Internal recruitment

Show all parts of this guide

Internal recruitment overview

Controls on internal and external recruitment currently apply across the core Scottish Government.

These pages give an overview of the internal recruitment process.

Once your vacancy is approved, a recruiter from the resourcing team will be assigned to you to support you through the process.

Before you begin recruiting:

- read the preparing to recruit guidance
- read our promotion policy

You should also consider whether a managed move, modern apprenticeship or temporary recruitment could fill your vacancy.

If you want to recruit to fill a post on a permanent basis this requires approval from your director or deputy director. You can request approval through the Applicant Tracking System (ATS). You can find guidance on how to do this on Pathways under the ATS System Support Guides section.

There are two options for filling internal vacancies:

1. Internal recruitment campaign

You can recruit using an internal campaign when there are multiple similar vacancies across a division or directorate. Directorates can also choose to work together where there are similarities in the roles, for example in policy or operational management.

Where campaigns have jobs across more than one grade, each grade should have its own campaign reference number generated in ATS.

Read more about running an internal campaign.

2. Post-specific recruitment

If the post you're recruiting for is different from others in your area, you can run a post-specific recruitment campaign.

When you're ready to begin your recruitment read the guidance on drafting your advert.

Running an internal recruitment campaign

If you're recruiting for multiple similar vacancies across a division or directorate, you can run an internal recruitment campaign. A campaign coordinator nominated by your directorate is appointed to ensure the process is fair and reasonable. They will be the main contact with the resourcing team and responsible for applying the promotion policy.

You should follow the guidance on sifting, assessment and interview panels for all recruitment you do.

Campaign panels

Campaigns allow for greater sharing of resources for panels and different panel members can complete the sift and the interviews or assessment. You should consider the number of vacancies and the time required from each panel member. Make sure you have enough people to cover each interview, as this can also help to increase consistency and diversity. Following these practices ensures the campaign runs smoothly and is compliant with Civil Service Commission principles.

For consistency, hold a panel briefing before the sift. It should cover the essential criteria being used to assess candidates and explain how all panel members should score applications. If you need help with this, contact the resourcing team.

Role matching

For large campaigns, candidates should be offered roles in the order they've been scored after interview and assessment.

You can allocate candidates roles by taking into consideration location and previous experience as long as you follow the order they've been ranked in.

If you need support in role matching for a campaign contact the resourcing team.

Drafting your internal job advert

Begin drafting your internal recruitment campaign or post-specific advert by thinking about the essential skills and main duties for the post.

If your vacancy is a new post, fill in the job grading template and submit it. When the grade is agreed you can create your vacancy on the Applicant Tracking System (ATS).

For existing posts, there's no need for evaluation and you can go directly to creating your vacancy on ATS.

Creating your vacancy on ATS

You can create your advert on ATS. Find guidance on how to do this on Pathways under the ATS Support Guides section.

Your advert must clearly describe in plain English which essential criteria applications will be sifted against. Only include qualifications where they are specifically required to perform the role.

Posts are advertised for a minimum of 10 working days, although you can choose to advertise for longer.

Candidates have the option to contact you as the hiring manager to discuss details about the role and any additional information. They might ask for adjustments to help them at the application and/or interview stage.

All internal vacancies are open to candidates on any working pattern, including job share. You should treat all requests for information in the same way.

Other government departments (OGD)

If you choose to advertise to OGD at the time of adding your vacancy to ATS, your advert will run on the Civil Service Jobs website for at least 10 working days. In most cases, vacancies are advertised to Scottish Government and OGD at the same time.

Applications go to the resourcing team, who review and confirm eligibility before sharing these with you.

You can only consider applications from candidates after HR have confirmed their eligibility.

Interview panels

Once your vacancy is advertised you can set up a selection panel to sift the applications and interview candidates.

Hiring managers and recruitment campaign coordinators are responsible for selecting a panel. If you're the hiring manager running a post-specific campaign, you should chair the interview panel.

Sift panels

In most cases, the sift panel includes the same people that were on your interview panel. However, for large campaigns this won't be possible and the campaign coordinator should brief all assessors before the sift. The resourcing team can help with this.

Read more about running an internal recruitment campaign and receiving and sifting applications.

Panel membership

Panels must have:

- at least three members, with at least one member from outside the hiring directorate
- a majority of members at least one substantive grade above the post being interviewed for
- a panel chair at least one grade above the post being interviewed for
- a detailed understanding of the role or grade being assessed
- completed probation

All panel members should have completed the online inclusive recruitment training.

If you're the hiring manager or campaign coordinator, remember to make contingency plans in case a panel member is unavailable at short notice.

Sitting on a panel when on Temporary Responsibility Supplement (TRS)

If you're on TRS you can sit on a panel if the role being interviewed for is a grade below your substantive post. If the role is the same grade as your substantive post contact the resourcing team for advice.

Lead panel members

You no longer need a lead panel member on your panel.

Diverse panels

We're committed to embedding and advancing diversity and inclusion across the organisation. This includes providing promotion opportunities to all colleagues, fairly and equitably. We believe this is the right thing to do and the right way to get the best talent.

Diverse panels can have a really powerful impact on increasing the quality and diversity of decision-making, and on candidates' comfort and ability to perform well. Feedback we've received tells us people need to be able to see themselves in the power structures and represented in the organisation at all levels. This is described as 'you can't be what you can't see'.

When selecting your panel you should think about whether it's gender balanced. You should aim to include colleagues from a range of backgrounds, characteristics and experiences.

Diverse panel members offer different perspectives on the candidate's performance. This gives a more thorough assessment of role suitability and helps reduce group biases in decision making.

Training and support

All colleagues should complete the mandatory Inclusive Culture courses. There are resources on Pathways to further your learning on inclusive recruitment, including:

- Inclusive Recruitment
- Disability Equality For Line Managers

If you need any support for your panel, contact the Resourcing Champions Yammer group.

Conflict of interests

If there's a conflict of interest between a panel member and a candidate, the panel member should step aside. For example, if the panel member has an existing relationship with a candidate which could be viewed as a conflict of interest.

Technical or specialist roles

For technical or specialist roles, a non-Scottish Government employee can sit on a panel to assess the technical elements we don't have internal capability for. This should be only under exceptional circumstances.

Receiving and sifting applications

Once your vacancy has closed, your recruiter will check the applications to make sure they're eligible. After that you'll receive an email notification and be able to see how many applications you've received on the Applicant Tracking System (ATS).

You'll be sent an email confirming the vacancy is closed and a sift panel report for you and your panel to complete.

If you received no applications, your recruiter will advise you on your other options to fill the vacancy.

Sifting applications

Sifting applications is a key stage of the recruitment process. You must do it in a fair and objective way, using the same selection criteria for each applicant. The criteria must be the same as published in the advert. No additional criteria can be added at this stage.

You must treat all correspondence and information from candidates as confidential and not disclose this to anyone outside the selection process.

Unexpected absence of panel members

If a panel member is unable to attend at short notice, the hiring manager or campaign coordinator is responsible for finding a suitable replacement.

Scoring applications

Applications are assessed against the criteria set out in the job advert, not the competencies.

The hiring manager will arrange an initial meeting of the selection panel to:

- ensure everyone fully understands the requirements for the post
- explain the sifting and scoring processes
- ensure panel members have the appropriate training

It's not necessary for the hiring manager to score each application individually – particularly in cross directorate campaigns.

