



HM Prison & Probation Service

STAFF RESOURCING

This instruction applies to:-		Reference:-
HMPPS Headquarters Prisons		AI 03/2017 PSI 03/2017
Issue Date	Effective Date Implementation Date	Expiry Date
15 June 2017 (Revised)	10 April 2017	N/A
Issued on the authority of	HMPPS Agency Board	
For action by	<p>All staff responsible for the development and publication of policy and instructions</p> <p><input type="checkbox"/> National Probation Service (NPS)</p> <p><input checked="" type="checkbox"/> HMPPS HQ</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input type="checkbox"/> Contracted Prisons</p> <p><input checked="" type="checkbox"/> HMPPS Immigration Removal Centres (IRCs)</p> <p><input checked="" type="checkbox"/> Governors</p> <p><input type="checkbox"/> Community Rehabilitation Companies (CRCs)</p> <p><input type="checkbox"/> Other Providers of Probation and Community Services</p>	
Instruction type	HR function	
For information	All staff	
Provide a summary of the policy aim and the reason for its development / revision	<p>This is a policy for HMPPS which sets out the Staff Resourcing arrangements in place for the organisation. It contains core policy principles relating to internal and external staff resourcing.</p> <p>The high level policy set out in this PSI is to be used in conjunction with the process defined on the My Services site, and those in HMPPS Shared Services' knowledge base and work instructions.</p> <p>Update June 2017: 1.5, 3.5, 4.1-4.2 to ensure that HMPPS is compliant with the Civil Service wide resourcing policy changes to vacancy filling and redeployment.</p>	
Contact	<p>Further information on this PSI or the systems contained within it can be sought from the Shared Services HR Contact Centre</p> <p> 0845 010 3504 (VPN 7190 3504)</p>	
Associated documents	<p>Guidance on undertaking the requirements contained in this Instruction can be found on the My Services website.</p> <p>AI 05/2014 PSI 07/2014 PI 03/2014 Security Vetting PSI 33/2011 Equality of Treatment for Employees</p>	
Replaces the following documents which are hereby cancelled: None		
Audit/monitoring: Mandatory elements of instructions must be subject to management checks		

(and may be subject to self or peer audit by HQ managers) as judged to be appropriate by the managers with responsibility for delivery. In addition, HMPPS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance.

Introduces amendments to the following documents: PSI 03/2017 Staff Resourcing Policy

Notes: *All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.*

CONTENTS

Section	Subject	For reference by
1	Executive Summary	All permanent and fixed-term employees, at all Pay Bands below the Senior Civil Service in the HMPPS
2	Introduction	
3	Resource Planning	
4	Vacancy Controls	
5	Priority Appointments	
6	Standard Recruitment Through Fair and Open Competition	
7	Filling Temporary Vacancies Through Fair and Open Competition: Additional Principles	
7a.	Internal: Interchange	
7b.	External: Fixed term appointments	
8	Alternative Resourcing Options	
8a.	8A. Filling vacancies internally other than through fair and open competition	
8b.	8B. Filling vacancies externally other than through fair and open competition	
9	Obtaining Services from Non-employed Workers	
10	Appointment	
11	Monitoring	

1. Executive Summary

Statement of Purpose

- 1.1 This instruction contains core policy principles relating to internal and external staff resourcing.
- 1.2 The high level policy set out in this instruction is to be used in conjunction with the process defined on the [My Services](#) site, and those in HMPPS Shared Services' knowledge base and work instructions.

Desired Outcomes

- 1.3 To provide a policy foundation for HMPPS Agency staff resourcing activity which:
 - Ensures that HMPPS 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 Commission Recruitment Principles, the decisions of the HMPPS Board, and Cabinet Office requirements, including the Cabinet Office and Council of Civil Service Unions Efficiency & Relocation Support Programme
 - Supports the HR Operating Model
 - Supports both individual and organisational development

Application

- 1.4 All managers with line management responsibility for resourcing are required to read and follow all sections of this policy as required.

Mandatory Actions

- 1.5 *All actions in this instruction are mandatory unless specified otherwise. Directors, Deputy Directors, Governors, Heads of 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 Impact

- 1.6 None.

