

| Version Control | Date Published | Review Status |
|-----------------|----------------|---------------|
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| V1.1 | November 2021 | October 2023 |

SAFER RECRUITMENT POLICY / STATEMENT

Wellington Practice adheres to the principles of Safer Recruitment and the practices associated with this.

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1 Safer Recruitment Procedures

Having a safer recruitment policy statement in place is a vital first step towards keeping the vulnerable adults and vulnerable adults and children/young people who have contact with us safe. But it's also important to establish clear written procedures and make sure everyone who is involved with any form of recruitment knows how to follow them.

These will ensure that staff are recruited safely and fairly, and that vulnerable adults and vulnerable adults and children/young people's safety is being considered at every stage of the process.

2 Planning the recruitment process

Plan the whole of the recruitment process in advance to make sure there is a consistent approach every time staff recruitment occurs.

Taking a planned and structured approach will help:

- minimise the risk of appointing someone unsuitable
- ensure you select the right person for the role
- make sure the process is fair
- make sure there are records of the process for future reference.

Following a written procedure also means being less likely to miss anything out and that adherence to legislation and guidance.

3 Defining the role

Both the role description and the person specification should highlight the safeguarding responsibilities.

4 Advertising the role

The advertisement is the opportunity to send out a clear safeguarding message. Every advert for a role that includes work with vulnerable adults and vulnerable adults and children/young people will include a statement about our commitment to Vulnerable Adults and Vulnerable adults and vulnerable adults and children/young people safe. If the role requires an enhanced DBS check, this will be included in the advert.

5 Applicant information pack

Providing an application pack ensures that people interested in applying for a role have all the information they need about the Practice and the advertised vacancy. Wellington Practice use the standard NHS Jobs application form to ensure all applicable information is collated including gaps in employment.

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An overview of the safer recruitment process is included in the advertisement so that candidates understand what information will be sought from them and why, and what will be expected of them at each stage of the process.

Safer Recruitment Policy Statement

6 What is a safer recruitment policy statement?

A safer recruitment policy statement is a vital part of the safeguarding policies and procedures. It sets out our organisation's commitment to recruiting staff who are suitable to work with vulnerable adults and children/young people.

It sends a clear message to potential applicants that our organisation prioritises the safety and welfare of vulnerable adults and vulnerable adults and vulnerable adults and children/young people.

7 What to include

Our safer recruitment policy statement should set out our organisation's commitment to:

- safeguarding and protecting all vulnerable adults and vulnerable adults and children/young people by implementing robust safer recruitment practices
- identifying and rejecting applicants who are unsuitable to work with vulnerable adults and children/young people
- responding to concerns about the suitability of applicants during the recruitment process
- responding to concerns about the suitability of employees once they have begun their role
- ensuring all new staff participate in an induction which includes vulnerable adults and children/young people protection
- a list of the supporting procedures that accompany the policy
- the date the policy comes into force and when you will review it

8 Vetting, disclosure and barring checks

We carry out a range of processes and checks to ensure we employ the right people to work in roles that have contact with vulnerable adults and children/young people.

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9 Verifying references

References can help you make an informed decision about an applicant's suitability to work with vulnerable adults and children/young people.

Referees are asked about the candidate's:

- suitability and ability to work with vulnerable adults and children/young people
- knowledge and understanding of vulnerable adults and children/young people protection and safeguarding

We make sure information provided in the reference is consistent with the information provided by the candidate in their application form and interview and follow up any discrepancies, concerns, or vague statements.

10 Criminal records checks (Known as Disclosure and Barring Service - DBS)

<https://www.gov.uk/guidance/track-a-dbs-application>

We raise checks via the Wessex LMCS DBS applications website

<https://www.wessexlmcs.com/dbscreatesubmitanapplicationandfaqs>

DBS checks enable you to ensure that people aged 16 or over have nothing on their record that makes them unsuitable to work or volunteer in roles that have contact with vulnerable adults and children/young people.

Each nation in the UK uses a different criminal records check process, but they are all aligned and recognise each other's decisions. A person who is barred from working with vulnerable adults and children/young in one nation will be barred across the UK.

Information is available from each criminal records agency.

