



# **RECRUITMENT AND SELECTION POLICY**

**CRYSTAL CARE SOLUTIONS LIMITED**

Date Created	01/04/13
Last Reviewed By	Charlotte Walker
Last Reviewed Date	27/03/2024
Next Review Date	27/03/2025

## Scope of this Policy

The aim of this policy is to recruit and retain skilled people by use of safe processes that enable Crystal Care Solutions to achieve and deliver its aims and values.

The purpose of the policy is to;

- Support Crystal Care Solutions in providing a fair, consistent and effective approach to the recruitment of all employees, in accordance with employment law and best practice.
- Provide a framework for recruitment, on-boarding & induction and training within Crystal Care Solutions.
- Meet legal requirements

This policy is relevant to all roles within the company and all young people who use our service.

## Underpinning Knowledge and References

### England

Immigration and Asylum Act 2016  
The Rehabilitation of Offenders Act 1974  
Employment Rights Act 1996  
Equality Act 2010  
The Health and Social Care Act 2008  
(Regulated Activities) Regulations 2014  
The Health and Social Care Act 2008  
(Regulated Activities) (Amendment)  
Regulations 2012  
General Data Protection Regulation 2016  
The Employment Relations Act 1999  
(Blacklists) Regulations 2010.  
Skills for Care, (2018), Recruitment and retention  
HM Government, (2019), Right to work checks: an employer's guide.  
Care Standards Act 2000  
The Supported Accommodation (England) Regulations 2023

### Wales

Immigration and Asylum Act 2016  
The Rehabilitation of Offenders Act 1974  
Employment Rights Act 1996  
Equality Act 2010  
The Health and Social Care Act 2008  
(Regulated Activities) Regulations 2014  
The Health and Social Care Act 2008  
(Regulated Activities) (Amendment)  
Regulations 2012  
General Data Protection Regulation 2016  
The Employment Relations Act 1999  
(Blacklists) Regulations 2010.  
Skills for Care, (2018), Recruitment and retention  
HM Government, (2019), Right to work checks: an employer's guide.  
The Social Services and Wellbeing Act (Wales) 2014  
Regulation and Inspection of Social Care (Wales) Act 2016

### Regulations and Standards in England

- Workforce Plan (Regulation 10)
- The Leadership and Management Standard (Regulation 4)
- Fitness and employment of staff (Regulations 17 to 19)

## Job Description and Person Specification

At the start of the recruitment process it is important to define what the post holder's responsibilities towards young people will be, as well as the qualifications and experience needed to perform the job, with particular attention to their duties with such vulnerable groups.

It is also important to confirm our commitment to safer recruitment. It is therefore advisable to ensure that this statement of intent is included on all person specifications.

All job descriptions must detail:

- Main duties and responsibilities of the post;
- The post holder's specific responsibility towards the promotion and the practice of safeguarding the welfare of children that they come in to contact with through their job.

### **Suggested content for person specifications:**

- Qualifications required to do the job;
- Professional Registrations (if required);
- Enhanced Disclosure and Barring Service checks required;
- Define the skills and competencies required;
- Explore issues relating to the safeguarding of children, such as:
  - Motivation to work with children;
  - Ability to form and maintain appropriate relationships and personal boundaries with young people;
  - Emotional resilience in working with challenging behaviours;
  - Attitudes to use of authority and maintaining discipline.

## Job Adverts

The advert for a vacancy should demonstrate our commitment to safer recruitment and vetting procedures, protecting every potential applicant from unfair practice and ultimately safeguarding vulnerable individuals as much as possible. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers.

When placing an advert, please make sure the following statements are on the advert:

- The Company Name

- Post Title
- Hours (this should indicate if full or part time)
- Salary
- Permanent or Fixed Term (if Fixed Term the duration of the contract should be stated)
- ADVERT TEXT (which should include some reference to the post holder's responsibilities towards safeguarding children)
- The successful applicant will be required to undergo an enhanced disclosure from the Disclosure and Barring Service. Further details can be found at the Disclosure and Barring Service website
- Closing date

## Application Packs

The importance of safeguarding and protecting young people should be promoted as much as possible throughout the recruitment process in order to deter unsuitable candidates.

It is advised to include the following in an application pack:

- Application Form (highly recommended over CV's, as CV's will only show you what the candidate wants you to see and will not provide consistent data between candidates). This will include an active offer of Welsh for those applying to work in homes in Wales;
- Job Description / Person Specification Guidance for applicants re Disclosure and Barring Service and DBS website. A Disclosure of Criminal Conviction /Cautions form. Relevant information about the Company and the recruitment process;
- A statement of the terms and conditions relating to the post.