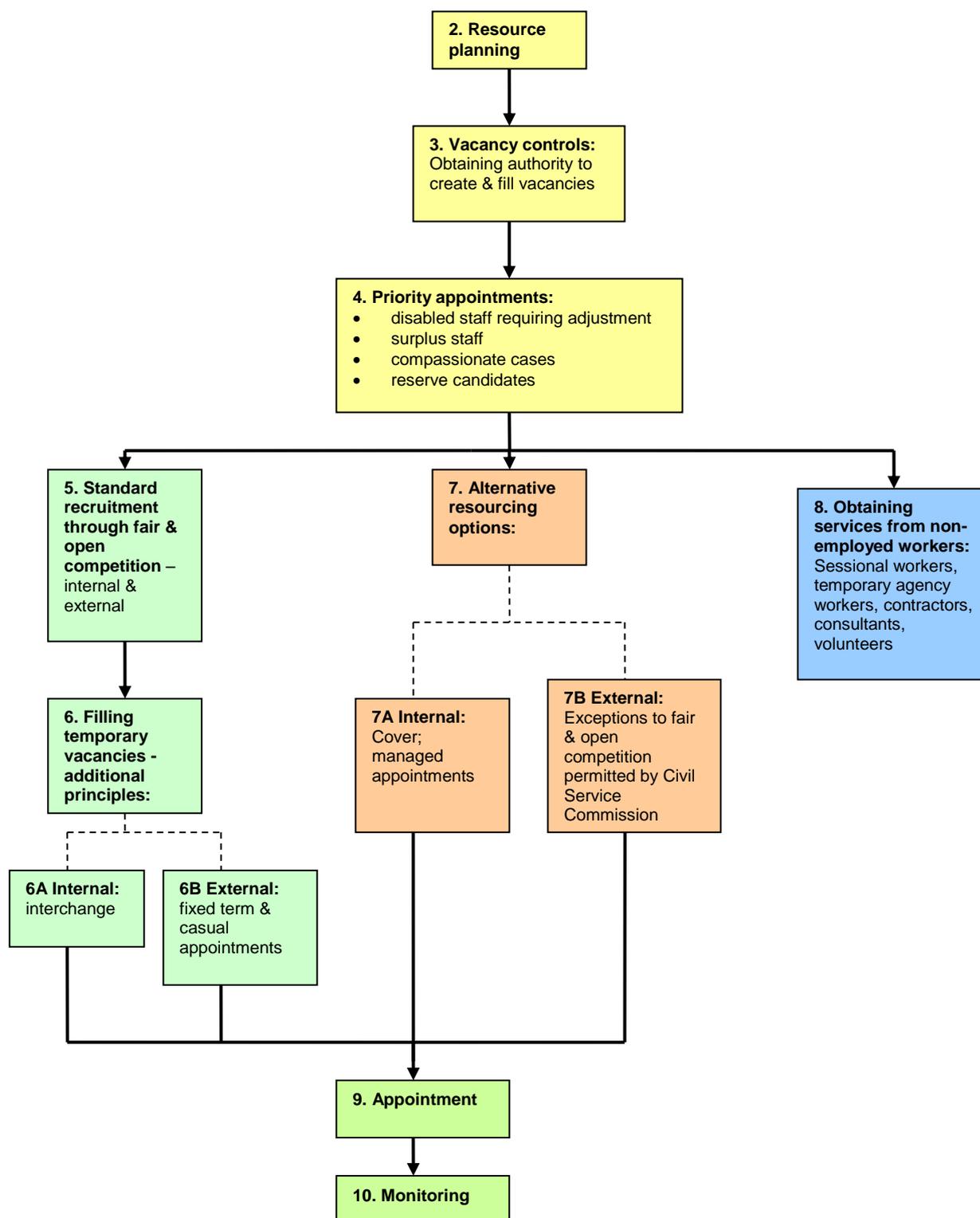
(Approved for Publication)

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2. Introduction

2.1 The following diagram describes the structure of this Order; which follows the stages of the resourcing process, from planning ([section 3](#)) through to monitoring results ([section 11](#)):



2.2 For information on the processes to be used to apply this policy, see [My Services](#) 'Changing Jobs and Vetting' pages.