- **England and Wales:** The Disclosure and Barring Service (DBS) helps employers and voluntary organisations in England and Wales make safer recruitment decisions
- **Northern Ireland:** AccessNI provides disclosure information and the DBS carries out barring procedures for Northern Ireland
- **Scotland:** Disclosure Scotland carries out criminal record checks and manages the Protecting Vulnerable Groups (PVG) scheme

A criminal records check is only valid on the date stated on the certificate but:

- in **England and Wales**, individuals who have a new DBS check can subscribe to the update service, which means they can keep their certificate up to date and take it with them to a new employer

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- in **Scotland**, people joining the Protecting Vulnerable Groups (PVG) scheme will have their suitability to work with vulnerable adults and children/young people checked regularly for five years

11 Enhanced with barred list checks

There are different types of criminal record checks depending on the nature of the work being carried out. In **England, Northern Ireland and Wales**, if someone is to carry out a "regulated activity" they need to undergo an "enhanced DBS check". This provides information about adult convictions and cautions recorded on the Police National Computer (PNC) that are not 'protected'; information about whether the person has been barred from working with vulnerable adults and children/young people; and any other relevant information that the police feel ought to be disclosed. In **Scotland**, if someone is doing "regulated work" they need to undergo a Protecting Vulnerable Groups (PVG) check.

12 What is "regulated activity"/"regulated work"?

In **England, Northern Ireland and Wales**, regulated activity with vulnerable adults and children/young people means carrying out any of the below activities frequently or with intensity (more than 3 days in a 30-day period or overnight).

- Unsupervised activities: teaching, training, instructing, caring for or supervising vulnerable adults and children/young people; providing advice/guidance on wellbeing, or driving a vehicle only for vulnerable adults and children/young people
- Working for a limited range of "specified places" with the opportunity for contact with vulnerable adults and children/young people, for example vulnerable adults and children/young people's homes, or where care is carried out ie at the GP surgery

These are also examples of regulated activity if unsupervised:

- engaging in intimate or personal care of vulnerable adults and children/young people
- health care (including by a registered health care professional)

13 Other checks

There are a range of other checks you should carry out.

14 Birth certificates

It's best practice to check the successful candidate's birth certificate, to find out whether they have changed their name since birth. You should carry out vetting and barring checks for all names the person has used.

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Transgender people who do not want to share gender and name information with an employer can follow a special process to apply for a criminal records check. More information is available from each criminal records agency:

- sensitive applications for transgender applicants in **England and Wales**
<https://www.gov.uk/guidance/transgender-applications>
- information for transgender applicants in **Northern Ireland**
<https://www.nidirect.gov.uk/articles/using-criminal-record-check#toc-3>
- information for transgender applicants in **Scotland**.
<https://www.mygov.scot/transgender-disclosure-application>

15 Right to work checks

We may need to carry out a right to work check. The Home Office has published guidance on right to work checks (Home Office, 2021a).

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

16 Overseas checks

If a candidate has been resident overseas for three months or more over the past five years, you should check the candidate's criminal record in that country. The Home Office provides guidance on applying for criminal records checks for overseas applicants (Home Office, 2021b). The UK ENIC, the UK national agency for international qualifications and skills, can advise on how to check international qualifications and skills.

Any documents not in English should be accompanied by a certified translation.

If you are unable to obtain overseas checks for a candidate, you should carry out a risk assessment to help make an informed decision about how best to proceed.

17 Disqualification from working with vulnerable adults and children/young people

Organisations are responsible for making sure the people they employ as staff have not been disqualified from working with vulnerable adults and children/young people.

The Department for Education (DfE) has published statutory guidance to help organisations comply with their responsibilities (DfE, 2018).

18 What to do if vetting checks raise concerns

If references, vetting, disclosure and barring checks reveal concerns about a person's history, our organisation will assess whether or not they are suitable to work with vulnerable adults and children/young people

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It's important to have clear procedures in place for making these decisions and we may need to put any formal offer of an appointment on hold to ensure all information is considered thoroughly.

If necessary, we will pass on information to the relevant authorities, such as the criminal records agency, professional bodies or police.

19 References

It is usual for two references to be provided. If a reference expresses concerns, is incomplete or vague, we contact the referee directly to address these issues and keep a written record of any telephone conversations.

- If the issue is significant, we require the referee for further details in writing.
- Information about unsubstantiated concerns or allegations that have been proven to be false when deciding whether to interview or employ a candidate are not included in the assessment of acceptance.

