
Safe Recruitment and Selection in Domiciliary Care (Overarching) (England) Policy

Policy Statement

This policy sets out the values, principles and procedures underpinning this care service's approach to recruitment and selection of its staff.

It is written to comply with Regulation 19: Fit and Proper Persons Employed of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 ("the regulations" including Schedule 3), and other applicable legislation, including the Equality Act 2010.

Further clarity has been sought where necessary from the *Provider and CQC Inspector FAQs for Meeting CQCs Requirements of Employment for Regulation 19*, published August 2018.

The care service is fully aware that by law care providers must have effective recruitment procedures so that they employ only people of good character, who are physically and mentally fit to carry out the work and who have the necessary qualifications, skills and experience. In addition, the service must make sure that staff who are required to register with a professional body in order to practise have done so and maintain their registration.

The service must take the required steps to refer a staff member who has been found to practise in their employed role to the relevant registration organisation (which in the cases of care staff means the Disclosure and Barring Service (DBS) with a view to placement on one or both of its barring lists).

In its recruitment and selection procedures the care service will achieve the following standards expressed in the CQC's Quality Statements.

- **Safe**

- Safe and effective staffing**

- We make sure there are enough qualified, skilled and experienced people who receive effective support, supervision and development. They work together effectively to provide safe care that meets people's individual needs.

- **Caring**

- Workforce wellbeing and enablement**

- We care about and promote the wellbeing of our staff, and we support and enable them to always deliver person-centred care.

- **Well-led**

Workforce equality, diversity and inclusion

We value diversity in our workforce. We work towards an inclusive and fair culture by improving equality and equity for people who work for us.

The service recruits its care staff locally through advertising, job centres, local networks and contacts, and if necessary, employment agencies. It always aims to create a bank of workers in order to respond quickly to immediate needs for service. Its policy is to use employment agency workers sparingly and only when there is a risk of staff shortage to meet demand and provide continuity of care.

CQC Policy Specification

For registration, the CQC requires our recruitment policy to show:

- how we make our recruitment fair and how it complies with legislation (see The Safe Recruitment Framework)
- the stages of our recruitment process (for example, advert, application, shortlisting, interview, checking identity, taking up references, DBS check, offering post) (see Procedures)
- our approach to recruiting volunteers and apprentices (if this applies to our service).- (see Trainees, apprentices and volunteers)
- our recruitment complaints procedure (see Recruitment, Feedback and Complaints)
- details about what we check at each stage of the recruitment process (see Procedures)
- information about our approach to sponsoring overseas workers, including what checks you perform (see International Recruitment)
- what references we require for new employees (see References and previous care employment checks)
- how we check previous employment history, particularly if the applicant has worked in health or social care or with children or vulnerable adults (see References and previous care employment checks)
- how we verify why previous employment ended (as above)
- our policy for employing overseas workers — if this is in a separate document, please provide this alongside our main recruitment policy (see International Recruitment)

Our policy should also show how we will comply with the following.

- The Accessible Information Standard (see Compliance with the Accessible Information Standard).

- The Equality Act 2010 (see Equality, Inclusion and Human Rights and Compliance with the Equality Act 2010 and Compliance with the Equality Act 2010).
- The UK GDPR (see Compliance with the UK GDPR and the Data Protection Act 2018).
- The Data Protection Act 2018 (as above).

The Safe Recruitment Framework

The care service follows these principles when recruiting staff for any position.

1. *Job descriptions and person specifications.*
 - a. Having job descriptions and person specifications developed in line with best-practice guidance that accurately reflect each role and responsibilities, including the personal values and qualities, experience and competences required.
2. *Equality, diversity, inclusion and human rights.*
 - a. Basing recruitment and selection procedures on equal opportunities in line with the overall equality, diversity and inclusion policy.
 - b. Following recruitment procedures that comply with all equality legislation in respect of people with protected characteristics.
3. *Involvement and engagement*
 - a. Involving people receiving care and their representatives in recruitment and selection policy and procedures wherever possible.
4. *Values-based recruitment.*
 - a. Focusing advertising, recruitment and selection procedures, including when using agency workers, on the wellbeing, protection and safeguarding of people receiving care.
 - b. Adopting a values-led approach to all recruitment and selection procedures and checking applicants' abilities to comply with the social care codes of practice.
5. *Right to work.*
 - a. Checking a person's right to work in the UK by confirming their identity and British citizenship, or the documentation of people from other countries that they meet the current legal UK right to work requirements (See Applications).
6. *"Fitness" requirements.*
 - a. Meeting all legal "fitness" requirements, which at various stages of the selection process includes obtaining a full employment history and examining gaps in the

appointee's employment record with the applicant and making all required post-appointment checks.