## Scrutinising and Shortlisting

The same selection panel should both short list and interview the candidate. At least one member of the panel should have undertaken safe recruitment and selection training.

- All application forms should be scrutinised to ensure:
  - They are fully and properly completed;
  - The information is consistent and does not contain any discrepancies;
  - Gaps in employment/training or a history of repeated changes of employment are identified.
- Incomplete applications should not be accepted;

- Any anomalies, discrepancies or gaps in employment and the reasons for this should be noted, so that they can be taken up as part of the consideration of whether to short list the applicant, as well as a history of repeated changes of employment without any clear career or salary progression or a mid-career move from a permanent to temporary post;
- All candidates should be assessed equally against the criteria contained in the person specification.

## Interview Process

### Interview Panel

A panel of at least two people is recommended, allowing one member to observe and assess the candidate and make notes, while the candidate is talking to the other. One member of the panel should be trained in safe recruitment practice.

The members of the panel should:

- Have the necessary authority to make decisions about the appointment;
- Meet before the interview to agree their assessment criteria in accordance with the person specification and to prepare a list of questions they will ask all candidates relating to the requirements of the post;
- Identify any issues they wish to explore with each candidate based on the information provided in their application form and in the references;
- Make notes of the applicant's interview answers which should then be collated by chair of the panel and stored;

### Scope of the Interview

In addition to assessing and evaluating the applicant's suitability for the post, the panel should explore:

- The candidate's attitude towards children/young people/vulnerable adults;
- Their ability to support the organisation's agenda for safeguarding and promoting welfare;
- Any gaps in the candidate's employment history;
- Concerns or discrepancies arising from the information provided by the candidate and/or referee;
- Whether the candidate wishes to declare anything relating to the requirement for a Disclosure and Barring Service check.
- Ensure the candidate has signed a confidentiality agreement.
- Aptitude testing is used to assess the candidate's speculative abilities.

The interview should also explore issues relating to safeguarding, including:

- Motivation to work with children/ young people/ vulnerable adults;
- Ability to form and maintain appropriate relationships and personal boundaries;
- Emotional resilience in working with challenging behaviour's;
- Attitudes to use of authority.

### **Participation of Young People**

Young people can make a valuable contribution to the recruitment process and their participation should be considered for key strategic and managerial posts as well as posts where staff will have a high level of responsibility a package of support, for example Support Workers.

Examples of including young people include;

- Individuals sitting on the interview panel
- Individuals giving a list of questions to ask the candidate but not being physical present
- Individuals reviewing the written interview notes and making a decision with the interviewer
- Individuals telling the interviewer what they want from a staff member in particular

The following considerations should be taken into account in planning a young person's involvement:

- Clarification of the role that young people will take in the process, how their views will be taken into account in selection and what weighting these will be given;
- Preparation and/or training;
- Process for debriefing/feedback.

## *References*

### **Applying for References**

Upon successful offer of employment references should be requested, any offer of employment is conditional to suitable references being obtained and all references should be received back prior to the applicant commencing employment. One of the referees must be the candidate's current or previous employer. A second professional reference should be obtained where possible and a further character reference. Open references should not be accepted if they are addressed 'To whom it may concern', with no date evidenced or no obvious authorisation, as these may have been forged, or may have valuable information missing if it is out of date. References where possible should come from a company email address not the referees

personal email address to ensure any reference is a representation of the facts held by the organisation regarding the applicant. All referees will be asked to complete a reference pro-forma, which ensures that certain questions are asked about all candidates, as a minimum references should confirm start and end dates, any disciplinary and safeguarding concerns and a statement of the referee's opinion of suitability of the applicant to work with young people.

### **Verification of References**

All references should be verbally verified with the person who gave the reference to ensure the reference is legitimate. During the verbal verification the verifier should ask direct questions regarding the following:

- Reconfirm the verifiers name, position and company details,
- Ensure the referee is happy with the content,
- Reconfirm any safeguarding concerns,
- Reconfirm any known convictions,
- Note any further comments regarding the referee.

All references should then be verified by a member of the Human Resources team and to ensure they are satisfied with the reference and all content.

### **Reasons for Leaving**

Reasons for leaving should also be sought from any care or voluntary work where the applicant has had contact with any vulnerable person, these are not time limited and should be sought as far as the applicant's employment, voluntary or education history goes. Further particulars of this being that requesting these should be done in a three stage process, they should be requested via email, telephone and post in order to try and obtain these so far as reasonably practical, should there be no reply after this it can be assumed that they are no longer contactable.

References and reasons for leaving should all be returned and checks completed before the applicant is allowed to commence employment.

