



South Gloucestershire Safeguarding Adults Board



Guidance on Safer Recruitment

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Introduction

It is vitally important that all organisations that employ staff and volunteers to work with vulnerable people adopt safer recruitment and selection procedures which help to deter, reject or identify people who might abuse. This guidance has been developed to assist managers to reach safer levels of recruitment, training and the management of staff.

A commitment to safeguarding is the central focus at every stage of the recruitment process from the planning stages through placing an advert, short-listing, obtaining references, providing information for candidates, conducting the interview itself, making appropriate checks of identity and qualifications as well as undertaking appropriate vetting.

However, policies and procedures themselves are unlikely to offer the necessary levels of protection. They must be accompanied by the creation and maintenance of a safe working culture within each organisation so that every worker understands their duty of care as well as which behaviours constitute safe practice and which should be avoided.

The Guidance that follows is aimed at ensuring that adults at risk of abuse, when reliant on the care of others, are treated with respect, free from all forms of abuse or mistreatment.

Applications

Once a post becomes vacant, or a new post is created, the job description and person specification need to be reviewed/agreed to ensure compliance with safer recruitment guidance.

These should clearly state:

- the main duties of the post
- the essential and desirable qualifications and experience
- the competencies and qualities that the successful candidate should be able to demonstrate

All information given to interested applicants should highlight the importance of a rigorous selection process and the duty to safeguard and promote the welfare of adults at risk. It should be clear that proof of identity will be required, as well as a Disclosure and Barring Service check where appropriate.

All advertisements should include a statement which confirms the organisation's commitment to Safeguarding and safer employment.

An information pack given to candidates should include copies of:

- the application form, and explanatory notes about completing the form
- the job description and person specification
- relevant information about the organisation and the recruitment process
- the agency's Adult Safeguarding Policy Statement
- a statement of the terms and conditions relating to the post

Employers should use an application form to obtain a common set of core data. It is not good practice to accept curriculum vitae in place of an application form because this will only contain the information the applicant wishes to present and may omit relevant details.

Applications Forms should obtain:

- identifying details of the applicant including current and former names, current address and National Insurance Number
NB: To comply with the Equality Act 2010, recruiting bodies may wish to adopt a practice that the date of birth should not be included on the main application form, but added to a diversity monitoring form, which can be retained by HR/Personnel and not made available to those involved in the short-listing process
- a statement of any academic and/or vocational qualifications with details of awarding body and date of award
- a full history in chronological order since leaving secondary education, including periods of any post-secondary education/training and part-time and voluntary work as well as full time employment, with start dates, explanations for periods not in employment or education/training and reasons for leaving employment
- details of referees. One referee should be the applicant's current or most recent employer/line manager, not a colleague. Normally two referees should be sufficient. References should not be accepted from relatives or friends

- where an applicant is not currently working with adults, but has done so in the past, it is important that a reference is also obtained from the employer by whom the person was most recently employed in work with adults in addition to the current or most recent employer
- a specific question as to whether the applicant has been subject to any investigation or complaint
- a statement of the skills and abilities, and competencies/experience that the applicant believes are relevant to his/her suitability for the post and how s/he meets the person specification
- there should be an explanation if the post is exempt from the Rehabilitation of Offenders Act 1974
- information should be requested about any previous - including spent - convictions, cautions, reprimands, warnings or bind-overs

Interviewing

Scrutinising and Shortlisting

All candidates should be assessed equally against the criteria contained in the person specification. The same selection panel should both short list and interview the candidate. At least one member of the panel should have undertaken safer recruitment and selection training.

All application forms should be scrutinised to ensure:

- they are fully and properly completed
- the information is consistent and does not contain any discrepancies
- gaps in employment/training or a history of repeated changes of employment are identified

Incomplete applications should not be accepted.

Any anomalies, discrepancies or gaps in employment and the reasons for this should be noted, so that they can be taken up as part of the consideration of whether to short list the applicant.

Interviews

Recruitment panels should contain a minimum of two interviewers, at least one of whom has received specific training in safer recruitment and is aware of the safeguarding agenda. Where possible, the recruitment panel should have service user representation.

Interviews should be face to face even if there is only one candidate. Notes should be made and retained of candidates' responses to questions posed at interview.

Interviews must have appropriate processes for assessing and checking that people have the competence, skills and experience required to undertake the role. These processes must be followed in all cases and relevant records kept.

