

**Recruitment and
Pre-Employment Checks
Guide**

**Posts with Access to Children
and Vulnerable Adults**

All Posts Excluding Schools

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Part 1 - Introduction

This guide provides a consistent recruitment process when recruiting to posts with access to children or vulnerable adults, including pre-employment checks, and should be viewed as supplementary to the "Recruitment and Selection Policy", which can be found on IRIS. This guide does not replace any more specific advice you may require from HR.

This guide is split into three further parts - background, legislative requirements, and then a detailed recruitment and selection procedure.

This guide lays out the recruitment and selection process required when filling posts with access to children or vulnerable adults. **This does not include school based posts, for which separate guidance has been produced.**

Please also refer to the Recruitment and Selection Policy and Procedure which gives the over-arching Council policy on Recruitment and Selection.

Part 2 - Background

Reading Borough Council has a duty to ensure the safety and welfare of all staff and client users, and this includes vulnerable adults and children either in our educational establishments or in our care.

To ensure this duty is carried out, Reading Borough Council has produced this guidance to define the recruitment process for staff, to ensure that those recruited are suitable to work for the council, and with vulnerable groups.

The Council must satisfy itself that each new recruit is suitable for the job for which they have applied, and this applies equally to paid staff and workers, and volunteers. This manifests itself through a number of pre-employment checks carried out on new staff, workers, and volunteers.

The focus is to ensure that all staff working in locations or establishments where there is access to children or vulnerable adults, have been given criminal clearances via a disclosure from the Disclosure and Barring Service before they commence work.

Of particular note is the use of references when recruiting to a post with access to children or vulnerable adults. References will be made available to the Chair of the interviewing panel prior to interview, so that any appropriate and relevant issues contained in them can be shared with the interview panel and explored with the candidate.

It should be noted that Ofsted inspections look at safeguarding and this includes recruitment and selection procedures. The DfE produced updated guidance in April 2014 called Keeping Children Safe in Education - Statutory Guidance for Schools and Colleges, which includes a section on safer recruitment., The Commission for Social Care Inspectorate (CSCI) also carries out this evaluation.

Part 3 - Legislative Requirements and Key Points

Vulnerable Adults

The Disclosure and Barring Service maintains a list of people barred from working with vulnerable adults.

The Safeguarding Vulnerable Groups Act (SVGA) (2006) places a duty on employers of people working with vulnerable adults to make a referral in certain circumstances. Local Authorities have duty to refer and power to refer under the SVGA (2006 as amended).

An eligible organisation recruiting to a position (paid or unpaid) that falls within the definition of regulated activity relating to adults may require an applicant to obtain an enhanced DBS check with barred list check to help determine suitability for the position, prior to engaging them.

DBS Adult First allows an individual to be checked against the adult DBS barred list while waiting for the full criminal records check to be completed. This should only be done for successful applicants.

If the DBS Adult First check is clear, employment can start provided a risk assessment has been completed and satisfactory references and medical clearance have been received. There is an extra cost for this check (£6 as at August 2014).

Children

The Disclosure and Barring Service maintains a list of people barred from working with children, and all regulated childcare organisations have a statutory duty to refer the names of individuals for possible inclusion. Voluntary bodies are also permitted to do so.

The Department for Education (DfE) provides on-line access to registered employers to check names against the list of people barred from working with children.

Under the Criminal Justice and Court Services Act 2000 it is an offence to knowingly offer work to or to employ in a "regulated" (including child care) post, any person who is disqualified from working with children, through inclusion on either of the above lists, or who has a disqualification order from a court. It is also an offence for that barred person to seek, or remain in, such work.

It is therefore vital that these checks are carried out, either directly or through the DBS, before anyone takes up a post with access to vulnerable groups with RBC.

Keeping Children Safe in Education - Statutory Guidance for Schools and Colleges was issued by the DfE in 2014 to update previous guidance issued in 2007. Whilst this guidance is not always applicable to all the settings in which RBC employees have access to children, a number of the

recommendations contained within it have been adopted for use across all RBC posts that have access to vulnerable groups, both adult and children. The use of references when appointing to a post with access to vulnerable groups is the key principle taken from this guidance.