7. *Safe employment checks.*

- a. Confirming new staff in their post only after the completion of satisfactory DBS criminal records and barred list checks and obtaining suitable references.

8. *Qualifications checks.*

- a. Checking educational and vocational qualifications and professional registration, eg with NMC or Social Work England where relevant and stated in people's applications.

9. *References.*

- a. Obtaining references as evidence of suitability (after a job offer, but before an appointment is confirmed and the person starts work) a minimum of two written references, one of which will be from the applicant's most recent employer and the other a character reference.
- b. With some applicants, the service might seek additional references or accept alternatives to a formal reference, in line with the CQC's FAQ on schedule 3 of the regulations.

10. *Employment of apprentices, trainees and volunteers (as applicable)*

- a. In the event of employing apprentices and trainees or accepting volunteers, making appropriate DBS checks if the eligibility requirements are met.

11. *After appointment.*

- a. Offering the job subject to a completed health check which is made in line with all legal requirements and care service policy (there is a separate policy on Health Checks and Medical Reports)
- b. Providing staff with contracts of employment that state all terms and conditions
- c. Making clear that staff are expected to comply with the current social care workforce codes of practice or for their registered profession; these expectation will also be included in the staff handbook and staff will receive a copy of the current code of practice.

12. *Feedback and complaints*

- a. Offering constructive feedback to successful and unsuccessful applicants.
- b. Having a recruitment complaints policy that applicants could use if they think they were unfairly treated during the application process.

Procedures

The care service will implement the following as relevant to the recruitment situation being addressed.

Sources of recruitment

Advertising and publicity

The care service uses a variety of methods to recruit its staff depending on the roles required and the responsibilities relating to each position. Methods include:

- building links with local communities, developing support networks and interest and encouraging cultural diversity in the process
- creating interest and advertising through the internet and social media
- developing committed staff as social care “ambassadors”, who can develop interest in the work of the care service by giving talks and presentations to local groups, schools and colleges
- offering “taster shifts” and other forms of structured work experience, which could include befriending people using services and taking part in their social activities
- publicising and celebrating our achievements including taking part in local job fairs and career development initiatives
- recruiting from abroad, in line with current government regulations
- specifying to a recruitment or employment agency what kind of person is needed
- using local and national advertising agencies and media
- working with local job centres and work programme providers and being receptive to providing work experience, traineeships and apprenticeships.

Job vacancies

- The aim of the service’s selection procedure is to ensure that the most suitable candidate is chosen for the job and that all applicants receive fair and equitable treatment.
- The service might invite in its advertising both expressions of interest and firm applications. All will be given details of the care service, the position for which they have applied and the terms and conditions of employment with invitations to seek further information as needed.
- All vacant jobs have a person specification and job description which will be used to assess applicants’ suitability.

Internal recruitment

- The service provides its existing staff with an opportunity to indicate their interest in vacancies as they come up and to advance within the service according to their skills and experience. In general, notices of all regular, full and part-time job vacancies are posted internally as well as being advertised externally.
- To apply for a vacancy internally, an existing staff member should be performing competently in their present position and have held it long enough to make a significant contribution to the new role.
- The service encourages staff members to talk with their supervisors/managers about their career plans and supervisors/managers are encouraged to support staff members' efforts to gain experience and advance within the service.

Trainees, apprentices and volunteers

- If the care service decides to employ people on apprenticeship schemes, it will do so by working closely with local apprentice services and learning providers to ensure it complies with all legal requirements at the point of recruitment and throughout the apprenticeship period.
- The care service has strict procedures for vetting anyone who wishes to work in a voluntary capacity in line with procedures for recruiting paid staff.