Interviews should explore issues relating to safeguarding. For example they should:

- discuss any gaps in employment to check for credible reasons
- explore concerns or discrepancies arising from the information provided by the candidate and/or referee
- ask the candidate if they wish to declare anything in light of the requirement for a Criminal Records check
- ask probing questions about the capacity of an applicant to safeguard and protect the welfare of the vulnerable people in his/her care

Employment Checks

When undertaking employment checks, proof of identification is obtained by referring to appropriate documentation. This is restricted to the scrutiny of original copies of either birth certificates, passports, driving licences or naturalisation certificates. No other documents are acceptable. Some form of photographic ID should be seen

Documents confirming any educational or professional qualifications, and if applicable, registration with the appropriate professional body, should be scrutinised.

A copy of the documents used to verify the successful candidate's identity and qualifications must be kept on their personnel file.

No one starting work or moving into a post which is designated as a Regulated Activity [Safeguarding Vulnerable Groups Act 2006 as amended by the Freedoms Act 2012] should be allowed to start without a check being made against the Barred lists and a satisfactory criminal records check. This will usually be obtained via an Enhanced Disclosure and Barring Service criminal records check. Quick check systems are in place for those working in adult social care.

In cases where information is received on the criminal records check but where the manager nevertheless wishes to appoint, there must be a clear, recorded risk assessment approved by a senior manager.

References

References should be sought directly from the referee:

- open-ended, 'to whom it may concern' references should never be accepted
- written references are subject to verification of the identity of the author and should always be followed up verbally
- any discrepancies between the information that the referee has provided and the information that the applicant has provided, or where further clarification is required, should be sought in a verbal conversation (usually by telephone) between the recruiting manager and the referee. Notes should be made and kept of such conversations

In particular, referees should be asked specific questions in relation to the following:

- the referee's perception of the individual's suitability to work with the client group of the service
- whether they have any concerns about the candidate working with the particular client group
- whether they have any knowledge of the individual being personally investigated over safeguarding issues, but which may have come to nothing
- whether the individual has ever been disciplined for concerns relating to his/her conduct with vulnerable people

If during the recruitment process you are alerted to behaviours or a situation that you feel may identify a risk to adults or children, then you should contact any or all of the following:

Adult Services Customer Service Desk (CSO): 01454 868007
Children Services Access and Response Team (ART): 01454 866000

The person's current employer or regulatory body. You should inform the person that you intend to do this

Post-Employment

Induction and probationary periods should be thoroughly utilised to develop employee understanding and grounding in the safeguarding policies, ethos and culture of the organisation. Both the newly appointed worker and their line manager should make a signed record that this part of the induction process has been completed satisfactorily. The record should be kept on file.

During the early stage of their employment, the employee should work under supervision on a regular basis. The Provider should have systems in place to assess the competence of employees before they work unsupervised in a role. They must provide appropriate direct or indirect supervision until the person is assessed as competent to carry out the role. Competence may include the demonstration of a caring and compassionate approach. Providers that employ healthcare assistants and social care support workers should follow the Care Certificate standards to assess their competence.

Workers should be offered support with professional issues at regular 1:1 meetings with their line manager.

Training

Training to facilitate a sound understanding of key guidance and practices about safeguarding should be mandatory, updated regularly and embedded in performance management systems.

Additional training with a specific focus on safer recruitment should be undertaken by those who recruit staff and should be regularly updated.

All relevant managers are accountable for evidencing that such training for themselves and their staff has been undertaken and is kept up-to-date.

Safe Working Culture

A safe working culture should be demonstrated by all providers. This means ensuring that:

- a positive obligation for safeguarding adults at risk of abuse, children and young people is clearly placed on all employees
- all employees are monitored by their line managers both in their probationary period and beyond to ensure that they comply with expected behaviours and attitudes that constitute best practice in relation to safeguarding
- such monitoring is evidenced through performance management and professional development arrangements such as training and appraisal systems
- providers should respond without delay to concerns about a person's fitness or ability to carry out their duties. This includes responding immediately if there is an imminent risk to people working in and using the service
- the response taken to concerns about a person's fitness should be fair to the person and follow correct procedures

- where a person's fitness to carry out their role is being investigated, appropriate interim measures must be taken to minimise any risk to people using the service

Providers must inform others as appropriate about concerns or findings relating to a person's fitness and must support any related enquiries and investigations that others have carried out. They should also inform bodies such as professional regulators, police, and safeguarding authorities about concerns.

Appendix A: The Disclosure and Barring Service

What is a DBS check?

The disclosure team carries out criminal record checks that result in DBS certificates being issued to an individual. Employers can then ask to see this certificate to ensure that they are recruiting suitable people into their organisation.

There are currently three levels of criminal record check and the information contained on each type of check is different, as is the process for applying.

Basic check

A basic DBS check is for any purpose, including employment. The certificate will contain details of convictions and conditional cautions that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974.