3. **Resource Planning**

Producing a resource plan

- 3.1 Establishments and Headquarters should maintain a monthly workforce planning tool and should deliver a monthly work force planning committee. The HMPPS Workforce Planning Committee is responsible for ensuring that HMPPS has the right people in the right roles at the right time.
- 3.2 Their resourcing activity should then be based on the outcome of the work force planning committee.
- 3.3 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 HMPPS' high-level resourcing needs.

Identifying and managing surplus staff

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

The restructuring toolkit and redeployment framework can be accessed at this [link](#) and include guidance and tools on how to manage the end to end process of restructuring and redeployment.

- 3.5 *Directors, Deputy Directors, 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.*
 - *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 [Career Transition Service](#) is advised when their role ends and they are officially surplus.*
 - *Ensure that the relevant trade unions are fully consulted.*

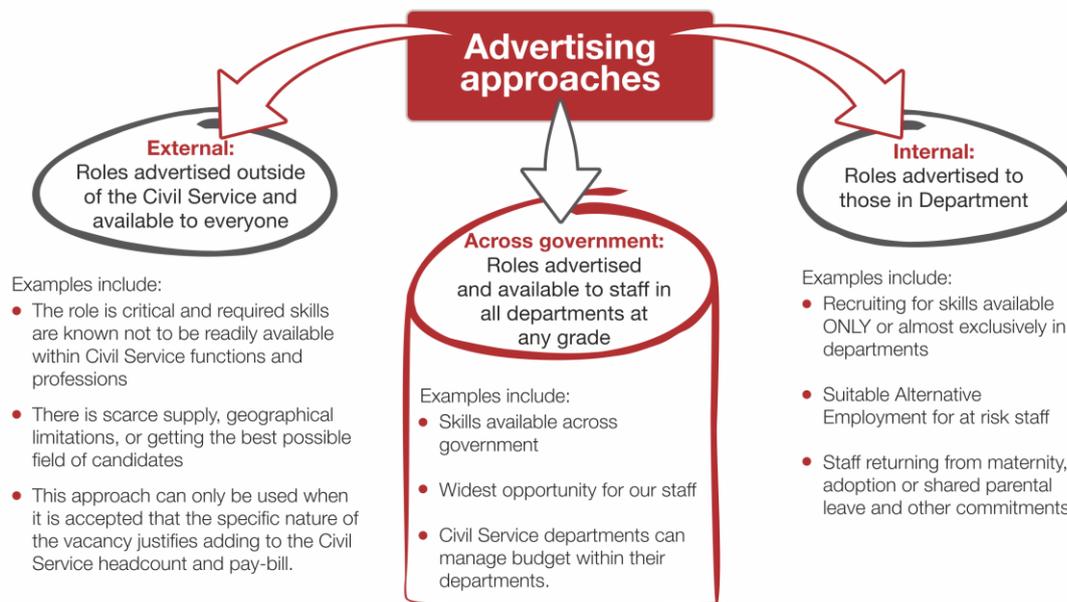
The redeployment framework can be accessed at this [link](#) and includes the process, roles and responsibilities of staff, managers, the Career Transition Service and HRBPs and information on Suitable Alternative Employment.

4. Advertising a Vacancy

Considering the most suitable advertising option for a vacancy

- 4.1 With the exception of SCS roles that must be advertised externally by default, managers must decide which recruitment option they would like to request authorisation for depending on the availability of skills required for a role. These options and decision criteria are in the diagram below:

Moving in, out and around the Civil Service: Civil Service Advertising and Recruitment Framework.



