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**Recruitment Policy**

**[Date of Issue]**

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| --- | --- |
| Policy Lead: | [Policy Lead] |
| Version No. | 1 |
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# Introduction

[Company Name] recognises the importance of well managed recruitment processes, and will adhere to Schedule 3 and 4 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 to ensure robust recruitment for all staff. The procedures contained within this Policy will be communicated to all staff involved in the recruitment process. Training will also be provided to ensure anyone involved in the recruitment process understands the need for rigorous processes.

# Policy Statement

Safer recruitment principles apply to all people working with children and adults at risk. The policy is designed to provide robust and clear standards of recruiting people and minimising the risks to vulnerable people, whatever their age.

This Policy applies to the recruitment of permanent, bank and temporary members of staff, in addition to volunteers and apprentices.

[Company Name] is committed to treating people fairly and equitably regardless of their age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

# Scope

This policy applies to anybody undertaking recruitment activity within the organisation.

# Roles and Responsibilities

The **Appointing Manager** has specific responsibilities for managing the process, risk assessment and ‘sign off’ of all appointments/placements. All job descriptions, person specifications and selection criteria should be reviewed prior to advertisement.

If a task is delegated to another person within the process, overall responsibility will still be retained by the nominated individual and/or registered manager.

The **Disclosure and Barring Service (DBS)** is responsible for processing the checks on candidates to regulated posts. It manages the police check process and the lists of people barred from working with adults and children. It is a requirement that those recruited to regulated posts have a DBS check. The DBS is a public body, sponsored by the Home Office, that acts in respect of decisions to bar certain people from working with children or adults requiring medical or social care. It maintains the two barred lists that relate to work with adults and work with children, whilst managing the process for police checks. Checks of these lists are made as part of an Enhanced DBS disclosure for regulated positions.

# Procedures - Selection and Testing of Company Directors

**Appointments**

All new appointments, including appointments of Directors, whether or not they are shareholders, must be conducted through the Recruitment Policy and Procedure, including:

* The person specification
* Recruitment and job start packs
* Directors should, in all circumstances, be subject to (as a minimum) the same assessment processes used for all employees
* DBS checks should be undertaken where the appointment meets the requirement; and
* Any other necessary checks such as bankruptcy and Director disqualification checks

**Qualifications, Skills, Experience and Character**

Where qualification and or registration with a professional regulator are required to undertake the role, only those with the correct qualifications/registrations should be considered, and certificates and registrations must be checked and recorded.

All skills and experience necessary should be specified in the personal specifications and subject to competence-based questions or tasks. Care should be given to identify 'good character'' through application and interview.

There is no statutory guidance as to how ‘good character’ in Regulation 5(3)(a) of the 2014 Regulations should be interpreted. However, the following are some of the features that are normally associated with ‘good character’:

* Honesty
* Trustworthiness
* Integrity
* Openness (also referred to as transparency)
* Ability to comply with the law

To consider that a Director is of ‘good character’, the registered provider should be able to regard the Director as a person in whom the provider, CQC, people using services and the wider public can have confidence, and who will comply with the law.

# Company Director Fitness

**Existing Directors Information Regarding 'Unfitness'**

Where information of concern relating to 'unfitness' is disclosed concerning an existing Director, [Company Name] must promptly and thoroughly investigate the matter. Where a breach is found, the directorship must be considered for termination, subject to a decision as to whether the issue relates to the role.

Where the issue does not directly breach the regulation and it is decided the directorship should not be terminated, an action plan and risk assessment should be drawn up in conjunction with the Director to safeguard against potential future risks concerning the matter along with a full explanation from the chair as to why the directorship is continuing. Any action plan or risk assessment should be regularly reviewed and updated

**Interim Arrangements**

Where an individual Director is being investigated and subject to suspension, interim arrangements must be put in place by the chair to ensure the smooth running of the board.

