

18 June 2024

Conditional Offer Staff Appointments

Regarding Physiotherapy and Pharmacy, under the Freedom of Information Act, I would like to request the following information relating to job appointments made within Belfast Trust where the essential criteria specifically stated that the appointed candidate must have a specific qualification or be willing to complete within xxx many months / a year of taking up post.

My request applies in the context specifically of essential criteria, and examples such as: "must have XXX qualification (or willing to complete within 12 months) or YYY qualification (undertaking with a view to completing in next 6 months)" etc.

If the appointed candidate does not fully meet the essential criteria because they don't have a specific qualification - and the appointment was made based on the condition a candidate would acquire the necessary qualification outlined in the essential criteria of the job specification i.e.

Basically, what I am asking is what is the Trust process supposed to be when a person fails to achieve a qualification at all / in the stated time period. They will effectively be in breach of contract, as the job specification will have stated that the qualification was "essential". What are the Trust's policies and operating procedures in place to ensure that these conditional offers are managed and scrutinised fairly?

With regard to Pharmacy services, much of the information required to respond to the questions below is held locally, at individual team level. Therefore, locating, retrieving, and manually extracting information within such a large / complex Pharmacy Team, across multiple sites, would take well in excess of 18 hours to complete.

Belfast Trust considers that the cost of retrieving the information would be above the 'Appropriate Limit', as defined by the Freedom of Information Act under Section 12. Section 12 of the Freedom of Information Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit. The limit has been specified as £450 for public authorities such as Belfast Trust. This represents the cost of one or more persons spending 18 hours in determining whether we hold the information, locating, retrieving and extracting this information.

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1. What processes / checks / policies existed from 1st April 2022 to 31st March 2023 for reviewing these appointments and checking if the appointed candidates did in fact acquire the necessary qualifications?

Line Managers would be responsible for monitoring the progress of appointed employees through the achievement of the required qualifications.

In the case where band progression is associated with the attainment of a qualification, appointees would be held on the lower band until this qualification was obtained. In the case where the qualification is achieved, evidence of this attainment would have to be included in any changes of pay actioned by Human Resources.

In most cases, failure to achieve the appropriate qualification would be managed in line with Belfast Trusts' Capability Policy. However, each case would be reviewed and the reason for employee's failing to obtain the required qualification would have to be considered before identifying how to manage this and which policy would be applicable.

Within Physiotherapy, the attainment of the required qualification is monitored through appraisal and supervision. Governance processes for both pre and post qualification and re-registration ensure staff have the required skills to undertake the roles and responsibilities of a post.

2. What processes / checks / policies currently exist (as of 16th May 2024) for reviewing these appointments and checking if the appointed candidate achieves the qualification in the time frame they committed to completing, as set out in the essential criteria.

Line Managers would be responsible for monitoring the progress of appointed employees through the achievement of the required qualifications.

In the case where band progression is associated with the attainment of a qualification, appointees would be held on the lower band until this qualification was obtained. In the case where the qualification is achieved, evidence of this attainment would have to be included in any changes of pay actioned by Human Resources.

In most cases, failure to achieve the appropriate qualification would be managed in line with the Trusts' Capability Policy. However, each case would be reviewed and the reason for employee's failing to obtain the required qualification would have to be considered before identifying how to manage this and which policy would be applicable.

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Within Physiotherapy, this is undertaken on an individual case-by-case discussion through the appraisal and supervision process –e.g. there is a robust capability criteria, which is supervised, reviewed and signed off by the First Contact Physiotherapy Consultant.

3. How many such "conditional offers" were made to Physiotherapy and Pharmacy staff from 1st April 2022 to 31st March 2023 in the Belfast Trust?

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4. Of these offers to Physiotherapy and Pharmacy candidates in the Belfast Trust how many of the staff that were appointed during the period 1st April 2022 to 31st March 2023 have failed to achieve the required qualification considered essential at appointment within, the time frame stated in the job specification as of today 16th May 2024?

Physiotherapy

Two candidates have met the criteria within timescale
Two posts have not been recruited within timescale

5. Who is responsible for reviewing the achievement of qualifications considered essential, as per the job specification and conditional appointments within the Belfast Trust?

Line Managers would be responsible for monitoring the progress of appointed employees through the achievement of the required qualifications.

Physiotherapy

This would be undertaken at shortlisting stage to ensure the candidate meets the criteria to proceed to interview and at pre-employment stage with Human Resources / Business Services Organisation (BSO).

6. Does HSCNI / Belfast Trust have a process or policy on how managers should report failure to achieve essential qualifications in the time frame set out in the specification?

Failure to achieve the appropriate qualification would be managed in line with the Trusts' Capability Policy.

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7. What Human Resources legislation covers the enforcement of conditional offers where completion within a stated timeframe is considered essential? Does the HSCNI have a policy on how to ensure compliance with the relevant legislation? Has the policy been screened for equality?

The requirements for each role are set out in the Job Description, which is referred to in the Contract of Employment and therefore the relevant legislation would be The Employment Rights (Northern Ireland) Order 1996.

With regard to Question's 1 and 2 above, there is no individual policy to govern this process. In accordance with Section 75 of the Northern Ireland Equality Act 1998, all Belfast Health Trust Policies are screened to ensure they address inequalities and are compliant with upholding equality of opportunity and / or good relations for the nine protected groups as part of the approval process.