Applications

The care service will seek the following information from applicants using suitable documentation for the purpose. We request all information included in Schedule 3 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 required to comply with Regulation 19 "Fit and Proper Persons Employed".

- Proof of identity, including a recent (signed) photograph; requiring production of a UK or international passport, full birth certificate with proof of NI number, UK driving license or a current (but not expired) biometric residence permit (BRP).
- Proof of right to work in the UK using the Home Office Right to Work Checklist if not a UK citizen with the appropriate Home Office permission with a Positive Verification Notice/or a certificate of sponsorship as applicable.
- A personal statement or other recorded evidence of the personal qualities, values and experience the person believes are relevant to their suitability for the post and how they meet the person specification.
- A full employment history in chronological order including part time and voluntary employment, including start/end dates, reason for ceasing and explanations for periods not in employment or education/training. We will check with the applicant at this stage their reasons for leaving any previous employment in care work. We verify this information only after we have made a provisional job offer (see References).
- A statement of academic and/or vocational qualifications relevant to the position.

- Any involvement in disciplinary or grievance procedures and any “live” formal warnings.
- Details of current or former registration with relevant professional regulators, declaration of any finding by a regulatory body and any conditions that apply to current registration.
- A declaration of any family or close relationship to existing employees and relatives of people using a service provided by the care service; if they do exist, the care service will deal with them in line with its Anti-Nepotism policy.
- Details of referees (see References section below).

Selection

- All applicants whether responding internally or externally are sent an application form, person specification and job description. The service will usually only consider applications made using the proper forms/agreed procedures received by the advertised deadline, although it might agree to extensions in certain circumstances.
- The service’s shortlisting procedures compare the application form and other information requested with the person specification for the job with the information followed up, as necessary.
- Shortlisting is carried out by people who have the required experience, competence and qualifications to ensure that all due processes are followed.
- Shortlisted applicants will be invited for interview.

Equality, diversity inclusion and human rights policy

- The service follows an equal opportunities policy and wishes to recruit and employ those people who are best suited for the vacancies for which they have applied, regardless of sex, sexual orientation, age or perceived age, religion, ethnic origin, race, disability, neurodiversity, union membership (or lack of it). All applications (and their ultimate selection or rejection) are reviewed against equality and diversity criteria.
- All employees and applicants are asked to complete a separate sex and ethnic origin form, which will be used for monitoring purposes. The information contained on the form is not disclosed to the people responsible for interviewing and selecting applicants, but is kept separately.
- The reasons for and against inviting applicants for interview are recorded and this information will be used to check that equality principles are being followed.
- Following appointment, we will discuss with successful applicants who have any of the “protected characteristics” that require consideration under the Equality Act 2010, what reasonable adjustments we might need to make in order for them to carry out their roles. This will be carried out in line with the provider’s equality, inclusion and diversity and equal opportunities policies.

Job interviews

- Following screening and shortlisting, job interviews provide an opportunity for the care service to get the further information it needs about applicants to decide which is most suitable for the position in question.
- Interviews are arranged after receipt of a completed application form/equivalent and completion of screening and shortlisting procedures.
- Every attempt is made to ensure that interviews are conducted under conditions which are favourable to interviewees, particularly for anyone who might have experienced trauma in their lives or who find such occasions painful and stressful which might prevent them from giving their best.
- Interviewers must ensure that they have all the appropriate documentation before the start of the interview.
- The assessments made by interviewers are recorded on an interview assessment form. Interviewers do not make offers of employment or suggest variations to standard terms and conditions of employment at the interview.

Post appointment

Offers of employment

- The care service always confirms in writing new staff members' terms of appointment and employment. Verbal offers are always followed up as quickly as possible by a letter of confirmation.
- Formal offers of employment are made in writing only after all shortlisted candidates have been interviewed.
- Confirmatory letters will include terms and conditions of employment, pay, dates of starting, periods of notice, references to the codes of conduct and contents of the staff handbook, etc.

