

# Recruitment and Selection Policy and Procedure

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## Key messages

The main objective of this policy is to ensure that the ICO has a fair, transparent and inclusive process for the recruitment and selection of staff which balances the need for consistency, yet is flexible enough to reflect the variations in process which may be required depending on the nature of the roles being recruited.

The policy will help to develop and maintain a diverse workforce and ensure that the ICO is compliant with relevant legislation, implements good recruitment practices and provides equal opportunities for all.

## Does this policy relate to me?

This policy and procedure will apply to everyone who is involved in the recruitment and selection process for all positions at the ICO, whether advertised internally only or both internally and externally.

When using external consultants and recruitment agencies, the requirements of this policy will be clearly communicated, including the importance of achieving a strong and diverse field of applicants.



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## 1. Introduction

### 1.1 The aims of this policy are:

- to provide managers with a guide to finding the best way to meet a resourcing need;
- assist managers to plan, organise and deliver a successful recruitment programme;
- to ensure that recruitment and selection processes are efficient, effective, consistent and fair;
- to select and appoint the best person for each post based on merit and judged against the published criteria for the role;
- to seek to ensure the ICO has a diverse workforce;
- to promote equality of opportunity, diversity and inclusion through good recruitment practices, adherence to relevant employment and equality legislation and implementation of relevant aspects of the ICO's Equality, Diversity and Inclusion objectives and Reasonable adjustment policy;
- to meet the ICO's operational requirements and corporate strategies;
- to promote the ICO as an employer of choice including candidates with protected characteristics; and
- develop and maintain a workforce that is both diverse in its representation of the communities we serve, and provides diversity of thought and decision making.



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## 2. Stages of recruitment

### 2.1 Identification of vacancies

A vacancy can occur for a number of reasons, for example:

- replacing members of staff when they have left the ICO;
- newly created positions;
- temporary staff to cover busy periods;
- re-grading an existing position;
- cover for absent staff.

This is not an exhaustive list; therefore if you feel that you have identified a vacancy, but are unsure about it, please contact the People Services Directorate.

### 2.2 Request to recruit

At the beginning of each financial year the People Services Directorate will work with leaders and managers to plan and prioritise recruitment to align with our capacity and capability plans.

Before recruitment commences, recruiting managers should consider how the post is currently functioning, the work of the department and working hours to determine whether a direct replacement is required. The recruiting manager should then obtain approval from their Director.

Any new posts, identified as either part of the annual planning or from new requirements arising within the financial year, and which requires additional funding, must have a business case submitted for consideration by the Resources Board.

For posts that require additional funding or if there is a significant structural change trade union consultation may be required in accordance with the TU recognition agreement.

### 2.3 The Review and Planning meeting

After the recruitment to the post has been authorised a member of the Talent team will arrange a discussion with the recruiting manager(s) to agree:



- the lead recruiting manager, who is therefore accountable for the conduct of the assessment and selection process;
- the Job Description and Person Specification confirming that it is up to date and reflects the requirement of the role;
- the contract type that is most appropriate for their role;
- a review of any reserve lists (if applicable);
- review of previous campaigns;
- the most appropriate route for advertising the role taking into account the desire to have a diverse candidate pool;
- location for the role;
- the salary range to be advertised, which is typically career band 0 to career band 2;
- methods for applying;
- assessments and weighting;
- the panel which, wherever possible, should have a diversity of characteristics and experience;

All panel members should give consideration of their availability for informal discussions about the role with potential candidates. If informal discussions are agreed as part of the process to engage candidates, they should be made available to all.

A record of the review and planning meeting with details confirming the decision making process, must be held in the relevant SharePoint file for each recruitment campaign.

## **2.4 Training for panel members**

Anyone nominated to be part of a selection panel must have undertaken relevant training in recruitment and selection, which includes training and guidance on the Disability Confident Scheme and equality diversity and inclusion, within the last three years. There may be exceptional circumstances where a recruiting manager is able to be part of the panel after a condensed training session, however they will be required to attend it in full as soon as is practical.

## **2.5 Application procedure**

Unless there is a specific business reason to ring fence a recruitment exercise, permanent opportunities must be advertised for open competition either internally or both internally and externally. Potential candidates including temporary staff, must be given reasonable access to information about the role and its requirements and about the selection process.



When advertising posts externally adverts should be placed as widely as possible to ensure they attract a diverse pool of candidates.

For areas of the organisation where there is an identified need to improve equality or where previous campaigns have attracted a limited and non-diverse number of applications, positive action measures may help to provide a wider talent pool and positively contribute to the advancement of equality and good relations. Examples of positive action include:

- placing job adverts to target particular groups, to increase the number of applicants from that group;
- including statements in job adverts to encourage applications from under-represented groups such as 'we welcome female applicants';
- offering training or internships to help certain groups get opportunities or progress at work;
- offering shadowing or mentoring to groups with particular needs;
- favouring a candidate from an under-represented group, where two candidates are 'as qualified as' each other.

All applications should be made using the Applicant Tracking System, using either a customised application form or through the uploading of a Curriculum vitae (CV), unless reasonable adjustments, or alternative application methods, have been agreed with People Services – for example if specialist recruitment agencies are engaged or expressions of interest are invited for short term vacancies, where the urgency of the need to temporarily fill the vacancy or the short duration of the role makes it impractical or disproportionate to run a full recruitment campaign.

Internal applicants, including temporary staff should notify their line manager of any application made. This helps managers to plan their resources and understand that they may be required to provide a reference.

## 2.6 **Short listing**

Short listing will take place as soon as possible after the closing date and must be undertaken by at least two panel members, each assessing the applications without conferring.

The names and personal details of candidates, including equality information will not be made available to shortlisting managers.



Each application will be assessed for evidence of each of the relevant criteria specified in the job description and person specification. Decisions will be based on the applicant's ability to meet the criteria from the evidence provided.

Each element of the criteria to be assessed will be scored in accordance with the following scoring system:

- 0 – No evidence
- 1 – Poor evidence
- 2 – Good evidence
- 3 – Strong evidence
- 4 – Exemplary evidence

The final score for each element will be reached by the panel members reaching an agreed panel score. This may be achieved by totalling the scores awarded by individual panel members or by the panel liaising to agree an overall panel score. The approach taken must be agreed prior to the commencement of shortlisting and will depend on the number of applications received or availability of short-listing managers to agree a panel score. The accountable recruiting manager should ensure that the joint score is recorded on the applicant tracking system.

Candidates to be short-listed will be those scoring the highest overall mark, providing they have met all of the essential criteria required by the application form. In practice this means that they must score at least '2' for each essential criteria.

Candidates with a disability who meet the minimum criteria (scoring a minimum of 2 in each essential element) will always be invited to interview as part of the ICO's commitment to the 'Disability Confident' scheme.

Care should be taken that shortlisting criteria accurately reflects the needs of the job. Criteria must not directly or indirectly discriminate, so advice should be obtained from People Services when developing the requirements for the job.

