



Safer Recruitment Policy

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1. Safer Recruitment

This policy sets out the values, principles and procedures underpinning Orchard Cottage Care's approach to staff recruitment to achieve the national health and social care standards set out in My Support, My Life, particularly statements made under Standard 4: "I have confidence in the organisation providing my care and support". It also follows Care Inspectorate guidance Safer Recruitment Through Better Recruitment (2016).

Policy Statement

Orchard Cottage Care's recruitment and selection procedures are based on equal opportunities and the involvement of service users wherever possible, with the main focus on the protection and safeguarding of service users.

Rigorous procedures for recruiting paid staff are followed. Orchard Cottage Care requires a minimum of two written references that should be obtained before an appointment is confirmed, along with a full employment history. Gaps in the appointee's employment record are routinely explored and this can be done during the interview process.

When a suitable candidate has been identified, a job offer will be made subject to a completed medical questionnaire and completion of satisfactory criminal records and protection of vulnerable groups (PGV) checks as well as barred list checks with Disclosure Scotland and the Scottish Social Care Council register and registers of other professional organisations where applicable.

All staff will receive a statement of terms and conditions in line with legal requirements and are expected to comply with the Code of Conduct for Social Service Workers, that they will be given a copy of on appointment.

Procedure

The aim of Orchard Cottage Care's selection procedure is to ensure that the most suitable candidate is chosen for the job and that all applicants receive fair and equitable treatment during the selection for interview and interview processes. Orchard Cottage Care may invite both expressions of interest and firm applications where they will be given details of the company, the position for which they have applied and the terms and conditions of employment with invitations to seek further information as needed.

Orchard Cottage Care will encourage new staff members to talk about their career plans and Line Managers are encouraged to support staff members' efforts to gain experience and advance within the service. Existing staff will be provided with opportunities to express an interest in vacancies with the prospect of internal advancement, according to their skills and experience. Notices of all regular, full and part-time job vacancies are posted internally as well as being advertised externally. To apply for a vacancy internally, an existing staff member should be performing competently in their present position and have held it long enough to make a significant contribution to the new role.

Selection

- All applicants, whether responding internally or externally, are sent an application form, person specification and job description. Only applications made using the proper forms, agreed procedures and received by the advertised deadline will be considered.
- Applicants are shortlisted by comparing their application form and other information requested, with the person specification for the job and the information followed up as necessary.
- Shortlisting is carried out by people who have the required experience, competence and qualifications to ensure that all due processes are followed. Shortlisted candidates will be invited for an interview.

Job interviews

- Following screening and shortlisting, job interviews provide an opportunity for the care service to get the further information it needs about applicants to decide who is most suitable for the position in question.
- Interviews are arranged after receipt of a completed application form and completion of screening and shortlisting procedures.
- Every attempt is made to ensure that interviews are conducted under conditions favourable to interviewees enabling them to their best.
- The interview process will ensure that they have all the appropriate documentation before the start of the interview.
- Depending on the job role, the panel will consist of either two or three members from the management team and possibly an Orchard Cottages admin representative.
- The assessments are recorded and scored against a guide of suitable scaled responses.
- The interview panel will not make a job offer to a candidate at the end of an interview nor will the panel suggest variations to the terms and conditions. The candidates will be informed once the interview process is completed.
- Orchard Cottage Care will always take the necessary corrective actions if it is found, for example from an internal audit or an inspection, that references are incomplete or that the records show that gaps in employment have not been accounted for.

References

- Orchard Cottage will make an offer of employment on the condition that a minimum of two satisfactory written references have been obtained in respect of the applicant.
- If the references prove to be unsatisfactory, Orchard Cottage Care may withdraw the offer of employment without being in breach of contract.

- Applicants will be asked to confirm in writing that their present employer may be approached for a reference.
- If a reference is deemed unsatisfactory, the appointee will be informed and given written confirmation that the offer of employment is withdrawn since the condition to which it was subject has not been fulfilled.

Criminal records disclosures

- Before confirming a successful candidate's appointment, Orchard Cottage Care will inform the candidate that a criminal background check will be required through Disclosure Scotland. Only if and when the disclosure check has demonstrated that it is safe to offer the candidate a position with Orchard Cottage Care, will the candidate be informed of a start date.
- Orchard Cottage Care will inform employees of the provisional nature of their appointment until all checks have been completed.
- Orchard Cottage Care has adopted the policy of making sure that all staff have been fully checked before they are allowed to work with any children or young people in the home.
- Orchard Cottage Care retains all criminal record checks in secure conditions observing access to records and data protection protocols like any other personal information it holds on its staff members.