An individual can apply for a basic check directly to the DBS through the online application route, or an employer can apply for a basic check on an individual's behalf, through a Responsible Organisation, if they have consent.

Standard check

A standard DBS check is suitable for certain roles, such as a security guard. The certificate will contain details of both spent and unspent convictions, cautions, reprimands and warnings that are held on the Police National Computer, which are not subject to filtering.

An individual cannot apply for a standard check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a registered body.

The service is free for volunteers.

Enhanced check

An enhanced DBS check is suitable for people working with children or adults in certain circumstances such as those in receipt of healthcare or personal care.

The certificate will contain the same details as a standard certificate and, if the role is eligible, an employer can request that one or both of the DBS barred lists are checked.

The certificate may also contain non-conviction information supplied by a Chief Officer, if they feel it is relevant and ought to be contained in the certificate.

An individual cannot apply for an enhanced check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a registered body.

The service is free for volunteers.

Eligibility

Eligibility for standard and enhanced checks is prescribed in legislation. Recruiters should only request a DBS check on an individual when they are legally allowed to do so – they must be entitled by law to ask an individual to reveal their full criminal history, known as asking ‘an exempted question.’

An exempted question applies when the individual will be working in specific occupations, for certain licenses and specified positions. These are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

The minimum age at which someone can be asked to apply for a criminal record check is 16 years old.

Barring

Where requested, an enhanced certificate will also include a check of one or both of the DBS barred lists. If an individual is listed, this will appear on their DBS certificate.

It is the responsibility of the DBS to maintain these lists. This area of work involves making fair, consistent and thorough decisions that are appropriate to the behaviour that has occurred, and considering the risk of future harm.

People are brought to the attention of the barring team in one of three ways:

Automatic – also known as autobar

This is when someone has been newly convicted or cautioned for a serious offence and they are considered for immediate barring, either with or without the opportunity to make representations. This information comes from the Police National Computer.

Disclosure

This is when someone applies for an enhanced DBS check to work with children or adults in certain circumstances, such as those in receipt of healthcare or personal care, and the check reveals relevant information that results in the individual being considered for inclusion on one or both of the barred lists.

Referral

This is when an employer, volunteer manager or other organisation has concerns that someone has either caused harm or has the potential to cause harm to vulnerable groups and submits a referral to the DBS.

Barring Representations

Where an individual is the subject of any of the above three barring referral types (excluding ‘autobar without representation’), the individual will be given the opportunity to provide representations as to why they feel it would be inappropriate or disproportionate for the DBS to include them in one or both of the barred lists. The DBS will consider the representations before making a final barring decision.

When should an employer refer to the DBS?

An employer **must** refer someone to the DBS, where it is clear that their employee has harmed a vulnerable adult and the nature of the incident/their behaviour leads them to conclude the employee is not suitable to work in the care sector. This is likely to apply when the behaviour of the employee has been sufficiently serious to warrant their dismissal from the service and they need to be prevented from working in the care sector in the future.

Where an employee is dismissed in connection with any ill treatment of a vulnerable adult it is the responsibility of the employer to report the facts to the DBS. Where the employer is uncertain they must contact the DBS for advice as well as consulting with their own HR advisers.

If the DBS are satisfied that the evidence shows that the ex-employee is unsuitable, they are placed on a barred list. This list should be checked by all employers when recruiting a new employee. It is an offence to work in the care sector if you are on the barred list. For most cases, the DBS only has the power to bar a person who is, has been, or might in the future engage in regulated activity.

(The DBS' website is www.homeoffice.gov.uk/DBS and provides a range of materials to help you understand what is a regulated activity and when to consider or make a referral. You can also contact the DBS Helpline on 01325 953795 for information or advice about making a referral).

Appendix B: Professional Bodies

Professional bodies have:

- professional standards that their members are expected to adhere to
- disciplinary processes which can disbar members from eligibility to practice
- lists of who is registered which can be checked against in cases where there is any doubt regarding an individual's qualifications to practice

Where serious concerns are identified regarding an individual health or social work professional's suitability, it may be appropriate to refer or consult with the relevant professional body in addition to reporting to the DBS. Concerns could relate to an individual's practice, their mental health, or involvement as a perpetrator in a safeguarding matter.

- General Medical Council (GMC) regulates doctors, including GPs.
- The Nursing and Midwifery Council (NMC)
- The General Dental Council (GDC)
- The Royal Pharmaceutical Society
- General Optical Council (GOC)
- Health and Care Professions Council (HCPC) regulates health, psychological and social work professionals

(There is currently no regulatory body responsible for the regulation of unqualified social care staff)