**Unfitness**

Unfitness criteria in relation to Regulation 5 is set out in Schedule 4 of the regulations:

* The person is an undischarged bankrupt or a person whose estate has had sequestration awarded in respect of it and who has not been discharged;
* The person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland;
* The person is a person to whom a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986(b);
* The person has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it;
* The person is included in the children’s barred list or the adults’ barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland; or
* The person is prohibited from holding the relevant office or position, or in the case of an individual from carrying on the regulated activity, by or under any enactment.

Please refer to appendices 1-3 regarding Directors declarations and fitness.

# Selection and Testing of Staff

Appropriate selection and testing methods should be drawn up to cover all criteria relevant for the job. This should form the basis of the selection decision. Selection panel members must be suitably trained.

A range of specific and detailed checks must be undertaken before employment can be confirmed.

**DBS checks**

Where the role requires the incumbent to provide personal care to another individual, the individual being recruited must either:

* currently subscribe to the DBS update service and give permission for the Recruiting Manager to access their record or
* apply for an enhanced disclosure with the relevant barring checks appropriate to the service users they will be dealing with.

Employment may only commence with the required DBS in place. In some instances, new staff may commence employment prior to DBS clearance, for example to commence training, but they must not have access to vulnerable people or information about them until all checks have been completed. In such cases [Company Name] will assess and record any potential risk.

**References**

A minimum of two references will be required in writing covering the preceding 3 years and the current or previous employers. Additionally, if not provided within the employment references obtained, a ‘character’ reference should be obtained from an individual the candidate has worked with to satisfy the regulatory requirement that the individual is of good character. On receipt of written references, it is good practice to contact the referee to verify their position and accuracy of the reference.

**Qualification’s verification**

Original certificates for any qualifications the individual claims to have, and that are required for the role, must be provided. A copy should be taken and signed by the individual who inspected the original.

Candidates should be asked to bring certificates to their interview.

Relevant professional body registration details (e.g., GMC, NMC) will also be checked by the Appointing Manager.

**Identity verification**

Photographic evidence of the person’s identity and the address where the person lives must be provided. Usually, the individual will be required to provide a current passport, birth certificate or a photo card driving licence and, to verify where they live, they should provide a bank statement, council tax statement or utility bill from within the last 3 months.

Only original documents are acceptable. Copies should be taken, and the copy signed and dated by the individual who inspected the original. All checks must be signed off by the Appointing Manager.

Candidates will be required to demonstrate they have a right to work in the UK in line with the government’s Right to Work advice: [Checking a job applicant's right to work - GOV.UK (www.gov.uk)](https://www.gov.uk/check-job-applicant-right-to-work)

**Medical fitness**

Candidates will be required to satisfy the Recruiting Manager that they are fit and able to undertake the proposed role. This can only be asked after there has been a conditional offer of employment (Section 60, Equality Act 2010).

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

A risk assessment must be completed on the basis of all information obtained from the checks undertaken prior to confirming the individual’s employment.

**Good Character**

Care should be given to identify 'good character'' through application and interview.

There is no statutory guidance as to how ‘good character’ in the Care Quality Commission Regulation 5(3)(a) of the 2014 Regulations should be interpreted. However, the following are some of the features that are normally associated with ‘good character’:

* Honesty
* Trustworthiness
* Integrity
* Openness (also referred to as transparency)
* Ability to comply with the law

# Job Descriptions and Person Specifications

Prior to advertising a vacant position, the job description and person specification should be reviewed to ensure that they are up to date, reflect accurately the main components of the job role and that the knowledge, skills and experience are relevant to what is required. The job description will help to ensure that both management and applicant expectations are aligned.

The person specification provides details of the essential and desirable qualifications, skills and experience, person qualities and knowledge required. It is an essential part of the recruitment process and assists when compiling the job advertisement, the shortlisting process and to define the appropriate selection criteria. Each criterion must be identified as either essential or desirable. The essential criteria would be the minimum required to perform the job to the required standard. The desirable criteria would be the standards that would enable the person to perform the job more effectively.

When a vacancy is advertised the application pack should include an up-to-date job description and person specification.

