**SAFE RECRUITMENT AND SELECTION IN DOMICILIARY CARE AND CARE HOMES POLICY (ENGLAND)**

**Policy**

* This policy can be issued to staff to set out the organisation's stance on safe recruitment and selection.
* This policy is for care organisations based in England.
* If you would like to make any amendments to this policy, please contact our HR Policy & Documentation team on 0161 819 4671 who will be happy to bespoke this to your requirements.
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# Safe Recruitment and Selection in Domiciliary Care and Care Homes Policy

1. ****POLICY STATEMENT****
2. This policy sets out the values, principles and procedures underpinning this care service’s approach to recruitment and selection of its staff.
3. It is written to comply with Regulation 19: Fit and Proper Persons Employed of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (“the regulations”), and other applicable legislation, including the Equality Act 2010.
4. Further clarity has been sought where necessary from the [*Provider and CQC Inspector FAQs for Meeting CQCs Requirements of Employment for Regulation 19*](https://www.cqc.org.uk/sites/default/files/fid2932547-employment-requirements-regulation-19.pdf), published August 2018.
5. The care service is fully aware that by law care providers must have effective recruitment procedures so that they employ only people of good character, who are physically and mentally fit to carry out the work and who have the necessary qualifications, skills and experience. In addition, the service must make sure that staff who are required to register with a professional body in order to practise have done so and maintain their registration.
6. The service must take the required steps to refer a staff member who has been found to practise in their employed role to the relevant registration organisation (which in the cases of care staff means the Disclosure and Barring Service (DBS) with a view to placement on one or both of its barring lists).
7. In its recruitment and selection procedures the care service will achieve the following standards expressed in the CQC’s Quality Statements.
8. **Safe**

**Safe and effective staffing**

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

1. **Caring**

**Workforce wellbeing and enablement**

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

1. **Well-led**

**Workforce equality, diversity and inclusion**

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

1. PRINCIPLES OF SAFE RECRUITMENT
2. The service recruits its care staff locally through advertising, job centres, local networks and contacts, and if necessary, employment agencies. It always aims to create a bank of workers in order to respond quickly to immediate needs for service. Its policy is to use employment agency workers sparingly and only when there is a risk of staff shortage to meet demand and provide continuity of care.
3. The service will comply with all current legislation and registration requirements by:
4. basing its recruitment and selection procedures on equal opportunities and the involvement of people receiving care and their representatives wherever possible
5. focusing its advertising, recruitment and selection procedures, including when using agency workers, on the wellbeing, protection and safeguarding of people receiving care, by adopting a values-led approach as recommended by Skills for Care
6. rigorously checking the documentation of people being recruited from abroad with current Government’s right to work in the UK requirements
7. following stringent procedures in the event of our service recruiting trainees, apprenticeships and volunteers, which will 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
8. obtaining (after a job offer, but before an appointment is confirmed and the person starts work) a minimum of two written references; for staff previously employed in health or care, one should be from the applicant’s most recent relevant employer
9. the other reference(s) may be from another previous employer or a character reference from a suitable person; with some applicants, the service might seek additional references or accept alternatives to a formal reference, in line with the CQC’s FAQ on Schedule 3 of the regulations
10. offering the job subject to a completed health/medical check, as required
11. obtaining a full employment history, including reasons for leaving, and examining gaps in the appointee’s employment record with the applicant, and seeking additional information or references if needed
12. confirming new staff in their post only after the completion of satisfactory criminal record checks (enhanced or standard check, depending on the post), and of checks made against the current DBS barred lists if the post involves regulated activity and/or NMC Register in the case of registered nurse appointments/Social Work England in the case of appointments of qualified social workers
13. 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, eg in a staff handbook
14. providing staff with contracts of employment that state all terms and conditions
15. having a recruitment complaints policy that applicants could use if they’re unfairly treated during the application process.

