process.
- As far as is practicable, the composition of the selection panel reflects the Service's commitment to equality of opportunity and diversity.

4.15 Panel members must declare and withdraw from the panel if they have a personal relationship with the applicant.
Sifts

4.16 NOMS operates the Guaranteed Interview Scheme (GIS). Anyone who meets the minimum criteria for a post is guaranteed an interview. More information on the GIS is in PSO 8010.

4.17 When conducting the sift, the panel members must:
- Apply the principles of open and fair competition and selection on merit
- Consider all applicants, including any existing NOMS candidates, against the same criteria. The same criteria must be applied throughout the selection process.
- Sift against the advertised minimum eligibility requirements see My Services - Minimum Eligibility Criteria and competency criteria
- Only sift out disabled candidates applying under the provisions of the GIS against the stipulated minimum criteria.

4.18 For internal recruitment, see My Services - Avenues of Promotion for any restrictions as to the types and levels of job into which people in particular roles can progress.

4.19 It is not necessary for panel members to meet to conduct the sift. This can be managed remotely.

4.20 Panel chairs must ensure that the individual and collective marks of each sift are evidenced, and the collective sift outcome recorded.

Interviews and selection

Preparation

4.21 Prior to the interview or selection event:
- The panel members must agree a system for assessing and scoring candidates against the advertised competency criteria
- The panel chair must identify and make any reasonable adjustments that might be needed to accommodate disabled applicants

Assessment

4.22 Each panel member must then assess each applicant independently against the advertised competency criteria.

Selection

4.23 Once the interviews are concluded, the panel chair must ensure the panel produces:
- Individual and collective assessments / scores for each candidate
- An order of merit
- An indication of whether each candidate is considered suitable for inclusion on a reserve / merit list.

4.24 The final authority for selection is with the panel chair.

4.25 Where the panel creates a reserve / merit list, then, if a selected candidate subsequently withdraws or is de-selected (e.g. as a result of vetting checks) before taking up the post, then the highest ranking suitable candidate on that list must be offered the post.

Health, conduct and performance considerations

4.26 Sick absence, discipline and poor performance information can only be considered after the panel has made its initial decision on a rank order. For internal recruitment, any sick absence for which excusal has been granted as specified in PSO 8404 must be excluded from consideration.
4.27 No applicant must be rejected on health grounds without medical advice being sought first from Occupational Health Advisers. Authority to reject on those grounds lies with the Governor or Head of Group. Advice must be sought as to reasonable adjustments that could be made in the event of a disabled applicant being the best candidate, but placed at a disadvantage by any aspect of the work, or the way or environment in which the work is done.

**Expenses**

4.28 For externally advertised vacancies, line managers have discretion to decide whether to reimburse expenses to candidates invited to interview. However, any decision must be applied consistently to all candidates, and any decision to do so must be communicated to candidates at the outset. If expenses are payable, any additional expense requirements for disabled people, for example travel expenses for a support worker or reasonable cost to travel by taxi, must also be met.

**Recruitment or accreditation by assessment centre**

4.29 Eligibility for certain types of job requires accreditation obtained through an assessment centre. The roles requiring accreditation are listed in [My Services – Minimum Eligibility Criteria](#).

4.30 The content of the assessment centre, the competencies and the type of assessments used will be approved by the appropriate commissioning authority. This will generally include a job simulation section.

4.31 The commissioning authority must:
   - Appoint a director of assessment who will oversee the process and provide assurance of its quality and integrity.
   - Approve the type of assessments to be used and the profile of marks required to obtain accreditation.
   - On receipt of a report by the director of assessment, approve and confirm the accreditation of those who have reached the necessary standard, and the publication of results.
   - Provide and authorise expenditure and/or identify any funding arrangements.
   - Approve the final analytical report.

4.32 The director of assessment must:
   - Appoint a chief moderator and such other moderators assessors, invigilators role players and such other staff as are necessary for the duration of the assessment.
   - Agree the content of the assessment and the assessment tools used.
   - Establish the integrity and fairness of the assessment.
   - As far as practicable, ensure the composition of the assessors and role players reflects the Service’s commitment to equality of opportunity and diversity.
   - At the conclusion of the assessment, report to the commissioning authority on the outcome and recommend the accreditation of those reaching the pre-determined standard for accreditation.
   - Issue accreditation certificates.
   - Provide the final level of appeal.

4.33 The Director of HR must:
   - Publish regulations and guidance on the content and procedures to be used in assessments generally, and on the content and necessary preparation for any assessment. This guidance must also contain a calendar of assessments for at least a twelve month period ahead.
   - Give notice of any forthcoming assessment for accreditation by publishing a notice to staff containing at least the following information:
Eligibility criteria including qualifications
The dates on which the assessment centre(s) will be held and their location.
The method of application.
Information on the type of assessment tools to be used and the competencies or skills required.
Right of appeal
The duration of the accreditation certification.
CHAPTER 5 – FILLING TEMPORARY VACANCIES THROUGH FAIR AND OPEN COMPETITION: ADDITIONAL PRINCIPLES

Introduction

5.1 In addition to the principles and requirements set out in chapter 4, additional requirements apply when temporary vacancies are filled through fair and open competition; by use either of an internal loan, or of the external recruitment of fixed term or casual staff.

5A. Internal: Interchange

Definition

5.2 Interchange involves the temporary movement of people within NOMS, and between NOMS and other employers; to aid individual and organisational development and to plug skills gaps.

5.3 The main forms of interchange are:
   - **Loans** – time-bound placements of NOMS staff or other civil servants, either within NOMS, or elsewhere in the Civil Service
   - **Secondments** – time-bound exchanges between NOMS and employers outside the Civil Service.

5.4 Although this section is primarily concerned with loans arranged through fair and open competition, the provisions at paragraphs 5.5-5.10 also apply to loans arranged as managed appointments and secondments (additional requirements for which are set out at paragraphs 6.6-6.9 and 6.16-6.18 respectively).

Loans

5.5 Employees of the NOMS Agency on loan to another government department, and other Civil Servants on loan to the NOMS Agency, cannot apply for promotion/progression within the organisation to which they are loaned, unless the vacancy has been advertised to members of their own department / agency.

Loans and secondments

5.6 The receiving line management must assess the subject of the loan or secondment as being competent for the role.

5.7 Loans and secondments of NOMS staff must be approved by the originating line management at least at Governor or Head of Group level, and be based on a written agreement which includes a commitment that the individual will be accepted back into their NOMS region or directorate at the end of the interchange period.

5.8 Staff who participate in a loan or secondment retain their substantive grading level. If the opportunity has been advertised on temporary advancement, the secondment or loan should proceed at the higher level. On return, the member of staff would revert to his or her substantive level.

5.9 A line manager must offer a returning non-mobile member of staff a post within reasonable travelling distance of his or her original location.

Other forms of interchange

5.10 Governors and Heads of Group have discretion to make any arrangements necessary for other forms of interchange, including attachments, shadowing and twinning.
5B. External: Fixed term and casual appointments

Definitions and restrictions

5.11 In order to comply with employment legislation, **fixed term appointments** must only be used where there is a genuine management need to make an appointment of limited duration of between one and up to 4 years.

5.12 Casual appointments are temporary appointments to meet short term needs. Line managers must only recruit casual staff when there is a genuine management need to employ people for a short period rather than make a permanent appointment. If there is any possibility that staff may be needed for more than 12 months, they must not be used. Exceptionally, line managers may extend casual appointments up to 24 months; however, they must bear in mind that employment rights, including the right to claim unfair dismissal, are then acquired.

Recruitment

5.13 Line managers must recruit fixed term and casual staff on merit, on the basis of fair and open competition; other than in the exceptional circumstances specified in the Civil Service Commissioners' Recruitment Principles (see paragraph 6.24).

Management

5.14 Fixed term and casual appointees may apply for permanent posts, including on promotion, provided they have completed six months' satisfactory service and were appointed through fair and open competition. Line managers must ensure that they are kept informed of permanent job vacancies for which they would be eligible to apply.

5.15 Provided they have been recruited under fair and open competition, their Governor or Head of Group can convert them to permanency at any time.

5.16 If converted to permanency, then, provided they have completed six months' satisfactory employment, they do not have to undertake a period of probation.

Termination

5.17 When ending a fixed term or casual contract, line managers, in conjunction with Shared Services, must follow a fair dismissal procedure, and consider if they are eligible for redundancy payments under the Civil Service Compensation Scheme.
CHAPTER 6: ALTERNATIVE RESOURCING OPTIONS

6.1 NOMS’ normal practice is to fill vacancies through recruitment based on fair and open competition. Exceptionally, however, it will be necessary to do so by other means:
- Internally – through temporary advancement or substitution, or through managed appointments.
- Externally – by using one of the exceptions to selection on merit based on fair and open competition which are permitted by the Civil Service Commissioners.

6A. Filling vacancies internally other than through fair and open competition

Temporary Advancement and Substitution

Definitions

6.2 Temporary advancement is an arrangement whereby, for a limited period, an individual assumes the full range of duties for a higher-level role into which s/he is eligible to progress. Substitution may be used to cover periods of up to three months, when a post-holder at a higher level is absent from duty, e.g. annual leave or sick absence.

Authority

6.3 Temporary advancement to Senior Manager level in prison establishments must be approved by the Chief Operating Officer. Otherwise, line managers have authority to approve temporary advancement and substitution.

Application

6.4 Where authorised, line managers have discretion to:
- Fill a temporary vacancy through temporary advancement rather than by advertising the post; but must regularly review the need for the arrangement to continue.
- Use substitution for periods of up to three months. If the need for such temporary cover at the higher level continues after that period, then they must instead place a member of staff on temporary advancement.

6.5 Line managers must take decisions on temporary advancement and substitution in an open and objectively defensible manner, based on an assessment of suitability for the post in question. The process for determining this is decided locally.

Managed Appointments

Definition and application

6.6 A managed appointment involves the internal appointment of an existing member of staff to a post without competition; in order to:
- Meet operational need
- Implement published talent management, career development and succession planning arrangements on which the relevant trades union have been consulted
- Facilitate compassionate transfers, the placement of surplus staff, and the placement of disabled staff as a reasonable adjustment (see chapter 3)

6.7 A managed appointment might take the form of an interchange arrangement – see paragraphs 5.2-5.9.
Authority and responsibilities

6.8 The manager making the managed appointment must ensure that:
- The appointee is competent to undertake the role, and has completed probation
- There is an established basis, or a reasonable justification, for not using fair and open competition – as described in paragraph 6.6.

6.9 The levels of authority for approving managed appointments are as follows:
- By personal appointment, outside normal progression routes: Director General
- Governors / Senior Managers: Chief Operating Officer
- All other managed appointments: Deputy Governor, Head of Group or HRBP

Managed move to a different grade or role

6.10 A managed appointment might involve a move to a different grade or role. Governors, Heads of Group and above have discretion, in accordance with paragraph 6.8 above, to consider re-grading in order to facilitate:
- The re-deployment of surplus staff
- Individual career development
- A reasonable adjustment to the working arrangements of someone who is unable to continue with their present work as a result of illness, incapacity or disability
- The resolution of a personal or domestic problem; including compassionate transfer arrangements

6.11 They are not obliged to agree to such a move, but must consider all cases on their merits.

6.12 Line managers must assess staff who are being considered for such a move as competent to perform effectively in the full range of duties appropriate to the new role, and the new role must normally be broadly equivalent to the old one. Exceptionally, when seeking to make a reasonable adjustment under the Disability Discrimination Act, and no post in an equivalent role is available, line managers might need to consider appointment to a role which is not equivalent; but should seek advice on this from their HRBP.

6.13 Line managers must not move a member of staff to a role at a lower level, other than for disciplinary reasons, without his or her consent.

6.14 Staff who have completed probation are not subject to probation in their new role.

6B. Filling vacancies externally other than through fair and open competition

Exceptions permitted by the Civil Service Commissioners

6.15 The Civil Service Commissioners’ Recruitment Principles permit certain exceptions to external recruitment on merit on the basis of fair and open competition. These include secondments and re-appointments.

Secondments

6.16 Secondments are time-bound placements of:
- People from outside the Civil Service with NOMS - permitted by the Recruitment Principles as exceptions to selection on merit through fair and open competition; or of
- Employees of the NOMS Agency, with employers outside the Civil Service.
6.17 See paragraphs 5.6-5.9 for policy requirements which are common to both loans (i.e. placements within the Civil Service) and secondments.

6.18 *Line managers must ensure that secondments into the NOMS Agency comply with the requirements of the Civil Service Commissioners’ Recruitment Principles – including that:*

- They must generally restrict the secondment to no more than two years
- Any proposal for a longer secondment at the outset, or to extend the appointment beyond two years, or to convert it to a permanent appointment without fair and open competition, requires the specific approval of the Commissioners.

**Re-appointments**

6.19 Former Civil Servants previously appointed through fair and open competition, or by a process specifically approved by the Civil Service Commissioners, can apply to come back to the NOMS Agency through:

- Re-instatement - returning in the same substantive role / level as that held before resignation
- Re-employment - returning in an equivalent role, or at a higher or lower level.

6.20 No individual has an automatic entitlement to re-appointment unless they are returning:

- After service with the European Institutions
- After service with HM Forces. (Can only be used under specific arrangements set out in the Reserve Forces (Safeguard of Employment Act) 1985); or
- Following Parliamentary candidature

6.21 *Line managers / panel members must ensure that any applicant for re-appointment meets the current competency requirements for the level of work offered.*

6.22 If an applicant for re-appointment as a prison officer has been out of service for longer than three years, s/he must be re-trained.

6.23 Re-appointment terms can only be agreed as the appointment offer is made, and cannot be applied retrospectively.

**Other types of exception allowed by the Civil Service Commissioners**

6.24 The Recruitment Principles also permit the following exceptions to selection on merit based on fair and open competition:

- **Short term appointments** not through open and fair competition up to a maximum of two years; including ones restricted to unemployed people engaged in the government’s ‘New Deal’ scheme, or to individuals with highly specialised skills brought in for a one-off job
- **Transfers of organisations or individuals into the Civil Service** in certain circumstances; for example under TUPE
- **Recruitment of disabled people** participating in the government’s ‘Workstep’ scheme
- **Permanent appointment of people appointed on a short term basis, other than through fair and open competition.** This exception can only be applied at or after 12 months, and only through the use of a fair and objective process specifically approved by the Commissioners. Unless and until such an approved process is introduced, this exception may not be used in the NOMS Agency.


6.26 As emphasised in 6.1 above, the normal practice is to use fair and open competition. However, if a Governing Governor or Head of Group does find it necessary to use one of
the permitted exceptions, then they must comply with the conditions set out in the Recruitment Principles - which can be accessed at www.civilservicecommissioners.org.
CHAPTER 7 – OBTAINING SERVICES FROM NON EMPLOYED WORKERS

Definitions

7.1 There are circumstances where a contract of employment is not appropriate but there is still a need to have in place arrangements for the provision of services. Such arrangements might cover the provision of services by contractors, consultants, sessional workers, temporary agency workers and volunteers.

7.2 A **sessional worker** is a person not employed under a contract of employment who is paid for undertaking work or providing a service on the basis of an agreed range of hours to be worked within a specified period, or on an ad hoc arrangement to meet varying need.

7.3 **Temporary agency workers** are not employees of NOMS Agency. They are supplied by an "agent" to undertake work for NOMS under a contract between the agent and NOMS.

