



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 people who have care and support needs 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. It is not a substitute for employers following their own organisation's HR policies, procedures and guidance, but is intended as a supplement to these.

For regulated care services this guidance supports organisations to meet their safeguarding duties under the Care Act 2014 and the recruitment requirements set out in Regulation 19 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

A commitment to safeguarding should be the central focus at every stage of the recruitment process. However, policies and procedures by themselves are unlikely to offer the necessary levels of protection. They must be accompanied by the creation and maintenance of a safe working culture 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 must 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 must highlight the importance of a rigorous selection process and the duty to safeguard and promote the welfare of adults at risk. It must be clear that proof of identity will be required, as well as a Disclosure and Barring Service check where appropriate.

An information pack given to candidates should include copies of (or links to):

- 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 Adults and Childrens Safeguarding Policy
- a statement of the terms and conditions relating to the post

Information should be available in different formats if requested in order to promote inclusion and a diverse workforce.

Employers should use an application form to collect a consistent set of core information from all applicants. When a curriculum vitae (CV) is accepted instead, additional questions must be included at interview to obtain any essential details that do not appear in the CV. As CVs only reflect information the applicant chooses to provide, these supplementary questions will help ensure a better understanding of the applicant's employment history and suitability for the role.

Application Forms, CVs or additional applicant questions should obtain:

- identifying details of the applicant including current and former names and current address
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
- information about membership of any professional regulatory body
- a full employment 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
- If the applicant hasn't worked with adults recently but has done so in the past, you should ask for a reference from the employer where they last worked with adults. This is in addition to getting a reference from their 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 their suitability for the post and how they meet 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

Skills for Care provide information on a Values Based Recruitment toolkit that enables employers to understand a candidate's values, behaviours and attitudes, and assess whether they align with the values, culture and expectations of the workplace. More information can be found [here](#)

Interviewing

Scrutinising and Shortlisting

All candidates must 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
- that any disclosures have been made

Incomplete applications should not be accepted.

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 appropriate, the recruitment panel should have service user representation.

Interviews should be face to face even if there is only one candidate. This may not necessarily be in person but could be done virtually using a platform such as Zoom or Microsoft Teams where the candidate can be seen. Telephone only interviews are not sufficient. 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 people in their care

Whilst interviews form the main part of most recruitment and selection processes it is important to recognise that interviews are not a fool proof selection tool. Interviews provide an opportunity to discover more about an applicant's experience and how they would approach the role however they only go so far in being able to determine if an applicant is able to demonstrate the expectations associated with the role.

Employment Checks

When undertaking employment checks, proof of identification is obtained by 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.

Additional checks will be needed for staff recruited from overseas to ensure sponsorship and immigration compliance. These include a Right to Work check and any visa restrictions for care workers.

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 Protection of 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

There are two principal reasons why an employer normally requests a reference on a prospective employee: a. to confirm the accuracy of statements made in their application, and b. to provide opinions as to the candidate's suitability for the post in question and their potential for the future.

References should always be sought from the person's current or most recent employer. References from previous employers who may not have seen the person for some time may not be as reliable as more recent ones.

Some employers will give very limited information in a written reference restricting them to dates of employment and duties carried out, without commenting on the candidates' performance in the role. The ex-employer is under no legal obligation to provide this information.

All written references must be verified through a follow-up phone call to confirm their authenticity and to allow the referee to provide any relevant information they may prefer not to put in writing.

It is important that everyone involved in the recruitment process demonstrates professional curiosity. When following up a reference with a phone call try to listen to the deliberate word choices, tone and enthusiasm with which the referee describes the candidate. Tone, long pauses, or hesitations might indicate you've hit a sensitive or troublesome subject. If this should happen it will be necessary to look at the wider picture. If an ex-employer refuses to provide a reference at all (which is rare), that could be indicative of a concern.

In exceptional circumstances when an applicant has limited previous experience with a single employer, a character reference from "a person of standing" may be appropriate. The "person of standing" list draws on those professionals able to sign passport applications and should include details of how long the person has known the person and requires a statement confirming that the referee knows of no reason the applicant should not work with people with care or support needs.

References should be sought directly from the referee:

- open-ended, 'to whom it may concern' references should never be accepted
- written references should always be followed up verbally to verify the identity of the author
- 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 support needs of the people using the service
- whether they have any concerns about the candidate working with the particular support needs of the people using the service
- 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 adults with care and support needs

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

Records should be kept of the recruitment process. This is to help protect a business should a candidate bring a claim in an employment tribunal or court. In the case of unsuccessful candidates records should be kept for no longer than one year. For successful applicants records should be kept for the duration of their employment, plus one additional year.

Probation and Induction

No matter how comprehensive the recruitment and selection process is, you will never really know whether an individual can perform the expectations of the role until they start in post. All new employees should be subject to a probationary period where there are clear expectations relating to performance and appropriate training and support provided.

A comprehensive induction programme which goes beyond the minimum standards will ensure that staff understand the vision and values of the organisation and are equipped with the right knowledge and tools to enable them to deliver high quality care. The benefit of a good induction programme also includes an improvement in staff retention rates, which in turn reduces recruitment costs.

A full induction could include shadowing, mentoring, buddying, peer support, values-based learning and additional training around core skills and specific health conditions of the people they will be working with. It should be flexible in recognising the needs of the organisation, the inductee, and take into account their previous experiences.

Both the newly appointed worker and their line manager should make a signed record of the probation and induction process to evidence that it 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 and children 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.

Positions of Trust

Providers should have clear policies in line with those of the Safeguarding Adults Board for dealing with allegations against people who work, in either a paid or unpaid capacity, with adults with care and support needs. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint.

Safeguarding adults is mainly about protecting adults who need care and support. But sometimes, issues are reported that don't directly involve someone at risk. Instead, they suggest that someone in a trusted position *might* pose a risk to adults who *do* need care and support. When this happens, the employer must check if

there's any real risk to the adults who use their services and take action to protect those adults if needed.

Examples of such concerns could include allegations that relate to a person who has:

- behaved in a way that has harmed, or may have harmed an adult or child
- possibly committed a criminal offence against, or related to, an adult or child
- behaved towards an adult or child in a way that indicates they may pose a risk of harm to adults with care and support needs

In these situations providers should refer to the Safeguarding Adults Board Guidance on managing allegations against people in a position of trust (PIPOT)

PIPOT applies to allegations about a persons personal life. Concerns that occur in work will be dealt with under Section 42 safeguarding enquiries.

Recruitment of Overseas Staff

An increasing number of health and social care staff are recruited from overseas using the Home Office Skilled Worker route. South West ADASS and South West Councils have produced resources to support employers and workers which can be found using the link below

[International Recruitment - South West Councils \(swcouncils.gov.uk\)](https://www.swcouncils.gov.uk/international-recruitment)

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 an adult who has care and support needs 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 an adult who has care and support needs 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 [Disclosure and Barring Service - GOV.UK](https://www.gov.uk/government/organisations/disclosure-and-barring-service) 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 03000 200 190 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 and psychological professionals
- Social Work England (SWE) regulates social workers

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