Offers of employment

- The organisation always confirms in writing new staff members' terms of appointment and employment. Verbal offers are always followed up as quickly as possible by a letter of confirmation.
- Formal offers of employment are made in writing only after all short-listed candidates have been interviewed.

Training

Orchard Cottage Care will provide appropriate training for all staff involved in recruitment and selection, particularly where there are no Human Resources specialists. Orchard Cottage will make full use of and keep up to date with the safe recruitment and selection guidance issued by Disclosure Scotland on behalf of the Scottish Government.

2. Equality and Diversity - Equal Opportunities

Orchard Cottage Care aims to foster a culture of Equality to recognise the positive contribution that each individual can make to the company irrespective of their sex, marital or civil partner status, pregnancy or maternity, sexual orientation, gender reassignment, race (which includes colour, nationality and ethnic or national origins), religion or belief, age or disability (“the Protected Characteristics”) in line with the Equality Act 2010.

This section of the policy covers all individuals working at all levels and grades, including director, managers, employees, consultants, contractors, trainees, care home workers, part-time and fixed-term employees, bank workers and agency staff (collectively referred to as staff in this policy)

Staff are entitled to be treated with respect and dignity and the Company will not tolerate any less favourable treatment of any person on the grounds of the Protected Characteristics. It should be noted that staff have a personal responsibility for the implementation of this policy and to ensure that they treat others with the respect and dignity that they expect to be treated with themselves.

The Policy in Operation

This policy applies to the advertisement of jobs, recruitment and appointment, promotion, training and development, terms and conditions of work, performance management, pay, termination of employment, any references issued and to every other aspect of employment. All terms and conditions of employment and related benefits shall be non-discriminatory, other than where there are legal grounds for discriminating such as in the case of gender specific jobs. Applicants for employment will be assessed according to their skills, experience, and suitability for the job. This policy also applies to the treatment of our clients, customers, suppliers and former members of staff.

Remedies

The Management will take responsibility for monitoring and implementation of this policy. However, if any member of staff believes that he or she has been discriminated against, harassed or victimised on any of the grounds referred to above, they may raise the matter informally with their immediate line manager.

If the member of staff wishes to raise the matter further, they should invoke the Company’s grievance procedure setting out in detail the basis of their complaint. All such complaints will be taken seriously by the Orchard Cottage Care. They shall be treated in confidence and investigated fully by an independent member of the management team.

False allegations which are found to have been made in bad faith, however, will be dealt with under the company’s Disciplinary Procedure. If a member of staff is found to have discriminated against, harassed or victimised another member of staff they will be subject to disciplinary proceedings and depending on the seriousness of the incident, may be dismissed for Gross Misconduct. In exceptionally serious cases the police may also be involved.

Types of Unlawful Discrimination

- Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above.
- Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage.
- Associative discrimination is where someone is directly discriminated against or harassed for association with another person who has a protected characteristic.
- Perceptive discrimination is where someone is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic.
- Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It may be repeated behaviour, or in serious cases, may involve only a single incident. It also includes treating someone less favourably.
- Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- Third party harassment related to gender, sexual orientation, gender reassignment, race, religion or belief, age or disability is also unacceptable.

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include by way of example:

- Shouting at, being sarcastic towards, ridiculing or demeaning others.
- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.
- Inappropriate and/or derogatory remarks about someone's performance.
- Abuse of authority or power by those in positions of seniority.
- Continual and undeserved criticism.
- Imposing unreasonable deadlines.
- Deliberately excluding someone from meetings or communications without good reason.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

It is intimidation that serves to undermine self-esteem, confidence, effectiveness and integrity. The Orchard Cottage Care recognises that all employees have the right to work in an environment free from the threat of bullying and any reported instances of bullying will be treated seriously and investigated fully.

Victimisation is also prohibited under this policy. This is less favourable treatment of someone who has raised or supported a complaint or raised a grievance under the Equality Act 2010 for discrimination or harassment, or because they are suspected of doing so. Staff have the right to raise grievances and to raise issues relating to discrimination or bullying in good faith and to have these matters investigated.

Disability

Orchard Cottage Care is committed to ensuring equality of opportunity for those members of staff who are disabled, or become disabled, for the purposes of the Equality Act 2010 during their employment with the company.

If you are disabled or become disabled, we encourage you to tell us about your condition so that Orchard Cottage may support you as appropriate. If you experience difficulties at work because of your disability, you may wish to contact your line manager to discuss any reasonable adjustments that would help to overcome or minimise the difficulty.

The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, Orchard Cottage Care has an obligation to think ahead and address any barriers that may impede disabled people from accessing our service.