References and previous care employment checks

How we carry out these checks and obtain references will vary in line with the backgrounds of individual applicants. For all applicants we will cover the following.

- The purpose of a reference is to establish that the applicant is of "good character" and meets any "fit person" tests required for the intended role by the care regulations (and related guidance).
- This service will give, request and verify references in line with its policy on Giving And Requesting References.

- Offers of employment are made following interview on condition that a minimum of two satisfactory written or recorded verbal references are obtained in respect of the applicant, one of which should be from the person's most recent employer.
- This will be in addition to any checks we need to make to verify the person's reasons for leaving previous jobs in care work
- The service will seek more than two references if required to be assured of the applicant's good conduct in previous care positions.
- We will obtain verbal or written assurances from a person's previous care manager or relevant person to verify the applicant's stated reasons for leaving their job working with vulnerable people.
- We will keep a written record of all replies and how we have addressed any issues arising from them, including where needed our risk assessment and further discussions with the person.
- Where references are unavailable, alternatives will be considered on an individual basis, in line with schedule 3 of the regulations where these apply. The assessment of alternatives and decision to accept will be recorded.
- Applicants should confirm in writing or verbally that their present employer may be approached for a reference.
- If a reference is deemed unsatisfactory, the appointee should be told and given written confirmation that the offer of employment is withdrawn since the condition to which it was subject has not been fulfilled. If the references (or alternatives) prove to be unsatisfactory, the offer of employment may be withdrawn without the care service being in breach of contract.
- The service will always take the necessary corrective actions if it is found, eg from an internal audit or an inspection, that references are incomplete, or that the records show that gaps in employment have not been accounted for.

Health and medical checks

The care service will carry out health and medical checks only after it has made a job offer and it is necessary to have that information because:

- the person's ability to meet the requirements of the job description could depend on their current health status
- it might need to make "reasonable adjustments" for someone with "protected characteristics" under the Equality Act to enable them to carry out their work.

The care service follows its Health Checks and Medical Reports on Employment Policy in the event of needing to make such checks.

Criminal records disclosures

- Before confirming someone's appointment, the service is required to carry out checks with the DBS, which are based on eligibility for the type of checks required for certain positions in care service work.
- For staff who work in regulated activity as defined by the Protection of Freedoms Act 2012, the organisation must apply for an enhanced criminal records check and barring list check.
- Staff in non-care roles, who have some but not regular contact with people receiving care, eg office staff, cleaners, laundry and maintenance staff and volunteers, will have either a standard or enhanced criminal records check, depending on the amount of contact involved, and the assessed risks to people receiving care.
- The service is committed to following the current guidance on criminal records and barring list checks issued by the DBS and reviews its policies according to any new guidance that it issues.
- A person who has applied for a care role whose name appears on a relevant barring list will clearly not be eligible for appointment and this will have been conveyed to all prospective applicants in the information provided to them beforehand.
- A person who has applied for either a care or a non-care role, who has an unspent criminal conviction as shown by the DBS check (but in the case of care role applicants is not on a barred list) will not automatically be rejected for the post for which they have applied.
- A decision to appoint or not will take into account the details of their conviction(s) and the outcomes of a risk assessment, which will ensure that no one is put at risk from their appointment.
- In cases where it is not possible to obtain a full criminal records check before a person is due to start work and to maintain adequate staffing levels, the service may apply for an Adult First clearance. It will then monitor and supervise the person in line with official guidance until full clearance is obtained. Employees are made aware of the provisional nature of their appointment until all checks have been completed.
- The service carries out full children and adult barring list checks before anyone can work with children in their family setting.
- Where it is not possible to make use of or access the DBS updating service, the service retains criminal record checks in secure conditions, observing access to records and data protection protocols like any other personal information it holds on its staff members.
- The service recommends to staff that they register with the DBS updating service. Where they have not, it will keep all paper copies of criminal record checks obtained on appointment until after its next inspection so that it can provide evidence that it is

complying with its legal requirements for making these checks. This could mean that it will sometimes keep these checks for longer than the usual six-month period established in the Criminal Records Code of Practice as they must be available to inspectors whenever they visit.