When scoring applications:

- the hiring manager decides how to divide up applications between panel members for scoring - if there are fewer than five applications it's reasonable to ask each member to score individually
- panel members base their decisions solely on what is provided in the application form
- where applications are divided up across the panel, the hiring manager will scrutinise a sample of applications and scoring sheets to ensure consistency and quality
- once scoring is complete, the panel should meet again to agree the final shortlist

Scoring scale

The scoring scale is standard across all Scottish Government Main vacancies.

Essential criteria	The skills, knowledge and experience you want from a	Exceeds - 2 points

	candidate as set out in the job advert	Meets - 1 point Does not meet - 0 points

Candidates who score a 0 in any of the essential criteria are unsuccessful and won't be invited to interview/assessment. If a score of 0 is awarded you must continue to score each criteria. This may be required for panel discussion and will provide data for the candidate if they request feedback.

Candidates who score a minimum of 1 in each of the essential criteria reach the baseline (minimum sift pass mark). They may be invited to further assessment or interview. However, the panel can decide to agree a higher minimum pass mark than the baseline. For example they could agree that a score of 2 must be achieved in one or more criteria.

Where candidates who achieve the baseline are not invited to further assessment/interview, the reasoning must be clear, documented and applied to all candidates.

Candidates may have used an approach such as STARR (Situation, Task, Action, Result, Reflection) to structure their answer. It's important to score them on the content of their answer and not their use of STARR or other similar approach.

Available staff

If a candidate is on the available staff list, you must invite them to interview if they meet the baseline (i.e. score a minimum of 1 in each of the essential criteria).

Dealing with scoring inconsistencies

If there are inconsistencies in scoring and panel members cannot reach an agreement, the final decision lies with the hiring manager.

If there are substantial inconsistencies in scoring, the selection panel should discuss together to reach an agreed final score. The hiring manager may also decide to quality check additional applications if they've identified major inconsistencies.

Completing the sift report

The hiring manager must agree sift scores with all panel members and complete the sift report and interview timetable provided by the resourcing team. Guidance for completing your sift report and interview timetable is on Pathways. Once you complete your report and timetable, email our recruitment team.

You should only keep records of the panel's agreement to provide feedback. You must send these records to the resourcing officer 16 days after the panel's decision is notified. The resourcing team will keep feedback records for three months.

Inviting candidates to interview

When the sift report and interview timetable are received by the resourcing team the results will be sent to candidates. Once successful candidates are notified of their interview slot, a placeholder will

be scheduled in your outlook calendar and you will receive an email advising that candidates have been notified of dates and times.

When you receive the email that results are being issued, you can start sending Microsoft (MS) Teams invitations to candidates. The hiring manager or panel member is responsible for issuing MS Teams links to candidates. You can then delete the placeholder set by the applicant tracking system.

For vacancies where an assessment centre is required, Capita our assessment centre provider will determine the schedule with the hiring manager. Capita will issue the assessment dates and times directly to the candidates.

Interview and assessment process

This page provides information on the types of assessment we use to assess potential candidates for a role.

Interviews

You should ask interview questions aligned to the Skills for Success Framework at the correct level for the role. You can also ask questions to assess specialist technical knowledge. Read some example questions and the manager's guide to interviews.

Assessments

If you're recruiting on promotion, include an additional form of assessment to support the interview evidence. Assessments must be fair and balanced and allow for adjustments asked for by candidates.

Assessments which can be used are:

1. Assessment centres - use for cross Band promotions.
2. Skills assessments - use to assess specific skills required.
3. Job-specific tasks - use to support promotions within band.

If you have candidates from different bands to assess and would like support on the best way to do this please contact the resourcing team.

Assessment centre

Assessment centres must be used where a promotion is across Bands, for example a candidate applying from B3 to C1.

Capita, our assessment centre provider can help you design and run assessments. There is a charge for this so you must make sure you have budget to cover it.

To arrange an assessment centre complete a Capita order form. Save a copy for your records then email your completed form to Capita.

It is the hiring manager's responsibility to notify Capita of any changes to agreed arrangements, including cancellations. If you don't give Capita sufficient notice, the recruiting area will still be liable for the associated costs.

Skills assessment

Skills assessments are most suitable for specialist posts and are provided by Capita. They can either be:

- a virtual assessment of a skill (for example coding or technical skill)
- a cognitive assessment (for example numerical reasoning)

Complete a Capita order form to discuss your options with Capita.

Job-specific task

A job-specific task is a specialised activity which gives a good indicator of how suitable the candidate is for the job role. The resourcing team can help you design these tasks to make sure they don't negatively impact individuals or groups of individuals.

Examples of tasks are:

Presentation

You provide the candidate with:

- a topic in advance
- some time to prepare and then present to the panel or an appropriate audience

Assess candidates on the presentation itself, their delivery and/or the content.

Group discussion

A group discussion is a team interaction exercise based around information given to the candidates.

Assess candidates on their communication, teamwork and leadership skills.

Role play

A role play exercise involves:

- one-to-one or group interaction between role player participants
- a communication, media or negotiation exercise

Written analysis/exercise

A written exercise will:

- focus on a work-based issue/scenario
- usually be completed on a computer in a given time frame
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In-tray exercise

In-tray exercises will ask candidates to:

- read and respond to a number of emails which arrive into a virtual mailbox
- prioritise and make a series of judgements and decisions based on the information presented

Job-related simulation

A job simulation exercise is:

- designed to recreate and assess tasks commonly associated with the job role
- able to provide candidates with a preview of the role and determine if it's a good fit for them

Portfolio review

A portfolio review allows candidates to bring an example of previous work with a structured discussion to capture evidence.

Making adjustments

When inviting candidates for interview and assessment it's important that they're given clear information about the process. Relevant information includes the format, amount of time and any preparation required. This allows candidates with a disability to consider whether they require any adjustments so they can perform to their best.

Candidates may choose to contact resourcing or the hiring manager with their request. Resourcing will pass on any information they receive which is needed to make an adjustment. They will not disclose information about the condition unless the candidate has given consent.

If you receive the request you must inform resourcing of the adjustment being made but not disclose any sensitive information without the candidate's consent.

For any queries regarding adjustments, discuss with your recruiter.

Assessing criteria and making the internal appointment

When assessing candidates, you must only assess against the criteria and competencies set out in the job advert.

It's best practice to have two different forms of assessing criteria or competencies across the entire process. The application form counts as one form of assessment.

Ranking and selection

The hiring manager normally acts as a chairperson, however another panel member can take this role. The role of the chairperson is to:

- prepare questions in advance based on the Skills for Success framework
- make arrangements for a full record to be taken of the candidate's answers
- discuss each candidate with the selection panel immediately after the assessment and agree and complete the candidate rating sheet
- rank all candidates in order of merit based on the evidence obtained in the assessment

Candidates have the right to request access to all records connected to their application and selection process. It's therefore important that the candidate rating sheets are completed objectively.

When the selection process is finished, complete the candidate outcomes and panel assessment report on the Applicant Tracking System (ATS). You can find guidance on how to do this on Pathways under the ATS System Support Guides section.

Making the appointment

Once all your interviews and assessments are complete and you've filled in the candidate outcomes and panel assessment on the ATS, your recruiter will call you.

Together you will review the candidate outcomes and confirm who is the successful candidate. You'll make the initial call to the successful candidate to make the offer which will be followed up by an email from the ATS.

