

## Safer Recruitment

**Please note:** *This information is intended to offer assistance and provide information where appropriate and Community Southwark is not liable for action taken, or not taken, as a result of reading this briefing.*

All organisations are looking to recruit suitable staff and/or volunteers. In the voluntary and community sector, we often work with vulnerable people and so recruitment processes must reflect this. This guide aimed at helping organisations to reduce risk when recruiting new members of staff and/or volunteers by putting in place clear standards and robust practices to protect vulnerable people of whatever age. This means both deterring and preventing unsuitable people being put in positions where they can cause harm.

### The Disclosure and Barring Service

The Disclosure and Barring Service (DBS) is responsible for processing the checks on candidates to regulated posts. DBS checks replaced Criminal Records Bureau (CRB) checks in 2012. It manages the police check process and the two lists of barred people. It is a requirement that those recruited to regulated posts have a DBS check. However, a DBS is only one aspect of safeguarding and is only as good as the day it is carried out. Therefore, further policies and procedures should be implemented to ensure safeguarding is at the heart of responsible recruitment.

For example:

- All job/role descriptions, person specifications and selection criteria should be reviewed before advertisement to ensure that all documentation is clear as to whether or not the position is a regulated post.
- Appropriate selection and testing methods should be drawn up to cover all criteria relevant for the job
- Selection panel should be appropriately trained.
- A range of specific and detailed checks must be undertaken before appointment begins: DBS (possibly also barring list), references, qualifications verification, identity verification, medical fitness etc.

Posts are classified according to the type of work or where this is undertaken. Classifications apply to employees, agency workers and some volunteers and contractors. All posts or roles classified as 'Regulated' under the Protection of Freedoms Act will require both an enhanced DBS disclosure and a check against the DBS barred lists (adults and children's).

You can find further guidance on this on the [Community Southwark fact sheet](#) or on the [DBS website](#).

### The Legal Requirements

#### Regulated Activity

Regulated activity is any activity which involves contact with children or adults; this could be paid or voluntary work. There is a real emphasis on employers making their own judgements about which posts are regulated and about the nature of supervision. An initial review of all posts in an

organisation will be necessary to re-categorise roles and to ensure that appropriate checks are made when a post becomes vacant. Categorisation should be reconsidered at regular intervals.

### **For Adults' Services**

<https://www.gov.uk/government/publications/new-disclosure-and-barring-services>

- All health care professionals providing care to adults or provider of health care under supervision of a professional
- Providers of personal care
- Those instructing or advising/giving guidance in personal care to adults
- Provides of social work
- Assisting with cash, bills or shopping
- Assisting in conducting personal affairs
- Transporting adults to places where they receive health care, personal care or social care
- Those who supervise all of the above

No 'frequency' test applies to the above so there is no need to determine how often the individual is undertaking such duties.

### **For Children's Services**

<https://www.gov.uk/topic/schools-colleges-childrens-services/safeguarding-children>

Some work is only regulated if the work is done once a week or more, or on four or more days in a 30 day period or overnight:

- Unsupervised activities of teaching, training, instructing, caring or supervising children or providing advice/guidance on well-being, or drive a vehicle only for children
- Working for limited ranges of establishments ('specified places') with opportunity for contact, for examples schools, children's homes, childcare premises

Some is regulated no matter what the frequency:

- Relevant personal care, for example washing or dressing; or health care by or supervised by a professional, even if done once
- Registered child-minders and foster carers

The definition does not apply to volunteers who are supervised i.e.

- Supervision must be undertaken by a person in regulated activity
- Supervision is regular and day to day
- Supervision is reasonable in all circumstances to ensure the protection of children.

### **Safer Selection – Checking and Screening Staff**

Unsafe selection can have serious implications for the safety and security of vulnerable adults and children and can potentially be extremely damaging to the child or adult. It can prove costly in real terms and extremely damaging to the employer's reputation and standing.

It is relatively easy for an organisation to make clear to applicants in its policy statements and staff selection procedures that the organisation has an offender aware culture. This actively discourages offenders (but should not discriminate those with criminal records unrelated to safeguarding).

The best safeguard is a high standard of management practice and quality control consistently applied at recruitment and selection and subsequently through induction, performance management, appraisal, support & supervision and monitoring.

Any job or role description, personal specification and selection criteria should clearly state whether or not it is a regulated post and if so, will require a DBS check and any other professional registration requirements. Applicants should also be required to make a self-declaration as to whether they are on a barred list. Any disclosures should be considered at interview stage or through a separate discussion.

Appropriate selection and testing methods should be drawn up that cover all criteria. The aim of the selection process is to obtain key relevant and comprehensive information on all candidates by applying consistent procedures. Suitable probing during interview questioning is essential in order to elicit complete responses but this must be concerning the specified criteria: motivation to do the work, how they deal with difficult issues and how they maintain safe and appropriate boundaries through professional working relationships must be part of the interview for all regulated posts.

Candidates should be made aware that:

- They could be asked whether they are a barred person as per the DBS requirements
- They will be asked to provide references and the organisation has the right to approach any current or previous employer for a reference.
- They may be asked about disciplinary offences, including those that have expired
- The Rehabilitation of Offenders Exceptions Order applies so they may be asked about 'spent' convictions
- They will be DBS checked
- Providing false information will lead to no appointment or dismissal
- Failing to declare conviction, caution or pending police action could disqualify the applicant from employment
- They may be required to participate in appropriate testing i.e. group exercise, competency interview, verbal and numerical reasoning tests, Occupational Personality Questionnaire etc. as relevant to the post.
- Offers but no appointments are 'subject to satisfactory checks' i.e. no waivers and no unsupervised access to children until all appropriate checks carried out.

## **Safer Recruitment Interviewing**

A good interview process is key to safer selection and so it is important to have an appropriate and qualified interview panel:

- Wherever practicable, try to have a balance of gender and ethnicity
- The panel chair should be skilled and experienced in the conduct of in-depth interviews and be familiar with the principles of safe recruitment
- The interview panel should be prepared to discuss gaps in employment and disclosed convictions sensitively and to explore areas of potential weakness

## **Post Interview Clearance & Risk Assessment**

For each recruiting process an 'Appointing Manager' should be determined i.e. who is going to lead the process, chair the interviews and be responsible for the final decision?

They will also ensure that once a decision has been made, all checks are made and references received. If there are any doubts or deficiencies, they will undertake a risk assessment (signed and dated), before confirming any appointment.

The following information should be available in order to make an informed decision, and before a start date is arranged and employment begins:

- Summary of interview and scores
- Feedback from any testing or occupational assessment
- References (2 minimum covering last 10 years if possible)
- Medical clearance
- Qualification verification (original document) where a requirement for the post
- Identity verification
- Enhanced DBS check that will include check against the barred lists if post is 'regulated'
- Conviction declaration/ Rehabilitation of Offenders form
- Registration with professional body; verification where a requirement of the post
- The organisation will have to come up with policies and procedures on how DBS information is kept and a checklist of all clearances undertaken should be kept in the personnel file (Ofsted will ask to see such a list).

### **Medical Clearance**

Even where medical clearance is required, care should be taken not to ask questions about health prior to a conditional offer of employment as this could be deemed as discriminatory.

Ensure reference requests seek detailed sickness absence over a specified period of time (minimum 12 months of employment). Where an Occupational Health Service is utilised, sickness history should be provided alongside medical questionnaire, job description/ person specification and any information disclosed about disability/reasonable adjustments. If references indicate a high level of sickness, this may need to be investigated and expert advice taken.

### **Overseas Workers**

Extra care needs to be taken where candidates are from overseas as detailed verification may be difficult to obtain and where they are new arrivals they have no track record of relevant employment.

These workers must still be checked in accordance with DBS requirements. An organisation will need to utilise all available avenues to check the candidates' background: the DBS website details the availability of criminal records overseas.

The DBS also provides an Overseas Information Service, which will provide employers with details of the information that applicants may be able to obtain from their country of origin. This may involve obtaining a translation of the information that comes back.

The [Health Care Professional Council](#) (HCPC) has an international application pack to consider applications for registration for social care and health workers.