Requirement to obtain authority to create and fill vacancies

- 4.2 *Managers wishing to create and fill vacancies must obtain authority to do so:*

- a) *Authority to create a vacancy, and approval of the method of vacancy filling, must be obtained from the relevant Governor, Deputy Director or Director*
- b) *In addition, specific authority to fill a vacancy through external recruitment must be obtained:*
 - *From the relevant Governor for all jobs in establishments.*
 - *From the Director and the Chief Executive for frontline jobs in headquarters*
 - *From the Chief Executive and the Secretary of State, for other business critical jobs.*

5. Priority Appointments

Summary

- 5.1 *Once a vacancy has been approved, and before any other resourcing action is instigated, workforce planning committees must first consider:*
- *Surplus staff who have been put at risk of redundancy*
 - *Surplus Staff (not yet at risk)*
 - *Disabled staff who may require the post as a 'reasonable adjustment'*
 - *Compassionate transfers*
 - *People on a current reserve (merit) list, created by a previous selection process intended to fill the same, or a similar, post (see paragraph 5.9).*
 - *Surplus staff in other Government Departments*
- 5.2 *Recruiting managers and work force planning committees must consider vacancies in this order of priority, although in exceptional circumstances Directors and Deputy Directors, and governors have the discretion to give priority to compassionate cases. To find information about surplus staff they should contact the CTS as instructed on My Services, for compassionate transfers they must contact the local HR Business Partner.*
- 5.3 *With the exception of reserve candidate appointments, these are all forms of managed appointments. For further information on managed appointments, see paragraphs 8.6 - 8.13.*

Surplus Staff who have been put at risk of redundancy/ Surplus Staff (not yet at risk)

- 5.4 *Recruiting managers identifying vacancies must first discuss with the [Career Transition Service](#), as outlined on My Services, members of staff who have been declared surplus and are 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.*
- 5.5 *Recruiting managers must rank candidates in order of merit and normally appoint the highest ranking candidate provided s/he meets the competencies for the post.*

Posts offered as reasonable adjustments

- 5.6 *Where someone is unable to continue with their present work as a result of a disability, as defined by the Equality Act, managers 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.*

Compassionate transfer

- 5.7 *Staff facing serious difficulties in relation to their domestic circumstances caused by the need to care for relatives or some other personal problem that may be relieved by a change in location or pattern of work must, in the first instance, approach their line manager, who with the support of their Deputy Director or Head of Group has a number of immediate options open to them. In exceptional circumstances where a permanent move is authorised the individual will in most cases be managed into a suitable vacancy without the need for interview.*

Reserve (Merit) List

5.8 A reserve list can be used for similar roles (same job description) with the same functions and competency requirements.

- 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.

6. Standard Recruitment Through Fair and Open Competition

Civil Service Commission Recruitment Principles

- 6.1 HMPPS' 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 Commission Recruitment Principles, which can be found at <http://civilservicecommission.independent.gov.uk/civil-service-recruitment/>
- **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.
- 6.2 The Commission recognises that in some circumstances it may be right to allow appointments to be made outside of the principle of selection on merit on the basis of fair and open competition. Any such exception should not undermine this fundamental principle. Those exceptions are described in [section 8B](#).
- 6.3 Internal recruitment is not covered by the Recruitment Principles; but HMPPS 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 and digital specialists

- 6.4 *When recruiting Chaplains, Psychologists, HR Business Partners and finance and digital specialists, line managers must seek advice from the appropriate specialist unit, and additional considerations apply.*

Advertising vacancies

- 6.5 The recruiting manager will select the relevant job description when seeking authority to create and fill the vacancy. If that authority is given, Shared Services will then input details of the vacancy onto the online resourcing system, and advertise it using internal advertising systems; and/or external media contract facilities and the Civil Service-wide website advertising vacancies to civil servants in other government departments.
- 6.6 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 an 'occupational requirement' (see paragraph 6.9 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 line management has carried out an assessment of the post and deemed these arrangements to be unsuitable.*
- 6.7 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
- HMPPS' commitment to equal opportunities
- The Guaranteed Interview Scheme
- For external recruitment, the regulatory role of the Civil Service Commission

6.8 See [My Services](#) for details of minimum eligibility criteria. *To be eligible for an internally advertised post, a member of staff must have satisfactorily completed probation - or, for fixed term (including casual) staff, have completed six months' satisfactory service and have been recruited through fair and open competition.*

Occupational requirement

- 6.9 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.
- 6.10 In those circumstances, line management may, having taken specialist HR and legal advice, make a case to establish an occupational requirement which would restrict the advertisement of the post to members of that group.
- 6.11 However, the law also places very tight parameters around the scope for applying an occupational requirement. *A decision to apply an occupational requirement must be defensible in law, and must follow the criteria and processes set out in [PSI 33/2011 Equality of Treatment for Employees](#).*

Assessment and selection

- 6.12 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.
- 6.13 See [My Services](#) for information on what assessment route applies to a particular role.