You'll need to agree a start date with the successful candidate and their manager. Internal candidates should be released within four weeks of accepting a post.

Your recruiter will inform the unsuccessful candidates of the outcome.

For candidates from a Common Citizenship area, HR will advise you when the relevant checks are completed. This will allow you to agree a start date with the successful candidate and their manager.

Once you have agreed a start date, complete the successful candidate summary form and return it to your recruiter. If you're appointing more than one person, each successful candidate requires a separate form.

You must also notify your budget centre liaison officer (BCLO) or other nominated person that the vacancy can be removed from the workforce plan.

Next steps

You can prepare for your new team member by reading guidance on preparing for a new member of staff.

You should develop an induction programme for successful candidates in time for their first day. Good induction practices help new entrants to understand their role and the wider context they're working in. For some it may be the first time they have worked in the Scottish Government.

You must be ready to give feedback to unsuccessful candidates if they request it. Find out more about giving feedback.

If there are no candidates selected for appointment, you should discuss the next steps with your recruiter.

External recruitment

Show all parts of this guide

6. Inviting candidates to interview
7. Interview and assessment process
8. Making the external appointment

External recruitment overview

Controls on internal and external recruitment currently apply across the core Scottish Government.

These pages give an overview of the external recruitment process. If you need help at any stage of the process, contact your recruiter.

Before you begin recruiting, read the preparing to recruit guidance.

You should only consider recruiting externally when other methods of internal recruitment have been unsuccessful.

You will also need authorisation to recruit externally from the Council of Scottish Government Unions (CSGU). Read guidance on engaging the unions.

Running an external recruitment campaign

If you're recruiting for multiple similar vacancies across a division or directorate, you can run an external recruitment campaign. A campaign coordinator nominated by your directorate is appointed to ensure the process is fair and reasonable. They'll be the main contact with the resourcing team.

Campaign panels

You should follow the guidance on sifting, assessment and interview panels for all recruitment you do. However, campaigns allow for greater sharing of resources for panels and different panel members can complete the sift and the interviews or assessment.

Consider the number of vacancies and the time required from each panel member and make sure you have enough people to cover each interview. This helps increase consistency and diversity. It also ensures the campaign runs smoothly and is compliant with Civil Service Commission principles.

For consistency, hold a panel briefing before the sift. It should cover the essential criteria being used to assess candidates and explain how all panel members should score applications. If you need help with this, contact the resourcing team.

Role matching

For large campaigns, when you've completed the interviews and assessments, candidates should be offered roles in the order they've been scored after interview and assessment.

You can allocate candidate to roles by taking into consideration their location and previous experience as long as you follow the order they've been ranked in.

If you need support in role matching for a campaign contact the resourcing team.

Merit and time order

Merit orders for multiple or ongoing campaigns need to be managed on a time and merit basis. For example, if you run a campaign quickly after the second one and find more suitable candidates for the role, you must consider the earliest applicants.

All candidates must have been either allocated a post or advised they've not been not successful before considering matching candidates from a subsequent campaign.

Multiple departments and locations

If a campaign is recruiting for several different departments or locations, candidates should specify which department and location they want to be considered for. They won't be considered for roles outwith that choice. This allows the campaign coordinator to create department and location specific merit lists and match candidates by location and department.

Rolling campaigns

A rolling campaign is when there is a constant need to recruit due to a shortage of a particular specialist skillset and one campaign immediately follows another. The recruiting manager must follow the rules above and make sure a strict time and merit order is followed and that all candidates have been considered.

You must also tell candidates if they've been unsuccessful before moving on to matching candidates from another campaign. If you need support contact the resourcing team.

Multiple applications from the same candidates

If candidates apply for similar roles after being unsuccessful in the previous campaign, it's important to avoid considering these candidates again. Future adverts for similar roles should advise that previous applicants for these posts shouldn't apply again until 6 months has passed and the posts are re-advertised.

Running different campaigns at the same time

If you run a campaign that has similarities to one already running, it's important that there is no confusion for candidates who might think these are the same role. The advert and candidate material should be clear to ensure there are no misunderstandings.

Drafting your external job advert

Begin drafting your external recruitment advert by thinking about the essential skills and main duties for the post.

If your vacancy is a new post, fill in the job grading template and submit it. When the grade is agreed you can create your vacancy on the Applicant Tracking System (ATS).

For existing posts, there is no need for evaluation and you can go directly to creating your vacancy on ATS.

Creating a vacancy on ATS

You can create your advert on the Applicant Tracking System. Find guidance on how to do this on Pathways under the ATS System Support Guides section.

Your advert must clearly describe in plain English which essential criteria the applications will be sifted against. Only include qualifications where they are specifically required to perform the role.

Posts are advertised for a minimum of 10 working days, although you can choose to advertise for longer.

Candidates have the option to contact you as the hiring manager to discuss details about the role and any additional information. They might ask for adjustments to help them at the application and/or interview stage. You should treat all requests for information in the same way.

You must consider all working patterns when advertising external vacancies, including part-time and job share.

Interview panels

Once your vacancy is advertised you can set up a selection panel to sift the applications and interview candidates.

Panel membership

Panels must have:

- a minimum of three members, with at least one member from outside the hiring directorate
- a majority of members who are at least one substantive grade above the post being interviewed for
- a panel chair at least one grade above the post being interviewed for
- a detailed understanding of the role or grade being assessed
- only members who have completed probation

If you're the hiring manager, remember to make contingency plans in case a panel member is unavailable at short notice.

Sitting on a panel when on Temporary Responsibility Supplement (TRS)

If you're on TRS you can sit on a panel if the role being interviewed for is a grade below your substantive post. If the role is the same grade as your substantive post contact the resourcing team for advice.

Lead panel members

You no longer need a lead panel member on your panel.

Diverse panels

We're committed to embedding and advancing diversity and inclusion across the organisation. This includes providing promotion opportunities to all colleagues, fairly and equitably. We believe this is the right thing to do and the right way to get the best talent.

Diverse panels can have a really powerful impact on increasing the quality and diversity of decision-making, and on candidates' comfort and ability to perform well. Feedback we've received tells us people need to be able to see themselves in the power structures and represented in the organisation at all levels. This is described as 'you can't be what you can't see'.

When selecting your panel think about whether it's gender balanced and how you can include colleagues from a range of backgrounds, characteristics and experiences.

Diverse panel members offer different perspectives on the candidate's performance. This gives a more thorough assessment of role suitability and helps reduce group biases in decision-making.

Training and support

All colleagues should complete the mandatory Inclusive Culture courses. There are also resources on Pathways to further your learning on inclusive recruitment, including:

- Inclusive Recruitment
- Disability Equality For Line Managers

If you need any support for your panel, contact the Resourcing Champions Yammer group.

Conflict of interests

If there's a conflict of interest between a panel member and a candidate, the panel member should step aside. For example, if the panel member has an existing relationship with a candidate which could be viewed as a conflict of interest.

Technical or specialist roles

For very technical or specialist roles, a non-Scottish Government employee can sit on a panel to assess the technical elements we don't have internal capability for. This should happen only under exceptional circumstances.

Receiving and sifting applications

When your vacancy has closed, your recruiter will check the applications to make sure they're eligible. You'll then receive an email notification and be able to see how many applications you've received on the Applicant Tracking System (ATS).