When shortlisting CV's, panel members must agree the essential criteria from the job description and person specification, on which to assess in advance of the commencement of any shortlisting.

Where an external recruitment agency has been engaged for a campaign, a different short listing and scoring mechanism may be



used. This may include initial assessment by the agency. The basis of assessment and scoring will be fair, inclusive and consistent, and in line with the principles of this policy. These mechanisms will be agreed in advance and will form part of the terms and conditions of the agency agreement.

## **2.7 Methods of Assessment**

There are multiple methods of assessment (including but not limited to for example online assessment, presentation, written comprehension and/or practical exercise) that can be used to enable managers to analyse the skills, experience and behaviours of candidates to ensure that they meet the criteria outlined in the Job Description and Person Specification.

No methods of assessment should be included that are surplus to the requirements of the role and all methods of assessment should be fair, accessible and inclusive.

Assessment methods can be used singularly or combined. Any method of assessment to be used will be communicated to candidates in advance.

Candidates will be given as much notice as possible of the date of an interview or assessment, this is important for the candidate and to help maximise attendance at selection processes. Typically at least a week's notice will be given, though this may not always be possible.

If a candidate cannot attend on the scheduled date of assessment it may not be possible to secure an alternative time. Efforts will be made to accommodate candidates, but this should not be to the detriment of the needs of the organisation nor create undue delay to the outcome of the process for those candidates who were able to attend. There is therefore no requirement under this policy to provide an alternative time for a candidate who cannot attend on the designated date and time.

All of the criteria described as essential must be assessed either through the application form, CV or during the assessment stages of the process.

Scores from exercises conducted as part of the assessment process will be included in the agreed panel score. Criteria may be weighted and this will be agreed before the commencement of the assessment process.



There will be a minimum of two members on any assessment panel who must have undertaken recruitment and selection training.

Panel members must declare any conflict of interest, including prior knowledge of any applicant that has become evident after shortlisting. Panel members must not sit on panels that involve the assessment of friends or family members. For the purposes of internal recruitment, there will be occasions where panel members have prior knowledge of an internal candidate, this is not considered to be a conflict of interest.

Candidates must be assessed on merit, and they should not be treated more or less advantageously because of their previous or current activities, affiliations, or the employment of their friends, partner or family members.

The ICO is registered with the Disability Confident scheme and will work with candidates with a disability and recruiting managers to agree appropriate reasonable adjustments to the process at the earliest opportunity. Further information can be found in the ICO Accessibility and Reasonable Adjustments at Work Policy.

On completion of the assessment, panel members will liaise to provide their assessment of each candidate's performance in the assessment process and agree a final panel score for each candidate. This will determine the most suitable candidate(s) and therefore who should be offered an appointment.

Panel members must provide a record of their decision making process. The lead recruiting manager is responsible for ensuring that the aims of this policy are achieved and appointments are made based on merit.

The panel should record any relevant feedback comments for each candidate.

On completion of the assessment process all paperwork will be returned to People Services, where it will be held in accordance with the retention policy and subject to review and audit.

## 2.8 **Assessment outcome**

The successful candidate(s) will be those who score the highest overall mark, providing that they have met the minimum standards required for all of the essential criteria. In practice, this means that successful candidates must score a minimum of '2' for each essential criteria.





Candidates on tied scores may be placed in order by their scores on weighted criteria or, if no criteria were weighted at assessment, on the criteria which would bring greatest benefit to the role or in line with achieving the ICO's diversity aims. The reason for the decision will be recorded and reviewed as part of the People Services audit.

The panel will decide the minimum score at which a candidate is deemed to be appointable.

A candidate scoring 2 for every criteria might not be appointable if circumstances demand that a successful candidate needs to have more highly developed skills and experience. The panel must have clear and fair reasons for choosing a particular minimum score.

Should there be appointable candidates remaining after all of the offers have been made, managers must decide whether to maintain a reserve list and, if so, which candidates should be placed on it. The reserve list will be based on the candidate's scores, and candidates will be placed on the list in order of their scores.

Reserve lists are created if there are more suitable candidates for a post or posts, than there are positions available. This should apply to all posts within the ICO.

This means that if the same position at the same grade becomes available, candidates may be selected from the reserve list without the need to conduct another selection exercise if the recruiting manager decides to do so. Reserve lists would normally be held for six months in line with our retention policy. Should a manager choose to fill roles from a reserve list then the offer would be made to the highest scoring candidate on the relevant list.

It may be necessary to conduct a further interview or selection exercise involving candidates who have scored equally and are on the reserve list, subject to consideration given to supporting the achievement of the ICO's diversity aims.

The outcome will be delivered to all candidates via the applicant tracking system, using the email address provided on their application.

Strong candidates who have not been successful in a campaign maybe given the option to have their details saved in a talent pool for six months where they will be advised of any future relevant vacancies.

## 2.9 **Feedback**



Following assessment, if requested, candidates will be informed of the criteria/exercises in which they were assessed as not reaching the required standard.

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### 3. Conditional offer

3.1 Before an appointment can be formally confirmed People Services must have completed specified pre-employment clearance checks. A conditional offer will be made pending the receipt of satisfactory pre-employment checks. These will comprise the following:

#### 3.2 **References**

For new employees two references are required and these may be from a combination of employer and academic and must cover the previous three years.

Ideally one reference should be from the current and/or most recent employer and the other from a previous recent employer, but academic referees are acceptable where there has not been any recent employment. Personal references are not acceptable.

For existing staff seeking a promotion People Services will send an internal reference questionnaire to the individual's current line manager for completion. If there will be no change in line management an internal reference will not be required.

Provisional offers of employment may be withdrawn if references are deemed not to be satisfactory to the ICO.

#### 3.3 **Identification**

The Immigration, Asylum and Nationality Act 2006 (extended by the Immigration Act 2014) requires that all newly appointed employees provide evidence of their immigration/settlement status and eligibility to seek work in the UK.

Candidates will need to provide their passport, birth certificate or other appropriate immigration documents. Candidates will be asked to present the relevant documentation prior to their start date.

People Services will advise candidates what would be acceptable evidence of identification and eligibility to work in the UK as



appropriate. People Services will check the documents provided for legitimacy in line with the ICO security procedure recommendations and may consult the Security Team for advice if required.

### **3.4 Evidence of qualifications**

Candidates are required to provide proof of any qualifications which are listed as essential for the role on the job description.

They will be asked to present their original certificates or written confirmation from the appropriate educational establishment or examination board prior to their start. People Services will verify the certificates for authenticity and against the relevant qualifications as listed on the candidate's application form.

If candidates fail to produce evidence of the essential qualifications or if there are discrepancies with the qualifications declared on the application form, the accountable recruiting manager will be consulted to determine whether or not to proceed with the job offer.