# Advertising

Where possible applicants should be encouraged to apply online as this allows the applications to be managed in a more efficient and consistent manner.

The advertisement should include a statement of [Company Name]’s values, details of the job description and person specification, the job title, salary, hours and location of the role, details of the type of contract being offered, the closing date and potential interview date, as well as contact details for further information regarding the role.

# Application Form

Application form will include a full employment history, including starting and finishing dates, and include reasons for leaving the position. Where there are gaps in employment these can be discussed during the interview process.

# Shortlisting

The selection process should be objective, impartial and consistently applied.

The shortlisting criteria should be decided following a complete review of both the job description and person specification. Any gaps in employment or inconsistencies should be highlighted so that these can be addressed at the interview stage, if necessary.

All shortlisted applicants should be contacted by the individual responsible for recruiting to the vacancy and asked whether any reasonable adjustments need to be considered prior to interview where required.

# Interview

Upon being invited to attend an interview the applicant should be asked to inform [Company Name] of any adjustments that may be required to facilitate their attendance at interview. The invitation should also outline the relevant documentation that the applicant should bring along to the interview.

Where possible, interviews should be carried out by a minimum of two individuals, including the prospective line manager from [Company Name]. If interviews are to take place over several days, best practice dictates that the interview panel should remain consistent where possible. By way of preparation, the interview panel should meet before the interview to agree the ordering of questions and how the interview will progress. All applicants should be asked the same questions. The interview panel must be mindful not to ask any questions that may be perceived as being discriminatory, such as questions relating to childcare or sickness records.

Any notes taken during the interview must be kept. This will help to verify the facts gained during the interview process and protect against any claims such as unfair discrimination. They can be destroyed once no longer required.

Prior to ending the interview, the applicant should be informed of the next steps in terms of when the decision will be made and how they will be informed of the outcome.

# Making an Appointment

All decisions made with regards to an appointment should be based on an objective assessment.

Where possible, the successful applicant should be advised first, to offer them the opportunity to accept or decline. If the successful applicant declines the offer of the role, the next most suitable candidate should then be offered the role. Successful candidates should be asked whether they require any reasonable adjustments to enable them to fulfil their role safely and competently. Please refer to [Company Name]’s Equality and Diversity Policy for further information.

# Probation

All workers will undertake a probationary period. The probationary period will start at the onset of the employment period and is 6 months. A probationary review will be held with the individual which will decide either to, pass the probation, extend the probation, or fail the probation. The line manager must discuss with the Human Resource Department/Registered Manager any actions prior to the probation review.

The probationary period will be used as a way of assessing if the new worker demonstrates the right qualities for working with clients.

During the probationary period the trainee will undertake a training programme. In this period, formal supervision will be held twice monthly.

If the probationary period does not proceed to both parties’ satisfaction, then the contract can be terminated with the usual period of notice given on both sides. This will be governed by employment legislation.

The probationary period can be extended. The staff member will be informed of this during the review, and this will be confirmed in writing to the staff member if an extension is required.

# Employee Supervision

To ensure that all staff remain able to meet their job requirements, [Company Name] will provide a regular programme of various types of supervision, which may include:

* clinical
* safeguarding
* professional
* management
* newly qualified healthcare professionals – Preceptorship

This supervision will provide both [Company Name] and staff the opportunity to:

* change or modify practice and identify training and continuing development needs.
* review professional standards
* keep up to date with developments in their profession
* identify professional training and continuing development needs
* ensure that they are working within professional codes of conduct and boundaries.
* review performance
* set priorities/objectives in line with the organisation’s objectives and service needs.

(See the Supervision Policy for further information).

# Fitness of Employees

If through regular review of staff, or in response to concerns raised by other parties, [Company Name] find they are not fit to carry out the duties required of them as they no longer meet the following criteria:

* are of good character
* have the qualifications, competence, skills and experience which are necessary for the work to be performed by them
* be able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the work for which they are employed.

