

# Safer Recruitment & Selection Policy

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### **1. What is the Policy about?**

SJOG's safer recruitment and selection policy provides a framework within which all line managers shall operate to ensure good practice and a robust and safe approach which is consistent throughout SJOG. The procedure to follow is detailed in section 5.

The purpose of the policy is to assist line managers involved in recruitment and selection of staff in order to ensure the right person is recruited to the job

By diligently working within this policy, we will recruit and select the best candidates. It will also deter, identify and allow us to reject applicants who might be unsuitable to support vulnerable people.

### **2. Who is the Policy for?**

This policy applies to all staff who have responsibilities for recruitment and selection, e.g. service managers, operations managers, departmental managers etc.

The Policy will be available on our Website also to enable candidates to understand our processes when they apply to work here at SJOG.

### **3. Policy Statement**

SJOG recognises people as its most important asset. It aims to ensure best recruitment practice, following the principles of equal opportunities. Through recruiting the right people, SJOG aims to ensure the highest quality of care to people who use its services.

While not all of our services are registered, we believe that following this process is best practice and will be used for all of our recruitment. This also ensures that we comply with Regulation 19: Fit and Proper Persons Employed of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, and any other applicable legislation, including the Equality Act 2010.

### **4. Definitions**

#### **4.1 What is Safer Recruitment?**

Safer recruitment is a set of safe practices to assist SJOG in recruiting staff and volunteers who are suitable to work with vulnerable people. Safer recruitment is a continuing process of improvement. It's a vital part of creating a safe culture within our charity to keep vulnerable people from harm. Safer recruitment ensures that safeguarding is at the heart of our recruitment process, from writing a person specification to making a job offer and inducting a new member of staff, volunteer or agency worker.

By following safer recruitment practices, SJOG also ensures that we comply with current legislation and registration requirements by:

- basing its recruitment and selection procedures on equal opportunities and the involvement of service users and their representatives wherever possible
- focusing its recruitment and selection procedures on the protection and safeguarding of service users
- following stringent procedures for recruiting volunteers, which include appropriate checks with the Disclosure and Barring Service (DBS) if the eligibility requirements are met and decisions based on the outcomes of the checking
- following a conditional offer of employment being made:
  - obtaining a minimum of two written references, one of which will be from the applicant's most recent employer, and the other a character reference; with some applicants, the service might seek additional references from previous employers
  - offering the job subject to a completed medical check that is acceptable
  - obtaining a full employment history and examining gaps in the appointee's employment record with the applicant, and seeking additional information or references if needed
  - obtaining satisfactory criminal records check, enhanced or standard, depending on the post, and of checks made against the current DBS barred lists if the post involves regulated activity
  - in the case of a registered nurse appointment, checks against the NMC Register
- making clear that staff are expected to comply with the current codes of conduct or Codes of Practice for their respective professions or occupations, and any "house rules" included, for example, in a staff handbook
- providing staff with contracts of employment no later than their first day of employment.

## 5. How does our 'Safer Recruitment & Selection' Policy Work?

### 5.1 Procedure Introduction

Recruiting the 'right' person for a job in SJOG requires our recruitment panel to know what they are looking for. We are committed to ensuring that our people have the right skills, with the right values, and with the dedication and motivation to make every day matter for people who use our services. For this reason, it is important that our managers have the autonomy to ensure they achieve our aim.

### 5.2 Vacancy

When an employee leaves SJOG, the line manager, in consultation with the senior manager, shall review the post to decide if it needs to be filled in its current format, or if adjustments are required.

If the vacancy is a new post, a job description and person specification will be compiled which encompasses SJOG's key values and safeguarding principles. It should then be provisionally evaluated by the manager and operations manager before passing to the senior management team for approval. Following this, the post may then be advertised by contacting the People Team.

### **5.3 Leavers**

SJOG values all of its employees, and understanding the reason for leaving is very important. We welcome leaver's feedback about SJOG as this will assist us in continuously improving. Please see the Leavers Policy for more information.

### **5.4 Advertising**

The service manager recruiting to a vacancy should e-mail the relevant HR Assistant with details of the vacancy. The recruiting manager will utilise the Recruitment Toolkit which offers a range of advertising templates along with job descriptions etc. All vacancies should be advertised internally in the first instance. In some situations, such as where it is known that there aren't any internal candidates interested in the position, the position should be advertised both internally and externally simultaneously.

All job advertisements, job descriptions and person specifications must be coordinated through the relevant People Business Partner.

A range of advertising routes will also be considered. For example, some locations and positions perform better with their recruitment using routes such as 'Indeed' and, for others, social media, i.e. Facebook or LinkedIn may be more suitable.

It may also be the case that it would be advantageous to hold a recruitment event. This can be discussed with the People Business Partner and co-ordinated jointly with the People Team and Operations.

### **5.5 Application Process**

All vacancies shall be advertised on SJOG's website. Candidates have a choice of:

- Applying on-line
- Submitting a CV via our website, by email or through an alternative website (depending where the post has been advertised), such as Indeed.

Any applications received by the People Team will be saved and forwarded to the Recruiting Manager for shortlisting.

The service manager recruiting will identify if a curriculum vitae (CV) is to be accepted as an alternative to the employment application form. In all cases candidates applying via a CV will be asked to complete a fuller employment history once they have been provided with a conditional offer of employment to ensure any gaps in employment are fully investigated.

### 5.6 Short listing

The People Team will share all of the applications/CVs with the Recruiting Manager to enable them to shortlist the applicants. Candidates should be shortlisted using the requirements of the role as detailed on the Person Specification.

Anyone carrying out shortlisting should have the relevant experience and competence, if support is needed please contact the People Business Partner who can support this.

The shortlisting form should be completed and shared with the People Team. This should detail the reasons why (or why not) the candidates have been shortlisted for interview. This is requested so that there is a checking mechanism to ensure that Equality Principles are being followed.

Shortlisted candidates should be notified that they have been selected for interview with as much notice as possible, even if the interview date was detailed on the advert. Any relevant information/leaflets should also be provided to the candidate at this stage.

All candidates who are shortlisted are asked to bring in their proof of identification. These will only be used for the successful candidate to help speed up the post interview process. All others will be confidentially shredded following the decision being made that they were unsuccessful.

Short listed applicants who have a criminal record are requested to disclose details of this in writing prior to the interview.

All unsuccessful candidates should be notified as soon as possible.

### 5.7 Interviewing and Selection

Interviews will normally take place with a panel of at least two people, who have had the relevant training to be competent.

Panel members will ensure that they have all of the appropriate documentation before the interview starts. This may include, but not be limited to:

- Interview Schedule
- Application Form/CV
- Shortlisting Paperwork detailing any follow up required at interview (such as if there are gaps in employment detailed)
- Job Description and Person Specification
- Interview Questions and ratings

Where relevant, people we support are invited to contribute to the recruitment process. Any proposal to involve such a person/people in the formal interview must be approved by the appropriate manager.

Where notes are taken, these should be accurate and factual. Remember the candidate has the right to request copies of these notes and therefore, you should not doodle or make inappropriate comments on these.

At the start of the interview, arrangements must be made to photocopy whatever proof the candidate has brought to the interview to confirm their eligibility to work in the United Kingdom. It may be necessary to photograph the candidate for identification purposes. Any evidence relating to their skills and qualifications must be also be photocopied. All documents must be signed and dated as a certified copy of the original. For all non-British Nationals the interviewer must contact their People Business Partner for advice on visa, immigration and work permits. If the candidate is unable to provide the relevant documentation to confirm their eligibility to work at the time of interview, they must be informed that, should they be successful, any job offer would be dependent upon this.

Testing should be carried out prior to the formal interview and results collected and presented to the panel.

During the interview, any gaps in employment on the application form should be explored and discussed. A note should be made about this on the candidate's interview notes. Gaps on the application form, such as where a candidate has not completed the section asking for reasons for leaving a previous post, should also be explored with them.

At the end of the normal interview process where an applicant has declared a criminal history, a discussion must take place regarding this. Following this discussion, the risk must be assessed in order to decide on the suitability of the applicant for employment. This risk assessment should be recorded in writing and kept with the applicant's disclosure details.

All documentation must be forwarded to People Team for verification following the interview process.

### **5.8 Offer of Employment**

The successful candidate should be contacted within the timescale discussed at interview and offered the position with a conditional offer. Once the position had been accepted, unsuccessful candidates can be notified and offered the opportunity for individual feedback. The successful candidate will be emailed a conditional offer of employment by the People Team.

Where an offer of employment is being made to an internal applicant the People Team will advise of the process to be followed to transfer the colleague to their new role.

The People Team will also complete all required actions in relation to being able to ensure that the Safer Recruitment Processes are carried out in line with the requirements of this policy (see

[Section 4.0 Definitions](#) for more information). Once all checks are completed by the People Team, the candidates file will be sent to the Recruiting Manager for checking and approval. Once approval is given, the start date for the new colleague will be arranged.

Where the successful candidate has disclosed they have a protected characteristic, or the medical questionnaire suggests adaptations may be required, this will be discussed with the candidate to ensure that any reasonable adjustments can be put in place for the candidate.

### **5.9 References**

A conditional offer of employment is made subject to the receipt of two satisfactory written references for the candidate. One of which should be the candidates most recent (or current) employer.

If the reference is unsatisfactory it may be the case that the offer of employment is withdrawn. Prior to this it may be appropriate to discuss this with the colleague to obtain further information, and alternative references. In such circumstances a Risk Assessment will be completed.

### **5.10 Criminal Records and Barred List Checks**

Prior to confirming a candidate's employment, the appropriate checks will be carried out with the Disclosure and Barring Service (DBS).

Candidates applying to work in regulated activity, as defined by the Protection of Freedoms Act 2012, we will apply for an enhanced criminal records check as well as a barred list check.

Where a candidate has disclosed that they have a criminal record, this will not necessarily preclude them from being employed, unless they are on the barred list. In such circumstances the criminal record will be discussed with the candidate and a Risk Assessment carried out. The decision about whether to appoint the candidate will be based on the information within the Risk Assessment and any further actions that need to be carried out, which may include obtaining further references etc. This is to ensure that no one is put at risk from appointing this candidate.

Where the update service is being used, candidates will need to provide evidence of their current DBS Certificate in order for the update service to be used.

DBS checks will be requested every three years.

### **5.11 Employing Foreign Workers**

SJOG 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.



Please see [Appendix 1](#) of this policy for further information about employing Foreign Workers.

### **5.12 Commencement of Employment**

The manager shall complete an employee appointment form as soon as possible, but no later than the start date of employment so that the Contract of Employment can be issued. It is a legal requirement that colleagues are provided with this on or before their first day of employment.

The Induction Policy will then be followed for all new colleagues or colleagues new to their post.

### **5.13 Acting Up to a Higher Graded Role**

Where there is a requirement for a member of staff to cover a more senior position, this shall normally be a temporary arrangement. The vacancy would normally be advertised internally only and an internal application form / expression of interest form would need to be completed.

The appropriate manager shall ensure that the People Team is informed of all changes using the change of employee details form.

### **5.14 Volunteers/Placements**

Short-term placement and voluntary workers may go through a shorter recruitment process but the necessary clearance checks for the role will be carried out in the usual way. Please see Volunteer Policy for more information.

### **5.15 General Data Protection Regulations**

This policy and procedure acknowledges and works within the GDPR regulations and SJOG's data protection processes. All candidates will be provided with the relevant Privacy Statements, depending on where they are in the process.

## **6. Related Policies**

This procedure needs to be used in conjunction with SJOGS other policies on:

- Safeguarding Vulnerable Adults
- Data Protection Policy
- Leavers Policy
- E&D Policy
- Volunteers Policy
- Agency Workers Policy
- Induction Policy

### Appendix 1 – Recruiting Foreign Workers

#### Introduction

This Appendix gives guidance on the laws, processes and procedures involved in the recruitment and selection of colleagues from outside the UK with reference to the changes brought about by the UK's leaving the EU on 1 January 2021.

Currently about one sixth of the adult social care workforce originate from outside the UK, including from other European countries, the British Commonwealth and beyond. Non-British workers therefore make a substantial contribution to the care and wellbeing of the people who use care services, and any reduction could adversely affect the quality and quantity of care provision.

Most non-British employees work in direct care roles in care homes and domiciliary care services or as nurses. All applicants for any post in SJOG must show that they are "fit and proper persons" to be employed. Candidates from outside the UK must meet the same requirements and many must meet immigration requirements that have become increasingly tougher and tighter as a result of recent legislation.

#### Employers' Duties

Employers should ensure that:

- their international recruitment of colleagues is carefully planned in line with their staffing needs and local employment situation
- if they recruit from abroad, checks on each individual's right to work in the UK are routinely made
- they see the original of any document produced by a job applicant as evidence of their right to work in the UK
- copies of all documentation relevant to the individual's right to work in the UK are retained on file during their employment and for two years afterwards
- they treat all job applicants in exactly the same way at every stage of the recruitment process, irrespective of nationality
- they have a sponsorship licence for all applicable tiers of employment required for non-UK recruits
- they comply with their record-keeping and reporting duties as a licensed sponsor of non-UK.