### **3.5 Medical Health Clearance**

All new employees will require medical clearance prior to starting employment with the ICO. Our Occupational Health provider will assess information provided by the prospective new employee and declare if they are fit for work, whether any adjustments to the work and/or environment are needed, or if they are not considered to be fit to undertake the work for which they have applied.

It is essential to note that the medical questionnaires cannot be used as a means of differentiating candidates or to bar candidates for employment if they are otherwise fit to undertake the work required of them.

### **3.6 Criminal Records Declaration**

The Information Commissioner is under a duty to protect the information and material they hold. This obligation extends to their employees and agents.

Prior to appointment all new employees are required to complete a criminal records declaration along with a Basic Disclosure/Disclosure Scotland check. Upon receipt of the disclosure certificate applicants will be required to provide a copy to People Services where it will be stored in line with our retention policy. Should the certificate contain details of any convictions, the content will be referred to



People Services as this may present a security issue. This could result in the withdrawal of the conditional offer.

### 3.7 **Additional security checks**

Some posts within the ICO require additional Security Checks to access levels of official information in the course of their employment.

Recruiting line managers should decide whether such checks must be completed prior to commencing work with the ICO or whether they can be conducted after someone has commenced work. In the latter circumstances accepting the risk that security clearances may not be achieved. Should security clearances not be granted an individual's continued employment may be affected.

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## 4. Confirmation of appointment

- 4.1 Upon satisfactory completion of the security and medical health clearance checks and on receipt of satisfactory references, People Services will liaise with the impending new employee and relevant manager to agree a suitable start date.

Once this is agreed People Services will confirm the appointment formally in writing and issue a full statement of the employment particulars.

As part of the on-boarding process, liaison will take place between the new starter, the line manager and relevant ICO departments to identify any reasonable adjustments which are required for the new employee and procure any new equipment or systems required. Further information can be found in the ICO Accessibility and Reasonable Adjustments at Work Policy.

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## 5. Expression of Interest

- 5.1 Expression of interest (EOI) is a shorter, lighter touch, recruitment process that can be used for certain temporary internal only opportunities such as:



- temporary internal only vacancies, where existing knowledge and expertise are required, or where the position has been identified as a development opportunity;
- for urgent requirements where there is a business need to fill a position within a much shorter timescale and the urgency of the need or the short duration of the role make a full recruitment exercise impracticable or disproportionate;
- for short term positions that are expected to last up to six months.

A candidate who fills an EOI on a temporary promotion should only be in post for a period of up to six months, as they have not been substantively promoted. A full and open recruitment campaign must be undertaken before the temporary promotion end date.

5.2 Before deciding to recruit via this method, the accountable recruiting manager should consult with People Services and consider the following:

- the reason for the vacancy and type of vacancy (*see 'Types of temporary vacancy' in section 6 below*);
- the key requirements of the position;
- the expected term of the vacancy;
- the time required to train the appointed person;
- any transition requirements for staff with reasonable adjustments;
- inclusive recruitment practices in line with our EDI aims;
- prior knowledge and experience required and at what level;
- the urgency of the requirement and any risks associated with not filling the position quickly;
- any potential influence on equality, diversity and inclusion;
- the impact of taking resource from other areas of the ICO;
- possible development opportunities the position may offer; and
- whether the position is likely to become permanent – any appointment made through an EOI process **cannot** be made permanent and the position would have to be readvertised and a full recruitment process undertaken.

5.3 Recruiting managers must identify key requirements for the position and the assessment criteria to be used for shortlisting. Panel members must provide a written record of the selection and decision making process.

5.4 All appointments made via an EOI must be logged on the People Services Central EOI Log.



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## 6. Internal Transfers, Secondments, Acting up roles

### 6.1 Internal transfers

Internal transfers into permanent or temporary roles are subject to the candidate previously having been assessed against all or the most essential criteria for the role. Recruiting managers can use their discretion when deciding whether they would like to consider internal transfers for the role. This decision should be made during the Planning and Review meeting, and take into account factors such as the department's business need, if there is an immediate need for demonstrable experience at the relevant grade at the time of transfer and the potential impact of not providing a promotion opportunity for more junior staff.

If a recruiting manager decides that they can support internal transfers for a specific campaign this will be stated within the advert. If this is the case, members of staff who wish to be considered should notify their manager before following the internal transfer process outlined in the advert.

In order to apply for an internal transfer, staff members must:

- have satisfactorily completed their probationary period and served at least six months in their current post;
- must not be subject to any formal performance or disciplinary action at the time of the request; and
- must have been assessed, or realistically expected to be assessed as effective in their role in their PDR.

If line managers do not support a request for an internal transfer, the reason must be based on the needs of the organisation and managers must notify People Services of any job move requests that they have refused.

Staff members who feel that their request has been refused unfairly, they may submit an appeal to People Services.

In some circumstances staff may be offered an internal transfer without the need to complete the formal recruitment and selection process. This may include, but is not limited to, situations to support the health and wellbeing of individuals; re-structuring or re-deployment of staff as part of an organisational change; disciplinary matters etc. In these circumstances formal assessment against the



criteria may not be required, however the individual must be considered to be suitable for the role in which they are to be transferred.

## 6.2 **Secondments**

The ICO has a separate secondments policy and procedure which can be found in the Corporate Policy Library.

## 6.3 **Acting up roles**

'Acting up' posts may be offered without the need for open competition, where either the urgency of the need or the short duration of the role makes a full recruitment exercise impracticable or disproportionate.

Managers should take into account the following factors when selecting staff for acting up:

- knowledge and experience of the area requiring cover;
- the ability to cover the work with a minimal amount of transition; and
- the desire of the individual to receive further development.

Where there is more than one potential candidate managers should complete a short expression of interest process.

Managers must provide a written record of the decision making process for appointing to an 'Acting up' role.

If necessary 'acting up' roles can be extended for up to a maximum of two years to provide managers with the flexibility to meet the short-term needs of the ICO.

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## 7. Fixed term appointments

- 7.1 The ICO is committed to offering permanent roles wherever needed. There are however situations where fixed term roles may be advertised, for example this maybe to provide cover for a permanent post holder, because a post is funded for a fixed term or the work is only required for a finite period.



A fixed term appointment may be extended if there is a requirement for the role to continue longer than initially expected, for example if a project continues longer than initially anticipated.

The holder of a post which was advertised as a fixed term position, will be made permanent in that role if it subsequently becomes permanent, subject to the condition set out in 7.2.

This arrangement will apply for the duration of the fixed term appointment and for six months afterwards if the fixed term appointment has come to an end before a permanent need has been identified. If neither of these circumstances apply, a new advertisement for a permanent role will be posted.

If there are more members of staff in relevant fixed term positions than there are permanent positions available, the permanent appointment(s) will be made on the basis of a short form recruitment exercise ring fenced to those in the fixed term positions, for example by interviewing the people in the fixed term posts.

Staff should therefore be aware that fixed term positions may become permanent, and should make their decision whether to apply for a fixed term post on that basis.