Background checks on recent residents

As part of the DBS check, applicants are required to provide a continuous address history covering the five years leading up to the present date.

However, the DBS check cannot cover addresses and police records held in parts of Scotland and Ireland, or any overseas country. In these cases the DBS check itself may not be worthwhile or will only provide limited information. This will need to be supplemented by other checks, including asking for certificates of good conduct from the police force in the applicant's original country, or seeking references from those forces.

If any preferred candidate falls into this category, please be aware that you should seek further advice from HR, and that the timescale to achieve full clearance could be significantly increased.

Part 4 - Procedure

1. Job Description and Person Specification

- 1.1 A vacancy will occur where a member of staff leaves and needs to be replaced, or where a new post is created within a team/service.
- 1.2 Where a vacancy occurs through a member of staff leaving, the opportunity should be taken to determine whether the post needs to be refilled, whether it should remain the same, or whether changes should be made before advertising it. Where changes are made consideration should be given to the effect this may have on the duties of other team members. If radical changes are made the revised job description and person specification should be sent to HR for evaluation.
- 1.2 In any event, the job description and person specification should always be reviewed before advertising to fill a vacancy to ensure they are up to date and an accurate reflection of the duties, skills and abilities needed in the role.
- 1.3 Where a new post is created the job description and person specification must be drawn up to again ensure that the job role is reflected accurately. These must be sent to HR for evaluation.
- 1.4 If a job description is newly created, or significantly changed, consideration will need to be given as to whether a DBS and other pre-employment checks are needed, and this information must be included on the job description and person specification. It is important to remember that if a job role evolves over time, it may become necessary to carry out checks that had not previously been needed for the post holder.
- 1.5 The person specification should not take an "essential" and "desirable" approach. However the Lead Officer and panel should be clear about what the minimum criteria for the job are, i.e. the skills/attributes the post holder must have to be able to carry out the duties of the post. This is important for shortlisting and interviewing generally, but is particularly important for disabled applicants and redeployees. Disabled applicants are guaranteed an interview if they meet the minimum criteria of the post, as required under the Two Ticks scheme, to which the Council is committed. Please see the Disability and Recruitment – A Good Practice Guide, for more details. Redeployees should be given prior consideration for a post if they meet the minimum criteria in accordance with the Council's Employment Stability Agreement and other employment policies.
- 1.6 In all cases the person specification will be your guide to writing the advert, producing your interview questions and devising any tests. After appointment it should be used as the starting point for a

learning needs analysis during probation and on into the employment relationship, and used to inform appraisals.

- 1.7 In all cases the job description must make clear the responsibility the jobholder will have for child protection or the protection of vulnerable adults. The person specification must specifically state that the job holder is required to be suitable to work with children or vulnerable adults, and must contain details of the level of DBS check required for the post, if applicable, along with any other checks such as whether a barring list check is required.
- 1.8 The minimum criteria are those skills, abilities, competencies or qualifications that the post holder must possess to be able to start in the role. These must be identified and agreed before advertising the post to help inform the wording of the advert and to support later shortlisting and interviewing

2. Advertising

- 2.1 Once the job description and person specification are up to date, accurate and evaluated as necessary, the next step is to draw up the advert. HR staff are available to advise managers on writing adverts, as is the advertising agency, but there are a few simple guidelines to be followed.
- 2.2 Adverts need to be clear about what the job entails, concise but not to the point of including too little information, should show details of salary including any pro rata arrangements, and the hours of the post including any flexibility such as job share or flexibility over days worked.
- 2.3 The advert must also contain reference to the fact that a DBS check will be required, and the level of check required. The closing date should be clearly stated, and where possible the shortlist and interview dates should be included. Contact details will be the HR team who will handle the administration. If you have a contact for potential applicants wishing to have an informal discussion these details should be included in your advert.
- 2.4 The advert must contain the following, or a similar, statement: "This authority/service is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults, and expects all staff and volunteers to share this commitment".
- 2.5 The advert (and Job Description and Person Specification) must not include any text or images that could directly or indirectly discriminate against someone with a Protected Characteristic as set out in the Equality Act 2010. However there are circumstances where

it is appropriate to be specific about the person needed for the job, if this is the case please contact HR.

