



Gloucestershire
Safeguarding Adults
Board

Gloucestershire Safeguarding Adults Board

Safer Recruitment

(Safeguarding Adults at Risk of Abuse or Neglect)

Good Practice Guidance

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Introduction

All organisations and individuals who work with adults with care and support needs, or are involved in providing services for them have a legal duty, under the Care Act 2014, to safeguard and promote their welfare. The purpose of these guidelines is to help prevent organisations appointing people who may pose an unacceptable risk to adults with care and support needs. Safer recruitment guidance applies to everyone in a role employed (paid or volunteer) within an organisation working with adults with care and support needs. Regardless of the size or nature of the organisation, a consistently applied and robust process is always needed to ensure safer levels of recruitment.

This guidance aims to provide a process that will ensure that recruitment and selection of staff and volunteers is fair, consistent, and that provides safeguards for your organisation, employees and individuals.

Three key stages for safer recruitment:

1. **Deter:** promote messages to deter unsuitable applicants at every stage of the recruitment process by providing clear messages about your setting's vigilance in relation to safeguarding responsibilities.
2. **Reject:** seek to reject unsuitable applicants through adopting a robust approach to selecting the right applicants to interview, including employment history checks, following up references, appropriate selection techniques and a well-prepared and properly trained selection panel.
3. **Prevent:** prevent unsuitable people from being employed in your organisation by undertaking the right combination of pre-employment checks, a rigorous code of conduct for staff, strong protection for whistleblowers and an open but vigilant staff atmosphere.

Who Does Safeguarding Adults Apply To?

Safeguarding Adults applies to a person, who is aged 18 and over and:

- Has needs for care and support (whether or not the Local Authority is meeting any of those needs) AND
- Who is at risk or, or experiencing abuse or neglect AND
- Who, as a result of those care and support needs, is unable to protect themselves from either the risk of, or the experience of, abuse or neglect

Organisations are responsible for the people they employ. If you are a regulated service, you must ensure that this guidance is aligned to your service and regulatory requirements. It is your responsibility to ensure you keep a written record of the decisions made during the recruitment process. This guidance is cross-referenced with the Care Quality Commission outcome framework: Outcome 12: Requirements relating to workers, regulation 21, schedule 3.

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Recruitment Process Stages

Pre-recruitment Stage	Why and further information
<ul style="list-style-type: none"> • Assess the need for the vacant role. • Create or update the job description and person specification for the role. (Make sure a safeguarding statement is added to your job description – e.g. Gloucestershire County Council is committed to safeguarding and promoting the welfare of adults with care support needs and expects all staff and volunteers to share this commitment. • Create an advert. • Decide where the advert will be placed. Online recruitment advertising will often reach a wider audience and is more cost effective. • Job description and person specification must outline the duties and responsibilities for safeguarding. Please remember these duties and responsibilities will differ depending on the role. It should also include reference to the post holder requiring a satisfactory Disclosure and Barring Service (DBS) check. • Explain that the role is exempt from the Rehabilitation of Offenders Act 1974 which means that applicants are required to disclose details of any criminal convictions or cautions or bind-overs they have received. This only applies to a role which involves the post holder working with children and young people or adults with care and support needs. • Think about what other information you will provide applicants. For example, information about terms and conditions, publicity information about your organisation. 	<ul style="list-style-type: none"> • The requirement of the role may have changed since the last time you recruited to it. • Review the duties of the post holder and what you are looking for from the successful applicant. This may have changed since the last time you recruited to the role. • Ensure that the person specification is clear about what mix of competencies, personal qualities, qualifications, skills and expertise the successful applicant will need to demonstrate. Define what is essential and what is desirable for the job role. This will ensure that applicants self select themselves out of the process, if they do not meet the requirements. • If the person specification does not accurately reflect the skills needed for the role, it will be difficult for you to draw up a shortlist. For this reason it is important the person specification is short and succinct. Criteria in the person specification should be measurable. • Adverts should be placed in the relevant media, keeping in mind costs, access to target groups and taking advantage of the networks you may be able to link into. You will find that online recruitment advertising is the most cost effective way to advertise your role.