- 7.2 The provision to make fixed term appointees permanent under this section of the recruitment procedure will only apply if the fixed term appointment has been made using a recruitment process which follows that used for permanent appointments. For example, this provision will not be applied following an acting up promotion which was conducted on an 'expressions of interest' basis.

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## 8. Interim emergency appointments

- 8.1 In certain circumstances it may be necessary to make an emergency interim appointment to a particular post in order to provide urgent cover and avoid a significant operational risk to the ICO.

In these cases People Services will consult with the Senior Leadership Team and the appointment would not be opened to competition, as the urgency of the need or the short duration of the role makes a full recruitment exercise impracticable or





disproportionate. The appointee may be either an internal member of staff or external appointment.

It is anticipated that this will be a rare occurrence. The circumstances in which it may be necessary could include:

- to preserve business continuity in the event of an unforeseen set of circumstances;
- to bring in a particular level of expertise or highly specialist skills that are not readily available within the ICO for a task requiring urgent completion and where full open competition is judged to be unlikely to secure suitable appointees within the required timescale;
- to provide short term emergency cover until a full recruitment exercise is completed.

Recruiting managers must declare any actual or perceived conflict of interest or prior knowledge of any candidates. All actions taken as a result of such disclosures must be recorded and available for audit.

Interim appointments can be made for a maximum of two years.

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## 9. Equal Opportunities Monitoring

9.1 In order to ensure the ICO meets its equality and diversity aims and objectives, and fully meet its obligations under equalities legislation, People Services will monitor the sex, ethnic origin, age and disability status of all applicants and for those short listed and offered appointments. Other characteristics may be monitored in line with the ICO's equality and diversity aims and the requirements of legislation.

For recruitment to positions based in the Northern Ireland office People Services will also monitor details regarding community background in line with the requirements of the Fair Employment (NI) Act 1989 and Section 75 of the Northern Ireland Act 1998.

The information will be collated and profiled anonymously in management reports to help assess how the equality and diversity policy and procedures work in practice and identify areas to be addressed where concerns and/or shortfalls become apparent.

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## 10. Audit and Reporting

10.1 People Services will produce management information reports on recruitment activity performance. The reports will profile recruitment exercises undertaken, showing information such as:

- number of completed applications received;
- number of applicants short listed;
- time elapsed from request to recruit, completion of selection process and start date;
- reasons for any delays or difficulties affecting the process;
- staff turnover; non-financial indicators;
- EDI analysis; and
- status on secondments, fixed terms posts, temporary promotions and other appointments made by exception.

10.2 People Services will perform audit checks on up to three recruitment campaigns every six months at different grades which will include permanent roles, applications from fixed term contracts, expressions of interest and campaigns managed by external consultants.

10.3 Management information reports will be produced to monitor the equality and fairness of the application of this policy during each assessment stage. These reports will be provided for review and assurance to the senior leadership team, executive team and trade unions.

10.4 A People Services representative will sit on interview panels where there is an identified need for their presence, for example where there is an inexperienced interview panel, and also as part of the audit process to ensure the consistency of the application of this policy.

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## Version history



Version	Changes made	Date	Made by
2.0		July 2017	Human Resources
3.0	Initial policy review, removal of processes	September 2019	Human Resources
3.1		January 2020	HR
3.2		July 2020	EDI networks, SLT
3.3		May 2021	Trade unions
3.4		May 2021	EDI networks, HR
3.5		December 2021	HR in consultation with TU's
3.6	Removed need for panel members to have a diverse culture and background. Removed the need for panel members to be of a higher grade to allow for panel members to be selected based on appropriateness of the role. Introduction of positive action to improve diversity of candidates	January 2022	HR Operations
3.7	Review by EDI BP and Policy BP. Minor changes to highlight inclusive processes. Updated to extend to recruitment agencies. Clarity given over reference period. Updated need to verify only essential qualifications relevant to the role.	May 2022	HR Operations
3.8	Updated to extend to recruitment agencies. Clarity given over reference period. Updated need to verify only essential qualifications relevant to the role.	May 2022	HR Operations
3.9	Transferred onto new policy template. Increased reference period for new employees from 2 years to 3	August 2022	HR Operations



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# ICO accessibility and reasonable adjustments at work policy

<b>Document name/title</b>	Accessibility and reasonable adjustments at work policy
<b>Version number</b>	V1.1
<b>Status</b> (draft, published or superseded)	Published with trade union approval
<b>Department/Team</b>	Human Resources
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<b>Author/Owner</b> (if different name both)	Margaret Wilson-Savage – Group Manager HR Operations (Author) Sarah Lal Director of People Services (Owner)
<b>Approved by</b>	SLT, Trade Unions
<b>Date of sign off</b>	April 2022
<b>Review by</b>	June 2023
<b>Security classification</b>	Official

## **1. Purpose**

- 1.1 As a 'Disability Confident' employer, our ambition is to enable disabled people to work and thrive at the ICO. The ICO wishes to provide an accessible, inclusive and diverse work environment. We want our work policies, practices and work environments to be as inclusive and accessible as possible by design. The purpose of this policy is to set out the process for making reasonable adjustments and to remove or reduce barriers for employees who are experiencing or would experience difficulties due to an impairment or health condition. This policy also applies to employees undergoing gender reassignment.
- 1.2 Our Equality Objectives set out a clear intent for the ICO to be inclusive and diverse, and the provisions in this policy are intended to be one strand towards our achievement of that objective.
- 1.3 This policy is intended to complement and expand upon the ICO's overarching Reasonable Adjustments policy, which sets out the ICO's commitments to making adjustments for Customers, their carers and advocates; visitors to our premises; and suppliers.

## **2. Legal Requirements**

- 2.1 As a public authority and employer, the ICO has a legal duty to ensure that our employment practices are inclusive and anticipate the needs of protected groups. We will make reasonable adjustments to ensure that job applicants, prospective employees and existing employees who have a disability, health condition or undergoing gender reassignment, are accommodated by our employment practices, where standard practices may inadvertently create a barrier to their inclusion and engagement with the ICO.
- 2.2 The general definition of disability under the Equality Act (2010) is "a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities". The Act defines long-term in this context as having lasted, or being likely to last for at least 12 months or the rest of the person's life.
- 2.3 Under the Equality Act (2010), the duty to make reasonable adjustments comprises a series of responsibilities falling into three areas:

(i) Avoid the substantial disadvantage where a provision, criterion or practice applied by or on behalf of the ICO puts a disabled person at a substantial disadvantage compared to those who are not disabled;

(ii) remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled; and

(iii) to provide an auxiliary aid (which includes an auxiliary service) where a disabled person would, but for the provision of that auxiliary aid, be put at a substantial disadvantage compared to those who are not disabled.

