

Recruitment and Selection toolkit to support Equality, Diversity and Inclusion

Working to improve the experience of Black and Minority Ethnic Staff and communities

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Welcome!

- Following our re-launch in 2018, and our first conference, we've been looking at the ways in which we can support colleagues and patients.
- One of the things we want to be able to do is develop good practice guidelines, so welcome to our second resource document!
- Although the networks focus is on Black and Minority Ethnic staff, this guidance encompasses all aspects of diversity and inclusion within recruitment and selection practices.
- ➤ This is a good practice tool kit to ensure all aspects of diversity and inclusion are built into recruitment and selection processes.





Background and Context

Sundar Pichia (CEO Google) states "a diverse mix of voices leads to better discussions and outcomes for all". It is generally accepted that if a workforce represents the wider community it serves it is better for the organisation and better for its customers. A representative workforce at all levels, including executive- board, is better equipped to respond to the needs of patients and to deliver high quality, culturally sensitive and appropriate healthcare.

NHS England has recognised that people from a range of backgrounds can face barriers when applying for jobs within parts of the NHS. As a result, many equality strategies and standards have been introduced to measure and improve performance, including:

- The Workplace Race Equality Standard (WRES)
- Workforce Disability Equality Standard (WDES)
- Gender Pay Audit
- Equality Delivery System (EDS)
- Quality Care Commission (CQC)

Further standards being considered for other protected characteristics.

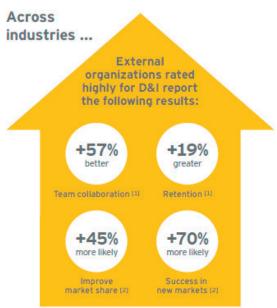


Source: Forbes.com (2018)

Background and Context

National Ambulance

- There is, however, still work left to do to address equality of opportunity in the way the ambulance service appoint, treat and develop people from diverse backgrounds and with different protected characteristics.
- The business case for equality, diversity and inclusion in the NHS is a powerful one and the right thing to do. It is important that employees, potential employees and volunteers, can be themselves their potential is recognised, nurtured and supported. Getting this right can lead to improved productivity, team performance, morale and retention and reduce sickness and disciplinaries.
- This toolkit has been designed to help ensure that issues of equality, diversity and inclusion are always considered by recruiters involved in the selection of new employees; for existing employees seeking employment opportunities and for volunteers. Examples are threaded throughout the toolkit to help recruitment staff and recruiting managers make successful appointments.



Source: [1] Driving Retention and Performance Through Employee Engagement (Corporate Leadership Council, 2008) [2] Sylvia Ann Hewlett, Melinda Marshall & Laura Sherbin with Tara Gonsalves, Innovation, Diversity & Market Growth (Center for Talent Innovation, 2013)

Getting Started

Equality Act 2010

The aim of the Equality Act, in relation to recruitment, is to improve equal job opportunities and fairness and make reasonable adjustments for existing employees and job applicants. Under the Act it is unlawful to discriminate against people because of nine as protected characteristics:

- Age
- Disability
- Gender reassignment
- Race
- Religion and belief
- > Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy and maternity



Recruitment and Selection Training

All staff involved in the recruitment of staff should undertake mandatory training to ensure awareness of their legal responsibilities of employment law, including those of the Equality Act 2010, at each stage of the recruitment and selection process. Training should also cover conscious, unconscious bias and other forms of bias that can lead to negative results for applicants, reasonable adjustments, targeting and promoting job adverts and the questioning and scoring process.

Unlawful Discrimination - Definitions



Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have:

Example An employer does not interview an applicant because of the applicant's ethnic background, faith or other protected characteristic.

Discrimination by perception is direct discrimination against an individual because others think they possess a protected characteristic.

Example A panel refuses to appoint a woman because they assume she is pregnant.



Unlawful Discrimination - Definitions



Associated discrimination occurs when someone is treated worse than another job applicant because they are **associated** with a person who has a protected characteristic.

Example An employer does not give someone a job, even though they are the best candidate, because they mentioned in the interview that they have a disabled partner.