<ul style="list-style-type: none">• Complete the confirmation of regulated activity form to justify the level of DBS check required for the role.	<p>Further Information can be found at the following links:</p> <p>ACAS Guidance – Recruitment process</p> <p>https://www.acas.org.uk/job-applications-and-hiring</p> <p>Home Office /DBS website</p> <p>https://www.gov.uk/government/organisations/disclosure-and-barring-service</p> <p>Details of the Rehabilitation of Offenders Act</p> <p>http://www.justice.gov.uk/guidance/docs/rehabilitation-offenders.pdf</p>
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Advert Stage	Why and further information
<ul style="list-style-type: none"> • Provide a job description and person specification. • The advert should include: <ul style="list-style-type: none"> - Role title, salary, hours and where the role is located. - Length of contract, if the role is not permanent. - Briefly describe the role and what skills and qualifications are needed. - Closing date and interview date. - Details of how to apply. - Confirm whether the role is subject to a DBS (Disclosure & Barring Service) check (standard or enhanced/with or without barred list check). - Contact details and process for submitting an application form. - Details of who to contact if the applicant requires further information. • The advert should include a statement to say that your organisation is committed to safer recruitment practices. 	<ul style="list-style-type: none"> • The advert is your way of selling the role and therefore you should write it with your target audience in mind. • A safeguarding statement sends a clear message that an employer is committed to safeguarding. This will help to deter unsuitable applicants from applying for the post. <p>Suggested wording for safeguarding/safer recruitment statement:</p> <p><i>“We are committed to safeguarding and promoting the welfare of adults with care and support needs and expect all staff and volunteers to share this commitment. This post is subject to a DBS check.”</i></p> <p>This statement should be included in any publicity material, recruitment websites, advertisements, applicant information pack, job description, person specification, induction training and probationary arrangements.</p>

Application Form	Why and further information
<p>Always use an application form. Do not accept CV's.</p> <p>An application form should include the following:</p> <p>Personal details (name, address, date of birth, contact details)</p> <p>Present employment details and reason for leaving</p> <p>Explanation of any gaps covering the employment history</p> <p>Full employment history since leaving school</p> <p>Qualifications and training courses attended (both academic and vocational)</p> <p>Relevant professional registration such as the General Social Care Council (if applicable).</p> <p>Details of referees</p> <p>Personal statement demonstrating how they meet the competencies, personal qualities, skills and expertise within the person specification.</p> <p>A declaration of any family or close relationship to existing employees and employers (councillors, company directors and trustees).</p> <p>Include a brief explanation that the post is exempt from the Rehabilitation of Offenders Act 1974 and ask the applicant to declare whether they have any convictions, cautions and bind-overs, including any that would normally be regarded as 'spent'. If the declaration is positive, the applicant must either provide details on the application form or be prepared to provide details at interview.</p> <p>A signed declaration that all information provided on the form is true and accurate. Applicants must be informed that providing false or inaccurate information is an offence and could result in the application being rejected, or the employment being terminated.</p>	<p>Always provide an application form for applicants to complete. This will ensure that the employer decides what information an applicant should provide. It is easier for an applicant to disguise gaps in employment history in a CV.</p> <p>Further Information can be found on the Advisory, Conciliation and Arbitration Service (ACAS) website, including examples of template documents: https://www.acas.org.uk/templates-for-employers</p> <p>As part of the decision-making process, employers must ensure they see an original DBS certificate. Copies or digital photographs are not acceptable and must be rejected.</p> <p>Below is an example of the wording on an application form for criminal conviction disclosure:</p> <p><i>All positions working with children, families and adults with care and support needs are subject to a satisfactory Disclosure and Barring Service (DBS) check. These posts are also exempt from the normal rules of the Rehabilitation of Offender's Act 1974. This means that any conviction, caution, reprimand, warning and road traffic offences (but not parking) received must be declared irrespective of when they occurred. We can then make a decision as to whether a person is suitable to carry out the position for which they have applied. These checks are compulsory to ensure the safety of persons to whom we provide services.</i></p> <p><i>For those applicants who have worked or lived abroad, enquiries to that country will also be made.</i></p> <p>For posts not involving work with adults with care and support needs:</p> <p><i>A conviction is not necessarily a bar to employment but if you have answered yes to these questions below, you will be invited to discuss your conviction with the Interview Panel.</i></p>

For positions not involving work with adults with care and support needs (A criminal conviction is not necessarily a bar to employment.)

