



Havens
Hospices



Safer Recruitment

Policy

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Making every day count

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1.0	07/06/2021	New policy

Associated Documents

These documents should be referenced in conjunction with this procedure:

- Safeguarding vulnerable adults.
- Safeguarding children.
- Managing allegations against staff.
- Registration of registered professionals.
- Disciplinary Policy.
- Volunteer concerns and problem-solving policy.
- Health and Social Care Act 2008 (Regulated Activities 2014) Regulation 19.

“Havens Hospices”, “The Hospice” refers to Havens Hospice, the Charity, which incorporates the services of Fair Havens, Little Havens and The J’s Hospice.

Havens Hospices is committed to keeping the vulnerable adults and children we care for safe. Our approach is laid out in our Safeguarding policy, and everything we do is guided by this. Therefore, this policy should be read in conjunction with our Safeguarding policy, and any potential safeguarding issues should be given due consideration.

1. Purpose

The safer recruitment of staff in Hospices is the first step to safeguarding and promoting the welfare of our patients and their families. Havens Hospices is committed to safeguarding and promoting the welfare of all patients, families, staff, volunteers, and visitors. As an employer, the Charity expects all staff and volunteers to share this commitment.

2. Scope

The Safer Recruitment policy is to help deter, reject, or identify people who might pose a risk to others or are otherwise unsuited to working with them by having appropriate procedures for appointing staff or volunteers. The aims of the Charity's recruitment policy are as follows:

- to ensure that the best possible staff/volunteers are recruited based on their merits, abilities, and suitability for the position.
- to ensure that all job/role applicants are considered equally and consistently.
- to ensure that no job/role applicant is treated unfairly on any grounds including protected characteristics such as race, colour, nationality, ethnic or national origin, religion or religious belief, sex, or sexual orientation, marital or civil partner status, disability, or age.
- to ensure compliance with all relevant legislation, recommendations and guidance including the Health and Social Care Act 2008 (Regulated Activities 2014) Regulation 19 and any guidance or code of practice published by the Disclosure and Barring Service (DBS) and working together to safeguarding children 2018; and
- to ensure that the Charity meets its commitment to safeguarding and promoting the welfare its patients by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

The Charity has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the Charity based on the applicant's abilities, qualification, experience, and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance.

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

The charity aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing, and evaluating information from and about applicants applying for job vacancies at Havens Hospices.

3. Responsibilities

It is the responsibility of the Trustees to:

Ensure the Charity has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with CQC Regulation 19 (Fit and proper persons employed).

- Monitor the Charity's compliance with them.

It is the responsibility of the Head of People and other Managers involved in recruitment to:

- Ensure that the Charity operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work with the Hospices.
- To monitor contractors' and agencies' compliance with this document.
- Promote welfare of Patients & Families at every stage of the procedure.

The trustees have delegated responsibility to the Head of People to lead in all appointments. Trustees may be involved in staff appointments, but the final decision will rest with the Head of People.

4. Definition of Regulated Activity and Frequency

Any position undertaken at, or on behalf of the Hospice will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am or
- satisfies the "period condition", meaning four times or more in a 30-day period; and
- provides the opportunity for contact with patients & families.

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

The Charity is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Charity is required to carry out an enhanced DBS check for all staff, Agency staff and Trustees who will be engaging in regulated activity. However, the Charity can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e., roles which would amount to regulated activity if carried out more frequently.

5. Recruitment and Selection Procedure

5.1. Advertising

- To ensure equality of opportunity, the Charity will advertise all vacant posts to encourage as wide a field of applicant as possible, normally this entails an external advertisement.
- Any advertisement will make clear the Charity's commitment to safeguarding and promoting the welfare of Patients & Families.
- All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act 2018 and in accordance with the organisations privacy policy.

5.2. Application Forms

- Havens Hospices uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or

discrepancies in employment history). Applicants submitting an incomplete application form will not be shortlisted.

- The application form will include the applicant's declaration regarding convictions and working with children & vulnerable adults and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. CVs will not be accepted.
- It is unlawful for the Charity to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the Charity. All
- Applicants will be made aware that providing false information is an offence and could result in the application being rejected, or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

5.3. Job Descriptions and Person Specifications

- A job description is a key document in the recruitment process and must be finalised prior to taking any other steps in the process. It will clearly and accurately set out the duties and responsibilities of the job role.
- The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities, and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children & vulnerable adults in a care environment.
- All Job descriptions to advise under a 'safeguarding statement' that a minimum of two referees are required and a check with the DBS service must be obtained prior to commencing employment.
- All job descriptions to identify the extent of the relationship with and the degree of responsibility for adults and children with whom the person will have contact.

