



SAFER RECRUITMENT AND VETTING POLICY & PROCEDURE

This policy applies to QEF and its family of charities

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ACCOUNTABLE SENIOR MANAGER

Head of HR

POLICY AUTHORS

HR Department

1. Introduction

QEF is committed to safer practice in recruitment to ensure that there is a consistent and thorough process of obtaining, collating, analysing and evaluating information regarding applicants (i.e. information gained through referencing and DBS process), to ensure that all persons appointed are suitable to work with QEF's service users.

QEF has a formal policy and code of practice on recruitment and selection. This will ensure that QEF follows best practice in attracting, recruiting and retaining an appropriately skilled workforce. The checking and vetting of potential employees is a critical part of this process, and for this reason, this aspect of the policy has been published separately. This policy should be read in conjunction with QEF's Recruitment Policy and Procedure.

2. Scope

This policy refers to the recruitment of employees who take part in regulated and non-regulated activity and staff who work with vulnerable adults and/or children, including full time, part time and casual staff. The policy applies to staff who are recruited from the United Kingdom, and from non-UK countries, including European Union countries, although the availability of information from non-UK countries may vary.

Whilst the same care should be taken in the recruitment of volunteers, the recruitment of volunteers is dealt with in a separate document, Volunteer Policy.

3. Policy Aim

The aim of this policy is to set out the procedures to ensure that the appointment of all employees, agency staff and volunteers are made on merit and in accordance with this policy including safe staffing requirements made by any regulatory bodies in relation to services that QEF provides.

4. Posts which require a disclosure

For each role, QEF will determine whether a Disclosure is to be requested and at what level. The main aspects of this decision will be centred on the responsibilities/activities to be undertaken. These will take into consideration of the level and frequency of contact with children and/or vulnerable adults, the level of supervision and if there is some financial responsibility in the post.

QEF will make decisions as to whether or not a post requires a disclosure by applying consistent and sensible judgements across all departments. QEF will also establish whether a check of the DBS Enhanced Disclosure Barred List should be requested, if the role to be performed is in a regulated activity. See Appendix 1, suggested examples of QEF levels for DBS checks. This applies to new employees and also staff transferring into a role which is then deemed a regulated activity. For clarification:

4.1 Regulated Activity is a term used to describe certain job functions carried out by an employee as defined by the Disclosure and Barring Service (DBS). Regulated Activity is broken down into two separate groups 'Activity with Children' and 'Activity with Adults' (formerly termed Vulnerable Adults) see <http://www.legislation.gov.uk> (Safeguarding Vulnerable Groups Act 2006). See Appendix 2 for full details of 'Activity with Adults' and 'Activity with Children'

4.2 Types of disclosure:

It is QEF's responsibility to ensure that the correct level of Disclosure is requested according to the work an applicant/employee will be undertaking, however, not all roles will necessitate a DBS check. For QEF to request either a Standard or Enhanced DBS the individual staff member must be eligible for that check – i.e., the applicant/employee must be working in specific roles, often with vulnerable adults (and/or children, if applicable), in order to qualify for the higher level of DBS check.

4.2.1 Standard check - Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, healthcare organisations may request a standard level check only where the position involves the individual having "access to patients in the course of their normal duties".

4.2.2 Enhanced check is available for those included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 plus the Police Act 1997 (Criminal Records) Regulations. This level of check contains the same information as the Standard Check but also includes a check of police records held locally.

4.2.3 Enhanced check including a check on the Children's and Adult's Barred list – as detailed above in Enhanced check, with an additional check on the Children's and Adult's Barred list if the role to be performed falls under the definition of Regulated Activity.

4.2.4 Adult first check - is a DBS service available to organisation's who can request a check of the DBS adults' barred list. Depending on the result, a person can be permitted to start work, under supervision, with vulnerable adults before a full DBS certificate has been obtained.

Where a Disclosure is to form part of the recruitment process, QEF encourages all applicants to provide details of their criminal record at the application stage of the recruitment process.

DBS disclosures and barring checks form only part of the pre-employment process, equally important are verification of identity, right to work, registration and qualification, employment history, references and occupational health checks.