You'll receive an email confirming the vacancy is closed and a sift panel report for you and your panel to complete.

If you received no applications, your recruiter will advise you on your other options to fill the vacancy.

Sifting applications

Sifting applications is a key stage of the recruitment process. You must do this in a fair and objective way, using the same selection criteria for each applicant. The criteria must be the same as published in the advert. No additional criteria can be added at this stage.

You must treat all correspondence and information from candidates as confidential and not disclose this to anyone outside the selection process.

Unexpected absence of panel members

If a panel member is unable to attend at short notice, the hiring manager is responsible for finding a suitable replacement.

Scoring applications

Applications are assessed against the criteria set out in the job advert, not the competencies.

The hiring manager will arrange an initial meeting of the selection panel to:

- ensure everyone fully understands the requirements for the post

- explain the sifting and scoring processes
- ensure panel members have the appropriate training

It's not necessary for the hiring manager to score each application individually – particularly in cross-directorate campaigns.

When scoring applications:

- the hiring manager decides how to divide up applications between panel members for scoring - if there are a small number of applications (fewer than 5), it's reasonable to ask each member to score individually
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- once scoring is complete the panel should meet again to agree the final shortlist

Scoring scale

The scoring scale is standard across all Scottish Government Main vacancies.

Essential criteria	The skills, knowledge and experience you want from a candidate as set out in the job advert	Exceeds - 2 points Meets - 1 point Does not meet - 0 points

Candidates who score a 0 in any of the essential criteria are unsuccessful and won't be invited to interview/assessment. If a score of 0 is awarded you must continue to score each criteria. This may be required for panel discussion and will provide essential data for the candidate if they request feedback.

Candidates who score a minimum of 1 in each of the essential criteria reach the baseline (minimum sift pass mark). They may be invited to further assessment or interview. However, the panel can decide on a higher minimum pass mark than the baseline, for example by agreeing that a score of 2 must be achieved in one or more criteria.

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Dealing with scoring inconsistencies

If there are inconsistencies in scoring and agreement cannot be reached between panel members, the final decision lies with the hiring manager.

If there are substantial inconsistencies in scoring, the selection panel should discuss together to reach an agreed final score. The hiring manager may also decide to quality check additional applications if they've identified major inconsistencies.

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Interview and assessment process

This page explains the types of assessment we use to assess potential candidates for a role in addition to interviews.

Interviews

You should ask interview questions aligned to the Skills for Success Competency Framework at the correct level for the role. You can also ask questions to assess specialist technical knowledge. Read some example questions and the interview guidance for managers.

Assessments

External recruitment requires an additional form of assessment to support the interview evidence. Assessments must be fair and balanced, and allow for any adjustments asked for by candidates.

Assessments which can be used are:

- assessment centre
- skills assessment

- job-specific task

Assessment centre

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To arrange an assessment centre, complete a Capita order form. Save a copy for your records and email your completed form to Capita.

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The hiring manager normally acts as the chairperson, however another panel member can take on this role.

The role of the chairperson is to:

- prepare questions in advance based on the Skills for Success Competency Framework
- make arrangements for a full record to be taken of the candidate's answers

- discuss each candidate with the selection panel immediately after the assessment and agree and complete the candidate rating sheet
- rank all candidates in order of merit based on the evidence obtained in the assessment

Candidates have the right to request access to all records connected to their application and selection process. It's therefore important that the candidate rating sheets are completed objectively.

When the selection process is finished, complete the candidate outcomes and panel assessment report on the Applicant Tracking System (ATS). You can find guidance on how to do this on Pathways under the ATS System Support Guides section.

Making the external appointment

Once all your interviews and assessments are complete and you've filled in the candidate outcomes and panel assessment on the Applicant Tracking System (ATS), your recruiter will call you.

Together you'll review the candidate outcomes and confirm who is the successful candidate. You'll make the initial call to the successful candidate to make the offer. This will be followed up by an email from the ATS.

You can then prepare for your new member of staff to join your team. Read guidance on preparing for a new member of staff.

You must also notify your budget centre liaison officer (BCLO) or other nominated person that the vacancy can be removed from the workforce plan.

Resourcing policies

Show all parts of this guide

1. Our resourcing policy
2. Promotion policy
3. Common citizenship
4. Employment of agency workers
5. Managed moves policy
6. Reappointment policy

Our resourcing policy

Our resourcing policy aims to ensure that resourcing policies and practices meet organisational needs whilst complying with relevant employment legislation and the Civil Service Commission’s Recruitment Principles.

For the policy to be a success, managers must participate actively in the process and operate the policy in a fair and open manner.

The resourcing policy applies to recruitment and resourcing in the Scottish Government and its agencies and associated departments for Bands A to C.

View the Scottish Government resourcing policy

Principles

These principles apply to all selection processes - they must be:

- fair
- open and transparent
- consistent
- relevant
- competency-based

Roles and responsibilities

- redeployment: all parties must work together to match redeployees to posts
- confidentiality: of application documentation and its treatment in accordance with the Data Protection Act
- budgetary responsibility: to be retained by directorates for posts that cease to exist and colleagues returning from sick absence, maternity leave or secondment

The policy also sets out the right of applicants to appeal decisions.

It is complemented by specific policies and arrangements on:

- promotion – the opportunity to progress
- Common Citizenship – the right to apply for posts in wider public sector organisations
- managed moves – the ability to move people to posts without advertising
- employment agency workers – the ability to make temporary appointments
- reappointment – the potential to consider reappointment of previous employees

Help

You will be given a dedicated point of contact within the resourcing team.

Promotion policy

The purpose of the promotion policy is to ensure the internal recruitment and selection for promotion opportunities is fair, open and made robustly on merit.

Scope

Promotion opportunities are defined as internally advertised vacancies where the role is at least one grade higher than an employee's existing substantive grade.

This policy applies to all internally advertised roles in Bands A to C. It doesn't include roles designated as lateral transfer only, across Scottish Government core directorates, agencies and non-ministerial departments included in Scottish Government Main bargaining unit.

Eligibility for promotion

There are no grade restrictions on which posts employees can apply for. All candidates must:

- have been recruited through fair and open competition
- have successfully completed probation
- be currently employed by the Scottish Government, its agencies or associated departments or a Common Citizenship body
- not currently be in the formal stages of a sickness absence process
- not have been issued with a disciplinary letter with a penalty prohibiting an application for a promoted post

Recruitment processes for promotion

Before advertising promotion opportunities, hiring managers must consider whether there are alternatives such as available staff or reserve lists. If advertising is necessary, there are two options to advertise internal promotions:

1. Internal campaigns

Internal campaigns should be used where directorates have identified multiple roles across their teams with similar skill and competence requirements. Directorates can choose to work with another directorate to run campaigns.

Campaigns are generally preferred for their ability to combine resources for hiring managers and panel members. They can also ensure consistency of process.

A campaign coordinator should be appointed from the directorate for all campaigns. The campaign coordinator should be experienced in running recruitment campaigns and work with resourcing to adhere to best practice. They will be responsible for the application of this policy during the campaign - in practice this will normally be one of the hiring managers in the campaign.

See campaign guidance for more about running an internal campaign.