5.4. References

- References for short-listed applicants will be sent for immediately after short-listing. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.
- All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Charity.
- One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. The referee should not be a relative.
- Where a reference is to be obtained from an awarding body, to reflect exam results or degree certification. If the applicant cannot provide a copy of the original certification, then the organisation will contact the awarding body to obtain confirmation.
- References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions.
- All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with

children. Referees will also be asked to confirm that the applicant has not been radicalised, so that they do not support terrorism or any form of "extremism".

- Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.
- Any discrepancies or anomalies will be followed up. Direct contact by phone will be undertaken with each referee to verify the reference.
- The Charity does not accept open references, testimonials, or references from relatives.

5.5. Interviews

- There will be a face-to-face interview wherever possible, and a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps which have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).
- Any information regarding past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has been disclosed on the application form.
- At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable.
- All applicants who are invited to an interview will be required to bring evidence of their identity, address, and qualifications. Original documents will only be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

5.6. Pre employment checks

The Charity carries out a number of pre-employment checks in respect of all prospective employees. If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the Charity's standard terms and conditions of employment.
- verification of the applicant's identity (if not previously been verified).
- the receipt of two references (one of which must be from the applicant's most recent employer) which the Charity considers to be satisfactory:

For positions which involve "care work":

- the Charity being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the NMC (Nursing & Midwifery Council), or any predecessor or successor body, or by a regulator or any professional body in any other European Economic Area country which prevents the applicant working at the Charity which, in the Charity's opinion, renders the applicant unsuitable to work at the Charity; and
- the Charity being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other

country for any reason which prevents the applicant working at the Charity or which, in the Charity's opinion, renders the applicant unsuitable to work at the Charity.

- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the Charity considers to be satisfactory.
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List.
- verification of the applicant's medical fitness for the role.
- verification of the applicant's right to work in the UK.
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which the Charity deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).

Whether a position amounts to "regulated activity" must therefore be considered by the Charity in order to decide which checks are appropriate. It is however likely that in nearly all cases the Charity will be able to carry out an enhanced DBS check and a Children's Barred List check.

Where it is not possible to obtain a DBS prior to starting then a risk assessment must be completed and held on the employee's file until the DBS is received. In the event that the DBS comes back with an identified conviction not previously disclosed, this will mean the employee has not satisfied the requirements for permanent employment/volunteering.

A personal file checklist will be used to track, and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

5.6. The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to children, vulnerable adults, employment in healthcare professions (including medical practitioners, and nurses. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at Havens Hospices.

5.7. DBS (Disclosure and Barring Service) Check

The Hospice applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the Charity which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

Charity's It is the policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

It is the Charity's policy to re-check employees' DBS Certificates every three years and in addition any employee who takes leave for more than six months (i.e., maternity leave, career break etc) must be re-

checked before they return back to work. For Volunteers they will be rechecked if they are not in the organisation for 3 months.

Members of staff at Havens Hospices are aware of their obligation to inform the Head of People or the HR Department of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

5.8. Portability of enhanced disclosure checks

Staff/volunteers may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service for a fee of £13 per annum, which is payable by the applicant.

This allows for portability of a Certificate across employers. The Charity will:

- Obtain consent from the applicant to carry out an update search.
- Confirm the Certificate matches the individual's identity.
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, i.e., enhanced certificate/enhanced including barred list information.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial Certificate was issued. Applicants will be able to see a full list of those organisations that have carried out a status check on their account.

5.9. Portability of enhanced disclosure checks

The DBS no longer issue Disclosure Certificates to employers; therefore employees/volunteers should bring their original Certificate to the People dept (for employees within 7 days of issue or applicants before they commence work or any project involving regulated activity).

5.10. Portability of enhanced disclosure checks

The Charity operates a formal procedure if a DBS Certificate is returned with details of convictions.

Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence.
- how long ago the offence occurred.
- one-off or history of offences.
- changes in circumstances,
- decriminalisation and remorse.