2.4 Employers have a duty to make adjustments that are considered to be in the scope of reasonableness. What is deemed as 'reasonable' will depend on each request taking into account;

- The effectiveness of the change to remove or reduce the disadvantage for the person with the disability, health condition or gender reassignment;
- whether it is practical to make the adjustment;
- is it affordable taking into account the size and resources of the ICO; and
- could the adjustment harm the health and safety of others

2.5 Although the law requires employers to make adjustments for those with a disability or health conditions the ICO recognises that not everyone who requires a workplace adjustment is considered to have a disability. The ICO will consider reasonable adjustment requests from all employees, including requests for adjustments relating to religion and LGBT identification.

### **3. What is a Reasonable Adjustment?**

3.1 Reasonable adjustment is a legal term introduced under the Equality Act (2010). It means that the ICO has a duty to make changes or adaptations to equipment or the working environment, to remove or reduce the negative effects of a barrier which causes a disabled person to suffer a detriment or places them at a substantial disadvantage in comparison with persons who are not disabled.

- 3.2 We aim for the ICO's practices, processes and ways of working to be as accessible as possible. However, we realise that there may be occasions when the standard approach taken has the impact of creating an unintentional disadvantage for a person with a disability, health condition or gender reassignment. Where this is the case, we will seek to determine if the standard approach can be altered, so that it is inclusive by design, or make a reasonable adjustment to the approach to remove or reduce a potential detriment.
- 3.3 We have structured this policy to describe our commitment to ensuring our processes and ways of working are accessible for people at various stages of their relationship with the ICO as an employer.

## **4. Job applicants**

- 4.1 We want our jobs to be accessible to people who wish to apply to work with the ICO. Ways in which we will do this will include:
- Ensuring that the criteria required to apply for a job accurately reflects the skills, knowledge and experience required to perform the role and are not artificially inflated;
  - providing application methods which mean that candidates are assessed anonymously, so that no personal details about the candidates are provided to recruiting managers who will only be able to assess based on the criteria which are relevant to the job;
  - ensure that job adverts and/or publicity convey our commitment to be an inclusive employer;
  - provide methods of application which are accessible. This will include allowing applications in non-standard formats if the standard application system is not accessible to a candidate;
  - implement the Disability Confident Guaranteed Interview Scheme for applicants who are disabled and fulfil the essential criteria for the job for which they have applied;
  - ensuring that adjustments are made to the assessment process where required, for example by allowing additional time for written exercises; making alternative equipment or facilities available etc.; and
  - ensuring our hiring managers attend up to date recruitment and selection training and are aware of the policies and resources available when making adjustments to the recruitment process.



- 4.2 We will seek to implement further reasonable adjustments where needed, so that candidates who have a disability, health condition or gender reassignment are not placed at a detriment and are able to compete in the selection process fairly. We will do this by assigning a single point of contact from HR to consult with applicants who have identified adjustments which may be necessary, and implementing them within the selection process.

## **5. Prospective new starters**

- 5.1 After being offered a role at the ICO, people who are coming to work with us should have the provisions and equipment they need in place and ready for them in time to start work.
- 5.2 We have a procedure in place which is designed to enable the needs of employees with a disability, health condition or gender reassignment to be addressed before their first day of work with the ICO. This procedure can be found in annex A.

In summary, we will liaise with the new starter and relevant internal departments and managers to provide the new starter with the equipment or work arrangements needed so that they can start work effectively. This may require engagement with Occupational Health or with Access to Work for advice, with the aim of ensuring that the necessary provisions are in place in advance of the start date.

- 5.3 Managers will review the needs of the new starter during their probationary period, and if additional provisions are required, will work with the Inclusion and Wellbeing team to implement the reasonable adjustments needed.
- 5.4 Where appropriate, we will make reasonable adjustments to policies such as the Probationary Period Policy and the Capability Policy and Procedure to provide a member of staff with the opportunity to demonstrate that they are able to fulfil the requirements of the role.

## **6. Established staff**

- 6.1 As well as making provisions for people joining the ICO, we are committed to putting arrangements in place for existing staff who identify themselves as being disabled or have a health condition or gender reassignment during the course of their employment with the ICO. Our aim is to retain people in their roles and allow them to continue with their employment and flourish within the ICO.

- 6.2 If a member of staff identifies that they are experiencing issues or detriments in their employment arising from an impairment, health condition, gender reassignment or disability, we will work with that person and their manager to identify how they can be most effectively resolved.
- 6.3 Where appropriate, we will make reasonable adjustments to our policies to support members of staff to fulfil their role and develop within the organisation.
- 6.4 We have a procedure in place to support employees with a disability, health condition or those who are undergoing gender reassignment in the workplace. An overview of this procedure can be found in Annex B and guidelines for dealing with workplace adjustments are provided in section 7.

## **7 Dealing with workplace adjustments**

- 7.1 If a member of staff or job applicant finds that they are at a disadvantage because of their disability or they believe their impairment is having a sustained impact on their day-to-day activities, they should complete the Workplace Adjustment Passport found in Annex C.

### **7.2 Workplace Adjustment passport**

The workplace adjustment passport has three main functions:

- to support a conversation between an employee and their line manager about the disability, health condition or gender reassignment and any workplace adjustments that might need to be made;
- to act as a record of that conversation and the adjustments agreed, and;
- to act as a record of any adjustments made for individuals as supportive measures.

The passport can also be helpful in starting a conversation about less visible disabilities such as mental health conditions.

The first section of the passport focuses on information that may help a line manager to understand more about an employee's disability, health condition or gender reassignment and the barriers experienced. The next section focusses on the impact (if applicable) of an employee's disability, health condition or gender reassignment on their daily working life

and specific requirements or adjustments identified to overcome any barriers.

Completion of the passport is voluntary. Employees have control over the content and who it is shared with.