2. Post-specific

Directorates can continue to run post-specific recruitment processes where the vacancy:

- requires specialist technical knowledge differentiating it from other roles in the organisation
- requires a distinct qualification either to have gained the technical knowledge or to practise in the profession
- cannot provide the specialist qualification via a development opportunity
- cannot form part of a campaign because the timing or criteria don't allow for it
- requires skills that are in scarce supply across the organisation

The hiring manager will normally be the chair of the panel for post-specific processes.

Promotion panel requirements

Hiring managers and campaign coordinators are responsible for selecting a suitable panel for their recruitment process. Panels must have a minimum of three members with representation from outside of the directorate of the hiring manager or opportunity.

The Scottish Government is committed to equity of opportunity for all colleagues. All panels must therefore be diverse to include members from underrepresented groups. Panel members must undertake the Inclusive Recruitment development module on Pathways before participating in their panel. Find out more about panel diversity.

The majority of the panel should be a substantive grade above the post being selected, and the panel chair must be a grade above. This is to allow an increase in diversity of panel members across the organisation.

In very limited circumstances additional panel members could be from a grade below the vacancy. If this applies to your panel please contact the resourcing team before proceeding.

Panel members should inform the resourcing team of any pre-existing relationship where there could be a conflict of interest, either actual or perceived. Read more about panel membership.

Selection methods for promotion

The selection process must be the same for all candidates seeking promotion. No promotion should take place on interview alone, and additional selection tools should be used to gather evidence in another way.

1. Sifting

You must publish the criteria candidates will be sifted against at the time of advertising. Criteria should be written clearly and in plain English. Qualifications should only be included where they are specifically required to perform the role and can't be offered internally.

2. Interviewing

Interviews should be based on the existing Skills for Success Competency Framework and relevant to the level of the role. You can add questions to assess specialist technical knowledge, however these must not be the majority of the interview questions.

Where requested, you can make adjustments to accommodate a candidate's needs, for example by providing interview questions in advance.

3. Additional selection methods

All promotions should have an additional form of assessment to support the interview evidence base. Additional assessments must be fair and balanced and allow for adjustments where required.

This additional assessment can be one of the following:

1. Assessment facilitated via our third-party assessment provider - see details of assessment and ordering process. You should use this for cross-band promotions from B Band to C Band.
2. Skills assessments provided via our third-party assessment provider - these are most suitable for specialist posts.
3. Other job-specific task, which should be used for within Band promotions - see assessments.

Successful candidates

Panels should make their selection decision strictly on merit order. Candidates should only be notified of an outcome once all selected candidates have completed their interview and assessment.

If you've identified additional appointable candidates, you may hold a reserve list for a period of 12 months for future similar vacancies. You can only use a reserve where there's a close match of the essential criteria for the posts.

The hiring manager or campaign coordinator is responsible for giving feedback to all candidates following interview and assessment. Candidates should make contact requesting feedback within two weeks of receiving their outcome. You should accommodate their request within two weeks of receipt. Read more about giving feedback.

Appeals

Candidates have the right of appeal where circumstances have impacted their ability to undertake an element of the selection process.

Ideally feedback should be sought before making the appeal.

Candidates should make their appeal via email to the resourcing team.

Common citizenship

Scottish Government and its main agencies have arrangements in place to open up internal vacancies both on a lateral and promotion basis. Opportunities are available to staff within the following organisations:

- Crown Office Procurator Fiscal Service
- Food Standards Scotland
- Registers of Scotland
- Revenue Scotland
- Scottish Court Service
- Scottish Prisons Service

Vacancies

Vacancies in organisations outwith core Scottish Government will appear on Common citizenship.

Circumstances may not always lend themselves to a permanent transfer. Participating bodies may consider a temporary period of interchange, normally for a maximum of two years. This is to develop staff, broaden skills and experience, increase knowledge and awareness, plug skills gaps and share good practice across common citizenship participating organisations.

Short term, interchange opportunities to common citizenship partners will also appear on Secondments, loans and EU opportunities.

Applying

The application procedures should be clear from the advert. However, you can contact the individual named in the vacancy advertisement or the HR department of the advertising organisation for further information.

If a colleague is transferring into the Scottish Government from a common citizenship area, checks will be made regarding their absence, discipline and performance records. These must be done before the transfer can be confirmed.

Common citizenship employees can apply for all advertised posts where they can demonstrate the required skills and competencies.

Terms and conditions of participating organisations

The bodies which make up core Scottish Government share common terms and conditions. If you move permanently to an organisation outside of core Scottish Government, you'll be required to accept their terms and conditions. A statement of relevant pay and other terms and conditions will be available to you before you apply. It is your responsibility to ensure you fully understand the terms and conditions which will apply if you move to another organisation.

Some arrangements, if you move outwith Scottish Government terms and conditions, have been pre-agreed.

If you're moving on a temporary basis, for a period of interchange within a common citizenship participating organisation, you'll generally retain the terms and conditions of service of your parent organisation.

Pay: level transfer	• if your existing basic salary is within the pay range for your new post, you'll be offered a salary on transfer that is at least the same • if lower than the minimum of the pay range for the new post, you'll be offered a salary on transfer that is no less than the minimum of the pay range • if higher than the maximum of the pay range for the new post, you'll be offered a salary at the maximum of the pay range (i.e. you will take a salary cut)
Pay: promotion	If you move on promotion you may receive a promotion award in accordance with the receiving organisation's pay arrangements. You should check with them what arrangements will apply.
Pay: lower pay range	If your existing basic salary is: • within the pay range for the new post, you'll be offered a salary on transfer that is at least the same • higher than the maximum for the new post, you'll be offered a salary at the maximum of the pay range for your new post. (i.e. you will take a salary cut)
Pay: future pay awards	On transfer you will be subject to the pay arrangements of the organisation to which you move. We recommend that you clarify these arrangements, including those relating to pay awards, with the HR department of your new organisation.

Pay: allowances	If you receive an allowance, payment will continue only if a similar allowance is payable in the new body and you meet the eligibility criteria determined by the new organisation. The level of allowance payable will be determined by your new organisation's terms and conditions.
Performance	On transfer you will be subject to the performance appraisal arrangements of the organisation to which you move.
Promotion / progression	The Scottish Government promotion policy enables all colleagues to apply for internal Scottish Government vacancies if they meet the eligibility criteria, irrespective of band. This applies equally to vacancies in common citizenship organisations.

Employment of agency workers

If you're unable to cover work internally, you may wish to use one of the following contracts:

Agency worker contract

You can employ agency workers for temporary general administrative posts. These contracts should:

- only be used when posts can't be filled through internal routes
- not be used as a means of replacing a permanent member of staff or to meet a long-term staffing requirement

Interim worker contract

These contracts can be used for temporary IT or other professional posts.

Length of assignments

In most instances it is expected that assignments will not exceed 23 months. There are three categories of agency/interim worker assignments. These determine the permitted length of assignment (where exceptionally they exceed 23 months). Find out more about agency/interim workers' assignment time limits and breaks.

Employment contract

Managers using temporary agency workers should be clear that there is no direct contractual relationship between you and the worker. The contractual relationship is between the Scottish Government and the suppliers.

Definitions

'Temporary agency' describes a business that engages job-seekers for temporary assignments to the Scottish Government.

Workers who come to us from a temporary agency are usually called 'temporary agency workers' or 'agency workers' irrespective of what contract they're recruited under.

Help

Find out how to bring in a temporary agency worker or manage a temporary agency worker.

If you have any questions about temporary agency workers you should contact HR Resourcing.

Managed moves policy

A managed move is the process whereby a vacancy is filled on a level transfer without being advertised through the Internal Jobs Portal.

Decisions on managed moves are at the discretion of the business areas. They require no central HR input other than where a role may be suitable for a redeployee.

It's best practice that managers fill posts through the post specific recruitment process. This helps ensure they get access to the best candidates with the right skills for the vacancy. However, there may be occasions when it's appropriate or necessary to identify a person to fill a post without using internal advertising. This could be where:

- a vacant post needs to be filled urgently (within six weeks)
- staff are required immediately to deal with an emerging business need/priority
- the move is proposed as part of the existing arrangements within specific specialist groups and forms part of a rotational development move
- the role is a suitable position for a redeployee

If a movement between posts is to resolve a mismatch between a person and the skills required for their current post, you must discuss performance with your colleague first. Consult with HR Help on x48500 if you want to proceed.

Managed moves must be authorised at director level.

The manager needs to confirm in writing to the new business area (new manager) they're happy to release their colleague and negotiate a start date.

The colleague's details need to be updated on eHR with the new manager being added. Raise an iFix to close off any systems access (eRDM) along with a change in cost centres etc.

There's no restriction within the managed moves policy on how widely a recruiting manager can reach across the organisation to get the right person for the vacant post. Managed moves can be made across the Scottish Government and aren't limited to directorate or director general families.

Systems

Managers are responsible for completing the following administrative tasks when a colleague leaves their branch or business area:

- follow the steps on the management checklist to ensure movers have the appropriate system access for their role
- if the mover is filling a previously vacant role, ensure access has been removed for the previous role holder

Any grievances in relation to managed moves will be heard under our grievance policy.

Reappointment policy

Reappointment is an exception to the Civil Service Recruitment Principles. The Scottish Government's reappointment policy enables the organisation to realise the investment made in a colleague once they have left the Civil Service.

Not everyone has the right to reappointment and you must meet certain criteria to be eligible. For example, you must have been recruited:

- through fair and open competition
- left the Civil Service within the last five years

If a candidate's last Civil Service employer was not the Scottish Government, they should first approach the last Civil Service department they worked for to seek reappointment.

Anyone leaving on voluntary exit or early severance terms cannot be re-appointed before five years have elapsed. Staff on temporary, fixed-term, temporary agency or consultancy work through formal procurement or non-competitive actions are also not eligible for reappointment.

Further information

Download the Scottish Government reappointment policy.

Help

Contact the recruitment team if you wish to discuss reappointment.

Socio-economic diversity in the Scottish Government

1. Our socio-economic diversity strategic statement

We're committed to being a leading employer, where people from diverse socio-economic backgrounds can be themselves.

This statement sets out our strategic socio-economic diversity goals and how they align with our wider diversity and inclusion activities. By concentrating on creating foundations and our key considerations, we're more likely to deliver organisational change, rather than dispersing resources in other areas.

As an employer, we have two strategic equality outcomes which set clear outcomes for our work on equality, diversity and inclusion:

- by 2025, our workforce will have increased in diversity to reflect the general Scottish population
- by 2025, workforce culture will be more inclusive with employees from all backgrounds, characteristics and experiences reporting they feel more valued

While socio-economic background doesn't have the same legal standing as protected characteristics in the Equality Act 2010, there are strong reasons for treating it in the same way.

This will bring a consistent and more holistic approach to a shared agenda which is:

- we have a statutory obligation to actively consider how to reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions (known as the Fairer Scotland Duty)
- the intersection between socio-economic background and race, disability or gender brings a specific focus on the inequalities faced by protected groups, increasing positive change
- removing barriers affecting colleague experiences of equality, aligns to our corporate ambitions for diversity and inclusion

Our statement of intent shows how we'll deliver our strategic equality outcomes in respect of socio-economic diversity. We'll incorporate evaluation and the reporting of performance into established approaches for wider equality, diversity and inclusion work.

2. Building foundations for socio-economic diversity

It's important to know the starting point for our work on socio-economic diversity, particularly as we've already started delivering impactful work, such as our future leaders diversity conference. This is a positive action which markets graduate development programmes to under-represented groups, including those from less advantaged socio-economic backgrounds.

We participate in the UK Government's Summer Diversity Internship programme, Scotland's Career Ready programme and offer care leavers internships.

However, socio-economic backgrounds are less developed areas that don't have the same established legal framework or level of understanding as protected characteristics. We must build strong foundations to ensure success and this means taking the following steps.

Increasing our evidence base

We have data on our colleagues' lived experiences of socio-economic diversity and inclusion through our People Survey. This helps us understand workforce distribution of employees from diverse socio-economic backgrounds.

However, as this is gathered anonymously, we can't analyse key points in the employment journey for discrimination and equality of opportunity. Such as promotion, performance appraisal or access to learning.

We don't gather socio-economic background data during the recruitment process, but we'll improve this by adding more socio-economic questions to HR systems and increasing declaration rates. We will also seek comparisons from UK government departments and Scottish organisations to benchmark against.

Raising the profile and understanding of socio-economic diversity

Through stakeholder engagement, we heard your needs for building a shared understanding about the meaning of socio-economic background.

You also told us how to tackle stigma and the unintended impact on people's perceptions. We will embed socio-economic background as a focused theme in our diversity and inclusion curriculum.

We will also continue supporting staff diversity networks to work together and take an intersectional approach, enabling colleagues from lower socio-economic backgrounds to discuss shared experiences in safe and supported spaces.

Increasing the expertise of our diversity and inclusion team

As socio-economic background is not a traditional area of equalities, we recognise the need to increase our expertise of this subject matter and provide effective strategic direction.

We may not have all the answers, but we'll continue to build working relationships with external organisations, particularly those working with groups from lower socio-economic backgrounds.

We'll continue to build foundations in the next three years (to 2025), aligning timelines with our equality outcomes reporting. We'll also undertake an interim review for our wider mainstream reporting, scheduled for 2023.

3. Strategic goals for socio-economic diversity

We are committed to improving opportunities in the Scottish Government for people from diverse socio-economic backgrounds. We are proposing new strategic goals to help improve opportunities for individuals from disadvantaged backgrounds. The following strategic goals will help shape our work in the future:

- **equality of opportunity** – we understand the needs of individuals, ensuring that people from diverse socio-economic backgrounds experience equity during the employee journey (recruitment, progression, performance management)
- **equality of experience** - colleagues of diverse socio-economic backgrounds feel included, valued and respected for their unique contributions in the workplace. They also feel a sense of belonging, where they're free from bullying, discrimination or harassment

We'll measure the success of these actions by looking for an increase in the number of diverse socio-economic backgrounds across our grades and a reduction in reported discrimination, harassment and bullying.

4. Game changers for socio-economic diversity

We have a strong research and evidence base to identify our three game changers at this early stage. Game changers are key themes which have significant impacts on colleagues, including what they see, feel or hear in relation to socio-economic equality of opportunity and inclusion.

Reaching out to colleagues

We have listened to colleagues and you told us some of the biggest barriers start with getting into the Scottish Government, before trying to progress.

We will create opportunities for all aspects of recruitment, from apprenticeships to senior staffing and marketing to talented people from diverse socio-economic backgrounds.

We also understand that this starts with inclusive job design, through to advertising and recruitment.