5. QEF Counter signatories

The following people are authorised to act as, and registered as, Counter signatories for Disclosure Applications:

- Head of HR, Shared Services
- HR Business Partner, Shared Services
- Office & Estates Manager, Mobility Services

6. Assessment and Selection Process

This Policy does not seek to replicate QEF's recruitment policy, which outlines best practice for recruitment and selection of all employees of QEF. It is, however, essential that the assessment and selection of candidates for posts working with, or having regular contact with vulnerable adults (and/or children, if applicable) i.e. posts involving "regulated activity", or any other posts requiring a Disclosure, is robust and directly addresses matters relating to the service user group in question. See Appendix 2 for full details of 'Activity with Adults' and 'Activity with Children'

6.1 References

QEF seeks references to obtain objective and factual information to support the appointment decision. A minimum of two written references will be sought after an offer of employment has been made. The offer of appointment is conditional upon satisfactory receipt of references. One reference will always be obtained from an applicant's current or last employer.

Additional reference checks will be made for successful candidates in regulated activity (see Appendix 1: Enhanced against barred list). These will include a check on the full employment history with verification of dates of employment, conduct and reason for leaving for all roles in health and social care.

All references are sought directly from the referee, as QEF will not accept open references and testimonials (i.e. "To Whom It May Concern"). QEF will accept emailed references together with the email cover sheet detailing the sender's details.

The recruiting manager will assess the reference received, if the references are considered unsatisfactory, advice should be taken from HR with regard to the offer of employment being withdrawn.

For candidates for which an **Enclosed Disclosure check** has been requested, if permission is given for the current employer but that is not a setting where the applicant works with vulnerable adults (and/or children if applicable), then the most recent employer of such a setting will also be approached.

When there is insufficient employment history, references will be accepted from either a school or college. Character references may also be accepted, however, the individual providing the reference should be of a professional standing. If two references are unable to be provided, the recruiting manager should review the offer of appointment with HR.

6.2 Checks – Employment history/qualifications

All applicants must give full employment history dating back to leaving school. Any gaps in employment history should be identified and discussed at interview noting details on the interview matrix. Any discrepancies should be checked and followed up.

Qualifications and registrations for professional members of staff must be verified and within date. All Nursing candidates must have valid NMC PINs.

6.3 Permission to work

In line with UKBA guidance on the prevention of illegal working, QEF will ensure that successful candidates have been given valid and subsisting leave to be in the UK by the Government and that leave does not restrict them in taking the job that they have been recruited for. Please see <https://www.gov.uk> (right to work/documents) for further guidance.

7 Pre-Employment Checking Process

Following the offer and acceptance of employment, employees should not commence working for QEF until full Disclosures have been received and checked by HR, other than in exceptional circumstances (see 7.1.1). Where work is with children the full Disclosure checks must be completed prior to employment commencing.

This relates not only to Disclosures, but also to qualification checks, verification of entitlement to work in the UK (Asylum & Immigration Act) and receipt of satisfactory references. This also applies to internal appointments, in that employees should not transfer to a post requiring Disclosure, until such checks have been received (unless in exceptional circumstances as detailed below).

7.1 Risk Assessment - Employment prior to receipt of pre-employment checks: Key Questions/Consideration

The following questions/considerations should be addressed in any risk assessment where appointment is being considered prior to the receipt of all pre-employment checks. The judgement is an assessment of the risk versus the consequences of the decision. All risk assessments must be agreed with SMT lead, Head of HR and CEO.

- 7.1.1 What are the reasons for considering commencement of employment prior to pre-employment checks? In addition, what would be the consequences to service delivery, of waiting until checks are received? – Service managers/line managers to demonstrate if substantial impact on service users/service itself.
- 7.1.2 For roles requiring DBS clearance for working with vulnerable adults, an employee may commence employment prior to the receipt of a full DBS certificate, as long as an Adult First Check has been undertaken and the individual is supervised at all times. Once the employee has received the full DBS certificate this must be verified by the HR department. If an Adult First Check is refused or not valid then the individual will not be permitted to start until the full DBS certificate has been received.
- 7.1.3 QEF will inform the employee that all offers of Employments are subject to the satisfactory return of references and DBS check (if applicable), the role remains subject to clearance and the contract of employment will remain subject to this

condition being met. QEF's HR department will check and monitor on a regular basis the application's progress within the DBS system. Failure to meet satisfactory DBS clearance will result in dismissal.

- 7.1.4 As referred to in 7.1.2, robust and reliable supervision arrangements must be put into place during the "waiting period". The employee must be clearly notified of the supervision arrangements that are in place. The current status of the DBS check must be checked and monitored regularly by the counter signatory.