More and more organisations are not providing the detailed references and are being advised by legal organisations to only provide the start and end date. There is therefore no option but to then rely on internal induction and probation reviews to assess suitability of the person appointed to the post

20 Self-disclosure form

If a candidate discloses a caution or conviction on their self-disclosure form, we will carry out a risk assessment to decide if this is relevant to the post.

21 Criminal records checks

We must not use 'spent' or 'protected' convictions as a reason not to employ somebody (unless the conviction makes them unsuitable to work with vulnerable adults and children/young people).

If the applicant has not been barred from working with vulnerable adults and children/young people but the checks have raised concerns (for example if they have a criminal record), we will carry out a risk assessment to ascertain whether the applicant is suitable to work with vulnerable adults and children/young people.

22 Carrying out the risk assessment

Decisions about whether or not to employ someone whose vetting checks raised concerns should be made on a case-by-case basis. A risk assessment will help work out whether they are suitable to work with vulnerable adults and children/young people. We will only share information about an applicant's criminal record with those who need to know. The

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applicant will be told who in the organisation knows about their record. It is not our responsibility to decide whether a legal decision was right or fair – but to decide whether the applicant is suitable to work with vulnerable adults and children/young people.

23 Making the decision

Follow our procedures to make sure all recruitment decisions are consistent the reasons for our decision should be objective, rational and easy to understand. This should be in writing and securely held in a lockable cabinet, along with the notes made during the investigations.

Things to consider include:

- the nature of the offence and its seriousness
- the relevance of the offence to other staff, vulnerable adults and children/young people and their families
- the length of time since the offence took place
- the length of the sentence
- whether the offence was an isolated incident or part of a pattern or history of offending
- the circumstances which led to the offence being committed
- whether these circumstances have changed (if so, do these changes increase or reduce the likelihood of similar offences happening in future?)
- whether the individual has changed since the offence (if so, what has led to the change and does this reduce or increase the likelihood of them committing further offences?)
- whether the new role provides opportunities to re-offend
- any legal constraints relevant to the role, for example if the person has lost their driving licence and the role requires driving

24 Confidential information

If the vetting and barring check includes additional information that is marked "in confidence", you should not discuss it with the applicant. This could compromise a criminal investigation or the safety of another person, and may in itself constitute a criminal offence under the Police Act 1997.

If it is decided not to appoint someone on the basis of confidential information, care should be taken when informing the applicant that the offer is withdrawn. It is sufficient to say that on the basis of checks and references made, we have had to withdraw the provisional job offer.

25 Storing disclosure and barring checks

We will not store copies of disclosure and barring check certificates unless there is a dispute about the results of the check. Instead, a confidential note will be kept of the record to include:

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- the date the check was completed
- the level and type of check
- the reference number of the certificate
- the decision made about whether the person was employed (with reasons)

26 Creating a safer culture

The commitment to safeguarding vulnerable adults and children/young people should be an ongoing process and will have a high profile in our organisation. All staff should feel responsible for helping to make a safer culture and empowered to speak out if they have concerns. To help develop a safe environment for speaking out, it's important to make vulnerable adults and children/young people protection a key part of the induction process for new staff.

27 Induction

Having a consistent induction process will make sure everyone in your organisation fully understands and knows how to follow your safeguarding policies and procedures. All new staff and volunteers should:

- have read and understand the safeguarding and vulnerable adults and children/young people protection policies and procedures
- know how to spot the signs that a vulnerable adults and children/young people may be experiencing abuse
- know how to respond appropriately if vulnerable adults and children/young people makes a disclosure about abuse
- know what to do if they have concerns about vulnerable adults and children/young people's wellbeing.

All staff will complete vulnerable adults and children/young people protection training as part of their induction – even if this has already been done before taking up the post. It is important to make sure everyone has up-to-date knowledge and skills and understands how vulnerable adults and children/young people protection works in our organisation.

Safeguarding is part of the mandatory training for staff whether new or existing in post.

28 Ongoing supervision and training

Supervision and training should be regular and ongoing. This gives everyone a chance to reflect on and improve their vulnerable adults and children/young people protection practice

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and keeps safeguarding at the front of their minds. All staff are kept updated with any changes that are made to the safeguarding policies and procedures.

England, Northern Ireland, Scotland and Wales each have specific legislation and guidance relating to safer recruitment.

29 Safer recruitment procedures

Across the UK, statutory guidance highlights the responsibility of those in the education, community and care sectors to have policies and procedures in place that ensure they only employ suitable people to work or volunteer with vulnerable adults and children/young people.