(**Remove before sending:** **It is useful to append a model statement of the service’s terms and conditions for inspection purposes.**)

PROCEDURES

1. JOB VACANCIES
2. The aim of the service’s selection procedure is to ensure that the most suitable candidate is chosen for the job and that all applicants receive fair and equitable treatment.
3. The service might invite in its advertising both expressions of interest and firm applications. All will be given details of the care service, the position for which they have applied and the terms and conditions of employment, with invitations to seek further information as needed.
4. All vacant jobs have a person specification and job description which will be used to assess applicants’ suitability.
5. INTERNAL RECRUITMENT
6. The service provides its existing staff with an opportunity to indicate their interest in vacancies as they come up and to advance within the service according to their skills and experience. In general, notices of all regular, full and part-time job vacancies are posted internally as well as being advertised externally.
7. To apply for a vacancy internally, an existing staff member should be performing competently in their present position and have held it long enough to make a significant contribution to the new role.
8. The service encourages staff members to talk with their supervisors/managers about their career plans and supervisors/managers are encouraged to support staff members’ efforts to gain experience and advance within the service.
9. An applicant’s supervisor/manager may be contacted for an account of an employee’s performance, skills and other factors relevant to any application they may make. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.
10. TRAINEES, APPRENTICES AND VOLUNTEERS
11. If the service decides to employ people on apprenticeship schemes it will do so by working closely with local apprentice services and learning providers to ensure it complies with all legal requirements at the point of recruitment and throughout the apprenticeship period.
12. (**As applicable**) The service has strict procedures for vetting anyone who wishes to work in a voluntary capacity in line with our procedures for recruiting paid staff.
13. SELECTION
14. All applicants, whether responding internally or externally, are sent an application form, person specification and job description. Only applications made using the proper forms/agreed procedures and received by the advertised deadline will be considered.
15. Applicants are shortlisted by comparing their application form and other information requested with the person specification for the job — with the information followed up as necessary.
16. Shortlisting is carried out by people who have the required experience, competence and qualifications to ensure that all due processes are followed.
17. (**Add if relevant: Shortlisting (eg care workers, domestic staff, catering staff) is usually carried out by (add details and the posts involved).**)
18. Shortlisted candidates will be invited for interview.
19. EQUALITY, DIVERSITY AND INCLUSION POLICY
20. The service follows an equal opportunities policy and wishes to recruit and employ those people who are best suited for the vacancies for which they have applied, regardless of sex, sexual orientation, age or perceived age, religion, ethnic origin, race, disability or union membership (or lack of it). All applications (and their ultimate selection or rejection) are reviewed against equality and diversity criteria.
21. All employees and applicants are asked to complete a separate sex and ethnic origin form, which will be used for monitoring purposes. The information contained on the form is not disclosed to the people responsible for interviewing and selecting applicants, but is kept separately. The reasons for and against inviting applicants for interview are recorded and this information will be used to check that equality principles are being followed.
22. Following appointment, we will discuss with successful applicants who have any of the “protected characteristics” that require consideration under the Equality Act 2010, what reasonable adjustments we might need to make in order for them to carry out their roles. This will be carried out in line with the provider’s Equality and Diversity and Equal Opportunities policies.
23. JOB INTERVIEWS
24. Following screening and shortlisting, job interviews provide an opportunity for the care service to get the further information it needs about applicants to decide which is most suitable for the position in question.
25. Interviews are arranged after receipt of a completed application form/equivalent and completion of screening and shortlisting procedures.
26. Every attempt is made to ensure that interviews are conducted under conditions which are favourable to interviewees giving their best with “reasonable adjustments” made for applicants who are eligible for consideration under the Equality Act 2010.
27. Interviewers must ensure that they have all the appropriate documentation before the start of the interview.
28. The assessments made by interviewers are recorded on an interview assessment form. Interviewers do not make offers of employment or suggest variations to standard terms and conditions of employment at the interview.
29. REFERENCES
30. The purpose of a reference is to establish that the applicant is of “good character” and meets any “fit person” tests required for the intended role by the Regulations (and related guidance).
31. Offers of employment are made following interview on condition that a minimum of two satisfactory written or recorded verbal references are obtained in respect of the applicant, one of which should be from the person’s most recent employer. The service will seek more than two references if required to be assured of the applicant’s good conduct in previous care positions.
32. Where references are unavailable, alternatives will be considered on an individual basis, in line with Schedule 3 of the regulations where these apply. The assessment of alternatives and decision to accept will be recorded.
33. Applicants should confirm in writing or verbally that their present employer may be approached for a reference.