Formalising the informal

We have heard from colleagues that even when you get into Scottish Government, progressing can still feel like a challenge. Prospects can depend on a number of factors, including:

- access to informal networks
- understanding how to 'play the game'
- being willing to 'play the game'

Similar to our approach taken in SCS, we will bring more transparency and consistency to temporary promotions and expressions of interest for bands A-C.

We will also embed socio-economic background as a focus for our diversity and inclusion curriculum, exploring the needs of colleagues and managers in relation to bias and micro-behaviours.

Additionally, we will explore how socio-economic diversity can be represented in our recruitment and promotion panels.

Breaking socio-economic taboos

We understand that people from lower socio-economic backgrounds can experience more negative connotations or stereotypes. Our work to raise the profile and understanding of socio-economic diversity will help to address this.

Diversity networks are valuable communities for our colleagues, offering peer support, building understanding, empathy and complementing corporate activities.

We will support the Socio-Economic Diversity Network to grow its strategic impact, as well as the Senior Civil Service Champion and Executive Team ally for socio-economic diversity to fulfil their roles and support the right infrastructure for the network.

We will also improve our engagement between the Socio-Economic Diversity Network, corporate policy teams and trade unions. This collaborative approach ensures our diversity and inclusion curriculum (including corporate policies and practices) improves, while shaping corporate delivery.

Actions for improving socio-economic diversity

So that we can improve socio-economic diversity in the Scottish Government, we are looking at the actions we can take to achieve our key themes.

The starting point for developing our action plan came from engagement events with colleagues, including:

- dedicated focus groups in summer 2020
- an open event for colleagues with the author of the Navigating the Labyrinth report, attended by more than 500 colleagues. This document may not be fully accessible, contact the socio-economic diversity team for further information
- an In the Service of Scotland event hosted by colleagues from the Executive Team to discuss how we might encourage greater socio-economic diversity

You told us that recruitment, promotion and taboos around social class were key areas and this was reinforced by the People Survey. Data revealed imbalances in the distribution of employees from diverse socio-economic backgrounds across grades and reported experiences of discrimination.

We are learning from developing our recruitment and retention plans for race and disabled people. Building strong foundations, particularly when raising awareness of socio-economic backgrounds, is critical to long term success.

We will embed our work on socio-economic backgrounds into wider diversity and inclusion projects, starting with diversity and inclusion training needs analysis.

Colleague insights continue to shape our plans and we are engaging with stakeholders to produce actions from key themes. This means taking accountability and ownership of our plan for those leading actions and for colleagues who benefit directly.

Stakeholders include:

- corporate policy team leads
- the Council of Scottish Government Unions
- the Socio-Economic Diversity Network and senior champion
- other diversity networks
- colleagues from the Scottish Government

The action plan to accompany this statement will be published in late 2022.

SCOTTISH GOVERNMENT TRANS EQUALITY AND INCLUSION POLICY

Table of Contents

1. Our Commitment

The Scottish Government's vision is to be a world-leading, diverse employer where people can be themselves at work. We are committed to giving all our people the opportunity to shine and to nurturing talent at all levels with a diverse workforce reflective of the communities we serve. We will foster an inclusive workforce culture which values the contribution of employees from all backgrounds because we know a more inclusive workplace is more productive and innovative.

Underpinning this approach is a belief that everyone, including our trans colleagues, has a right to equality of opportunity, to receive no less favourable treatment, and to be treated with dignity and respect in a workplace free from bullying, harassment, discrimination or victimisation. We are committed to ensuring that our trans and non-

binary colleagues are valued for who they are, for the perspectives that they bring and for the contribution they make to delivering for the people of Scotland. Our commitment to enhancing trans equality and inclusion directly supports our vision of being more open, capable and responsive.

Throughout this document, we will use transgender or trans as equivalent inclusive umbrella terms to refer to anyone whose gender identity or expression does not fully correspond with the sex they were assigned at birth. This includes but is not limited to trans men, trans women and non-binary people .

If you are reading this as a new colleague and you identify as trans then please know that we are delighted to have you join our organisation and we are eager to support you however we can. If you are an existing colleague and you are considering transitioning then please be assured that we will support you through this exciting and empowering step to affirm your identity.

Scottish Government and its agencies and Non-Ministerial Departments are committed to creating a working environment that is inclusive and safe for all staff, regardless of age, marital status (including equal or same sex marriage) or civil partnership, disability, sex, sexual orientation, pregnancy or maternity, race or ethnicity, religion or belief, or gender identity or gender expression.

As an employer, Scottish Government will:

- create a culture and safe working environment that encourages respect and dignity, values diversity and promotes inclusion and understanding;

- pro-actively review corporate HR policy, in line with the Partnership Agreement, to ensure that it reflects best practice approaches to supporting trans workers, removing any barriers that prevent staff from accessing support from the employer. This includes, but is not restricted to, arrangements for support, and leave for those transitioning, ensuring processes and systems protect the legal right to confidentiality, and being sensitive to the specific challenges faced by trans and non-binary applicants in relation to pre-employment and other security checks conducted on behalf of the Scottish Government.
-
- ensure trans colleagues are empowered to influence Scottish Government workplace strategies, policies and processes to ensure they reflect and meet diverse needs;
-
- provide training and other learning opportunities to staff to increase awareness and understanding of the issues faced by trans people. This includes a commitment to further develop opportunities for staff to learn more about terminology, processes and the Scottish Government policy to support trans and non-binary colleagues;

- ensure that our grievance, conduct and harassment policies explicitly include respect for trans colleagues, and take appropriate action to address

discrimination, harassment or victimisation on the grounds of gender identity, expression or reassignment under the appropriate policies.

Managers will:

- support and contribute to the creation of an environment and culture of respect and dignity within teams by valuing diversity, promoting understanding, and developing a pattern of listening to and valuing all voices within their teams;

- access learning opportunities, where required, to increase their awareness of trans issues and Scottish Government policy as it relates to trans staff;

- maintain an open dialogue with the individual to understand their needs and any support or reasonable adjustment they require, seeking advice from People Advice on implementation and monitoring;
- maintain the confidentiality of any member of staff who is proposing to transition, is transitioning, or has transitioned in the past, in line with both this policy and the guidance available;

- address swiftly any evidence of discrimination, harassment, victimisation or any other unacceptable behaviour towards the individual in line with our grievance, misconduct and harassment policies.

- make clear the approach for dealing with absences from the workplace associated with transitioning, supporting the individual in a sensitive and confidential manner.
- keep accurate and confidential records in line with the guidance which supports this policy.

Employees will:

- treat their trans colleagues with dignity and respect, in accordance with the SG Standards of Behaviour.

- respect their colleagues' names and pronouns.

- respect their colleagues' right to privacy, maintaining confidentiality where this is in accordance with their colleagues' wishes.
- familiarise themselves with this policy and the associated guidance and procedures
- challenge any evidence of discrimination, harassment, victimisation or any other unacceptable behaviour towards all colleagues, including trans colleagues.