8 Update service / portability of disclosures

With effect from 17 June 2013, applicants can now sign up to the DBS Update System. If individuals choose to use this service, QEF is able to check whether the Disclosure presented by the individual is current and if there have been any changes to the certificate since the first issue. Should there be changes to the certificate a risk assessment should be undertaken and agreed by the SMT lead, Head of HR and CEO

9 Receipt of DBS disclosure

When the prospective applicant or employee has received the DBS disclosure, the original certificate must be shown to the HR department in order that the applicant's/employee's details can be included on the HR database, and a central list of all DBS certificate details is maintained by the HR department. If there is a disclosure of information on an applicant/employee's certificate, a risk assessment will be undertaken (as detailed in 7.1). The risk assessment will be kept in a separate file in a secured environment. No copy of the DBS certificate will be kept and the certificate will be returned to the applicant/employee.

10 Checking and Re-Checking of Existing Employees

There are various elements to the process of checking and re-checking existing employees. QEF has determined that the following will apply:

- 10.1 All existing employees who transfer from a post that does not involve regulated activity, to one that does, will be subject to an Enhanced Disclosure check at the necessary level.
- 10.2 Employees whose work is "regulated" or in a "regulated service" will be subject to renewed disclosure every three years. QEF suggests that employees sign up to the DBS Update service upon renewal.
- 10.3 It is the responsibility of all employees to inform QEF should any details change on the DBS certificate (i.e. if an employee is subject to any convictions, cautions, reprimands or warnings). QEF will then undertake a risk assessment as previously stated, and sign off to any risk assessments will be by the CEO and/or Head of HR.
- 10.4 Where an individual has registered with the Disclosure and Barring Service for the Update Service, QEF will use this service to check for updated disclosure information.

11 Disclosures detailing any information prospective and current employees

11.1 Disclosures may provide any information relating to convictions, cautions, reprimands, etc., plus other information which police forces deem relevant. If a Disclosure providing information is received for an employee who has already commenced work, QEF will give immediate consideration as to whether the individual should be suspended on a precautionary basis pending further enquiries.

11.2 QEF will follow a consistent process for considering such Disclosures and for making subsequent judgements regarding an applicant's suitability for employment.

11.3 The following key stages must occur in the process:

11.3.1 The HR department will undertake an initial assessment of whether the offence(s) or information listed are sufficiently serious to cause concern. This assessment will be in accordance with the following checklist:

- The seriousness and nature of the offence(s)
- The nature of the appointment
- Length of time since the offence(s) occurred and number/pattern of offences
- The applicant's age at the time
- Any explanation of the circumstances that may have already been given
- Concealment of offence(s) at application stage

11.3.2 If offences were not declared, this will automatically warrant an interview with the prospective or current employee.

11.3.3 It is the responsibility of all employees to inform QEF should any details change on the DBS certificate (i.e. if an employee is subject to any convictions, cautions, reprimands or warnings). QEF will then undertake a risk assessment as previously stated, and sign off to any risk assessments will be by the CEO and/or Head of HR.

11.3.4 If it is judged that an interview is necessary for current employees, this should be undertaken by the Head of Service and the employee accompanied by HR if necessary. The employee should be informed that they can be accompanied during the interview.

11.3.5 The meeting is an essential part of the process, as it is necessary to verify that the information contained on the Disclosure relates to the individual concerned. This verification must be sought prior to any judgements being made.

11.3.6 The Disclosure should be discussed with the prospective or current employee as this will aid the decision-making process, and should broadly focus around the following:

- The seriousness and nature of the offence(s)
- The nature of the appointment

- Length of time since the offence(s) occurred and number / pattern of offences
- The applicant's age at the time, circumstances/explanation
- Concealment of offence(s) at application stage

11.3.9 Based upon the findings of the interview, the Head of Service will undertake a risk assessment with regard to the suitability of the prospective employee (see Appendix 3 – Risk Assessment Pro forma) for appointment. Existing employees may be subject to action under the disciplinary policy subject to the circumstances.

11.3.10 On the central HR database, a note recording that a risk assessment has been undertaken for a prospective or current employee – details of which should be stored separately in a locked environment separate to the personnel records.

12 DBS requirements of agency staff

All agency workers must have been checked by the DBS before they start work in any QEF regulated services.

The legal duty to check with the DBS lies with the provider of care (i.e. QEF). However, in circumstances where workers are supplied by employment agencies, written confirmation from the agency or business supplying the temporary worker that an Enhanced Disclosure has been provided within the last 12 months, will be required ahead of any engagement of work. The confirmation should be provided to QEF by the agency or business as part of the agreed Service Level Agreement and should also provide the temporary worker's Enhanced Disclosure certificate number and the issue date.