34. If a reference is deemed unsatisfactory, the appointee should be told and given written confirmation that the offer of employment is withdrawn since the condition to which it was subject has not been fulfilled. If the references (or alternatives) prove to be unsatisfactory, the offer of employment may be withdrawn without the care service being in breach of contract.
35. The service will always take the necessary corrective actions, if it is found, eg from an internal audit or an inspection, that references are incomplete, or that the records show that gaps in employment have not been accounted for.
36. CRIMINAL RECORDS DISCLOSURES AND BARRED LIST CHECKS
37. Before confirming someone’s appointment, the service is required to carry out checks with the DBS, which are based on eligibility for the type of checks required for certain positions in care service work.
38. For staff who work in regulated activity as defined by the Protection of Freedoms Act 2012, the organisation must apply for an enhanced criminal records check and barring list check.
39. Staff in non-care roles, who have some but not regular contact with people receiving care, eg office staff, cleaners, laundry and maintenance staff, and volunteers, will have either a standard or enhanced criminal records check, depending on the amount of contact involved, and the assessed risks to people receiving care.
40. The service is committed to following the current guidance on criminal records and barring list checks issued by the DBS, and reviews its policies according to any new guidance that it issues.
41. A person who has applied for a care role whose name appears on a relevant barring list will clearly not be eligible for appointment and this will have been conveyed to all prospective applicants in the information provided to them beforehand.
42. A person who has applied for either a care or a non-care role, who has an unspent criminal conviction as shown by the DBS check (but in the case of care role applicants is not on a barred list) will not automatically be rejected for the post for which they have applied. A decision to appoint or not will take into account the details of their conviction(s) and the outcomes of a risk assessment, which will ensure that no one is put at risk from their appointment.
43. In cases where it is not possible to obtain a full criminal records check before a person is due to start work, and to maintain adequate staffing levels, the service may apply for an Adult First clearance. It will then monitor and supervise the person in line with official guidance until full clearance is obtained. Employees are made aware of the provisional nature of their appointment until all checks have been completed.
44. (**Where applicable**) the service has adopted the policy of making sure that all staff have been fully checked before they can work with any children in their family and other settings.
45. Where it is not possible to make use of or access the DBS updating service, the service retains criminal record checks in secure conditions, observing access to records and data protection protocols like any other personal information it holds on its staff members.
46. The service recommends to staff that they register with the DBS updating service. Where they have not, it will keep all paper copies of criminal record checks obtained on appointment until after its next inspection so that it can provide evidence that it is complying with its legal requirements for making these checks. This could mean that it will sometimes keep these checks for longer than the usual six-month period established in the Criminal Records Code of Practice as they must be available to inspectors whenever they visit.
47. The service will also record the checks made when using the DBS updating service. Otherwise it will request a staff DBS check every three years.
48. WORKERS FROM OVERSEAS
49. The service employs foreign workers only after confirming their legal status and entitlement to work in this country and after making equivalent checks on their criminal records and fitness to work with vulnerable people, including children and their families (where applicable).
50. AGENCY STAFF
51. The service recognises that it is the responsibility of any employment agency who supplies staff to the home to have carried out all the required DBS checks. The service always seeks confirmation from the agency that it has carried out these checks and can verify that it has done so. It regularly reviews the practices of any agency that supplies staff to the service to make sure that all required checks are being carried out.
52. REGISTERED PROFESSIONALS
53. The service carries out full checks with the relevant professional regulator for any staff employed as a registered professional, eg nurse or social worker and will ensure that their registration is always kept up to date.
54. OFFERS OF EMPLOYMENT
55. The service always confirms in writing new staff members’ terms of appointment and employment. Verbal offers are always followed up as quickly as possible by a letter of confirmation.
56. Formal offers of employment are made in writing only after all short-listed candidates have been interviewed.
57. Confirmatory letters will include terms and conditions of employment, pay, dates of starting, periods of notice, references to the codes of conduct and contents of the staff handbook, etc.
58. RECRUITMENT COMPLAINTS
59. The care service will make applicants aware that if they think they have been treated unfairly during the recruitment process, in terms of the organisation not following due employment law process or they have been discriminated against in terms of the Equality Act 2010, they can ask for a review on those grounds of the decisions taken. Our procedures for handling any such complaint will follow those outlined in our Complaints Policy with the same timescales for responding and addressing the complaint.
60. RELATED POLICIES
61. The care service has separate policies for different aspects of its staff recruitment, selection and appointment processes discussed in this overarching policy. They include:

* Safeguarding of Service Users from Abuse
* Recruitment of Ex-Offenders
* (**Add any other related policies**).

1. TRAINING

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

1. REVIEW

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| Signed: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Policy review date: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |