



SAFER RECRUITMENT

February 2016

Document Control Sheet

Title	Safer Recruitment Guidance
Purpose	To provide guidance on the safer recruitment and management of staff working with adults with care and support needs.
Document type	Guidance
Target audience	Anyone involved in the recruitment or management of staff working with adults with care and support needs.
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To be read alongside	SET Safeguarding Adult Guidelines
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Safer Recruitment for Adults

Safer Recruitment

1. Safer recruitment responsibilities and measures, and the management of staff working with adults at risk of harm.

Scope

1.1 All statutory or voluntary agencies which employ staff or volunteers to work with adults should ensure their recruitment and vetting procedures are sufficiently stringent and robust to ensure employees are appropriately qualified and personally suitable for the responsibilities of the role. This can be achieved by adopting safer recruitment policies and procedures designed to identify and exclude those candidates who may pose a risk of abuse to adult service users.

1.2 The SAB recognises that these recommendations are not exhaustive, and as such advises all responsible professionals to ensure the staff within their organisation who have responsibility for hiring are familiar with new legislation, government guidance, and advice for good practice in safer recruitment.

1.3 Safer recruitment should not be the exclusive consideration of staff in direct contact with adult service users; support staff, agency staff, and subcontractors with indirect or limited contact with service users should also be subject to the same practises. The principles of safer recruitment should appear not just in contracts for employees, but also for subcontractors, agencies, and secondary providers, ensuring that they will adhere to stated policy and use approved guidelines when recruiting any additional personnel.

1.4 For the purposes of working with adults, safer recruitment is applicable to roles specifically involving several tasks described as 'regulated activities' in the Safeguarding Vulnerable Adults Act (2006, brought into effect 2012). Under the terms of the act, an adult is any person over 18 years of age, and regulated activity excludes any actions that form part of a family or personal relationship. For safeguarding and recruitment purposes, 'regulated activities' is defined as:

- working in residential or sheltered accommodation, care homes, or respite care;
- providing any form of healthcare, including counselling, psychotherapy, palliative care, or medical care not connected with a medical condition, such as donating blood, but not including opticians' sales staff or pharmacy technicians who are not members of a regulated professional body;
- working with adults who attend or have attended a residential special school;
- working with an adult in a social work capacity, including assessments for care;

- acting as a first responder or providing first aid on behalf of an organisation, but not if the employee is a volunteer first aider who was originally hired to fill a position in which first aid is not their main responsibility;
- driving a vehicle or assisting with mobility to attend care activities or appointments, but not drivers of taxis, private hire vehicles, or public transport;
- supporting an adult's independence by managing money, paying bills, or shopping;
- assisting or supervising an adult's personal care, such as bathing, dressing, going to the toilet, eating and drinking, or caring for their mouth, hair, skin and nails, including prompting the service user to carry out these processes themselves;
- assisting in the conduct of an adult's affairs, such as holding lasting or enduring power of attorney, being appointed their deputy, receiving their social security benefits, or acting as a mental health advocate;
- or supervising or managing any employee who carries out any regulated activity.

Training

1.5 All organisations responsible for engaging personnel to work with adults should ensure that staff responsible for recruitment undertake safer recruitment training offered by the SAB, those training courses approved and recommended by the SAB, and other training specific to their organisation or field. The SAB should monitor uptake to ensure that recruitment policies are being enforced and that only trained staff are involved in the hiring process.

Advertisements and information for applicants

1.6 Organisations should demonstrate their commitment to safeguarding and protecting service users by ensuring that all recruitment advertising material contains a policy statement to this effect.

1.7 All information given to the interested applicant should highlight the importance placed by the organisation on rigorous selection processes and appropriate safeguarding procedures.

1.8 The information should stress that the identity of the candidate, if successful, will need to be checked thoroughly, and that where a Disclosure and Barring Service (DBS) check is appropriate the person will be required to complete an application for a DBS disclosure straight away (see paragraphs 1.25-1.28 below, Disclosure and barring service checks).

1.9 The job description should clearly set out the extent of the relationship with, and the degree of responsibility for, adult service users with whom the person will have contact.

1.10 The person specification should explain:

- The qualifications and experience needed for the role;
- The competences and qualities that the applicant should be able to demonstrate;
- How these will be tested and assessed during the selection process.

1.11 The application form should ask for:

- Full personal information, including any former names by which the person has been known in the past; and
- A full history of employment, both paid and voluntary, since leaving school, including any periods of further education or training;
- Details of any relevant academic and/or vocational qualifications;
- A declaration, as appropriate for the position, that the person has no convictions, cautions, or bind-overs. If they have, they should provide details in a sealed envelope.

References

1.12 The application form should request both professional and character references from two employers that do not require a DBS check (one of which should be from the applicant's current or most recent employer) and five years referencing (at least two employer references) for roles that do require a DBS check. Additional references may be asked for where appropriate; for instance, if an applicant's most recent employment was outside of the field, the former employer most relevant to the role may also be approached for a reference.

1.13 In the interests of fairness, all candidates should have their suitability for the role assessed against the Person Specification without exception or variation. Desirable requirements may be used to distinguish between candidates who meet the essential requirements equally well.

1.14 Safer recruitment means that all applications should additionally be:

- Checked to ensure that they are fully and properly completed. Incomplete applications should not be accepted and should be returned to the candidate for completion.
- Scrutinised for any anomalies or discrepancies in the information provided.
- Considered with regard to any history of gaps, or repeated changes, in employment, or moves to supply work, without clear and verifiable reasons.

1.15 All candidates should bring with them to interview documentary evidence of their identity, either a full birth certificate, passport, or photocard driving licence, and additionally a document such as a utility bill that verifies the candidate's name and address. Where appropriate, change of name documentation must also be brought to the interview.

1.16 Candidates should also be asked to bring original documents confirming any necessary or relevant educational and professional qualifications. If the successful candidate cannot produce original documents or certified copies written confirmation of his/her relevant qualifications must be obtained from the awarding body.

Interviewing short-listed candidates

1.17 Questions or brief activities should be set which test the candidate's specific skills and abilities to carry out the job applied for.

1.18 The candidate's attitude toward the general function and purpose of the organisation should be tested and also their commitment to safeguarding and promoting the welfare of adults in particular.

1.19 Any gaps and changes in employment history should be fully explored during the interview, as should any discrepancies arising from information supplied by the candidate or by the referee.

Offer of Appointment to Successful Candidate

1.20 An offer of appointment must be conditional upon pre-employment checks being satisfactorily completed, including:

- Receipt of two satisfactory references - if references have not been obtained before the interview, it is vital that they are obtained and scrutinised before the successful candidate's appointment is confirmed;
- Verification of the candidate's identity, if this has not been verified straight after the interview;
- A Disclosure and Barring Service Disclosure appropriate to the role;
- A check of the Disclosure and Barring Service's Barred List; this is usually completed as part of the DBS Disclosure and therefore separate checks will not be required except where the DBS Disclosure remains outstanding at the point where the person starts work;
- Verification of the candidate's medical fitness;
- Verification of any relevant qualifications and professional status, if not verified straight after the interview, and whether any restrictions have been imposed by a regulatory body such as the General Medical Council;
- Evidence of right to work in the UK for those who are not nationals of a European Economic Area country.

1.21 All checks should be verified, confirmed in writing, documented and retained on the personnel file and followed up where they are unsatisfactory or where there are discrepancies in the information provided. All employers should also keep and maintain a single central record of recruitment and vetting checks of staff and volunteers.

1.22 Ideally, where a DBS Disclosure is required, it should be obtained before the new starter begins work. It must in any case be obtained as soon as practicable after the individual's appointment and the request for a DBS Disclosure should be submitted in advance of the individual starting work. There is discretion to allow an individual to begin work pending receipt of the DBS Disclosure. However, in such cases, a risk assessment must be completed and signed off by a senior manager, the individual must be appropriately supervised and all other checks, including the DBS's Barred List, should have been completed.

1.23 Appropriate supervision for individuals who start work prior to the result of a DBS Disclosure being received needs to reflect what is known about the person concerned, their experience, the nature of their duties and the level of responsibility they will carry. For those with limited experience and where references have provided limited information the level of supervision required may be high. For those with more experience and where the references are detailed and provide strong evidence of good conduct in previous relevant work a lower level of supervision may be appropriate. For all staff without completed DBS Disclosures it should be made clear that they are subject to this additional supervision. The nature of the supervision should be specified and the roles of staff in undertaking the supervision spelt out. The arrangements should be reviewed regularly at least every two weeks until the DBS Disclosure is received.