The recruiting manager will be asked by HR to complete a risk assessment to establish the facts. Once this is complete, a decision will be made following consultation with a Director or Head of Dept and the Head of People.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Charity may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

5.11. Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status.

All applicants invited to attend an interview at the Charity will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. The Charity does not discriminate on the grounds of age.

Where an applicant claims to have changed their name by deed poll or any other means (e.g., marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

5.12. Medical Fitness

The Charity is legally required to verify the medical fitness of anyone to be appointed to a post at the Charity, after an offer of employment has been made but before the appointment can be confirmed.

All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

The Charity is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

5.13. Induction Programme

All new employees/volunteers will be given an induction programme which will clearly identify the Charity's policies and procedures, including the Safeguarding Policy and make clear the expectations which will govern how staff carry out their roles and responsibilities.

5.14. Single Centralised Register of Members of Staff

In addition to the various staff records kept in Charity and on individual personnel files, a single centralised record of recruitment and vetting checks. This is kept up-to-date and retained by the People Department. The Single Centralised Register will contain details of the following: -

- All employees/volunteers who are employed to work at the Charity.
- All employees/volunteers who are employed as agency staff to the Charity whether employed directly or through an agency.
- All others who have been chosen by the Charity to work in regular contact with children. This will cover volunteers, trustees, peripatetic staff and people brought into the Charity to provide additional medical care.

The Quality & Compliance Officer will be responsible for auditing the Single Centralised Register annually and reporting his/her findings to the Governance Committee.

5.15. Record Retention/Data Protection

The Charity is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Charity will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the Charity to discharge its obligations as an employer, e.g., so that the Charity may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the Charity for the duration of the successful applicant's employment. All information retained on employees is kept centrally in the People Department in a locked and secure cabinet.

The same policy applies to any suitability information obtained about volunteers involved with Hospice activities.

Havens Hospices will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (i.e., shredded). The 6-month retention period is in accordance with the General Data Protection Regulations.

5.16. Ongoing Employment

Havens Hospices recognises that safer recruitment and selection is not just about the start of employment but should be part of a larger policy framework for all staff. The Charity will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

5.17. Leaving Employment at Havens Hospices

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against Patients and families are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the Charity also has a legal duty to make a referral to the DBS in circumstances where an individual:

- Has applied for a position at the Charity despite being barred from working with children; or
- Has been removed by the Charity from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a Nurse, the Charity may also decide to make a referral to the Nursing & Midwifery Council.

5.18. Contractors and agency staff

Contractors engaged by the Charity must complete the same checks for their employees that the Charity is required to complete for its staff. The Charity requires confirmation that these checks have been completed before employees of the contractor can commence work at the Charity.

Agencies who supply staff to the Charity must also complete the pre-employment checks which the Charity would otherwise complete for its staff. Again, the Charity requires confirmation that these checks have been completed before an individual can commence work at the Charity.

The Charity will independently verify the identity of staff supplied by contractors or an agency in and will require the provision of the original DBS certificate before contractors or agency staff can commence work at the Charity.

6. Volunteers

The Charity will request an enhanced DBS disclosure and Children's Barred List information (now known as an Enhanced Check for Regulated Activity) on all volunteers undertaking "Regulated Activity" with patients at or on behalf of the Charity (the definition of regulated activity set out above will be applied to all volunteers).

Under no circumstances will the Charity permit an unchecked volunteer to have unsupervised contact with patients and families.

It is the Charity's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the charity for three consecutive months or more. Those volunteers who are likely to be involved in activities with the Charity on a regular basis may be required to sign up to the DBS update service as this permits the Charity to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the Charity will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- Formal or informal information provided by staff, patients and other volunteers.
- Character references from the volunteer's place of work or any other relevant source; and
- An informal safer recruitment interview.

7. Additional Information & Help

The Head of People will be responsible for ensuring that this policy is monitored and evaluated throughout the Charity. The Head of People will also ensure that the Charity remains competent with legislation changes through continued training, develop and accessing toolkits such as the NSPCC safer recruitment toolkit.

There is a People Welfare Group in operation, part of the Terms of Reference included the monitoring of Safer Recruitment guidelines and amendment of documents and procedures as necessary.

For advice and guidance on any aspect of this policy document please contact:

Safer Recruitment Policy 1

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The People Team