Do you have a criminal conviction which is unspent?

Yes **No**

Or pending against you?

Yes **No**

For positions working with adults with care and Support needs only.

Have you ever been convicted of a criminal offence?

Yes **No**

Is the offence "spent" as defined by the Rehabilitation of Offenders Act 1974?

Yes **No**

Do you have a criminal conviction which is unspent?

Yes **No**

Or pending against you?

Yes **No**

Short-listing stage	Why and further information
<ul style="list-style-type: none"> • A minimum of two people should carry out the shortlisting process. • Draw up a matrix with your essential and desirable criteria from your person specification. Apply this criteria to all applicants consistently. • Take time to scrutinise the application form. Ensure that the application form is completed fully. • Identify any inconsistencies in the application form. • Highlight any gaps in employment which need to be explored at interview. • An employer has a legal obligation to make reasonable adjustments to the recruitment process to ensure a disabled applicant can fairly participate in the process. • Give applicants sufficient notice to attend the interview process. 	<ul style="list-style-type: none"> • This will ensure that two people have scrutinised the application forms and an objective decision is made about which applicants to shortlist. • If any of the panel members know any of the applicants, this should be declared. • Not all the criteria on the person specification will be assessed during the shortlisting process. However, all shortlisted applicants should meet the essential criteria of the role. • Any inconsistencies or gaps in employment are identified and followed up during the interview to ensure you have a clear picture of the applicant's employment history. For example, any frequent changes in employment or changes from permanent to temporary employment should be explored at interview. <p>Further Information can be found at the following ACAS link on Discrimination and the Law: https://www.acas.org.uk/discrimination-and-the-law</p>

Interview invite letter	Why and further information
<p>The interview invite letter should include the following:</p> <ul style="list-style-type: none"> • The date, time and venue. • Directions to the venue. • Membership of the interview panel. • Details of the selection process – what selection methods will be used to assess the applicant. • Ask whether the applicant requires any specific arrangements to be made (disabled applicants). • Ask applicants to bring with them documentation to confirm their identity, proof of address and proof of National Insurance number <ul style="list-style-type: none"> ✓ Eligibility to work in the UK/confirmation of Identity - passport/birth certificate and driving licence ✓ Proof of address – utility bill/bank statement within the last three months to twelve months ✓ National Insurance number – P45/P60, pay slip, NI card. ✓ A copy of this documentation should be retained on the applicant’s personal file, if successful. • Inform the applicant that you will be exploring their motives and attitudes to working with adults with care and support needs during the interview process. 	<p>Provides applicants with full details of the selection process.</p> <p>Suggested wording in letter</p> <p><i>“Should you have a disability and require any particular arrangements for your interview/participation in the selection process, please ring on the above number to discuss this further”.</i></p> <p>Suggested wording in letter</p> <p><i>“To comply with safer recruitment practices, the interview panel will explore, during your interview, your suitability of working with children and young people or adults with care and support needs”.</i></p>

Select the right person	Why and further information
<ul style="list-style-type: none"> • It is best practice to involve adults with care and support needs in the selection process, however this is not mandatory. This is a powerful and useful way to assess an applicant's interaction with individuals. • Use a variety of selection methods to assess applicants. • A minimum of two people should carry out the selection process. • Introduce all members of the interview panel. • Ensure you create a comfortable environment as this will ensure you get the best from your applicants. • Give a brief description of the role, hours and duties. • Explain that you will be writing notes during the interview which will be reviewed when making the selection decision. Please note that your interview notes should record the applicants' responses to the interview questions and not opinions. Applicants are able to request a copy of their interview notes through a written request under the Data Protection Act. • Prepare a set of core interview questions that you ask all applicants. You should aim to assess the criteria on your person specification. • Agree how you will score the response to the interview questions. • Probe gaps in employment, frequent changes in employment, moving from permanent employment to temporary or agency work, and other areas identified 	<ul style="list-style-type: none"> • A structured interview will ensure you get the relevant information you need to make a successful selection decision. • The interview should assess each applicant against the person specification and explore their suitability to work with adults with care and support needs. • Interviews should also be seen as an opportunity for you to get the best from applicants and provide them with the chance to demonstrate how they meet the specification for the role. It should not be an interrogation but a structured conversation. • It is important to get applicants to relate their experiences, attitudes and abilities to the actual tasks of the job and selection criteria. Applicants should be asked to reflect on their insight into their personal strengths and weaknesses and how these will contribute to or impact the job. <p>Further information about Data Protection and the Code of Practice can be found at the following link:</p> <p>https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf</p> <hr/>

during the shortlisting process.