1.24 Where a DBS Disclosure indicates cause for concern for agency or directly employed staff, the member of staff must immediately be withdrawn pending the completion of a risk assessment signed off by a senior manager.

Disclosure and Barring Service Checks

Standard Disclosure

1.25 Standard disclosures indicate if there is anything on record or shows details drawn from the police national computer of:

- Spent and unspent convictions;
- Cautions;
- Formal reprimands; and
- Final warnings.

1.26 Standard disclosures are issued to the individual and copied to the body registered to seek them.

Enhanced Disclosures

1.27 The enhanced disclosure in addition to the information provided by a standard disclosure may contain non-conviction information from local police records, which a chief police officer thinks may be relevant to the position sought.

1.28 The enhanced disclosure is required for positions in regulated activity and involving regular caring for, training, supervision or being in sole charge of adult service users.

Persons Prohibited from Working/Seeking Work with Adults

1.29 The DBS can advise employers if their candidates are barred from working with adults. Barring prohibits the individual from engaging in any of the activities specified in Section X.1.4, "Regulated Activity", and from being offered or entering into employment where they would be required to do so.

1.30 An individual can only be barred from working with adults (or children, if relevant) if the DBS believe they have been, or will be, professionally engaged in regulated activity, or if they have been convicted of an offence that carried automatic barring and have not made representations in response.

1.31 Employers have a duty to make referrals to the DBS if they believe an employee has caused harm, or poses a future risk of harm, to adults or children. Making a referral is appropriate when an employee has been dismissed or removed, or has instead resigned, because they have:

- been cautioned or convicted for a relevant offence, a list of which can be viewed on the DBS website;
- engaged in an action (or inaction) that has harmed an adult or child or put them at risk of harm;
- been identified as posing a risk of harm even though no such conduct has occurred.

1.32 An employer should not make a referral immediately upon receiving an allegation against a staff member. The employer must take time to investigate and gather evidence in order to determine the validity of the allegation. Where it is appropriate, the employer should contact the police in due course and according to existing policy, although it is possible for the DBS to bar an individual with them having first been convicted of an offence.

1.33 The DBS is has no investigatory powers and is unable to bar an individual without examining the supporting evidence, and referrals submitted without supporting material - such as minutes of disciplinary hearings, witness statements, dismissal letters, recorded interviews, CCTV footage, or records of police involvement - will not be pursued.

1.34 The Criminal Justice and Court Services Act (2000) makes it a criminal offence for anyone to seek or accept work in a regulated position knowing that they are barred from working with children, and for an employer to offer work to, or employ, a person in a regulated position knowing that the person is barred from working with children.

Limitations of Disclosures

1.35 The same checks must be made on all overseas staff, including DBS checks, but as disclosures may not provide information on people convicted abroad and with respect to individuals who have little residence in the UK, caution must be exercised.

1.36 Where an applicant has worked or been resident overseas in the previous five years, the employer should where possible obtain a check of the applicant's criminal record from the relevant authority in that country. Not all countries, however, provide this service. The advice of the DBS Overseas Information Service should be sought about criminal record checking overseas - see the Disclosure and Barring Service website.

1.37 Occasionally, an enhanced disclosure check may result in the local police disclosing non-conviction information to the registered body only and not to the applicant e.g. a current investigation about the individual. Such information, known as 'brown envelope information', must not be passed on to the applicant. Whilst this provision will no longer exist in the Police Act, the police may choose to use common law powers to provide information directly to employers in cases where this is necessary in order to prevent crime or personal harm.

Police information held locally - more rigorous relevancy test and new right of review

1.38 Prior to the Protection of Freedom Act, the police provided information held locally on enhanced DBS disclosures when they consider it to be relevant to the purpose for which the certificate was requested. The police now have to apply a more rigorous test before deciding whether to disclose information. They will include it if they 'reasonably believe it to be relevant' and consider that it ought to be disclosed.

1.39 In addition, if any of that information is included on an enhanced DBS certificate and the applicant does not think that it should be, they will now be able to ask the Independent Monitor to review it, and the Independent Monitor can ask the DBS to issue a new certificate, either without that information or with amendments to it. Applicants should be encouraged to inform you when they request such a review and to update you about what happens with their certificate.