### **Employment Gaps**

At interview, gaps in employment history must be discussed with the candidate. If there are gaps in their history, the candidate should provide written details declaring the reasons for their break from work. This should then be signed by the candidate. Valid reasons for gaps in employment may be: the candidate did not need to work, travelling, bringing up a family, caring responsibilities, family bereavement or a period of sickness. As there could be more sinister reasons for an absence, it is important to ensure that the candidate is able to give as much detail as possible, in order for the panel to make an informed decision, and are in receipt of all relevant information.

It is strongly advisable to discuss patterns of repeated change in career or employers at interview, ensuring that the reasons for this are fully explored and satisfy the interview panel.

### *Qualification Verification*

At interview essential qualifications required for the post including those set by statute must be verified as a minimum, other by reviewing copies of all relevant documentation. Other qualifications stated on the application form may also need to be verified.

A photocopy of all the original qualification certificates should be taken and if the candidate is successful these should be placed on their personal file. If the candidate is unsuccessful, these should be destroyed.

### *Rehabilitation of Offenders Disclosure*

As posts are exempt from the Rehabilitation of Offenders Act 1974, candidates should disclose any unspent and spent convictions during the application stage.

When applying for the post, candidates should fill out the Rehabilitation of Offenders Disclosure Form which is located within their application form. If they have not sent it in with their application, it would be advisable to ask the candidates attending the interview if they have any previous convictions either spent or unspent and ensure the form is completed. This gives the candidate a chance to discuss the circumstances surrounding any previous convictions they may have at interview.

Any convictions disclosed should not be given to the Short listing panel prior to short listing. Once the panel have made a short-list and invited them for interview, they should then be made aware of any candidate's criminal disclosure. Disclosing a criminal background should not be used as a reason to not short-list a candidate. Having a criminal conviction will not necessarily bar a person from working with children and should not be used to discount applications.

If they are successful they will be required to complete a Disclosure and Barring Service application form. Once the Enhanced Disclosure and Barring Service Certificate is returned, any conviction information will need to match up with the candidate's original disclosure to the interview panel. This information will not be kept if the candidate is not successful and should be destroyed.

### *Commitment to Safeguarding Young People*

Person specifications allow the Company to explore a potential candidate's views and expectations in relation to working with young people. The recruiting panel should seek to identify the candidate's experience or views on the following points:



- Motivation to work with young people;
- Ability to form and maintain appropriate relationships and personal boundaries with young people;
- Emotional resilience in working with challenging behaviours;
- Attitudes to use of authority and maintaining discipline.

Providing questions that ask candidates to draw on their experience of situations with young people will give a good impression of the candidate's understanding of the points above. It will enable the panel to probe issues that the candidate may not discuss, allowing the panel to be aware of issues or lack of knowledge that a candidate may have or refuses to discuss their motivation to work with young people.

## Pre-Employment Checks

In summary any offer of employment to any post should be subject to the following:

### References

This should be a minimum of two professional references for every employee; one of these references must be from their current or most recent employer. As the post requires working in an environment with young people, it is important to have a reference, if available, from an employer or voluntary agency demonstrating the candidate's previous work experience, paid or unpaid, of working with young people. This may mean another reference will need to be requested.

This should also include verification of reasons for leaving for any work in which the applicant has worked with vulnerable people, these should be sought so far as reasonably practical.

### Verification of Candidate's Identity

It is vital that we evidence the identity of all staff e.g. by requesting an original Birth Certificate and Passport.

### Enhanced Disclosure and Barring Service Disclosure

This shows previous convictions held on file for a potential employee. Having a conviction will not necessarily bar someone from working in a job with children or vulnerable adults. The severity, nature, circumstances and timing of the conviction will need to be taken into consideration. Candidates will need to be given the opportunity at the application stage to declare any unspent or spent convictions they may have, any declaration they make will be compared with the returned criminal record disclosure.

Should a potential employee make Crystal Care Solutions aware of a potential conviction, or should this be highlighted on a DBS check, then it will be the decision of the Registered

Manager/Service Manager on whether or not the offer of employment should be withdrawn based on the nature of the conviction, when this took place and the circumstances surrounding it. Should the decision be made to continue with the employment be made then the Registered Manager/Service Manager must complete a risk assessment to explain why it is considered low risk and therefore appropriate to continue with employment.

### **Verification of Qualifications**

Any essential qualifications legally required to perform a particular job, such as QTS, as stated in the person specification, need to be evidenced by the potential employee. A copy of original certificates should be taken and placed on their personal file and logged on the Training and Development Plan for the Service. This should ideally be confirmed at the interview stage.