- Explore any discrepancies or inconsistencies identified during the shortlisting process.
- Explore attitude, motives and values for working with adults with care and support needs.
- Give the applicant an opportunity to ask any questions before the end of the selection process.
- Explain to the applicant that the role is subject to a DBS check and whether they wish to provide any relevant information.
- At the end of the interview you should ask the applicant whether they have any questions and inform them of when the selection decision will be made, and how they will be notified.

Possible safeguarding interview questions

- Safeguarding is an important part of our work. Can you give me examples of how you would contribute to making this organisation a safer environment for adults with care and support needs?
- Why do you want to work with adults with care and support needs? What do you think you can offer?
- Have you ever felt uncomfortable about a colleague's behaviour towards adults with care and support needs in a previous role? What were your concerns and how did you deal with the situation?
- Have you ever had to challenge the views of someone more senior than yourself in relation to safeguarding concerns? What were the circumstances and how did you go about it?
- Tell me about a time when an adult with care and support needs behaved in a way that caused you concern. How did you deal with that? Who else did you involve?
- Give me an example of how adults with care and support needs have benefited from contact with you?
- What has working with adults with care and support needs taught you about yourself?
- What are the main drivers which led you to work with adults with care and support needs?
- What are your own safeguarding responsibilities in relation to the role you have applied for?
- What do you think are our safeguarding responsibilities to the people you are working with?

Recruitment of ex-offenders	Why and further information
<p>The Rehabilitation of Offenders Act 1974 is aimed at helping people who have been convicted of a criminal conviction and have not re-offended. Details of the Rehabilitation of Offenders Act can be found at: http://www.justice.gov.uk/guidance/docs/rehabilitation-offenders.pdf</p> <p>The Act applies to anyone who has been convicted of a criminal offence and received a sentence of less than two and a half years and has not been convicted of an offence during the rehabilitation period. The rehabilitation period is the specified period after the original conviction. The length of time depends on the sentence the individual was originally given for the offence and runs from the date of the conviction. If the individual does not re-offend during the rehabilitation period their conviction is considered to be 'spent'. Custodial sentences over two and a half years are not considered to be spent and always have to be revealed.</p> <p>During the interview process</p> <p>Where an applicant has disclosed a criminal record, you should at interview:</p> <ul style="list-style-type: none"> • Have an open and measured discussion on the subject of any offences or other matters that might be relevant to the role. • Advise the applicant that the information will be dealt with in the strictest confidence. • Do not share the information with anyone who is not entitled to see it. • Advise the applicant that failure to reveal information that is directly relevant to the role sought could lead to withdrawal of an offer of employment. • Respect the right of the applicant to conceal any convictions that are spent (if applicable). 	<p>Assessing the risk of employing a person with a criminal record means comparing the applicant's skills, experience and conviction circumstances against risk criteria.</p> <p>What to consider:</p> <ul style="list-style-type: none"> • It is illegal to employ certain offenders in some occupations. Exemption status under the Rehabilitation of Offenders Act 1974, duties under the Police and Children's Act regarding one to one contact with children, adults with care and support needs or the elderly, and the requirements of the Safeguarding Vulnerable Groups Act 2006 and the Freedom of Protections Act 2012. • To what extent are you bound by other legal constraints? For example, those with motoring convictions employed as drivers. • Does the post involve any direct responsibility for finance or items of value? • Will the nature of the role present any realistic opportunities for the post holder to re-offend in the work place? What could happen and how serious would that be? What factors would increase or decrease the perceived risk? • What level and closeness of supervision might be needed early on in the employment? • What precautions already exist in the organisation or could be put into place? • Once you have given due consideration to the information provided by the applicant, ensure that you keep a written record of the decision made and details of any risk assessment made when an ex-offender is recruited.