[Company Name] will:

* take such action as is necessary and proportionate to ensure that the requirements listed above are complied with
* inform the appropriate regulating body (e.g., for healthcare professionals the Nursing and Midwifery Council/ General Medical Council/ Health & Care Professionals Council.
* 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 [Company Name] staff or clients
* respond to concerns about a staff member’s fitness fairly and follow correct procedures.
* Provide appropriate interim measures when investigating a staff member’s fitness to carry out their role to minimise any risk to clients
* inform other relevant parties as appropriate about concerns or findings relating to a staff member’s fitness and support any related enquiries and investigations that other parties have carried out. They may inform bodies such as professional regulators, police, and safeguarding authorities about concerns.

# Recruitment Complaints

If an applicant is not satisfied with the recruitment process for any reason, they should refer their complaint to [Complaints Lead].

The complaint will be handled in line with [Company Name]’s complaints procedure. Details of this can be found in the Complaints Policy.

# Data Protection

All information relating to any recruitment process will be treated confidentially and kept safely in accordance with data protection law.

# Monitoring

All recruitment activity will be monitored by the Registered Manager/Senior Management Team. Recruitment files will be audited both during and after the recruitment.

Personnel files for those recruited will be audited to ensure all necessary checks have been undertaken, are satisfactory and that the required documents have been provided.

# Related Policies

* Complaints Policy
* EDHR Policy
* Safeguarding Policies
* Supervision Policy

# Legislation and Guidance

**Relevant Legislation**

* Equality Act 2010
* Rehabilitation of Offenders Act 1974
* Health & Social Care Act 2008 Schedules 3 and 4 (Regulated Activities) regulations 2014
* The Care Act 2014
* Employment Rights Act 1996

**Guidance**

* Gov.uk DBS eligibility checker, <https://www.gov.uk/find-out-dbs-check>
* Gov.uk Right to Work [Checking a job applicants right to work](https://www.gov.uk/check-job-applicant-right-to-work)
* CQC <https://www.cqc.org.uk/sites/default/files/20141120_doc_fppf_final_nhs_provider_guidance_v1-0.pdf>
* <https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-19-fit-proper-persons-employed#legislation-links>
* CQC Supporting information and Guidance: Supporting effective clinical supervision (2013)
* Safe & Fair recruitment, Skills for Care, [Safe and fair recruitment December 2020 (skillsforcare.org.uk)](https://www.skillsforcare.org.uk/Documents/Recruitment-and-retention/Recruiting-for-potential/Safe-and-fair-recruitment/Safe-and-fair-recruitment-December-2020.pdf)
* Recruitment and Retention, Skills for Care,
* https://www.skillsforcare.org.uk/Recruitment-retention/Recruitment-and-retention.aspx
* <https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-19-fit-proper-persons-employed>
* Data Protection Act 2018 <https://www.gov.uk/data-protection>

# Summary of Review

|  |  |
| --- | --- |
| Version | 1 |
| Last amended | [Date of Issue] |
| Reason for Review |  |
| Were changes made? |  |
| Summary of changes |  |
| Target audience | Care staff, Managers |
| Next Review Date | [Date of Review] |

**Appendix 1 - Fit and Proper Persons Requirement Self-Declaration Form for Directors**

In line with the requirements of Regulation 5 of the Health & Social Care Act 2008 (Regulated Activities) Regulation 2014 and [Company Name] Services’ Fit and Proper Persons Policy, I hereby declare:

|  |  |
| --- | --- |
| Name |  |
| Position |  |

|  |  |
| --- | --- |
| **Declaration** | **Confirmed Yes / No** |
| * I am of good character, including by reference to Schedule 4, Part 2 of the Health & Social Care Act 2008 (Regulated Activities) Regulations 2014 and the definitions within the CQC Guidance document Regulation 5: Fit and proper persons: directors |  |
| * I have the qualifications, competence, skills and experience necessary for the relevant position |  |
| * I am able, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the office or position for which I am appointed / employed |  |
| * I have not have been responsible for, been privy to, contributed to or facilitated any serious misconduct any misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity (or providing a service elsewhere which if provided in England would be a regulated activity) |  |
| * I am not ‘unfit’ as defined by Schedule 4, Part 1 of the Health & Social Care Act 2008 (Regulated Activities) Regulations 2014 |  |
| * I am able to supply information as set out in Schedule 3 of the 2014 Regulations |  |
| * I am not prohibited from holding the relevant position under any other law e.g. under the Companies Act or the Charities Act. |  |

I consent to the information provided in this declaration form being used by [Company Name] for the purpose of checking that I satisfy the Fit and Proper Persons Requirement.