Special efforts need to be made to ensure that reference sources are reliable, employment history is break-free or explained, and supplementary references should be obtained in order to produce a proper historical work, training, etc. picture so that a safe decision can be made.

## Agency Workers/ Contractors

Recruitment processes should be rigorous for all who work with children and adults for health and social care purposes; this includes all agency and temporary staff, volunteers, escort and transport agencies and students on placement. Other people who may be on the premises and who have access to children e.g. consultants, independent visitors, contractors and Councillors, may require a DBS disclosure, but only where they meet the criteria for regulated posts.

Selection process and checks should be as rigorous as for permanent recruitment. In using agency staff, organisations are relying on the agencies to apply the proper selection and checking arrangements on their behalf. Passing responsibility on in this way entails risk and organisations need to ensure they use agencies who have rigorous processes in place and that these are audited to ensure compliance in all cases.

## Post Recruitment - Induction

The introduction of a new member of staff to the organisation begins at the recruitment stage, when messages about being a 'Safe Organisation' are first given. Safe organisations then build upon this through the selection process and when the new person starts work as part of their induction.

Induction ranges from the provision of basic knowledge about the employing organisation, its personnel policies and procedures, conditions of service, health and safety and environmental issues, through to knowledge, standards and skills required to function effectively in the particular role and service.

Relevant induction materials need to be developed and provided in writing, ideally with a confirmation checklist. Induction should be planned in advance and include clear statements/ evidence of the specific safeguarding materials relevant to the particular recruit and relevant to the work he/she will do.

The general safeguarding induction pack is likely to comprise of relevant policies and procedures:

- Safeguarding
- Child and/or adult protection
- Internet safety
- Bullying
- Discrimination
- Respect at work
- Code(s) of Conduct
- Whistle blowing
- Disciplinary rules
- Details of confidentiality policies
- Data protection
- Risk assessment

Additionally, specific organisational standards, service handbooks and service specific rules may be relevant including guidance on boundaries, intimate care, physical intervention, drugs, alcohol, best practice guidelines, procedures for reporting concerns, suspicions and allegations.

If the organisation works in partnership with others or as part of the Local Authorities multi-agency approach, then the recruit will need to be aware of partner organisations operating procedures and rules.

Generally, managers need to ensure there are good induction systems and ongoing training/updates/continuous professional development for staff. There needs to be clear access to

guidance and procedures for child and adult protection and awareness of local protocols and systems for information sharing and referral.

A clear job/role description must be given, detailing responsibilities and highlighting all relevant reporting structures and procedures. Individual supervision, one to one and appraisal sessions should be diarised at regular intervals.

In front line services, there needs to be clear expectations on staff with regard to personal conduct and promoting the well-being of children and adult service users, specifically the behaviour expected of adults who work with children and vulnerable adults. Initially a period of closer supervision/observation or mentoring could be introduced to support the new employee.

## Retention of Documents

Registered bodies must be compliant with various legislative requirements governing the management of data/records.

Guidance from the DBS is to destroy disclosure documents no longer than six months after they have been received, but the record of receipt, reference number. And any decisions should be retained and recorded.

Care providers need to keep evidence of DBS processes having been undertaken for each Care Standards' Inspection so that the inspectors can ensure that the service is following correct recruitment procedures.

In educational establishments there is a requirement to hold a central record of all safeguarding recruitment checks for Ofsted inspection, including dates and numbers of DBS checks.

Details of discussions with staff about criminal or other declarations must be retained on personal files confidentially.

All other applicant related documents should be retained on personal files.

## Resources

- DBS: <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>
- NSPCC: [Safer Recruitment in Education online course](#)
- Ealing CVS: <http://www.ealingcvs.org.uk/safeguarding/safe-recruitment/>
- Safe Network Standards 2013/14: <https://www.nspcc.org.uk/globalassets/documents/publications/safe-network-standards.pdf>

## Support

If you would like any support with safeguarding policies, or signposting, please contact the Development Team at Community Southwark: [development@communitysouthwark.org](mailto:development@communitysouthwark.org) or 020 7358 7020.