<ul style="list-style-type: none">• Explain to the applicant that, where the role applied for is subject to a DBS check, that they are required to disclose all criminal records (spent and unspent convictions).• Explain the organisation's process for managing unclear disclosures.	
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Requesting employment references	Why and further information
<ul style="list-style-type: none"> • You should take up at least two written references. At least one of these references must be from the current or last employer. Verbal references should always be followed up by a written reference. References from relatives are not acceptable. • There will be occasions where it is appropriate to take up additional references from previous employers. This is because the applicant's employment with the previous employer is more relevant to the role they have applied for. You must speak to the applicant before contacting the referee. • It is good practice for references to be followed up with the referee to confirm that it was written by that individual. It is acceptable to follow up a written reference with a telephone call. (This approach is entirely optional) • Provide the job description and person specification to the referee. • Remind the referee that they have a responsibility to provide a reference that is accurate, true, and fair and does not contain any material misstatement or omission. • Consider starting a reference request by saying that 'this post involves the post holder working with and/or promoting the welfare of adults with care and support needs and your reference is important to us'. • Do not accept a pre-written reference which is addressed to 'whom it may concern' or references that are not dated. • Any paper reference received should be on the organisation's headed paper or have 	<ul style="list-style-type: none"> • A person's past behaviour is the most reliable way of predicting future behaviour and therefore the information received in a reference is very important. <p>An ACAS guide to employment references can be found at: http://www.acas.org.uk/index.aspx?articleid=752</p> <p>You may wish to include the following in a reference request:</p> <ul style="list-style-type: none"> - Job title - Employment dates - Reason for leaving, if applicable - Referee's relationship with applicant - Main duties and responsibilities - Rating the applicant on a number of areas (e.g. quality of work, relationships to colleagues, time-keeping, organisation skills, and reliability, to name a few). <ul style="list-style-type: none"> • Would you re-employ the applicant in a role commensurate with their previous one? • Do you know of any reason why this applicant might be considered unsuitable to work with adults with care and support needs or do you have any concern about their suitability for such work? If you do know of any reason or concern, please give details. • Have you referred this applicant to the DBS on the grounds of misconduct which has harmed or caused risk of harm? • Please give details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of adults with care and support needs. Please confirm whether the allegations or concerns were investigated, a conclusion reached and how the matter was resolved.

the organisation's stamp.

- Always seek permission from the applicant to approach a referee.
- Scrutinise references that have been received.
- If there are any discrepancies in the reference received, then speak to the referee and applicant, as appropriate.
- Some organisations may have a reference policy which states that they will only provide basic employment details in a reference.
- Ensure that the references provided are understandable to you.
- Ensure that you keep a written record of any discussions you have with the referee or applicant about a reference provided; this record should be kept on the individual's personal file.
- Ensure you meet these responsibilities when you provide a reference for a current or ex-employee.

A reference template should include the following statement:

Data Protection Act 2018

Under the Data Protection Act 2018, individuals have the right to request personal data. This includes references which have been provided and which may be required to be disclosed under the Act.

Offer of employment	Why and further information
<p>Issue a conditional offer of employment to the successful applicant. The offer of employment will be subject to your normal recruitment checks.</p> <ul style="list-style-type: none"> - Satisfactory clearance of a DBS check - At least two satisfactory references - Eligibility to work in the UK - Successful completion of probationary period, if applicable - Copy of professional registration and qualification requirements (if applicable) - Occupational health clearance (if applicable) - Verification of the individual's identity - Confirmation of sickness absence record 	<ul style="list-style-type: none"> • It is important that the successful applicant understands the terms and conditions of the offer of employment you have made. This includes information about what recruitment checks will have to be satisfactorily completed before the appointment is confirmed. • An applicant must not commence employment until all recruitment checks are completed satisfactorily. <p>Further Information on employee contracts can be found at: https://www.gov.uk/employment-contracts-and-conditions/written-statement-of-employment-particulars</p> <p>Border Agency website: http://www.ukba.homeoffice.gov.uk/</p>