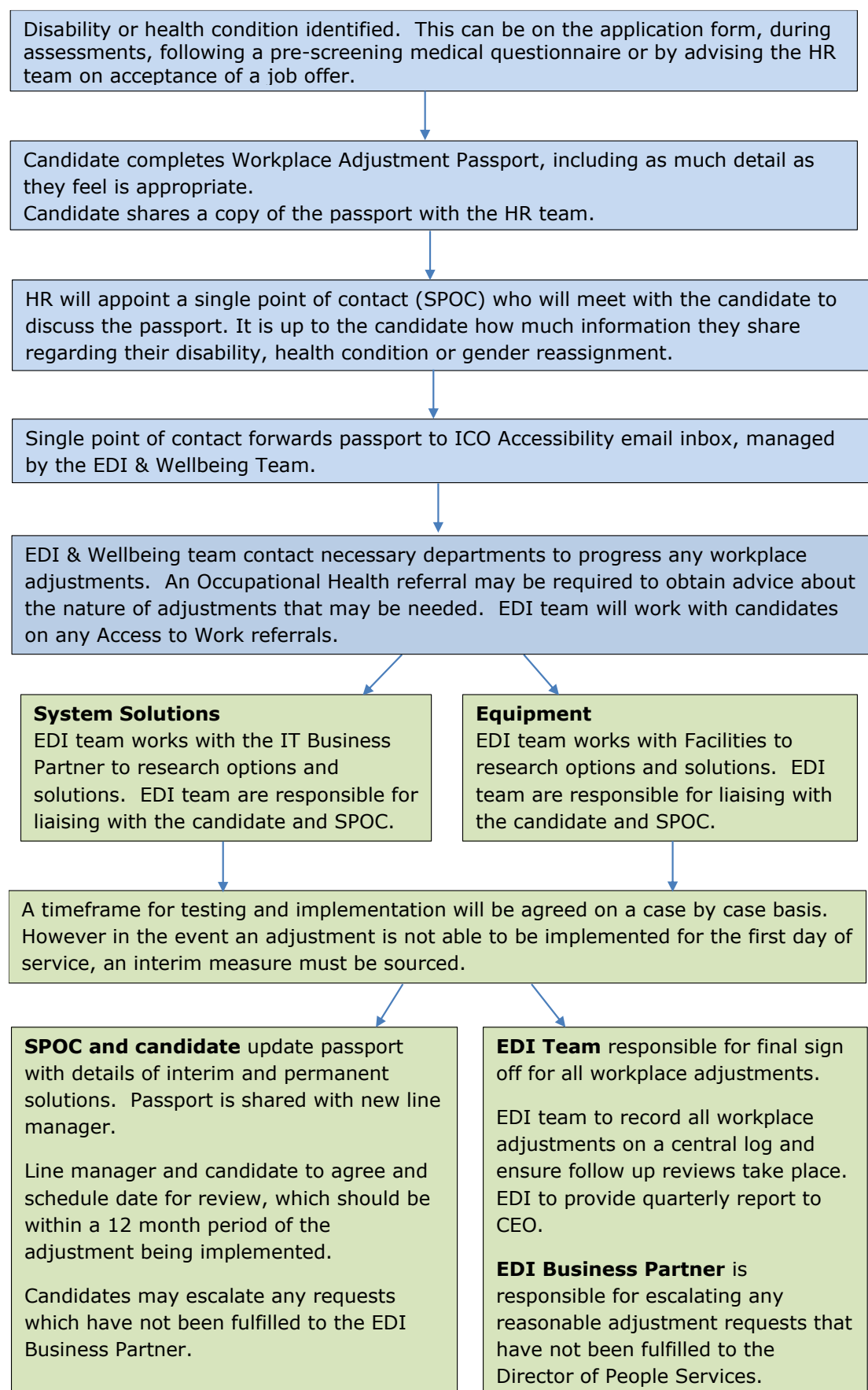
- 7.3 Once employees have completed the personal details section and included as much detail as they feel appropriate, they should share a copy of the passport with their line manager. If employees do not feel comfortable discussing their requirements with their line manager they may seek support from an alternative manager or seek advice from the Inclusion and Wellbeing Team.
- 7.4 Line managers will meet with the employee to discuss the issues identified in order to gain a better understanding about an employee's disability, health condition or gender reassignment and how this affects the employee and what support can be provided.
- 7.5 All information contained in the passport and disclosed in discussions will be treated in the strictest of confidence.
- 7.6 With the employees consent, the passport is forwarded to the ICO Accessibility email, which is managed by the EDI and Wellbeing Team. The EDI and Wellbeing team will identify if specialist help or advice is required.
- 7.7 Where appropriate, and with consent from the employee, the ICO will obtain advice from Occupational Health and/or Access to Work about the nature of the adjustments that may be needed to ensure a person is able to fulfil their job in a safe and comfortable manner.
- 7.8 The ICO may also engage with other professionals if necessary to help provide the most suitable arrangements for adjustments and accessibility. We will always engage with the member of staff concerned before doing so.
- 7.9 Adjustments need to be considered on an individual basis and the ICO recognises that different people need different types of adjustment.
- 7.10 Any actions agreed and review dates should be entered onto the passport. The EDI and Wellbeing team are responsible for the final sign off for the workplace adjustment passport. This includes approving and recording all workplace adjustments

and ensuring that reviews take place as agreed. Reviews should take place at least every 12 months.

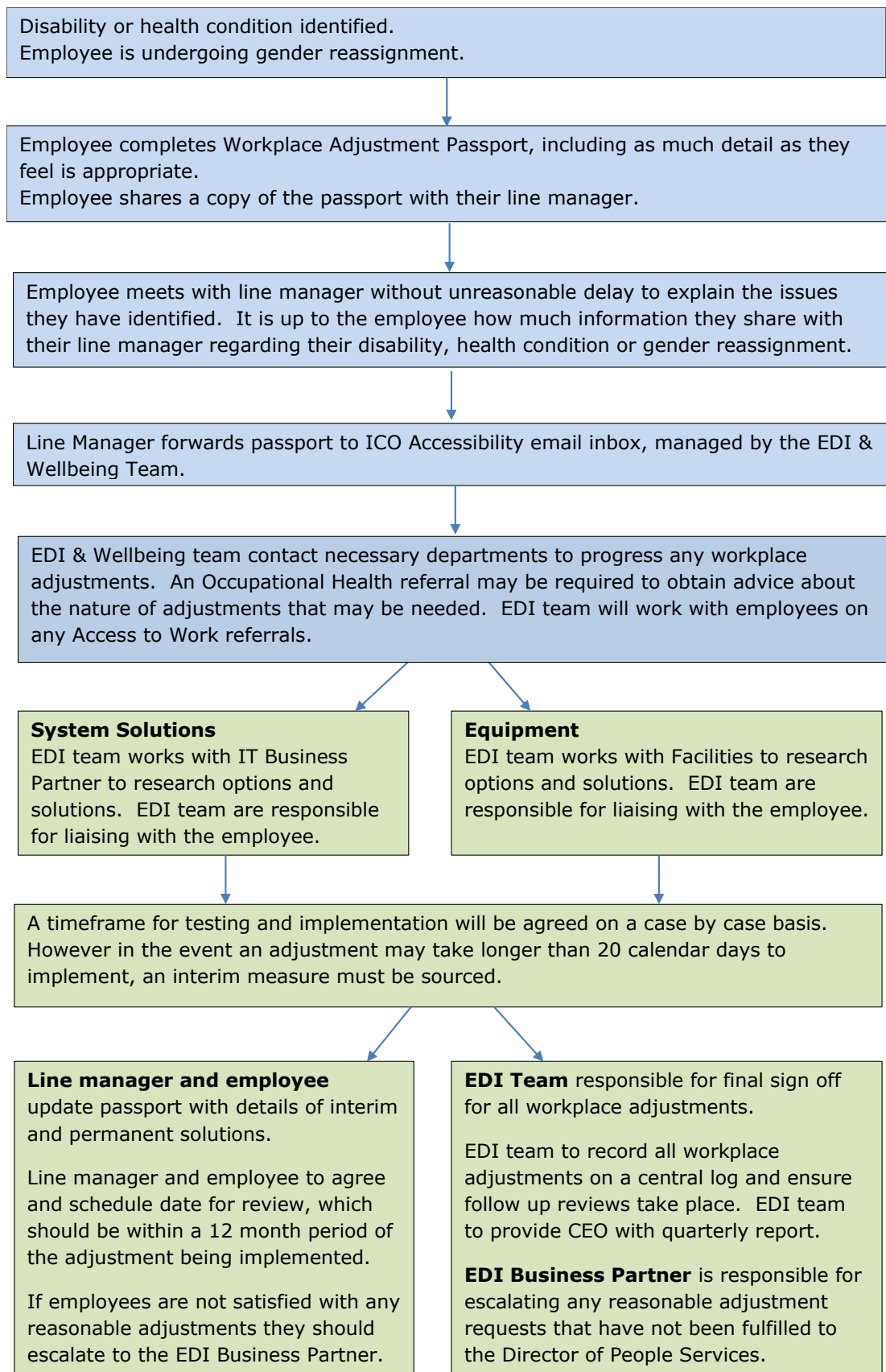
- 7.11 If an employee's circumstances change they should update the passport and speak to their line manager to discuss any impact on their workplace adjustments.
- 7.12 The passport will be particularly helpful when an employee changes line manager, as it will help the new line manager to understand what workplace adjustments the employee had been receiving previously and avoid the need to start the process again.
- 7.13 If the ICO is unable to fulfil a reasonable adjustment request the EDI Business Partner will discuss this with the employee and escalate to the Director of People Services, who will review each case along with the justification from the service area as to why the workplace adjustments could not be fulfilled.
- 7.14 The Chief Operating Officer will be provided with a report on a quarterly basis detailing any workplace adjustments that have not been agreed or implemented.