As Disclosures are not transferable, the agency or business that is supplying the temporary worker must have applied for the Enhanced Disclosure, otherwise it is not acceptable to QEF. The only exception to this rule would be if the agency worker had signed up to the DBS Update Service.

13 Record Keeping

13.1 HR will maintain a central record of pre-employment information. Copies of references, identity, qualification and right to work checks will be kept on an individual's personal file.

13.2 Information provided as part of a Disclosure will be treated as confidential.

13.3 HR will record the receipt of a Disclosure on the HR database. No paper copy of the Disclosure will be kept on file.

13.4 It is essential that all documentation is returned to Human Resources following the recruitment process. This is to ensure that a fair and safe process can be evidenced.

GENERAL DBS INFORMATION

Information searched	Type of Criminal record check		
	Standard	Enhanced DBS	Enhanced DBS (incl barred list check)
Unspent convictions	Yes	Yes	Yes
Spent convictions	Yes	Yes	Yes
Cautions warnings, reprimands Note, this does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-control disposal	Yes	Yes	Yes
Other relevant police information	No	Yes	Yes
Children's or Adults barred list	No	No	Yes

APPENDIX 1: SUGGESTED LEVEL OF DBS CHECKS

Standard	Enhanced	Enhanced against barred list
To be eligible for a standard level DBS certificate, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.	To be eligible for an enhanced level DBS certificate, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations.	Enhanced checks with children's and/or adults' barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).
<p>Typical roles: Reception/Admin staff and volunteers in residential services not money handling as part of role)</p>	<p>Typical roles: Trustees</p> <p>Maintenance – in client facing Services</p> <p>Housekeeping Assistants – in client facing Services</p> <p>Reception/Admin staff and volunteers – with money handling duties and client record keeping</p> <p>Volunteers with supervised only access to clients</p>	<p>Typical roles: Team Leaders Senior Support Workers Senior Rehabilitation Assistants Support Workers/Rehabilitation Assistants (permanent and bank) Activities workers Nurses Therapists – Physio, OT, Speech & Language Drivers for residents Registered Manager Admin Officers in Residential Services responsible for client money</p> <p>MERU Engineers</p> <p>Volunteers in with unsupervised access to clients</p>

Further clarification may be sought from DBS via their eligibility tree

<https://www.gov.uk/find-out-dbs-check>

or from an enquiry to their customer service team

customerservices@dbs.gsi.gov.uk

APPENDIX 2: BREAKDOWN OF REGULATED ACTIVITIES

REGULATED ACTIVITY WITH ADULTS

The eligibility for Regulated Activity with adults is broadly broken down into 6 categories of work staff with be undertaking with adults. Please refer to the Department of Health for full guidance:

Providing Health Care

- This includes health care work undertaken by (or under supervision from) a regulated Health Care Professional e.g. regulated by GMC or HPC.
- Health care includes all forms of health care relating to physical or mental health, including palliative care.

Providing Personal Care

- Includes providing an adult with physical assistance with eating, drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin because of the adults age, illness or disability (this includes someone who prompts and then supervises an adult to undertake the above actions as they are unable to make the decision for themselves)
- Anyone who trains, instructs or provides guidance to an adult on the above actions because of their age, illness or disability is in Regulated Activity.

Providing Social Work

- The activities of a regulated Social Worker in relation to adults who are clients or potential clients are a Regulated Activity. This includes assessing the need for health or social care services, and providing ongoing support to clients.

Assistance with General Household Matters

- Anyone who provides day-to-day assistance to an adult because of their age, illness or disability, where that assistance includes at least one of the following, is in regulated activity.
- managing the person's cash
- paying the persons bills, or
- shopping on their behalf

Assistance in the Conduct of a Person's Own Affairs

Regulated Activity includes anyone who provides assistance in the conduct of an adult's own affairs by virtue of:

- Lasting power of attorney under the Mental Capacity Act 2005
- Enduring power of attorney under the Mental Capacity Act 2005
- Being appointed as the adult's deputy under the Mental Capacity Act 2005
- Being an Independent Mental Health Advocate
- Being an Independent Mental Capacity Advocate
- Providing independent advocacy services under the National Health Services Act 2006 or National Health Service (Wales) Act 2006
- Receiving payments on behalf of that person under the Social Security Administration Act 1992

Conveying

- This includes any drivers or assistants who transport an adult because of their age, illness or disability to or from places where they have received, or will be receiving health care, relevant personal care or relevant social work (as above). Hospital Porters, Patient Transport Service drivers and assistants are also included in this group.
- This does not include licensed taxi drivers or licensed private hire drivers unless they are undertaking trips taken for the above listed purposes.