#### Colleagues Duties

Colleagues should ensure that:

- they facilitate appropriate checks being made about their right to work in the UK
- they provide, when asked, the prospective employer with the appropriate documentation relevant to their right to work in the UK
- they produce, on arrival in the UK, a valid national passport and visa for entry
- CQC Fundamental Standards Compliance

Health and social care organisations in England must comply with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 to maintain their registration with the Care Quality Commission (CQC).

With regard to employing colleagues, Regulation 19: Fit and Proper Persons Employed applies. The intention of this regulation is to ensure that providers only employ colleagues who will provide safe, compassionate and competent care. The regulation must be met for all colleagues employed, irrespective of the country from which they are recruited and the routes by which they have come to be employed by the care service.

To meet the requirements of the regulation, SJOG must operate robust recruitment procedures, including undertaking any relevant checks; must have a procedure for ongoing monitoring of colleagues to ensure they remain able to meet requirements; and should have in place appropriate arrangements to deal with colleagues that are no longer fit to carry out the duties required of them.

Specific clauses include the following.

- Persons employed for the purposes of carrying on a regulated activity must:
  - be of good character
  - have the qualifications, competence, skills and experience necessary for the work to be performed by them
  - be able, by reason of their health, after reasonable adjustments are made, to properly perform tasks that are intrinsic to the work for which they are employed.
- Recruitment procedures must be established and operated effectively.
- Information specified in schedule 3 of the regulations must be available in relation to each such person employed, as well as other information as is required.
- Persons employed must be registered with the relevant professional body where such registration is required.

The regulation is supported by a wide range of prompts which describe good practice. For example, Prompt 19(1)(a) states that providers should make every effort to ensure that all available information is sought to confirm that the individual being recruited is of good character and has:

- not been convicted of an offence in any country which would be considered an offence in the UK, if the offence relates to the conduct required in carrying on a regulated activity
- not been removed or struck off a professional register
- no information about them that would suggest they have been responsible for, privy to, contributed to or facilitated any serious misconduct or mismanagement in the course of carrying on a regulated activity.

Schedule 3 states that information required in respect of persons employed or appointed for the purposes of a regulated activity should include:

- proof of identity — including a recent photograph
- a suitable criminal record certificate
- satisfactory evidence of conduct in previous employment
- verification of the reason why employment ended where previously employed in a position which involved work with children or vulnerable adults
- evidence of relevant or necessary qualifications
- a full employment history
- satisfactory information about any relevant physical or mental health conditions.
- 

### **Who Can Work in the UK after January 2021?**

#### **Social Care Workers**

Care workers are on the shortage occupation list and can therefore apply for work in the UK using the Points Based Immigration System. Please contact our People Team on [peopleteam@sjog.org.uk](mailto:peopleteam@sjog.org.uk) for further information.

#### **Employment of students**

International students who are studying at UK institutions are permitted to take spare term time and vacation work as long as they do not work more than 10 hours a week during term time (unless a placement is part of their course). They may carry out paid work during their vacations, which could include carrying out care work.

#### **The UK Visa Sponsorship Management System**

Citizens of countries outside the UK who do not have a right of abode will usually need to obtain a visa and/or work permit before finding employment in the UK.

Under the Sponsorship Management System, which meshes in with the new points-based immigration system, a UK employer can apply for a licence to sponsor the employment of non-British people coming into the country to work.

Further information can be found at the following link, [GOV.UK website](#), or from the People Team.

### Disclosure and Barring List Checks

Care providers must make sure they make equivalent checks for people recruited from non-UK countries as for their UK employees. The UK criminal records authorities cannot search overseas criminal records and any disclosure will only consider convictions and concerns raised or registered in the UK. So, in addition to requesting the UK disclosures, the practice must obtain disclosure information from:

- an overseas national's home country
- any other countries in which the overseas national has lived and worked.

This is essential to ensure that the new recruit does not pose a safeguarding risk.

Many EU countries operate a system whereby a citizen can obtain a certificate of good conduct or an extract from their criminal record. However, there is no guarantee that this will be of an equal standard to the searches done on UK criminal records.

Further information that can be referred on the following links:

[Criminal Checks for Overseas Applicants](#) and [Disclosure and Barring Service](#).

In all cases where Recruiting Managers are considering appointing a candidate who requires a work permit please contact the People Team for more information on [peopleteam@sjog.org.uk](mailto:peopleteam@sjog.org.uk) or through your People Business Partner.