<b>Version</b>	<b>Changes made</b>	<b>Date</b>	<b>Made By</b>
<b>0.1</b>	<b>First Draft</b>	August 2020	Margaret Wilson-Savage
<b>1.0</b>	<b>Approved and published</b>	May 2021	HR, TU & EDI Networks
1.1	Updated procedure for dealing with workplace adjustments and introduced the Workplace Adjustment Passport	May 2022	Margaret Wilson-Savage

## Annex A



## Annex B



# Workplace Adjustment Passport

## Personal when completed

The purpose of the passport is for you to record all workplace adjustment requirements agreed with your line manager. Sharing and discussing your passport with your line manager, can enable them to provide you with tailored support and appropriate workplace adjustments.

All decisions relating to workplace adjustments will be based on the information contained within this passport or shared confidentially with the Inclusion and Wellbeing Team.

<b>Name:</b>	<b>Name of line manager:</b>
<b>Details of your disability, condition or barriers you currently experience:</b> This section should include: <ul style="list-style-type: none"><li>• information that may help your line manager to understand the impact your disability, health condition or gender reassignment has on your life.</li><li>• please do not list anything that you do not feel comfortable disclosing.</li></ul>	
<b>Details of how this affects you at work and the support you need:</b> This section could include: <ul style="list-style-type: none"><li>• the aspects of the job where you experience barriers and require adjustments. This could include the work environment, communicating with others, working arrangements or equipment.</li><li>• any specific requirements such as altered lighting, sitting away from draughts or near to toilets. These adjustments may be in place now but this may alter if your accommodation changes.</li><li>• specific adjustments you already use or know you need. For example, screen reading software to convert text to speech already installed on your laptop or flexibility in start and finish times.</li><li>• how the adjustments will help you or remove the barriers identified above.</li></ul>	

**Additional information:**

This section could include any:

- details of recent assessments for Occupational Health, Display Screen Equipment or Workstation.
- information about help you may need to evacuate a building in an emergency and whether you have a Personal Emergency Evacuation Plan. Contact details of someone to get in touch with in case of an emergency.
- information about any plans you have in place such as a Wellness Recovery Action Plan or what your line manager and/or colleagues should do if you feel unwell.
- details of anything else you think would be useful.

**Details of agreed workplace adjustments**

<b>Adjustment</b>	<b>Date identified</b>	<b>Date implemented</b>

**In the event that an adjustment may take longer than 20 calendar days, an interim measure must be sourced and documented above.**

**The following table is used to keep a written record of when the passport is reviewed and/or amended. The passport should be reviewed at least annually.**

<b>Review date (DD/MM/YYYY)</b>	<b>Amendments made</b>	<b>Reason for amendment</b>	<b>Employee signature</b>	<b>Line manager signature</b>



**Employee signature and date:**

**Line manager signature and date:**

**Inclusion and Wellbeing Team Signature and date:**

**If, for any reason, a suitable workplace adjustment has not been implemented, the Director of People Services must be informed with reasons/justifications as to why the adjustment has not been made.**

## Dignity at work policy

<b>Document name</b>	Dignity at work policy
<b>Version number</b>	V3.1
<b>Status</b>	Published
<b>Department/Team</b>	People Services
<b>Relevant policies</b>	Dispute Resolution Framework; Code of conduct; Disciplinary policy; Grievance policy; Whistleblowing policy; Health and Safety policy
<b>Distribution</b>	Internal
<b>Author/Owner</b>	Author: People Services Owner: Director of People Services
<b>Approved by</b>	Resources Board
<b>Date of sign off</b>	July 2022
<b>Review by</b>	January 2025
<b>Security classification</b>	Official

### Key messages

This policy is designed to give guidance to all staff on the standards of behaviour the ICO expects of its employees in order to create a working environment where everyone is treated with dignity, respect and in line with the ICO values. In conjunction with the ICO [Dispute Resolution Procedure](#), this policy provides information about the support available to staff and the processes to be followed for dealing with unacceptable behaviour, bullying, harassment, sexual harassment and victimisation.

This policy aims to ensure that everyone knows:

- The accepted standards of behaviour we expect to see to ensure dignity and respect at work for all;
- the standards of behaviour which are not acceptable;
- what support is available to staff who have been at the receiving end of unacceptable behaviour or feel bullied, harassed, sexually harassed, discriminated against or victimised; and



- what steps you can take if you feel that you are not being treated with dignity and respect, including how to make an informal or formal complaint.

## Does this policy relate to me?

This policy applies to all employees, agency staff, secondees, contractors, non-executives and other workers of The Information Commissioner’s Office (ICO). Every member of staff is expected to familiarise themselves with this policy.

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## 1. Introduction

- 1.1 At the ICO, we are committed to providing an inclusive and supportive working environment for all our staff. This includes providing an environment and culture free from intimidation, harassment, sexual harassment, bullying, discrimination, or abuse from colleagues. Additionally, the policy covers unacceptable behaviour away from the workplace such as on business trips, work related events and social functions and includes the behaviour of third parties such as contractors, agency workers, suppliers, or visitors to our premises.
- 1.2 We recognise unacceptable behaviour can create a work environment that interferes with job performance, undermines job security and an individual’s sense of self-worth, can cause serious stress related health issues, lead to higher rates of absenteeism and damage the ICO’s reputation as an employer.
- 1.3 The ICO will not tolerate unacceptable behaviour nor any form of harassment, sexual harassment, bullying and victimisation at any



level of the organisation. Any acts of bullying, harassment and sexual harassment will be dealt with as a serious disciplinary matter. The ICO has a duty of care to protect staff from unlawful discrimination, including sexual harassment and harassment related to age, disability, caring responsibilities, socio-economic status, pregnancy, marital status, race, religion or belief, ethnic or national origin, sex, sexual orientation and gender identity.