In **England**, the statutory guidance is [Working together to safeguard vulnerable adults and children/young people \(PDF\)](#) (Department for Education, 2018b). This highlights the responsibility of all organisations working with vulnerable adults and children/young people to have safe recruitment practices in place.

30 Rehabilitation of offenders

There is legislation across the UK that sets out what information should be disclosed on a self-disclosure form and what information will show on criminal record checks. In **England, Scotland** and **Wales**, the [Rehabilitation of Offenders Act 1974](#) sets out what can be asked of applicants about their previous cautions or convictions. Certain roles are designated as exempt from the Act, which allows employers to ask applicants for more information about their past record.

A filtering system was introduced in 2013 and updated in 2020. This further limits the information you can ask applicants to disclose. The Ministry of Justice has produced [guidance about the Rehabilitation of Offenders Act 1974](#), which explains which convictions must be declared when applying for a role and what the exceptions are (Ministry of Justice, 2020).

The Disclosure and Barring Service (DBS) has produced [guidance about filtering](#) (DBS, 2020).

31 Regulated activity and regulated work

In **England** and **Wales**, Section 5 of the [Safeguarding Vulnerable Groups Act 2006](#) sets out what is “regulated activity”. In addition, Section 64 of the [Protection of Freedoms Act 2012](#) restricts the scope of certain activities, so that activities which are supervised by another person who has undergone all the relevant disclosure and barring checks do not count as “regulated”. The DfE has published a [factual note on regulated activity in relation to vulnerable adults and children/young people \(PDF\)](#) (DfE, 2012).

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The Care Quality Commission - CQC also publicise information about carrying out regulated activities at <https://www.cqc.org.uk/guidance-providers/registration/regulated-activities>

32 Disqualification

Across the UK, it is an offence for an individual who has been barred to apply for a regulated position. It is also an offence for an employer to knowingly employ someone in a regulated position if they are barred from doing so. Employers must refer any information about employees or volunteers who (may) have harmed vulnerable adults and children/young people while working for them to the relevant barring service for their nation. In **England** and **Wales**, the legislation for this is the [Safeguarding Vulnerable Groups Act 2006](#).

33 References and resources

Care Inspectorate (2016) [Safer recruitment through better recruitment \(PDF\)](#). [Dundee]: Care Inspectorate.

Department of Health (2012) [Changes to the Rehabilitation of Offenders \(Exceptions\) Order \(Northern Ireland\) 1979](#). [Belfast]: Department of Health.

Department of Health, Social Services and Public Safety (DHSSPS) (2017) [Co-operating to safeguard vulnerable adults and children/young people and young people in Northern Ireland](#). Belfast: DHSSPS.

Disclosure and Barring Service (DBS) (2020) [Guidance: DBS filtering guide](#). [Accessed 04/10/2021].

Home Office (2021a) [Right to work checks: an employer's guide](#). London: Home Office.

Home Office (2021b) [Criminal records checks for overseas applicants](#) [Accessed 04/10/2021].

Ministry of Justice (2020) [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#). [London]: Ministry of Justice.

HMRC Starter Checklist can be found at:

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
<file:///S:/Philip%20PM/HR/@%20MASTER%20COPIES%20-%20Employment%20Documents/EMPLOYMENT%20DOCUMENTS/HMRC%20STARTER%20CHECKLIST.pdf>

Home Office Right to Work Checklist can be found at:

<file:///S:/Philip%20PM/HR/@%20MASTER%20COPIES%20-%20Employment%20Documents/EMPLOYMENT%20DOCUMENTS/Home%20Office%20Right%20to%20Work%20Checklist.pdf>

Below is a list of documents kept in our computer shared drive we regularly use to support our recruitment and induction process

Name

-  Contract of Employment 2021.doc
-  IPC Induction Checklist for new staff March 2019 WPdoc.doc
-  Letter of Offer of Employment TEMPLATE.docx
-  New Staff Induction Folder WP 2020.docx
-  NEW STARTER CHECKLIST month 2021 name of staff.doc
-  NEW STARTER Log Ins required WP.docx
-  New Starter Staff Details WP.docx
-  PERSONAL STATEMENT Gaps in employment Master Copy WP.docx
-  Pre-Employment Health Assessment Form - WP.docx
-  Reference Reply Form.doc
-  STAFF DETAILS Change-Update Form WP.docx

A list of mandatory training is currently held in the shared drive Training folder