Authority

7.4 Governors, Heads of Group and above may determine whether work should be provided under a contract of employment, or alternatively through a contract or agreement for non-employed workers. For services provided by contractors, consultants or agency workers, they would exercise that discretion within their established levels of delegated procurement authority. See *My Services* for guidance on whether to adopt a contract of employment or a contract for services.

Procurement

7.5 Governors and Heads of Group must obtain the services of contractors, consultants and agency workers through the prescribed procurement process; and comply with the procurement rules, and the requirements of the relevant contract for services, as determined by Procurement Group.

Management

7.6 Managers must ensure that non-employed workers:

- Do not apply for internally advertised vacancies
- Are not deployed on custodial duties at or above prison officer level.
- Are not treated in effect as employees (e.g. through performance management or attendance arrangements).

Sessional workers

7.7 Sessional workers are not subject to conditions applicable to an employee. NOMS managers are not obliged to offer work; neither is the individual obliged to accept work offered. The individual:

- Can work or provide services for other employers and send a substitute if s/he wishes (subject to meeting any necessary checks); and
- Is not subject to normal line management responsibilities, including performance management procedures, staff discipline arrangements or sick absence/attendance policy. (See *My Services* for guidance on the possible implications of the Working Time Regulations for some sessional worker arrangements; including in terms of annual leave).

7.8 Governors and Heads of Group must ensure that the appointment of a sessional chaplain is endorsed by the Chaplaincy Headquarters Team or the relevant Religious Consultative Services (RCS) Faith Adviser; and must notify them of all terminations of sessional chaplain arrangements.
Volunteers

7.9 Managers should normally enter into a written agreement with individuals who are undertaking voluntary work; but must ensure that such an agreement does not amount to either a contract of employment or a sessional working agreement.
CHAPTER 8 – APPOINTMENTS

Appointment letters and schedules

8.1 See the Vetting PSO for information on the requirement for recruits to sign declarations relating to membership of racist groups and on requirements for pre-employment checks and for security vetting.

8.2 To comply with the requirements of the Employment Rights Acts 1996, the NOMS Agency will provide:
- Externally recruited staff with the key terms and conditions of their employment
- Staff already employed by the NOMS Agency with details of any change to their core terms of employment, even if this is on a temporary basis

8.3 All new staff, and existing staff whose contractual conditions of service have changed, including temporarily, must agree to the contractual terms and conditions of their employment.

Internal Release Dates

8.4 Unless there are exceptional circumstances agreed at Director level, successful candidates must be released to take up post within the following timescales:
- 6 weeks for staff transferring from Headquarters
- 10 weeks for staff transferring from establishments (other than prison officer roles)
- 16 weeks for transferring prison officers

Mobility

8.5 NOMS staff are, as a condition of service, either mobile or non-mobile. Mobile staff are liable to be transferred to any Civil Service post whether in the UK or abroad. The jobs to which the mobility requirement applies are specified in the Staff Handbook and at My Services - Mobility.

Post-appointment action

8.6 Following appointment:
- External recruits must sign the Official Secrets Act
- Prison officer recruits must swear the Oath of Allegiance
- Line managers must induct all staff into their new roles.
CHAPTER 9 - MONITORING

9.1 NOMS will conduct internal risk-based audit of recruitment processes to demonstrate that recruitment practices comply with its policies, and so with the rules of fair and open competition and selection on merit as specified in the Civil Service Commissioners’ Recruitment Principles. The Commissioners may themselves choose to audit the Service’s compliance with the Principles.

9.2 Management information must be available:
   • To meet audit requirements
   • To enable the accurate forecasting of staffing needs, both locally and nationally

9.3 All recruitment data must be managed in accordance with the provisions of the Data Protection Act 1998, as set out in PSO 9020. All recruitment records and documents, including a record of selection criteria and reasons for selection or non-selection of each candidate, must be kept for 12 months; or, for fixed term appointments, for the duration of the appointment.