- 1.4 We will investigate and deal with all complaints or observations of harassment, sexual harassment, bullying and victimisation promptly, fairly, confidentially and with impartiality, taking action as appropriate to the circumstances of the case.
- 1.5 Sometimes behaviour that is construed as bullying or harassment is actually poor management. In these instances, training and guidance will be provided for the manager concerned.
- 1.6 All staff have the right to complain if they consider they are being harassed, sexually harassed, bullied, or victimised. Employees who suffer such treatment are encouraged to keep a diary of events so that the extent of the problem can be determined. Any employee making a complaint of bullying, harassment or sexual harassment can be assured that they will be protected from any victimisation that could arise as a result of making a complaint.

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## 2. Definitions

### 2.1 Dignity

For the purpose of this policy, dignity is defined as 'a personal sense of worth, value, respect, or esteem that is derived from one's humanity and individual social position; as well as being treated respectfully by others' (Lucas, 2015: 622).



## 2.2 Bullying

Whilst there is no legal definition, ACAS defines bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Power does not always mean being in a position of authority and it can also include personal strength and the power to coerce through fear and intimidation. These persistently negative attacks on the employee's personal and professional performance are often not apparent to anyone else.

Bullying can take the form of physical, verbal, and non-verbal conduct. It can be experienced from manager to subordinate, subordinate to manager, peer to peer, or group of staff to individual. It can be both explicit and insidious (in other words, implied criticism rather than actually stated) and undermines the ability and confidence of the person on the receiving end.

Legitimate, reasonable, and constructive criticism of a workers performance or behaviour, or reasonable instructions to workers in the course of their employment will not amount to bullying.

Examples of bullying can include:

- spreading false or malicious rumours about someone;
- undermining a person's self-esteem, for example by constantly making unfavourable comparisons with others or belittling their status;
- refusing to complete job-related tasks with the aim of undermining someone's authority;
- abuse of a position of authority to undermine a person's individual dignity;
- deliberately undermining a competent worker by overloading or under loading them with work, and constantly criticising them;
- excluding or isolating a colleague, not co-operating with them or victimising them;
- overbearing supervision or withholding information to create obstacles for a person to do their job properly;
- physical or verbal assault, such as shouting; and
- micro-aggressions including indirect, subtle or unintentional discrimination against members of a marginalised group.

Bullying and harassment can be a one-off or repeated acts. They can be intentional or unintentional, happen face-to-face or through other channels of communication including online platforms such as



Teams, via telephone, written communications such as e-mail or text messages, through social media or directed through a third party.

### 2.3 **Discrimination**

Discrimination is defined by ACAS as the unfair treatment of people or groups based on protected characteristics such as race, sex and gender reassignment, age, disability, sexual orientation, religion or marital/parental status. There are two different types of discrimination direct and indirect.

*Direct Discrimination* is when someone is put at a disadvantage and treated less fairly because of a protected characteristic.

*Indirect Discrimination* is when a working practice, policy or a rule is applied to everyone but puts one person or group at a disadvantage because of a protected characteristic.

### 2.4 **Harassment**

Harassment is defined as any unwanted physical, verbal or non-verbal conduct about any of the protected characteristics as listed in the Equality Act 2010, that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. The Equality Act also classifies harassment as any unfavourable treatment of a person's reaction to harassment related to sex or gender reassignment.

Examples of harassment can include:

- intrusion by pestering, spying or stalking;
- derogatory comments or jokes about a person's race, religion or nationality;
- derogatory comments or jokes about a person's sexual orientation or disability; and
- offensive remarks or gestures aimed at mocking someone with a disability or impairment.



## 2.5 Sexual Harassment

Sexual harassment is unwanted behaviour or conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. The Equality Act 2010 protects employees, workers, contractors, and job applicants against sexual harassment at work

Examples of sexual harassment can include:

- unwanted behaviour that violates someone's dignity, whether it was intended or not;
- unwelcome sexual advances, such as touching or standing too close;
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not;
- flirting, gesturing or making sexual remarks about someone's body, clothing or appearance;
- asking questions about someone's sex life;
- telling sexually offensive jokes;
- sexual pranks or teasing;
- sexual advances;
- whistling, leering;
- making sexual comments or jokes about someone's sexual orientation or gender reassignment;
- giving sexually suggestive gifts;
- displaying or sharing pornographic or sexual images, or other sexual content; and
- touching someone against their will, for example hugging them.

What some people might consider as joking, 'banter' or part of their workplace culture is still considered sexual harassment if the behaviour is sexual in nature and/or includes any of the behaviours listed above.

Anyone can be a victim of sexual harassment, regardless of their sex and the sex of the harasser. What matters is that sexual conduct is unwanted and unwelcomed by the person against whom the conduct is directed.

Employees can also experience sexual harassment from a customer, client, or member of the public. The ICO will take all steps to prevent this.



## 2.6 **Victimisation**

ACAS defines victimisation as treating someone unfairly because of making or supporting a complaint to do with a 'protected characteristic' or the perception you have made a complaint.

## 2.7 **Inappropriate behaviour**

Although it may not amount to bullying and harassment, the ICO will not tolerate behaviour which is offensive or insulting for the recipient.

Examples of inappropriate behaviour can include:

- offensive comments, language, remarks or jokes;
- displaying offensive or suggestive literature or remarks; and
- wearing clothing (such as a T-shirt) with an offensive motif.

2.8 It is essential to remember that it is not the intention of the perpetrator (the person accused of bullying or harassment) that decides whether bullying or harassment has taken place; instead, it depends on whether the behaviour is unacceptable by reasonable normal standards, and is harmful or unwelcome to the person or people on the receiving end.

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## 3. Dealing with dignity at work complaints

3.1 If employees wish to raise a formal dignity at work complaint, they should do so in writing and forward to their people manager or the People and Strategy Team.

3.2 All dignity at work complaints or observed breaches of this policy, will be dealt with in accordance with the ICO Dispute Resolution Procedure.

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## Version history

<b>Version</b>	<b>Changes made</b>	<b>Date</b>	<b>Made by</b>
1.0		September 2006	Human Resources
2.0	Full policy review	April 2020	Human Resources
2.1	Further policy review	May 2021	TU's and EDI Networks
3.0	Updated following the implementation of the ICO Dispute Resolution Framework	May 2022	HR Operations
3.1	Updated to include section relating to sexual harassment	May 2022	HR Operations

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