- 2.6 Decide and specify whether the advert should appear in a paper publication and/or on-line, and where necessary if it should be in colour or black and white.
- 2.7 If you wish the RBC logo to appear in the advert you must specify this. The Two Ticks symbol will be included in the advert to communicate a commitment to supporting disabled applicants.
- 2.8 The wording, appearance, and the choice of media can all influence how popular the vacancy will be, as well as affecting how attractive it will be to all groups in the community.

3. Advert Approval

- 3.1 HR will send the advert to the advertising agency, at which point the space in the chosen publication will be booked. The agency will set the advert into its final copy and send it back to HR for approval, along with the cost.
- 3.2 The advert will need to be approved, and this will be carried out by the Lead Officer for the vacancy. Any problems with the advert must be fed back immediately so they can be rectified.
- 3.3 Once approved the advert will be placed and the administrative process flowing from this will be handled by HR.

4. Timescales

- 4.1 Consideration will need to be given to when and where the advert should appear. Guidance on the best places to advertise can be obtained from HR, in liaison with the advertising agency. All adverts placed via Ambleglow will automatically be placed in the Job News bulletin and on the Jobsgopublic/RBC website, unless it is specified that this should not happen.
- 4.2 The closing date by which applications should be returned should be at least two weeks after the first appearance of the advert to allow enough time for potential candidates to complete and return the forms.
- 4.3 The names of the three panel members must be agreed early on. Please note that both the shortlist and interview panels must have the same membership. All members of the panel must have attended RBC's Recruitment and Selection training course, or have been

assessed as having suitable previous knowledge and experience in recruitment and selection. This assessment is available via HR.

- 4.4 Where shortlisting and interviewing involves people from other agencies or interim managers, these participants must be briefed by the Lead Officer and can take an active part in interviewing, but should not be part of the decision making process.
- 4.5 The panel should meet in advance of shortlisting to agree the criteria to be used for shortlisting, and to determine the standards required. The panel should also meet before the interviews to finalise the questions to be asked and who will be asking them, and to confirm the standards being sought during the interview.
- 4.6 The shortlisting date should be at least two working days after the closing date to allow time for shortlisting packs to be prepared for the panel.

5. Application Pack

- 5.1 The application pack should be informative and act as a first impression of the job and service. The pack must contain the job description, person specification, application form, and guidance on completing the application form, ~~and~~ the convictions and cautions declaration form, **and the disqualification from childcare declaration.**
- 5.2 In addition the pack should contain a copy of the Council's Equal Opportunities statement, and the Child Protection Policy Statement where applicable.
- 5.3 The covering letter to the applicant must state that the criteria in the person specification will be tested during the interview process, and that relevant issues raised in references will also be discussed at interview. The letter should also make it clear whether or not those applicants not shortlisted will receive communication telling them they have been unsuccessful. HR use a standard letter to cover this, but specific additions can be made to suit the vacancy.
- 5.4 The standard RBC application form should always be used to give consistency in the type of information being collected from each applicant. CVs are not acceptable. However, there may be a need to vary the approach if a disabled person wishes to apply for a post.
- 5.5 Additional information can be added to the pack about the service and post available in order to appeal to the intended audience.

6. Shortlisting

- 6.1 Once the closing date is reached, a shortlisting pack will be made available to the panel. At this stage application forms will be provided without the front page, thereby removing personal information that could lead to subjective judgements being made based on Protected Characteristics. The equal opportunities monitoring details will not be included with the forms in the shortlisting pack.
- 6.2 If there is a disabled applicant, the shortlisting pack will contain details of which candidate(s) are disabled. A copy of the "Shortlisting and Interviewing Disabled Candidates - A Brief Guide" will be included. No other personal information about that applicant will be made available. This will enable the panel to assess the applicant against the minimum criteria for the post, and consider them for interview. Please see the Disability and Recruitment - A Good Practice Guide, for more details.
- 6.3 If there is a redeployee, the shortlisting pack will contain details of which candidates are redeployees. This will enable the panel to assess the applicant against the minimum criteria for the post, and consider them for interview.
- 6.4 Every candidate should be assessed against all the criteria from the person specification using a grid, indicating Met, Part Met, or Not Met against each criteria to ensure consistency and fairness.
- 6.5 Once shortlisting has been carried out all packs must be returned to HR, with the shortlisting grids completed by all three panel members, a completed consensus grid, and an Interview Pro Forma completed. If not already agreed the interview date should be agreed and communicated to HR on the pro forma, as well as where the interviews will take place, and whether there are any tests. The panel is responsible for room bookings, refreshments, meeting and greeting candidates, checking and copying ID, qualification, etc. documents, etc.
- 6.6 For example, if candidates are to give a presentation the subject of this, expected duration, and availability of equipment such as a laptop and projector, must be decided so this information can be passed to the candidates. Applicants selected for shortlisting by the panel must be clearly identified when the packs are sent back to HR.
- 6.7 The interview date should be a reasonable time after shortlisting to allow enough time for candidates to be invited for interview, and for the references to be obtained. A suggested timescale is two weeks.