Management functions

A person whose role includes the day to day management or supervision of any person who is engaging in Regulated Activity with adults, is also in Regulated Activity.

What is the different between an 'Adult Workforce' check and the Barred Lists for Adults?

Adult Workforce – this indicates to the Local Police Force(s) that the applicant will be working with vulnerable adults to ensure that they release any 'Approved Additional Information' relating to this group. This information will be checked at Stage 4 of the application process and the Local Police Force are given further guidance about the information they should include when responding to an 'adult workforce' – please refer to the DBS website for further information.

Vulnerable Adults Barred List – this includes the above information plus a check of the relevant Vetting and Barring Lists controlled and maintained by the DBS. These lists contain the names of all those people who are **barred** from working with Vulnerable Adults. This will be included (if requested) at Stage 3 of the application process with the DBS, and appear on the applicant's Disclosure if they are.

REGULATED ACTIVITY WITH CHILDREN

The eligibility for Regulated Activity with children is broadly broken down into 2 categories. Please see Department for Education and DBS website for further information.

What work will the role involve?

Included in this assessment should be factors such as:

- Will the work involve teaching, training or supervising children?
- Will the work be supervised? (see DfE for further information)
- Will the employee be carrying out the work frequently? (defined as once a week or more often, or on 4 or more days in a 30 day period, or overnight in the same establishment)
- Will the work involve the provision of Health Care or Personal Care to a child? (this does not have to be done frequently as defined above)

Where will the work be carried out?

- Will the work with children be carried out in a '**Specified Place**'? (including schools, pupil referral units, nursery schools, institutions for the detention of children, children's homes or children centres in England, childcare premises)

AND:

- Be done frequently (same definition as above)
- Done by the same person engaged in work for or in connection with the purposes of the establishment
- Give the employee an opportunity to have contact with children

Exceptions to this group are the following:

- Activity by a person contracted (or volunteering) to provide occasional or temporary services (not teaching, training or supervision of children)
- Volunteering, under day to day supervision of another person engaging in regulated activity
- Activity undertaken regularly in a number of different establishments, but only infrequently in each: each establishment is only arranging the activity infrequently, so each establishment is not a regulated activity provider in relation to that activity

What is the different between a 'Child Workforce' check and the Barred Lists for Children?

Child Workforce – this indicates to the Local Police Force(s) that the applicant will be working with children to ensure that they release any 'Approved Additional Information' relating to this group. This information will be checked at Stage 4 of the application process and the Local Police Force are given further guidance about the information they should include when responding to a 'child workforce' check.

U18s Vetting and Barring List – this includes the above information plus a check of the relevant Vetting and Barring Lists controlled and maintained by the DBS, together with a check of Section 142 of the Education Act 2002 (previously called List 99). These lists contain the names of all those people who are **barred** from working with people U18. This will be included (if requested) at Stage 3 of the application process with the DBS and will appear on the Disclosure if they are.

STRICTLY CONFIDENTIAL**APPENDIX 3: RISK ASSESSMENT PROFORMA - DISCLOSURES WITH INFORMATION**

The attached Disclosure has been returned with information.

Disclosure No.		Date Obtained:	
Title:		First name/s:	
Surname:		Date of Birth:	
Proposed position/ department		Status (e.g. F/T, P/T, Bank, Volunteer, etc.	
Interview date:		Interviewed by:	

Question	Response		
Did the applicant disclose the offence?			
Was the offence of a sexual or violent nature?			
What was the penalty?	High	Med	Low
	Custodial	Suspended/ Community	Warning/Caution/ Fine
When was the offence committed?	Last 3 years	3-10 years	10 years plus
Is there a pattern to the offence?	Yes	Some	No
Overall risk			

Candidate recommended for appointment by

It is crucial to note that any approval to proceed is isolated to this position and the circumstances and this judgment is not transferrable to other recruitment decisions.

The outcome of this risk assessment in connection with the above post is:

Proceed

Do Not Proceed

Authorised By (usually the CEO and Head of HR):

Signed _____ Date _____

Signed _____ Date _____

This information must be kept safe and not disclosed to a third party.