Evaluation and Management of Disclosure Information

1.40 Any concerns raised as a result of DBS checks must be followed up. Where information is disclosed, employers must carry out an initial evaluation and make a judgment about the person's suitability to enter employment, taking into account only those offences that may be relevant to the post in question. As the employer no longer receives a copy of the DBS certificate where there is a trace found, the employer will need to see the candidate's certificate. Where information is disclosed, employers must carry out an initial evaluation and make a judgement about the person's suitability to assume the role, taking into account only those offences that may be relevant to the post in question. Where further information is required, the applicants consent must be sought and the information should be obtained by a person with an understanding of safeguarding matters.

1.41 In deciding the relevance of disclosure information, the following should be considered:

- The nature of the appointment;
- The nature and circumstances of the offence;
- The age at which the offence took place;
- The frequency of the offence.

Challenges to Information on DBS Certificates

1.42 Currently, an applicant for a DBS check who believes that information disclosed on their certificate is inaccurate can apply to the DBS for a decision about whether it is accurate. The Protection of Freedoms Act allows people other than the applicant to do that too.

Disclosure and Barring Service Update Service

1.43 For most individuals an optional online Update Service was introduced in June 2013 and is operated by the Disclosure and Barring Service (DBS), designed to reduce the number of DBS checks requested. Subscription to the Update Service means that instead of new criminal records/Barred Lists check being necessary whenever an individual applies for a new paid or voluntary role working with adults, the Update Service will allow them to keep their criminal record certificate up to date, so that they can take it with them from role to role, within the same workforce. Employers do not need to register, but can carry out free, instant, online status checks of a registered individual's status. A new DBS check will only be necessary if the status check indicates a change in the individual's status (because new information has been added). For further information visit the Disclosure and Barring Service website at [Disclosure and Barring Service](http://www.disclosureandbarring.service.gov.uk)

Staff recruited from overseas

1.44 Employers will also need to carry out criminal record checks when recruiting staff from abroad. Where the position meets the criteria for a disclosure, even if the applicant claims they have never lived in the UK before, a DBS disclosure should still be obtained in addition to the individual's overseas criminal records.

1.45 All overseas police checks must be in accordance with that country's justice system and UK requirements. See the DBS website for guidance on how to access information from a list of countries.

1.46 Some foreign embassies and high commissions in the UK initiate requests on behalf of applicants and liaise with the relevant issuing authority abroad. In cases where candidates have to apply to the issuing authority directly, the relevant UK-based embassy or high commission may still be able to provide advice on what to expect. If there is any doubt about the record produced, they may also be able to authenticate the search results. Further guidance can be found on the Security Industry Authority (SIA) website at www.the-sia.org.uk If the country is not listed on the DBS or SIA website, the country's representative in the UK could be contacted, see the Foreign and Commonwealth website at: www.fco.gov.uk.

2. Induction and supervision of newly appointed staff

2.1 The induction of all newly appointed staff should include an introduction to the organisation's safeguarding policies and procedures. This should include being made aware of the identity and specific responsibilities of those staff with designated safeguarding responsibilities.

2.2 New staff members should be provided with information about safe practice and given a full explanation of their role and responsibilities and the standard of conduct and behaviour expected.

2.3 They should also be made aware of the organisation's personnel procedures relating to disciplinary issues and the relevant whistle blowing policy.

2.4 The organisation has an appropriate mechanism for confidential reporting of any behaviour towards service users or other adults which is abusive, inappropriate or unprofessional.

2.5 The organisation has a confidential reporting or whistle-blowing policy in place, covering conduct which:

- Is in breach of criminal law or statute;
- Compromises health and safety;
- Breaches accepted professional codes of conduct;
- Otherwise falls below established standards of practice with adults.

2.6 The programme of induction should also include attendance at safeguarding training at a level appropriate to the member of staff's stated duties.

2.7 Senior managers should ensure that their staff are adequately and appropriately supervised and that they have ready access to advice, expertise and management support in all matters relating to safeguarding.

Scope

2.8 Any concerns that arise through the process of continuing supervision, which call into question the person's suitability to continue in the responsibilities of their role, should be managed according to local procedures such as capability assessments, disciplinary proceedings, and/or the procedures for the management of allegations against staff (including volunteers).