

Conditional appointment guidance

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1. What is a conditional appointment

- 1.1. A conditional appointment is when, following an authorised risk assessment, a new starter commences employment prior to receipt of certain pre-employment checks required for the role.
- 1.2. The new starter's employment is on a conditional basis until the outstanding pre-employment checks are satisfactorily received. This is detailed within a clause in the new starter's formal Confirmation of Start Date which is sent by the Office of Human Resources' Recruitment Team.
- 1.3. This type of appointment is on the proviso that the employment will be terminated should the check be received unsatisfactorily.
- 1.4. A deadline of a month, from the date their Confirmation of Start Date email is sent, is usually set for the new starter to complete the outstanding check.
- 1.5. Except for the Department of Education, Sport and Culture (see 1.6. below), the same process applies to all recruitment including external new starters, internal staff movements and casual posts.
- 1.6. The Department of Education, Sport and Culture will not process any conditional appointments for any casual/relief/supply/sessional posts.

2. Non-negotiable pre-employment checks

- 2.1. A conditional appointment must not be made if certain pre-employment checks are not in place. This is to protect the organisation from risk of illegal employment and/or breach of insurance policies.
- 2.2. Except for the Department of Education, Sport and Culture (see 2.3. below), a conditional appointment can only be considered when the following pre-employment

checks are satisfactorily received:

- a) Verification of immigration status or a Visa being issued
- b) Verification of Isle of Man Worker status or a relevant Isle of Man Work Permit being issued
- c) Verification of identity
- d) Employment reference from current/most recent employer or educational institution
- e) Verification of any essential professional registrations
- f) Receipt of satisfactory police check, this only applies if a previous conviction or caution has been declared during the recruitment process

2.3. The Department of Education, Sport and Culture will only consider a conditional appointment for an outstanding police check. A conditional appointment cannot be processed for any other outstanding checks within this Department.

3. How to authorise a conditional appointment

- 3.1. The Office of Human Resources will make the Hiring Manager aware when the non-negotiable pre-employment checks listed in Section 2 of this guidance is complete and a conditional appointment can now be considered.
- 3.2. Where a Hiring Manager wishes to request a conditional appointment, a conversation should be had with the candidate to get their agreement to being employed on a conditional basis. It should be explained that their appointment could be terminated if checks are not completed satisfactorily.
- 3.3. With agreement from the candidate, the Hiring Manager will be required to fully complete a [Conditional Appointment Form](#) and get the form authorised.
- 3.4. The risk assessment on the [form](#) should be fully considered with mitigations to each risk identified documented. Any risks presented to the safeguarding of service users, staff members and the public require thorough examination.
- 3.5. Except for the Department of Education, Sport and Culture (see 3.6. below), [Conditional Appointment Forms](#) must be authorised by the Hiring Manager and their line manager.
- 3.6. For conditional appointments within the Department of Education, Sport and Culture, all [Conditional Appointment Forms](#) must be authorised by the Chief Officer/Deputy Chief Officer of the Department.

4. Implementing the risk assessment

- 4.1. It is the Hiring Manager's full responsibility to ensure any risks of starting someone prior to a certain pre-employment check are identified and mitigated.
- 4.2. The mitigations must be adhered to and in place for the length of time until the outstanding pre-employment checks are satisfactorily received.

- 4.3. The Hiring Manager must ensure that all staff are aware of the mitigations and that they continue in the absence of the Hiring Manager.

5. Process for chasing up checks

- 5.1. A process exists for monitoring and chasing up staff members who commence employment on a conditional appointment.
- 5.2. The process is as follows:
 - a) The Office of Human Resources monitors when the deadline for returning outstanding pre-employment checks has passed. The team will contact the Line Manager of the staff member to ask them to obtain the check and share with the Office of Human Resources.
 - b) If after 1 month from the deadline, the outstanding check has not been received, the Office of Human Resources will chase the Line Manager again whilst also escalating to the Chief Officer/Accountable Officer of the Department, Board or Office for direction on how to proceed with the appointment.
- 5.3. Once checks are satisfactorily received by the Line Manager, they must be shared with the Office of Human Resources for records to be updated.
- 5.4. On satisfactory receipt of checks, the Office of Human Resources will update the staff member's records to show their employment as now unconditional. The staff member will also be sent an email to confirm to this.

6. Process for non-completion/unsatisfactory checks

- 6.1. Should an outstanding pre-employment check for a conditionally appointed member of staff not be produced following chasers or be received unsatisfactorily the Office of Human Resources should be consulted for further guidance.
- 6.2. No steps should be taken to terminate any employment based on a conditional appointment prior to contacting the Office of Human Resources.

7. Waiver of outstanding character references

- 7.1. It is recognised that after a period of time has passed, a character reference holds less credibility to assess an employee's suitability to undertake a role. Given that the employee will already be in post, it is reasonable to expect the line manager can make their own assessment of the employee's suitability in post.
- 7.2. Following a period of 4 months, the Line Manager can waive the requirement for a conditionally appointed member of staff to produce the outstanding character reference.
- 7.3. The Line Manager should send the instruction to waive the character reference in writing to the Office of Human Resources.

7.4. The Office of Human Resources will update the staff member's records to show their employment as now unconditional and will cease all monitoring/chasing. The staff member will also be sent an email to confirm their employment as unconditional.

8. Document Version Control

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