I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in an investigation on accordance with relevant [Company Name] processes and could lead to the termination of the appointment.

I confirm the information I have provided above is correct and complete. In addition to completing this annual self-declaration, I also understand that it is a requirement that I make [Company Name] aware as soon as practicable of any incident or circumstances which may impact on my position and that I provide details to the Chair / Senior Independent Director (as relevant) so that this can be considered by [Company Name].

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Appendix 2 - Fit and Proper Persons Requirement (FPPR) - New Applicants Employment Checklist**

|  |  |  |
| --- | --- | --- |
| Name |  | |
| Position |  | |
|  |  | Checked & initials |
| Identification Checks | * Verification of ID as per the gov.uk right to work checklist * Confirmation of any restrictions on right to work in UK – if applicable Verification of Identification and Right to Work Checklist |  |
| Employment History | * Confirmation of a full employment history (any gaps in employment or study to be checked and documented) |  |
| Qualification Checks | * Original certificates verified for relevant qualifications |  |
| Disclosure & Barring Service Checks | * DBS Disclosure received prior to employee commencing work |  |
| Professional Registration | * Evidence of professional registration checked at initial appointment (where relevant) |  |
| References | * Reference from current employer * A further relevant reference |  |
| Occupational Health Checks | * Completed Health Declaration Form received * Occupational Health referral completed if appropriate |  |
| Misconduct / Mismanagement | * Search of CQC records (Check if any provider for whom the individual has worked has had registration suspended/cancelled due to failings in care in the last five years (or longer if available) * Check the involvement of the individual or any providers in previous inspections. (Investigate further if inspection rating is “requires improvement” or “inadequate”.) |  |
| Fit and Proper Persons Checks | * Self-declaration form received and approved (see Appendix C) * Check against the registers: Disqualified directors; Bankruptcy and insolvency; and Removed Charity Trustees; and, where appropriate, relevant professional registers * Confirm any relevant web search results |  |

I confirm the above checks have been undertaken and I am satisfied the candidate named above is assessed to be a ‘Fit and Proper Person’ for their appointed role.

|  |  |  |
| --- | --- | --- |
| Name | Signature | Date |
|  |  |  |

**Appendix 3 - Fit and Proper Persons Requirement – Annual Checklist for existing Directors**

|  |  |
| --- | --- |
| Name |  |
| Position |  |

|  |  |  |
| --- | --- | --- |
| **Item** | **Checked by (Initials)** | **Any relevant information to note** |
| Fit and Proper Persons Requirement self-declaration signed and returned |  |  |
| **Disqualified Directors Check**  <https://beta.companieshouse.gov.uk/search/disqualified-officers> |  |  |
| **Bankruptcy and insolvency check**  <https://www.insolvencydirect.bis.gov.uk/eiir/> |  |  |
| **Removed Charity Trustees check**  <http://apps.charitycommission.gov.uk/trusteeregister/search.aspx?RegisteredCharityNumber=&CurrentLanguage=English&SubsidiaryNumber=&=DocType&>  **Financial Conduct Authority**  <https://register.fca.org.uk/s/>  *where individual has worked for an organisation regulated by the Financial Conduct Authority (FCA)* |  |  |
| Where appropriate, relevant professional registers |  |  |
| Web search results |  |  |

I confirm that the above checks have been undertaken and I am satisfied the individual named above is assessed to be a “fit and proper person” to continue in their appointed role.

|  |  |  |
| --- | --- | --- |
| Name | Signature | Date |
|  |  |  |