It is unlawful to treat a disabled applicant **unfavourably** because of something connected to their disability where it cannot be shown to be **objectively justified**. This is called **discrimination arising from disability**. This only applies if it is known or could have been reasonably expected to know that the applicant is disabled.

Example An employer tells a visually impaired person with an assistance dog that they are unsuitable for the job because the employer is nervous of dogs



Unlawful Discrimination - Definitions



Indirect Discrimination

Indirect discrimination can occur when there is a condition, rule, policy or a practice that applies to everyone but disadvantages people who share a protected characteristic, unless it can be **objectively justified**.

Example A job involves travelling to lots of different places and the employer says that the successful applicant has to be able to drive. This may stop some disabled people applying if they cannot drive but who could use other forms of transport to get from one place to another. The employer needs to show that the requirement to drive is objectively justified.



Example The recruitment panel interview a Muslim person but needs them to work on Friday afternoons to do a surgery and make the assumption that due to their prayer needs they might not be able to do this?

Unlawful Discrimination - Definitions

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Unconscious Bias

Unconscious bias refers to a bias that some people hold but are unaware of, and which happens outside of their control. It is a bias that happens automatically and is triggered by the brain making quick judgements and assessments of people and situations influenced by their own background, cultural environment and personnel experiences.

- When engaging in the recruitment and selection process, everyone involved needs to be aware that unconscious bias can creep in at any stage, from where a job is advertised; during candidate shortlisting; through to appointment. It is important to learn to recognise where bias can occur; when it is occurring and to ensure there is a pause to take stock before making a judgement.
- Being aware that we all have biases and understanding the impact bias can have on judgements and decision making is a first step to influence and change behaviours. Interacting with people from different backgrounds and learning through your own research can reduce and change ingrained and unconscious biases.



Unconscious bias continued



This may result in situations where you have a positive or negative experience of a person who identifies for example as person you know and have had a positive or negative experience of, people can make the assumption that all people with a particular characteristic have the similar attributes which can impact on your decision making.

You could use the following strategies to help to counter your unconscious biases:

- Be honest with yourself, understand the types of bias you have
- Take your time during decision-making processes
- Think about each person as an individual
- Include a variety of people in recruitment processes
- Have a diverse panel
- Change your outlook to prevent attribution bias
- Improve everyone's awareness of equality and diversity and inclusion.
- Write down your opinions and impressions of applicants.

Cultural Awareness, Understanding and Sensitivity



Cultural awareness begins by accepting that cultural differences and similarities exist without giving them a positive or negative value. Cultures are shaped by people's experiences, upbringing, ethnic background, religion and belief, the social groups and communities with which people associate, and more. Improved intercultural understanding starts by accepting that diverse cultures approach situations differently.

- Being culturally competent means developing the ability to adapt and respond positively to people from different backgrounds.
- Being able to show empathy for other cultural perspectives and move seamlessly between different cultural environments can be achieved by going out to meet local communities through events organised by established community/faith groups or by organising ambulance service events, such as local training and awareness sessions.
- This positive approach can remove some of the myths that have built up by hearsay and can also be a way to remove some of the perceptions different communities may hold about the ambulance service.
- This can also help to build and maintain community relationships, promote yourself as an inclusive organisation and demonstrate that you are actively looking to recruit a more diverse workforce.

Cultural Awareness, Understanding and Sensitivity



- Listening to the experiences of different communities who have used ambulance services first hand helps to shape training and development for existing staff and promotes respectful and inclusive services for the future.
- Recruitment events held within the community to showcase the various careers on offer in the ambulance service is a good opportunity to break down some the cultural barriers for both existing staff and potential recruits.

Example A

YAS has recently organised 2 targeted recruitment and selection events which attracted over 500 diverse communities from both events which allowed YAS to showcase the roles and careers across the organisation with the aim or raising the profile of YAS as an employer of choice. This has resulted in a number of black minority ethnic individuals applying for a range of roles within YAS.

Example B

NEAS worked with regional NHS partners in 2019 to pool budgets and co-produce a BAME recruitment event. Through targeted promotion, social media, leaflet drops to diverse areas of the region they went onto attract 400 people to the recruitment event, a number have gone on to apply and some have been successful.

Equality Information and Data



Understanding the profile or demographics of the workforce is important for many reasons such as the effectiveness of employment policy, understanding people's views through staff surveys and is an important step towards increasing diversity in the workplace. Equality monitoring requires a two stage process – data collection and analysis.

- The first step is to gather information on the diversity of the workforce. Providing personal information is voluntary, but the quality of the analyses is only as good as the data gathered.
- Employees should be encouraged to complete the employment staff record (ESR) personal details form with assurances about confidentiality.
- The aggregated data can be used to compare the demographic representation of organisations with the local community, regional and national statistics and action can be taken to target under represented groups.



Equality Information and Data



- ➤ Gathering equality information from job applicants via an anonymous monitoring form is important to show if there is any disparity in the diversity of those that apply through to appointment and even those who don't apply at all.
- ➤ If there is a significant level of disparity it would be useful to probe deeper to understand if there are barriers to recruitment for some sections of the community.
- Data gathered for the Workforce Race Equality Standard (WRES) and Equality Delivery System (EDS), Gender Pay Audit (GPA) has been a useful step in identifying where progress has fallen short for race equality and also for other groups that face disadvantage in the workplace, including disabled people and women into management roles.
- This transparency has been vital in identifying work needed to remedy inequality, including removing barriers to recruitment, development and progression along the workforce pipeline.



Preparing for Recruitment

It is important to consider equality, diversity and inclusion at every stage of the recruitment process to ensure it is fair and transparent. Conduct a thorough and objective job analysis using the equality impact assessment (EIA) template to remove adverse impact and bias. Diversity and inclusion specialists are available to provide advice and guidance on completing an EIA.

Before starting the recruitment process, review the current diversity of the workforce. Identify if there are specific groups that are underrepresented and then consider how to encourage and support a diverse group of people to apply.

You could carry a statement about actively encouraging applications from diverse groups of people in job adverts and use inclusive logos like Stonewall, Employers Network on Equality and Inclusion, Investors in Diversity, race at work charter, etc.





Positive Action

Positive action in the recruitment context involves the steps that can be taken to encourage people from groups with different needs or with a past record of disadvantage or low participation to apply for jobs.

In recruitment, equality law allows positive action before or at the application stage. This could include encouraging particular groups to apply or helping people with particular protected characteristics to perform to the best of their ability (for example, by giving them training or support on application writing or interview skills).

Examples of positive action include:

- Hold targeted recruitment fairs for under represented groups
- Partnerships with BAME communities
- Branding your organisation as an inclusive employer
- Attend local BAME events and promote recruitment
- Target Communications and social media activity
- Using more images of under represented people in all campaigns
- Holding open days and targeting under represented groups
- Develop job shops and drop in sessions for application support and to understand competency based questions

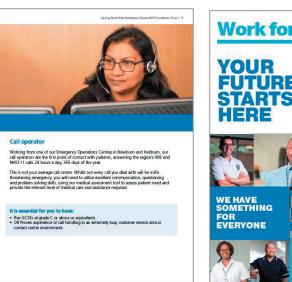
Diverse communication materials



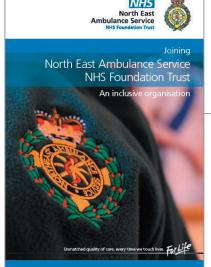














Governors

Our governors are elected to the Council of Governors by members of their constituency.

As a governor, your role is to act as the bridge between the Trust and the community you serve. You also have the potential to have a significant impact on how the Trust is managed.

- Be invited to attend at least four Council of Governors meetings per year (minimum) attendance is two meetings per year)

 Be consulted on plans for changes to the health service locally
- Be consulted about any areas of special in
- Be prepared to meet with and speak to n hear their views
- Receive user friendly information to ke Appoint the chair and non-executive di of the chief executive

To find out more about becoming a gov or call 0191 430 2000.







Positive Action

The law requires that a number of tests need to be satisfied before positive action is allowed. It must:

- be related to the level of disadvantage that exists
- not be simply for the purposes of favouring one group of people over another where there is no disadvantage or under-representation in the workforce.

Example An ambulance service could not use positive action to attract women applicants for nursing and midwifery posts where women already make up 70% of that grouping. It could, however, be used to encourage more men to apply as they are under-represented in those roles.

The best person for the job should still be appointed, even if the best person does not have the particular protected characteristic being targeted.

Positive action is not the same as **positive discrimination**, which is **not allowed** under the Equality Act. However, there are exceptions.

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Treating disabled people better than non-disabled people

The Act allows you to treat a disabled person more favourably than a non-disabled person. This recognises that disabled people generally face a lot of barriers to participating in work and other activities.

The Trust is a **Disability Confident Employer**– a Government scheme designed to
encourage employers to recruit and retrain
disabled people and those with long-term
health conditions.

The Workforce Disability Equality Standard (DRES) came into effect on 1 April 2019 and operates in the same way as the WRES – i.e. a serious of evidence based metrics about disabled people in the workforce.







Person Specification

The person specification should describe the ideal candidate's abilities, skills and knowledge. It provides the foundations for the shortlisting criteria and interview questions. Consider if the criteria can directly or indirectly discriminate against potential applicants.

It should include:

- Skills that have already been acquired but also those that can be learnt.
- Whether work and life experience can demonstrate qualities such as initiative and understanding.
- If qualifications are essential do not exclude non-UK qualifications

 Only formal qualifications that are absolutely necessary so as not to exclude sections of the community with different backgrounds who may not hold formal qualifications but can develop into the role with support and training.

Example

Asking for a particular number of years of experience may rule out younger applicants who have the necessary skills but are not able to demonstrate this over the years requested. Unless there is objective justification, replace years of experience with demonstrated skills in that area.



Advertising the Vacancy

When advertising a job it is important to include an inclusive statement that makes clear the commitment to equality, diversity and inclusion. Depending on the vacancy it may be appropriate to include a statement that welcomes applications from certain underrepresented groups, such as disabled people, people from BME backgrounds or women.



Example

Yorkshire Ambulance Service NHS Trust values and respects the diversity of its employees, and aims to recruit a workforce which reflects our diverse communities. We welcome applications irrespective of people's age, disability, gender, race or ethnicity, religion or belief, sexual orientation, or other personal circumstances. We have policies and procedures in place to ensure that all applicants are treated fairly and consistently at every stage of the recruitment process, including an invitation to the first stage of the selection process and consideration of reasonable adjustments for people who have a disability.

Example of a positive statements that could be used



We want our organisation to reflect the diversity of the population we serve and we welcome applications from people from all backgrounds, especially from underrepresented groups, including people from Black, Asian and minority ethnic communities





Advertising the Vacancy – Other Factors to Consider

- Think carefully about where job adverts are placed to reach as many people as possible from all backgrounds. Newspaper adverts may reach only a limited audience, consider other forms such as social media; local radio and community radio; add vacancies to partner job listings including the council, hospital, voluntary sector organisations; attend community recruitment engagement events; open days and also those at the local university, college and school.
- Language used should be clear and accessible – avoid jargon and abbreviations
- ➢ If images are used in adverts, they need to be positive and representative of men and women, a multi-ethnic mix, different ages etc. Avoid showing images of men and women doing stereotypical/traditional roles.

- If a particular group is underrepresented, use positive action schemes such as targeted advertising campaigns; using community group venues for targeted groups, offering work experience placements and targeted support to apply such as providing mock interviews. For more information see the section on positive action above.
- Consider adding to the advert whether the role can be job-shared or done part-time and if flexible working is possible. Positive and inclusive messages such as these could increase applications, for example, from women into traditional male roles.



Application Forms

A standard application form means applicants answer questions in the same format to ensure equal opportunities. However, check that the application form is job appropriate, for example is the application form used for the CEO the same as for auxiliary staff.



Only seek personal data relevant to the role – you can ask about disability – but only to identify reasonable adjustments that may need to be made to attend the interview process to ensure all applicants can complete the process on an equal basis and **only after they have** been selected for interview or as part of the guaranteed interview arrangement, for example under the Disability Confident scheme

Is you web site accessible?



Consider web accessibility tools such as Recite me and browsealoud which can change words into over 100 languages and speak in many of them. It can be a great gateway into getting people interested and some people may prefer to read/listen in their first language

Ensure your site is W3C accessible with screen readers



www.reciteme.com



www.texthelp.com





Equality Monitoring

As said earlier, It is good practice to adopt an equality monitoring procedure to record the protected characteristics of applicants such as ethnicity, sex, disability etc. on a separate monitoring form.

Reassure applicants that the information provided will be detached from the application form; recorded in confidence and not seen by the recruitment panel. The information gathered should not be used to make a decision about the candidate; rather it is a useful tool for HR to understand how fair and inclusive the recruitment practices are.



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Shortlisting

It is preferable if everyone on the panel is involved in the shortlisting exercise, but at least two panel members should be involved.

Try and have a diverse shortlisting panel or someone that has a different perspective to you as they may see something different in candidates and support you to identify potential that you may not see.

The purpose of shortlisting is to identify applicants whose skills, knowledge, experience and qualifications match those that have been identified as being necessary for the job.

Using the person specification, assess each application:

- Taking into account each candidate's ability to do the job and nothing else.
- Eliminate anything that could affect judgement – for example if dates are included about education it could identify the age of the candidate. This and anything else that may be an indicator of a protected characteristic should be ignored.
- Record why an applicant did or did not make the shortlist (keep records for 12 months).
- It is at this stage that discrimination and bias can creep in as often panels seek, often unconsciously, to appoint in their own image, or to select someone who will "fit-in" with the existing team.



Panel Representation

Diversity or a lack of it can have an impact on the outcome of the recruitment and selection process.

People can often feel more or less comfortable either consciously or unconsciously when they are engaging with people from similar backgrounds to themselves or if they share characteristics.

If you have evidence that particular groups of people fair less well in the recruitment process, evidence from across the NHS suggests a diverse panel can really help. Ensuring there is a diverse representation on the interview panel helps to make sure that decisions are less influenced by cultural bias, unconscious bias, other forms of bias or by a limited set of characteristics, for example, an all-white and male panel. The diversity of the interview panel chair can also play an important role in the outcome of decisions due to the hierarchical nature of some organisations.





Panel Representation

Having diverse perspectives on interview panels can support a broader understanding of the experiences candidates might share.

If it is difficult forming a diverse panel from the existing team/section consider other approaches to bringing diversity into the interview process:

- Invite diverse representatives from staff to be part of the panel.
- Invite external representatives from local communities to attend as panel members or to observe the interview process.

- Form additional interview panels comprising of staff/community from a range of backgrounds to interview in parallel to the main panel.
- Set up an informal grouping of diverse staff from across the Trust to hold a meet and greet session to put candidates at ease and demonstrate that the organisation is serious about diversity.



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The interview planning process

- Interview panels should include staff involved in shortlisting and interview questions should be agreed by all members of the main interview panel.
- Ensure community panel members/observers are able to make the interview dates and avoid cultural and religious events for example Eid. Inform staff involved in additional or informal panels how their information will feed into the selection process. They too need to be aware of legal requirements and unconscious bias.
- Every candidate should be asked the same questions so that familiarity based on similarities in backgrounds between panel member and interviewee cannot unfairly influence the process.

- Be prepared to amend times if disabled applicants require extra time to complete assessment tests, presentations etc. as a reasonable adjustment.
- At this stage, when inviting candidates for interview, questions about disability and whether reasonable adjustments are required can be asked.
- Ensure the venue is fully accessible for applicants and panel members. Check with candidates whether they require additional support such as a British Sign Language interpreter, extra time for people whose first language isn't English or note take.