- The service will also record the checks made when using the DBS updating service. Otherwise it will request a staff DBS check every three years.
- The care service follows its Employing People with a Criminal Record Policy in the event of the checks showing that the person has a criminal record.

International recruitment

- The care service will employ foreign workers only after confirming their legal status and entitlement to work in the UK and after making equivalent checks on their criminal records and fitness to work with vulnerable people, including children and their families.

Process and Procedures

- All prospective employees, whether or not from the UK, must provide evidence of their identity and right to work in the UK. This requirement forms part of the care provider's standard recruitment procedure. The care provider informs applicants of the documentation that is required at interview stage and how it will check this (manually or digitally)
- We will confirm job offers only after we have received, scrutinised, verified and recorded the validity of the documentation or made an online check as required by Home Office guidance confirming the applicant's right to work in the UK.
- This includes checking that:
 - the documents are genuine, original and unchanged, and belong to the person present
 - the right to work in the UK dates are current
 - photos are the same across all documents and look like the applicant
 - dates of birth are the same across all documents
 - the applicant has permission to do the type of work being offered – in our case care work
 - a criminal records check has been made by following government guidance for the country in question.
- The care provider will not employ a foreign national under the skilled workers' visa entry scheme unless they have a current certificate of sponsorship by a legitimate route.

- In line with current government requirements, we will always seek first someone who is already in the UK under sponsorship and is entitled to seek work before recruiting afresh from overseas which is contrary to current government policy.
- The care provider will withdraw any provisional job offer where an application cannot produce a valid certificate of sponsorship
- If the care provider did seek to recruit people from other countries directly as sponsors under the sponsorship management system or as a partner in a consortium, it will meet all of its responsibilities as set out in the *Code of Practice for the International Recruitment of Health and Social Care Personnel in England* (and corresponding guidance for other UK countries). This includes the requirement to avoid any active recruitment from red and amber listed countries.
- The responsibilities include ensuring the new recruits are not discriminated against or treated unfairly financially or in any other way through their employment contracts, and exercising a duty of care to support their settlement into their work and to UK society.
- The care provider has an anti-modern slavery policy and will act promptly in response to any evidence, suspicions or allegations that any of its internationally recruited staff are subject to conditions that amount to modern slavery.
- If the care provider uses a recruitment or employment agency to assist with its recruitment it will ensure that the agency used is also exercising its legal responsibilities and duty of care, and is on the government's ethical recruiters' list.
- The care provider understands that its recruitment practices and exercise of duty of care could be subject to monitoring and inspection by the care regulator and local commissioners.
- We will review our international recruitment policy regularly and update it in line with any changes in the UK government's immigration policy.
- The care service follows its International Recruitment of Staff Policy for staff being recruited from outside the UK and who have established their right to work in the UK.

Checking for modern slavery

- The care service does not employ staff under any conditions that might make it vulnerable to accusations or suspicions that it is employing people under conditions that would amount to modern slavery and exploitation as defined in the legislation.
- All staff are subject to recruitment procedures that comply with both employment law and registration requirements with pay and conditions of employment that meet all statutory requirements.
- The care service has and implements a separate Modern Slavery and Human Trafficking policy, which is in line with all national policy and guidance.

Additional Issues

Compliance with the Accessible Information Standard

We understand that staff recruitment falls outside the scope of the Accessible Information Standard and it is not part of employment law. However, we will provide information in line with their needs as reasonable adjustments under the Equality Act 2010 to applicants with disabilities and sensory impairments. This means that we can deal with their applications fairly in line with our duties under the Equality Act 2010.

Compliance with the Equality Act 2010

As an equal opportunities employer and in line with our duties under the Equality Act 2010 we do not discriminate in our recruitment and employment policies on grounds of sex, gender reassignment, pregnancy or maternity, sexual orientation, religion or beliefs, marital status, civil partnership status, race, ethnic origin, colour, nationality, national origins, disability or age, or any other grounds.

Our recruitment practices mean that every application is treated on its merits in line with the job specification and description. We make all reasonable adjustments for applicants with disabilities and other impairments to attend interview and for the conduct of the interview.