- 6.8 At this point interview questions can be finalised using the person specification. Specific and relevant questions you may wish to ask candidates relating to their application or references can be added later.
- 6.9 If any disabled applicants or redeployees have not been shortlisted, the panel must make it clear why this is the case. In the case of redeployees, the panel will need to arrange to feedback to the redeployee on why they were not successful.

7. Inviting for Interview

- 7.1 Candidates will now be contacted to invite them for interview. Candidates will be asked if they have any special requirements for the interview day, such as access requirements, HR will alert the panel of these in advance.
- 7.2 The letter will state that the interview will be used to explore the candidate's suitability to work with children or vulnerable adults, will outline the need for a DBS check, and will give details of the ID documentation and qualification certificates the candidate is required to bring with them. The ID documents are for the DBS check and to check eligibility to work in the country as required by the Asylum and Immigration Act 1996.

8. References

- 8.1 Reference requests will be sent out at the same time as the invite for interview letters to ensure all references are returned in time for the interviews. References will be chased if timely responses are not received.
- 8.2 The only exception is where the candidate has indicated on their application form that their referee cannot be approached. In these cases the panel should explain at interview that if they are successful, references will still need to be sought and may need to be discussed prior to any offer of employment being made.
- 8.3 **Please note that an offer of employment can only be made when there are two satisfactory references available for the preferred candidate.**
- 8.4 References will be from the most recent / current employers. One reference will be from the most recent employer where the candidate worked with children or vulnerable adults (as appropriate), and from one other source so that there are two

references. References are not acceptable from partners/spouses, family or friends, and verbal/open references and testimonials will not be accepted.

- 8.5 The references will address the candidate's suitability to work with children or vulnerable adults (as appropriate). The most recent / current referee will be asked to comment on any disciplinary offences (not unproven allegations) relating to children or vulnerable adults, and any child/adult protection concerns including the outcomes of any enquiries and disciplinary proceedings. The referee will be informed that information they give in this respect may be discussed with the candidate at interview.
- 8.6 The references will be made available to the Chair of the panel prior to interview as any relevant issues raised in the references must be shared with the interview panel and explored with the candidate during the interview. Relevant issues are legitimate areas of concern related to the nature of the work with children and/or vulnerable adults. The panel should also cross check the references with the application form to satisfy themselves they have the appropriate referees responses, and that there is no mismatch of information.
- 8.7 Any other queries arising from the references should be followed up with the referees.
- 8.8 If references are obtained after the interview because the candidate did not wish for them to be taken up beforehand, or if they had not been received before the interview, any issues raised in the references must still be pursued if necessary.
- 8.9 For posts in Children's Services, recruiting managers must follow up on references by telephone to confirm the referee and the reference they have provided is genuine.

9. Interviewing

- 9.1 Interviews must take place long enough after the shortlisting to allow time for references to be requested and received back. The interview pack will be available two to three days before the interview date to allow the panel to read through the applications. At this stage the front page is re-attached to the application form, but the equal opportunities monitoring form is still not included.
- 9.2 If any candidate has a disability, the panel will be made aware of the nature of this, in advance, so that any reasonable adjustments can be made to the room, access, tests, etc.