### **Verification of Professional Registration**

Some posts require a professional registration with a regulatory body, such as the Health and Care Professions Council (HCPC), General Teaching Council etc. This again needs to be evidenced and placed on file, if the person specification states it as an essential prerequisite.

### **Right to Work in the UK**

It is a legal obligation that every employer in the UK verifies whether a potential employee has the right to work in the UK. For information about this, go to Gov.uk website.

Compulsory documentation to be provided by all employees prior to commencement of employment as per the Right to Work Checklist available on the government website

### **Employment History**

When checking an application form it is important to note any gaps in employment or noticeable patterns when the candidate changed their employment. At interview any gaps will need to be discussed and satisfactory explanations given, in writing by the candidate.

### **Overseas Criminal Record Disclosure**

If the potential employee has lived abroad for a period of time or who comes from another country prior to working in the UK, then a UK Disclosure and Barring Service Disclosure will not give a full picture in respect of any criminal record they may have. In these cases an overseas Criminal Record Disclosure will need to be applied for as well as a UK Disclosure and Barring Service Disclosure and details for each countries' equivalent Bureau are available on the DBS website/Overseas.

These checks should be made clear to candidates at interview. Any offer of employment should be a conditional offer subject to satisfactory clearances being received and checked. When a decision has been made and a successful candidate notified they should be encouraged to contact the staffing team as soon as possible to start their pre-employment checks.

Only when all of these checks are completed and returned should an offer of employment be confirmed. Do not offer a candidate an unconditional offer at any point.

### *Criminal Record Bureau or Re-checks*

Disclosure and Barring Service Disclosures are only a record or a snapshot of the day they were issued. Since a Disclosure was issued staff may have new convictions or warnings that they may or may not have made the Company aware of. It is our policy that every member of staff should have their Disclosure and Barring Service Disclosure renewed every 18 months. All employees are required to register with the DBS Update Service within 14 days of receipt of their DBS certificate to enable interim check to be undertaken.

The process of renewal or re-checking a person's Disclosure and Barring Service Disclosure is exactly the same as when applying for an original if the employee is not on the update service. There is no fast track, if an application has been processed this can be checked on the administrator online system.

Once the applicant is on the update service their DBS can be checked online at any time as long as their update service account is renewed annually. The Company can check the status of an applicant's Disclosure and barring check with online update service. To do this, you will need the certificate number and the applicant's date of birth and the surname of the applicant as it appears on the original certificate. For employees who have an active update service account there is no need to apply for a new DBS certificate, as long as the original DBS certificate has been seen by a member of the Human Resources team this can then just be checked online, this should however be done every 12 months as a minimum or sooner should it be deemed necessary.

The requirement for a renewal for a Disclosure and Barring Service Disclosure also applies to all volunteers. The process is the same for all staff.

For instances when a candidate's Disclosure and Barring Service Disclosure is returned with a Positive Disclosure, the Policy details the process for assessing information recorded on the Disclosure, producing a risk assessment based on the candidate's post and then making an informed recruitment decision.

### *Agency Staff*

It is essential to carry out or have evidence of the same standard of checks for all staff even if they are not employed directly by the Company. With this in mind, all outside providers should be requested to provide evidence of the same pre-employment checks that we would complete if they were directly employing the staff themselves. This should be given in writing and in advance of the provider starting work and should be agreed as part of any contract between us and a Provider of Services.

The use of agency staff will be carefully monitored and reviewed to ensure young people receive continuity of support and can build and maintain strong relationships with the people who support them.

## Contractors

If there is any likelihood that Contractors may have unsupervised contact with young people then a Criminal Records Check should be undertaken prior to the Contractor starting work in the provision. Ideally contractors should try and work outside of times when young people are present. If this is not practicable then the following guidelines should be followed:

### **Building and Maintenance Contractors**

Young People should not be allowed in areas where builders are working for Health and Safety reasons, so there should be little opportunity for workers to be unsupervised with young people. It is difficult to definitively state that there will not be times when contact with a young person occurs. Therefore, all projects with contractors who may come into contact with young people on site during opening hours in any establishment should undergo a Disclosure and Barring Service Enhanced Disclosure. This clearance should be stated in any contract struck and/or tendered between us and a Contractor and paid for by the agreed contracted company.

### **Emergency Call-Out Contractors (not previously checked)**

Contractors that are called out in an emergency may not be a contractor that is checked and known to us prior to the 'call-out'. It is not necessary to obtain a Disclosure and Barring Service Disclosure for such staff, as they will only have contact with young people on an ad hoc or irregular basis and will not be allowed to be left unsupervised with young people.

Any contractor, maintenance worker or agency staff coming on to our premises should verify their identity, providing documents such as a passport or driver's license along with company ID.