Recruitment by selection panel

Selection panel membership

- 6.14 *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.*

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

Sifts prior to final selection

6.16 HMPPS operates the Guaranteed Interview Scheme (GIS). Under this scheme, anyone who meets the minimum criteria for a post is guaranteed an interview or access to the first stage of an assessment centre process. More information on the GIS is in PSI 33/2011 Equality of Treatment for Staff.

6.17 *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 HMPPS candidates, against the same criteria. The same criteria must be applied throughout the selection process.*
- *Sift against the advertised minimum requirements.*
- *Not sift out disabled candidates applying under the provisions of the GIS, unless they fail to meet the stipulated minimum criteria.*

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

6.19 *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

6.20 Prior to the interview or selection event:

- *The panel members must weight the competencies 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

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

Selection

6.22 Once the interviews are concluded, the panel chair must ensure the panel produces and records onto the online resourcing system:

- 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.

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

6.24 *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 and conduct considerations

6.25 *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 Director or Deputy Director. 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

6.26 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

6.27 Eligibility for certain types of jobs requires accreditation obtained through an assessment centre.

6.28 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.

6.29 *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.*

6.30 *The HR director of assessment must:*

- *Appoint a chief moderator and such other moderators, assessors, invigilators, role players and 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.*

6.31 *The Directorate 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*

7. Filling Temporary Vacancies Through Fair and Open Competition: Additional Principles

Introduction

7.1 In addition to the principles and requirements set out in [section 6](#), 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 (including casual) staff.

7a. Internal: Interchange

Definition

7.2 Interchange involves the temporary movement of people within HMPPS, and between HMPPS and other employers; to aid individual and organisational development and to fill skills gaps.

7.3 The main forms of interchange are:

- **Loans** – time-bound placements of HMPPS staff or other civil servants, either within HMPPS, or elsewhere in the Civil Service
- **Secondments** – time-bound exchanges between HMPPS and employers outside the Civil Service.

7.4 Although this section is primarily concerned with loans arranged through fair and open competition, the provisions at paragraphs 7.5 - 7.9 also apply to loans arranged as managed appointments and secondments (additional requirements for which are set out at paragraphs 8.6 - 8.8 and 8.15 - 8.16 respectively).

Loans

7.5 Employees of the HMPPS Agency on loan to another government department, and other Civil Servants on loan to the HMPPS Agency, cannot apply for vacancies within the organisation to which they are loaned, unless they have been advertised to members of their own department / agency.

Loans and secondments

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

7.7 *Loans and secondments of HMPPS staff must be based on a written agreement which includes a commitment that the individual will be accepted back into their HMPPS region or directorate at the end of the interchange period.*

7.8 HMPPS staff who participate in a loan or secondment retain their substantive grading level and continue to be subject to HMPPS terms and conditions. Where such a move involves undertaking a higher role temporarily, and is to be paid on a HMPPS pay band/scale, HMPPS cover payment rules will apply. On conclusion of the cover period, the individual will return to a role at his or her substantive level. Where individuals are on long term loan to another department and are successful in a formal promotion exercise, the promotion will be permanent unless specifically agreed upfront by all parties. Where permanent transfer to the host department is not possible, for example, where a department's workforce strategy relies on the use of loans, the loan remains in place at the higher grade, and is honoured by the home department on return

Both the home department and host department must be involved in the promotion decision. In Departments where individuals are already out on loan these cases will need to be managed by exception, taking into account the individual circumstances in line with the corporate approach.

- 7.9 *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

- 7.10 Managers may make any arrangements necessary for other forms of interchange, including attachments, shadowing and twinning.