- 9.3 If any candidate is a redeployee the panel will be made aware of this, and will need to consider the redeployee against the minimum criteria for the post, with a view to giving the redeployee prior consideration for the post.
- 9.4 If a declaration has been made by any candidate on their criminal convictions declaration form that reveals they have any convictions or cautions, that candidate's declaration will be given to the panel. This will allow for discussion around this declaration at interview, and advice can be sought from HR in this area.
- 9.5 Because a DBS check is required for the post, copies of original identity documents must be taken for each candidate at the start or end of the interview, and a checklist completed. The original documents should also be examined to check as far as possible that they are genuine. The ID must also cover the required check under the Asylum and Immigration Act 1996. These documents will be used to support the DBS disclosure application for the preferred candidate.
- 9.6 Candidates should be told what the checking process entails, the likely timescales involved, as well as the fact that clearances are needed before the Council can confirm any appointment.
- 9.7 Copies of any relevant qualifications certificates must also be taken as appropriate, having checked they appear genuine.
- 9.8 The interview questions and any tests must be designed to test whether the applicant is suitable for the role, and this will include their motivations and suitability to work with children or vulnerable adults.
- 9.9 Any apparent gaps in employment history, education, qualifications, etc. should be identified by the Chair of the panel and explored with the candidate at interview, as should any anomalies in the information provided on the application form. Frequent or sudden job changes should be questioned.
- 9.10 The content of references should be explored, particularly if there are any causes for concern in the references relating to the nature of the work with children and/or vulnerable adults. If references are not available, the candidate must be asked if there is anything likely to come up in their reference that they feel should be discussed.
- 9.11 Each panel member must complete interview grids so there is a clear record of the chosen candidate and how they met the criteria, and the consensus grid must be completed. Every

candidate for all posts should be assessed against all the criteria from the person specification using a grid, indicating Met, Part Met, or Not Met, to ensure consistency and fairness.

- 9.12 At the end of the interview, the successful candidate will become the preferred candidate. If the preferred candidate had not given permission for referees to be contacted prior to interview, s/he should now be told they are the preferred candidate (this is not an offer of employment) and asked if the references can be taken up. References will then be requested by HR as soon as possible. An offer cannot be made unless both references are returned and satisfactory.
- 9.13 If the references provided are not adequate, or if there is a need to check back further, the panel can request that HR follow up other references pulled from the employment history provided on the candidate's application form.

10. Tests

- 10.1 If it is intended to ask candidates to undergo a test it is important that the test is based on the criteria of the person specification. For example, if typing is a requirement of the job a typing test would be appropriate, but you must decide if you need to test accuracy, speed, presentation, or a combination of these, and design the test accordingly.
- 10.2 If you intend to use a test please let your HR contact have a copy of it at the earliest opportunity, preferably along with your Advert Request form. This allows time for the test to be checked against the criteria in the person specification, and also to determine if there are any biases that would breach equal opportunities.
- 10.3 Tests may need to be adjusted to meet the needs of disabled applicants. HR can offer advice in these circumstances.

11. Preferred Candidate - Good References and Declaration

- 11.1 If the references, ~~and~~ convictions declaration **and disqualification from childcare declaration** for the preferred candidate are satisfactory, all interview packs should be returned to HR, with interview and consensus grids completed by all three panel members, signed, and clearly indicating the preferred candidate, along with the ID document copies, the checklist, any copies of qualification certificates, and a completed New Starter Form.
- 11.2 The preferred candidate can be contacted to tell them they are the preferred candidate, but no offer can be made at this stage.

12. Preferred Candidate - Poor References or Declaration

- 12.1 If one or both references for the preferred candidate are unsatisfactory, refer back to HR for advice. In most cases further investigation is required before a candidate can be accepted or rejected. All interview packs and grids should be returned to HR.
- 12.2 If the declaration for the preferred candidate contains information about convictions or cautions the matter must be discussed with HR and referred to the appropriate Head of service, using a standard form held by HR. The Head of Service will discuss the case with the Lead Officer and decide whether or not the person is suitable to appoint. All interview packs and grids should be returned to HR.
- 12.3 If the disqualification from childcare declaration indicates the person is disqualified from the relevant setting, the matter must be discussed with HR in the first instance.
- 12.4 In some cases it may not be possible to appoint the preferred candidate due to unsatisfactory references or declarations. In such cases it may be possible to appoint the second placed candidate, subject to the same reference and disclosure checks already outlined. If the second placed candidate is not suitable a re-advertisement may be required.