The Interview / Selection Process

- All members of the interview panel should have an equal voice in the decision making process. Use assessment forms/scoring grids to make the process fair and transparent. Keep interview notes and scoring as candidates have the right to access their notes. Be aware that your reasons for appointing or not appointing a particular candidate can be challenged using the Equality Act using scoring grids will help you to respond appropriately if challenged.
- Avoid questions, conduct and procedures from which discrimination can be inferred. For example do not ask about family commitments, child care arrangements etc. Only ask questions that are relevant to the job and relate to the person specification.
- Avoid making judgements based on intuition or are subjective and ask the same questions of each candidate.
- Consider positive action initiatives such as asking managers to complete a form to say why a person with a protected characteristic wasn't employed when two people score the same



The Interview / Selection Process

One of the barriers interview panels can generate is that people from different backgrounds can be more or less likely to have good interview skills based on existing environmental and social inequalities. This leads us to make a judgement on how good someone is at interview rather than the skills they have for the specific role.

Once again consider if unconscious biases have crept into your judgement.







The Selection Process

When all interviews have concluded, go through the notes and grade each candidate accordingly. Appoint the best person for the job and not the person with whom the panel have the most in common.

It is only at the point that a person has been offered the job that detailed questions about disability can be asked and only to ensure there is enough information to identify reasonable adjustments.

Batch Interviews

Panel interviews of single applicants may not always provide the ideal assessment of an applicant's skills and experience and can contribute towards creating conditions for bias. Batch interviews could be considered where appropriate and for a series of different roles.

These can be useful for people who may perform less well in a typical structured interview and may give you a different perspective of an individual





Giving Unbiased feedback to unsuccessful application

When rejecting candidates give your reasons, based purely on the job requirements. Your notes and scoring sheet will help facilitate this.

Asking for References

Avoid asking questions about the sickness record of people you have conditionally appointed when seeking references from previous employers – this is not allowed under the Equality Act.

Monitor Relevant Data

The Human Resources (HR) should review the equality data, such as gender, ethnicity and age, etc at each stage of the selection process to check for adverse impact.

By collecting and monitoring data at each stage of the recruitment process it will allow you to track if people fair more or less well at different stages and help you to identify groups of people that may need additional support and at which stages which can help you provide better support in the future.

Specific programmes to support existing BAME staff



Stepping Up programme

The Stepping Up programme is a leadership development programme developed by the NHS Leadership Academy for aspiring black, Asian and minority ethnic (BAME) colleagues who work within healthcare (the NHS or an organisation providing NHS care).

https://www.leadershipacademy.nhs.uk/programmes/the-stepping-up-programme/

WRES Experts programme

WRES experts will undertake a 6 month programme and receive specific knowledge and training to support organisations and the wider health economy in your area to improve race equality and fairness. In so doing, the evidence shows this will improve patient care, patient satisfaction and patient safety.

https://www.england.nhs.uk/publication/workforce-race-equality-standard-wres-experts-programme-cohort-one-biographies/

Specific programmes



Ready Now programme – Band 8a and above Step Up Programme – Band 5 and above

If a persons next move is towards a board level position, or a significantly more senior role then our Ready Now *programme* for senior BAME (black, Asian and minority ethnic) *leaders* can help realise their potential

https://www.leadershipacademy.nhs.uk/programmes/the-ready-now-programme/



Supporting unsuccessful applicants



Clear constructive feedback about areas they could improve. This could include:

X

Y

Ζ

Consider holding job support workshops, this could include:

- NHS jobs sign up, searches and familiarisation
- Application support
- Interview skills
- How to answer competency based questions
- Expectations at interviews
- etc

Remind people that just because they haven't been successful this time this doesn't mean that they wouldn't be successful in future applications



Using Recruitment agencies

It is quite common now for employers, including NHS Trusts, to commission recruitment agencies to find a pool of candidates for posts, often for senior positions but not exclusively. It is important that they, as part of the recruitment exercise, abide by the Equality Act to meet their legal obligations.

References

What equality law means for you as an employer: when you recruit someone to work for you – produced by the Equality and Human Rights Commission,

www.equalityhumanrights.com

Workforce Race Equality Standard Resources

https://www.england.nhs.uk/about/equality/equality-hub/equality-standard/resources/

Business in the community (Race at work charter) - https://race.bitc.org.uk/

"CRUMS" Inclusive Recruitment Toolkit – University Hospital of South Manchester

Forbes https://www.forbes.com/sites/maynardwebb/2017/10/29/how-to-alter-your-hiring-practices-to-increase-diversity/#13dc0aac2029