7b. External: Fixed term appointments

Definitions and restrictions

- 7.11 *Fixed term appointments must only be used where there is a genuine management need to make an appointment of limited duration, and in any case of less than 4 years.*

Recruitment

- 7.12 *Line managers must recruit fixed term staff on merit, on the basis of fair and open competition; other than in the exceptional circumstances specified in the Civil Service Commission Recruitment Principles (see paragraph 8.16).*

Management

- 7.13 Fixed term 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.*
- 7.14 If they have been recruited under fair and open competition, their line management can offer them permanent employment at any time, provided they obtain the necessary approval to do so (see 4.1 above).
- 7.15 If made permanent, then, provided they have completed six months' satisfactory employment, they do not have to undertake a period of probation.

Termination

- 7.16 *When ending a fixed term contract, line managers, in conjunction with Shared Services, must follow a fair dismissal procedure, and consider if the employee is eligible for a redundancy payment.*
- 7.17 Many employment rights are acquired from the first day of employment. However, additional rights are acquired at two years – most significantly, the right to claim unfair dismissal under the provisions of the Employment Rights Act 1996. Employees subject to fixed-term contracts of two years, but also 'casual' employees whose contracts are extended to run into a third year, therefore gain a right to claim unfair dismissal.
- 7.18 If a fixed term contract were extended to run for four years or more, or an individual were employed on successive fixed term contracts for four years or more, the employee becomes permanent (unless the employer can objectively justify the use of such a contract at the time it was last entered into or renewed).

8. **Alternative Resourcing Options**

- 8.1 HMPPS 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 cover, 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 Commission.

8a. Filling vacancies internally other than through fair and open competition

i. Cover

Definitions

- 8.2 Cover payments may be used where a higher role is vacant for a continuous period of four weeks or more due to the post holder being absent (for example, on annual leave, sick leave, maternity leave, etc); or where there is a vacancy in the higher role (for example, the post holder has left; or the role is new and is yet to be filled substantively); or where a loan or secondment involves undertaking a higher role temporarily.

Authority

- 8.3 Line managers have authority to approve temporary cover.

Application

- 8.4 The policy and the process relating to the use of, and payment for, temporary cover are set out in notices relating to reward policy, and on [My Services](#). Where possible, managers should cover periods of absence by sharing out responsibilities between themselves and/or among the team.
- 8.5 *Line managers must take decisions on cover in an open and objectively defensible manner, based on an assessment of suitability.* The process for determining this is decided locally. An end date for the period of cover should normally be agreed at the outset; where that is not possible, then a review date, no more than 6 months after the start date, should be agreed. *Managers must determine how to fill any vacant role substantively prior to reaching the normal 12 months maximum cover period. Apart from interchanges, cover will only very exceptionally be extended beyond 12 months, and that would require Director or Deputy Director approval; and it will never exceed two years.*

ii. Managed Appointments

Definition and application

- 8.6 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 [section 5](#))
- 8.7 A managed appointment might take the form of an interchange arrangement – see paragraphs 7.2 - 7.9.

Authority and responsibilities

- 8.8 *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 8.6.*
- 8.9 *Managers are not obliged to agree to such a move, but must consider all cases on their merits.*
- 8.10 *Line managers must assess staff who are being considered for a managed appointment as competent to perform effectively in the full range of duties appropriate to the new role.*
- 8.11 *The new role must normally be at a level broadly equivalent to the old one. However, a Director may authorise the appointment of a member of staff to a role at a higher level where there is a pressing operational or other need. Such an appointment might be considered necessary if the line management were seeking to make a reasonable adjustment under the Equality Act, and no post in an equivalent role was available.*
- 8.12 *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.*
- 8.13 Staff who have completed probation are not subject to probation in their new role.

8b. Filling vacancies externally other than through fair and open competition

Exceptions permitted by the Civil Service Commission

- 8.14 Civil Service Commission Recruitment Principles permit certain exceptions to external recruitment on merit on the basis of fair and open competition. Further detail can be obtained at www.civilservicecommission.org.uk
- 8.15 No individual has an automatic entitlement to re-appointment save that subject to certain conditions and in accordance with the Civil Service Management Code the groups below will generally be permitted to be reappointed:
- 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 as laid out Paragraph in 4.4.6 of the Civil Service Management Code
- 8.16 As emphasised in 8.1 above, the normal practice is to use fair and open competition, and none of the exceptions described in paragraph 8.15 are generally used. *However, if a manager does find it necessary to use one of the permitted exceptions, and is authorised to do so, then s/he must comply with the conditions set out in the Recruitment Principles - which can be accessed at www.civilservicecommission.org.uk.*