Criminal Record Bureau Disclosure	Why and further information
<p>List of eligible roles for DBS disclosure can be found at the following link:</p> <p>https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance</p>	<p>Employers are required to ensure that the successful applicant has completed the DBS disclosure process.</p> <p>Your organisation may wish to ask an applicant to commence duties before the DBS check has been completed, on the basis that they have a previous DBS check. You must accept that you have taken this approach in the knowledge that the disclosure is not up-to-date and post specific. If you decide that an applicant will commence their duties before a DBS check is received, you must carry out a risk assessment and record your decision.</p> <p>Note: Whilst it is possible to employ someone pending a DBS check, you should check if the individual is barred. It is an offence to employ someone who is barred; waiting for a check to come back would not be a defence if already employed.</p> <p>DBS website:</p> <p>http://www.gov.uk/government/organisations/disclosure-and-barring-service</p> <p>An organisation will need to have a policy to decide what approach they will take in relation to declaration of a criminal conviction, after a new starter has commenced employment. You may wish to consider one of the following options:</p> <p>Option One – undertake DBS re-checks at regular intervals (every three years).</p> <p>Option Two – do not undertake a re-check; but individuals are informed that a DBS check will be undertaken in circumstances where an individual's activities or action give cause for concern.</p> <p>Option Three – do not undertake a re-check; however, employees have to inform the employer of any criminal convictions obtained during their employment. The obligation for an employee to disclose any criminal convictions obtained since the start of their employment should be included in the employment contract or code of conduct.</p> <p>Note: DBS have an update service, which allows the employer to check that the employee's certificate remains valid as often as they like.</p>

Suggested wording to encourage existing employees to declare criminal proceedings for contract of employment:

“In accordance with the Rehabilitation of Offenders Act 1974 and Exceptions Order 1975, you are required to declare all convictions, which for other purposes may be considered spent, at the time of your application or thereafter arising throughout the period of your employment. Failure to disclose a conviction, including those that may arise during the course of your employment, may lead to disciplinary action including dismissal.”

Post appointment	Why and further information
<p>Your responsibilities under safer recruitment do not end once you have appointed the successful applicant. Making sure that safeguarding features highly in all processes, procedures and practices sends a clear message to all staff and helps to deter unsuitable individuals and inappropriate behaviour.</p> <p>This section relates to aspects of safeguarding only. You are responsible for ensuring all other aspects relating to post appointment are put in place.</p> <ul style="list-style-type: none"> • Plan an induction and probation programme for all staff and volunteers. You should undertake an induction programme for all new starters, including any internal applicants who have been promoted or gained an internal role. • During the induction/probation programme, appropriate training and information about the organisation's policies and procedures should be shared. • Ensure new staff are aware of the expected standards of conduct. • Provide opportunities for new staff or volunteers to discuss any concerns or issues about their role or responsibilities with regard to safeguarding. • Ensure new staff are aware of policies and procedures in relation to safeguarding and promoting the welfare of safeguarding. • Ensure new staff are aware of how and with whom any concerns should be raised. This includes enabling staff to access Safeguarding Adults training, to the level appropriate for their job role, which is aligned to the GSAB training Pathway. 	<p>An induction programme and probationary arrangement can help staff settle into the new environment and to start to perform their duties effectively.</p> <p>Care Quality Commission – Fundamental Standards</p> <p>https://www.cqc.org.uk/what-we-do/how-we-do-our-job/fundamental-standards</p> <p>The Nursing and Midwifery Council</p> <p>http://www.nmc-uk.org/</p> <p>Health Professionals Council (HPC)</p> <p>http://www.hpc-uk.org/</p> <p>Social Work England</p> <p>https://www.socialworkengland.org.uk/</p> <p>Gloucestershire Safeguarding Adults Board Training Information</p> <p>https://www.gloucestershire.gov.uk/safeguardingadults/training/</p> <p>How to report suspected adult abuse in Gloucestershire:</p> <p>http://www.gloucestershire.gov.uk/adultprotection%20</p> <p>Gloucestershire Safeguarding Adults Board Policy and Procedures</p> <p>https://www.gloucestershire.gov.uk/media/2095462/safeguarding-adults-policy-procedures-final-feb-2020.pdf</p>

<ul style="list-style-type: none">• Provide a copy of your organisation's policies and procedures to the new starter, including:<ul style="list-style-type: none">- Whistle-blowing policy and procedures.- Code of Conduct for all staff and volunteers that sets out a clear standard for relationships with individuals.• Ensure you regularly remind staff and volunteers of these areas during their employment with you e.g. during supervision sessions and their annual appraisal	
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