Compliance with UK GDPR and Data Protection Act 2018

We recognise that the recruitment and selection process inevitably involves the receipt, storage and use of applicants' person data which we must handle and process in line with data protection requirements.

The care service will retain documentation associated with unsuccessful applicants only as long as needed in line with data protection requirements and taking into account any recruitment complaints handling it might need to consider.

We will do this by:

- informing applicants that we will treat their information as confidential and will use it only for the purpose of considering their application
- keeping and storing all personal information received securely with access to authorised people on a need-to-know basis
- only allowing access to authorised people the information which they need to carry out their recruitment and selection tasks
- returning or disposing the personal information of people who are unsuccessful in their application as soon as it is no longer needed or if the person requests its retention for future application purposes

- keeping the information of successful applicants whom we proceed to employ in line with our data protection and safe record keeping procedures and protocols (separate policies).

Employment Records

To show to inspectors how it complies with its registration requirements the care service will keep the following records.

- Proof of identity and of right to work in the UK and how we have verified the documentation.
- All required personal details and information (date of birth, address, contact details, etc.
- Full employment history.
- Satisfactory explanations about any gaps in employment of four weeks or more.
- At least two satisfactory written references have been obtained from previous (care service) employers including last employer and/or a suitable character reference.
- If written reference unavailable on appointment there is evidence of a reference obtained by telephone which has been recorded and accepted/followed up in writing.
- Relevant educational qualifications (as applicable to the position).
- Relevant occupational/professional qualifications and registration (as applicable to the position).
- Disclosed criminal convictions (if any).
- If the person has a criminal conviction, a risk assessment has been carried out to allow the appointment to go ahead.
- Health fitness record/health check.
- DBS checks at the right level have been made (including any obtained through the updating service) with the findings placed on file.
- DBS certificates are up to date (provide details of when last checked) and less than three years old if held manually.
- The checks show that the applicant is not on any barring list.
- Checks have been made with any employing agency/third party responsible for recruitment that they have met all the requirements listed above.
- Reasonable adjustments have been agreed with the appointee in line with the Equality Act 2010.

- Action has been taken to chase up any missing, incomplete or unsatisfactory information from any of the above.
- Follow-up actions are recorded and serve as evidence that the information is sufficiently complete.

Employing Agency staff

The service recognises that it is the responsibility of any employment agency who supplies staff to the care provider to have carried out all the required DBS checks. The service always seeks confirmation from the supplying agency that it has carried out these checks and can verify that it has done so. It regularly reviews the practices of any agency that supplies staff to the service to make sure that all required checks are being carried out. (See the care service's separate policy on Agency Workers.)

Registered professionals

The service carries out full checks with the relevant professional regulator for any staff employed as a registered professional, eg nurse or social worker and will ensure that their registration is always kept up to date.

Procedures during national emergencies

The care service will follow all recommended or required procedures for safe staff recruitment practices during any emergencies such as were required for the Covid-19 pandemic.

Recruitment, Feedback and Complaints

The care serviced will encourage feedback from applicants on their experiences and make them aware that if they think they have been treated unfairly during the recruitment process, in terms of the organisation not following due employment law process or they have been discriminated against in terms of the Equality Act 2010, they can ask for a review on those grounds of the decisions taken. Our procedures for handling any such complaint will follow those outlined in our Concerns and Complaints Policy with the same timescales for responding and addressing the complaint.

Related Policies

We regard all our policies as working documents subject to additions and change with the development of the service.

The care service has separate policies and guidance for different aspects of its staff recruitment, selection and appointment processes discussed in this overarching policy. They include:

- Agency Workers
- Employing People with a Criminal Record

- Giving and Receiving of References
- International Recruitment of Staff
- Job Descriptions and Person Specifications
- Making DBS Checks and Disclosure of Information
- Making Health Reports and Medical Checks on Appointment
- Referring Employees to the DBS.

Training

Staff involved at any stage or in any way with the service's safe recruitment and selection procedures will be adequately trained and qualified to carry out their duties in line with this policy.

Review

Signed: _____

Date: _____

Policy review date: _____