9. Obtaining Services From Non Employed Staff

Definitions

- 9.1 There are circumstances in which 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, sessionals, temporary agency staff and volunteers.
- 9.2 Sessionals are persons not employed under a contract of employment who are 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.
- 9.3 Agency staff are not employees of HMPPS. They are supplied by an "agent" to undertake work for HMPPS under a contract between the agent and HMPPS.

Authority

- 9.4 *A manager wishing to use an agency member of staff, or to procure a consultant, specialist contractor or interim (see [My Services](#) for definitions), must obtain specific authority to do so, in accordance with the approval mechanisms set out in [section 4](#), and must additionally have obtained clearance from the Senior HR Business Partner for the group or directorate who will advise on the contractual arrangements. Agency staff may only be used up to a maximum cost of £10,000 in a specific activity; and generally only to provide cover whilst a post is being filled. Any extension to the period for which agency staff are to be used would have to remain within that cost limit, and would require specific approval. See [My Services](#) for further information on the approval process, and for guidance on whether to adopt a contract of employment or a contract for services.*

Procurement

- 9.5 *Managers must obtain the services of non-employed staff through the prescribed procurement process; and comply with the procurement rules, and the requirements of the relevant contract for services, as determined by MOJ Procurement Team.*

Management

- 9.6 *Managers must ensure that non-employed staff:*
- *Do not apply for internally advertised vacancies*
 - *Are not treated in effect as employees (Non-employed staff should not, for example, be subject to normal line management responsibilities; performance management procedures; staff discipline arrangements; or sick absence/attendance policy).*

Sessionals

- 9.7 HMPPS managers are not obliged to offer work to sessionals and are encouraged instead to offer minimum hours contracts; neither is the individual obliged to accept work offered. The individual may work or provide services for other organisations. HMPPS may choose to agree to a sessionals sending a substitute (subject to meeting competence requirements and any necessary vetting). See [My Services](#) for guidance on the possible implications of the Working Time Regulations for some sessionals arrangements; including in terms of annual leave.

Volunteers

- 9.8 Volunteers provide services without pay but they may be permitted to claim travel expenses to and from the establishment or wherever their service is being provided.
- 9.9 *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. HR advice must be sought beforehand from their HR Business Partner.*

10. Appointments

Appointment letters and schedules

- 10.1 While it is acceptable for managers to inform candidates of their success in appointment, appointment letters setting out contractual terms may only be issued by Shared Services, See [AI 05/2014 PSI 07/2014 PI 03/2014 Security Vetting](#) and [My Services](#) 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.
- 10.2 To comply with the requirements of the Employment Rights Acts 1996, the HMPPS Agency will provide:
- Externally recruited staff with the key terms and conditions of their employment
 - Staff already employed by the HMPPS Agency with details of any change to their core terms of employment, even if this is on a temporary basis
- 10.3 *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

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

Mobility

- 10.5 HMPPS 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 if deemed reasonable, taking into account individual circumstances. The jobs to which the mobility requirement applies are specified in the Staff Handbook and at My Services – Mobility. [Staff displaced will normally be redeployed to suitable alternative employment within 60 minutes travelling distance of their home taking into account of individual circumstances and responsibilities. This is consistent with the policy for matching surplus staff to vacancies. Redeployment over 60 minutes travelling distance from home will only be considered where reasonable and represents value for money]

Post-appointment action

- 10.6 Following appointment:
- *External recruits must sign the Official Secrets Act*
 - *Line managers must induct all staff into their new roles.*

11. Monitoring

- 11.1 HMPPS 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 Commission Recruitment Principles. The Commission may itself choose to audit the Service's compliance with the Principles.
- 11.2 *Management information must be available:*
- *To meet audit requirements*
 - *To enable the accurate forecasting of staffing needs, both locally and nationally*
- 11.3 *All recruitment data must be managed in accordance with the provisions of the Data Protection Act 1998. 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.*