13. Unsuccessful Candidates

- 13.1 Candidates who have been unsuccessful at interview should be notified of this as soon as possible, either by the Chair of the panel, another panel member, or HR. Candidates should be offered the opportunity for feedback from either the Chair or a member of the panel.
- 13.2 All papers relating to the recruitment exercise will be kept confidentially and securely for six months, in case of query, and then confidentially destroyed. This includes the DBS/right to work ID papers copied from candidates at interview.
- 13.3 In some cases there may be a preferred candidate plus a candidate in a close second place. It may then be prudent that the second placed candidate isn't immediately rejected in case the preferred candidate cannot be appointed for any reason, or rejects the offer. The second placed candidate may then become the preferred candidate, at which point references and the declaration must be checked.

14. Appointment Process

- 14.1 Once a preferred candidate has been selected, the New Starter paperwork must be sent to HR as soon as possible.
- 14.2 HR will then carry out the background checks required. A medical questionnaire and DBS disclosure application form will be sent to the preferred candidate, with an offer of employment letter, for completion as soon as possible. Once returned the medical form will be sent to the Occupational Health provider for review.
- 14.3 Once the DBS application has been returned and checked, it will be sent off to the DBS and HR will carry out a List 99 or Adultfirst check, as applicable. Please note, DBS disclosures from other employers are not transferable and so cannot be used as evidence of clearance by RBC.
- 14.4 At this stage a **Risk Assessment** can be carried out if there is a critical need for the new recruit to start in post before the DBS disclosure has been received, and clearance given. The considerations are: How much is known about the individual? Have they declared any cautions or convictions and have these been explored with the individual? If allowed to work prior to clearance, can s/he be given full supervision during work time? HR will issue a form for this purpose to the manager, a completed copy of which must be sent back to HR.
- 14.5 For a Risk Assessment to be valid, the declaration of convictions form must have been reviewed, **if applicable the declaration that the employee is not disqualified from childcare**, the DBS application form correctly completed by the candidate and sent off to the DBS, List 99/Adultfirst checked, both references received and considered satisfactory, and medical clearance given. **Note that managers are required to sign to say they are satisfied with the references, and in the case of Children's Services managers sign to confirm they have verified the referee/references.**
- 14.6 Once the DBS certificate is returned if something is revealed on the disclosure certificate, HR will contact the appropriate Head of Service. S/he will liaise with HR and the manager to come to a decision over whether the applicant is suitable to work with children/vulnerable adults.
- 14.7 If medical clearance is not given, or health based recommendations are made over the employment of that person, HR will contact the relevant manager to discuss this.

- 14.8 Once clearance is given on medical and DBS grounds, a start date can now be agreed with the individual, if they haven't already started under a risk assessment.
- 14.9 On appointment it is the line manager's responsibility to ensure a first day induction is carried out, directorate and corporate inductions are attended, Health and Safety training is attended and that the probation process is established and followed if applicable. The new recruit must also now be included in the regular round of staff appraisal.
- 14.10 The induction process at team level must include general orientation, relevant policies and procedures, expectations in the area of conduct, and any safeguarding policies, procedures, and practices in place relating to vulnerable groups.

15 Confidentiality

- 15.1 During the recruitment and selection process Managers and Lead Officers will find themselves in possession of a great deal of personal information about candidates. While the panel are in possession of this data it must be stored securely, released only to authorised persons and, when no longer needed, returned to the HR team in full.

16 Volunteers

- 16.1 Whilst it is recognised that volunteers may not be recruited in the same way as staff on permanent or temporary contracts of employment, it remains important that safe engagement practices are followed. In particular a decision will need to be made about whether a DBS check is required for the individual who is volunteering. This decision will be based around whether the volunteer will have direct and unsupervised access to vulnerable groups, and how often they will be in that environment. Where the volunteer is working regularly it is advisable that a DBS check is made. For any volunteer the List 99 check must be requested via HR, as appropriate

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