The Diversity & Inclusion Team will:

- advise on all aspects of the policy and this guidance and procedures;
- maintain the confidentiality of any member of staff who is transitioning, in line with both this policy and the guidance available;

The Professional Advice and Wellbeing Manager will:

- support the individual to change their personal HR records if they wish;
-
- seek Occupational Health advice as and when necessary.
-
- following the guidance on maintaining confidentiality of individuals transitioning
-
- supporting the employee wherever possible in respect to changes of personal records or other Scottish Government systems.
-
- keep appropriate records and ensure these are suitably stored and protected
-

LGBTI and Allies Senior Champions, DG Ally and Networks

- take action to encourage the embedding of this policy across the Scottish Government;
-
- be a visible and vocal role model, widely recognised as a supporter and champion of transgender and non-binary staff;
-
- actively promote and implement the principles of this policy and accompanying guidance;
-
- take action to tackle prejudice against and promote understanding of trans issues;
-
- facilitate and promote training opportunities where possible.

2. Terminology

Please note this section is currently under review

Gender identity is a person's innate sense of their own gender, whether male, female or another identity. **Gender expression** is a person's outward presentation of their gender identity; however, a person who does not conform to society's expectations of their gender may not identify as trans and/or non-binary. Some people whose gender identity is different to that which they were assigned at birth may **transition**, where they take steps to affirm the gender they identify as.

Gender reassignment is a protected characteristic under the Equality Act 2010. It is another way of describing a person's transition. This transition may involve changing names, pronouns, dressing differently and living in their self-identified gender. A transition does not have to be accompanied by medical procedures; this is a personal decision for each individual. Under the Equality Act it is unlawful to discriminate against, harass or victimise a person on the grounds of gender reassignment.

Gender reassignment is a contentious term and is one that many, including Stonewall's Trans Advisory Group, feel should be reviewed.

In the guidance which accompanies this policy we have used either transition / transitioning or affirming / affirmation as these terms are often viewed as more inclusive. Where possible, we have adopted an approach, and language, which is inclusive of gender identity rather than gender reassignment. However, in line with existing legislation, in this policy there are instances where we must use the term gender reassignment to align with the protections afforded under the Equality Act 2010.

Transgender and trans are equivalent inclusive umbrella terms for people whose gender identity or expression does not fully correspond with the sex they were assigned at birth. This includes trans men and trans women, non-binary people and cross-dressing people. Some individuals may also identify as a man or woman with a trans history or, indeed, to not identify as trans at all. A truly inclusive policy allows those who have lived experience to describe it as they see fit – the Scottish Government will support individuals to express their identity as they wish to.

Non-binary people have a gender identity that is not exclusively male or exclusively female. They may feel that their gender is a mixture of male and female, that it varies from time to time, that it can't be defined in relation to male and female, or that they have no gender at all. Some non-binary people use a range of more specific terms to describe their gender identities such as genderqueer, genderfluid, or agender.[1]

As the conversation on gender identity continues to evolve so too does the terminology which allows people to best affirm their identity. We anticipate that there will be an on-going need to refresh the terminology in this policy and are committed to doing so.

3. Legislation

-
- Transgender people are protected by two key pieces of legislation:
-
- **Gender Recognition Act 2004** (as revised)
-

[1] These three were the most commonly used terms after "non-binary" and "trans/transgender" in the Scottish Trans Alliance's non-binary survey of 895 people in 2015

- The Gender Recognition Act 2004 was introduced to support those who are changing the gender they are legally identified by. Practically, it allows trans men and women to obtain a Gender Recognition Certificate, which means that their new gender becomes their legal gender for all purposes, and provides them with enhanced privacy protections.
-
- **Equality Act 2010**
-
- The Equality Act 2010 protects individuals from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. The Equality Act 2010 outlaws discrimination in employment, and various other areas, on the grounds of gender reassignment.
-
- Under the Equality Act 2010, gender reassignment no longer requires that a person be under medical supervision to transition; only that they are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or 'other attributes' of sex.
-
- In addition to the above, the data protection legislation and the Human Rights Act 1998 also help protect trans and non-binary colleagues.
-
- **The Data Protection Act 2018 and The General Data Protection Regulation**
-
- The General Data Protection Regulation (GDPR) came into force on 25 May 2018. The UK Government introduced The Data Protection Act 2018, repealing the Data Protection Act 1998, to successfully integrate and interact with the GDPR. The GDPR impacts any organisation that deals with the information of current, past or prospective customers or employees (Data Subjects). It was developed to strengthen and unite data protection across the EU and it gives enhanced protection and greater power to individuals about how their data can be used. For example, the Right to Access now allows individuals to see what personal information of theirs is used, where it is used, and for what purpose.
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- The Data Protection Act 2018 addresses information or data stored on a computer or an organised paper filing system about living people. Trans identity, previous names, and gender reassignment fall under 'sensitive data' for the purposes of the Data Protection Act 2018, despite this not being explicitly referred to under the legislation.
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- **Human Rights Act 1998**
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- The Human Rights Act 1998 ensures protection of trans people on the basis of their right to a private life. A 'Private Life' in this context can include a

person's right to express their sexual identity, live a particular lifestyle and choose the way they look and dress.

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4. Transitioning At Work/Processes

The principles which underpin our transitioning at work policy are:

- Every member of staff transitioning will be treated in a sensitive and supportive manner, and our process will be adapted to their needs and wishes.
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- Transitioning is personal and will be kept confidential – a person's trans status will be kept in the strictest confidence in line with their wishes and legislation;
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- Scottish Government will develop clear guidance for staff and managers to support this policy.

5. Support Available (Networks, Language, Gender Neutral Facilities, Dress Code)

The Scottish Government is committed to providing the best support possible for all trans members of staff. This includes:

- a supportive and confidential LGBTI network that staff can use to meet fellow members of staff, discuss important issues and attend relevant events for them.
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- a supportive LGBTI Allies network to allow those who wish to support LGBTI colleagues to meet and create safe spaces for conversation and action.
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- LGBTI and Allies Champions at a senior level in the organisation who will serve as a lever for change in the organisation.
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- a commitment to using appropriate language, including non-gendered language, whenever possible, including in policy and other Government communications.
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- aiming to provide access to gender neutral facilities in all buildings within Scottish Government.
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- that where a dress code is stipulated in SG, its agencies or Non-Ministerial Departments, it will be gender neutral.

Staff who are members of a recognised Scottish Government trade union are able to access support, advice and representation if they need it. Many unions have their own diversity networks that provide a safe space to share experiences and help develop union policy and campaigns. Information about Scottish Government trade

unions can be found here: http://saltire/my-workplace/Terms-and-conditions/Trade-union/Pages/Council-of-Scottish-Government-Trade-Unions.aspx

6. Confidentiality

The Scottish Government will not disclose if anyone is trans or that they have or are transitioning unless it obtains their written consent to do so.

The employee may want to tell their manager about their transition so that they can provide support, but the manager must not tell anyone else without the employee's written permission. If an individual is content for colleagues to be told, then the Manager should discuss with them how this will be done and agree a communication plan to ensure the individual is in control of this process.

7. Discrimination, Harassment And Victimisation

The Scottish Government is committed to providing a workplace free from unlawful discrimination, harassment and victimisation, and to fostering an inclusive workplace which values employees of diverse backgrounds and identities. There will be no tolerance of any discrimination, harassment or victimisation directed towards trans members of staff, or on the grounds of gender identity or gender reassignment.

Complaints of discrimination, harassment, victimisation or any other form of unacceptable behaviour on the grounds of an employee's gender identity will be taken seriously and investigated and may result in disciplinary action being taken which could lead to dismissal. Discrimination by association or perception is also unlawful under the Equality Act 2010 and will be treated in the same manner.