Your line manager may wish to consult with you and your medical adviser(s) about possible adjustments. Orchard Cottage Care will consider the matter carefully and seek to make reasonable adjustments to the member of staff's role based on that medical advice. If a member of staff is unable to continue in their current role because of a disability, the company will consider any alternative roles and vacancies they may have as a way of retaining the services of that member of staff.

Duty of Managers and Supervisors

All managers and supervisors are responsible for eliminating any harassment or intimidation on the grounds of sex, sexual orientation, racial or ethnic origin, religion or belief, age or disability, of which they are aware. Failure to do so will be treated as a failure to fulfil one of the responsibilities of their position.

Training

This policy will be supported by a program of training activities to make sure that all barriers, procedures, attitudes and behaviours that prevent equal opportunity are removed. Any member of staff who has any questions about the applicability of this policy should consult the Residential Manager or Management team.

3. Police (Act) 1997 Recruitment of Ex Offenders Act

Part V of the Police Act 1997 is aimed at helping employers and their organisations to assess the suitability of applicants for particular posts and to make safer recruitment decisions in relation to positions of trust by widening the access to criminal record information. The Act allows the issue of criminal conviction certificates. In Scotland, these certificates will be issued by Disclosure Scotland and there are three types of Disclosure that can be requested, basic, standard and enhanced. Orchard Cottage Care will comply fully with the Code of Practice, issued by Scottish Ministers, on the use of information provided to the organisation by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust.

The Protection of Children (Scotland) Act 2003 allows Scottish Ministers to hold a list of individuals disqualified from working with children. It also introduced offences, including one for organisations offering work in a child care position to a person who is disqualified from working with children.

In 2011 the Scottish Government introduced a new membership scheme to replace and improve upon the current disclosure arrangements for people who work with vulnerable groups. Any individual who is not barred, may apply to become a member of the PVG scheme. The PVG scheme is administered by Disclosure Scotland and allows organisational employers and personal employers to satisfy themselves that an individual to whom they are offering regulated work is not barred from that type of regulated work.

The PVG scheme provides three different disclosure records for this purpose which replaces the use of Standard and Enhanced Disclosures for work with vulnerable groups. PVG scheme members are continuously monitored for new vetting information and any information which comes to light which may indicate that they are unsuitable to do regulated work will lead to a consideration for listing.

All positions within Orchard Cottage Care require a basic minimum of an Enhanced Disclosure, those positions deemed to be "regulated work" will require successful membership of the Protection of Vulnerable Groups Scheme. All applicants will be made aware of the requirements for the job they have applied for.

All offers of employment made by Orchard Cottage Care are subject to relevant background checks, including but not limited to Enhanced Disclosure Scotland Certificates or membership of the Protection of Vulnerable Groups Scheme before commencing employment.

As stated in the Scottish Social Services Council Code of Practice for Employers, Orchard Cottage Care will make whatever checks deemed appropriate to confirm the suitability of a candidate to work within Orchard Cottage Care.

4. Rehabilitation of Offenders Act 1974

All employees of Orchard Cottage Care will have direct access to vulnerable young people and access to confidential information about young peoples' histories and backgrounds, therefore, all posts within Orchard Cottage Care are considered exempt from the Rehabilitation of Offenders Act 1974.

This means that all candidates must disclose all previous and pending convictions on their self-declaration form that is submitted at the same time as the application form, even if these would normally be considered to be 'spent' under the legislation.

A previous conviction will not automatically debar an applicant from employment, with exception of offences against children or other vulnerable groups. We will make all decisions based on careful consideration of all the information available to us. Orchard Cottage Care is committed to equal opportunity and as such will not discriminate unjustifiably against individuals with criminal convictions.

In line with Government guidance, management will in each case consider the following.

- Whether the conviction is relevant to the employment.
- The length of time since the offence occurred.
- Whether the applicant has a pattern of convictions.
- Whether the applicant's circumstances have changed since the offence was committed.
- Whether the applicant can gain membership of the Protection of Vulnerable Groups Scheme.

It is important that all employees and candidates understand the need to disclose convictions and are actively encouraged to do so, in order that any convictions can be fully discussed. If management feels that further clarification is required, further information may be sought from additional sources, for example, previous employers, placements etc. We may also ask the applicant to supply additional references.

In line with the Data Protection Act (1998) and good practice, only Senior Management and authorised staff involved in the selection process will have access to information provided by Disclosure Scotland.

Candidates should be aware that should a Disclosure Scotland certificate or Scheme Record/Record Update show convictions that were not provided in the individual's self declaration form or screening interview, Orchard Cottage Care will consider this as a fundamental breach of trust. If this situation arises the employee may be summarily dismissed or the candidate may have any offer of employment withdrawn, irrespective of the nature of the conviction.

Having a criminal record will not necessarily debar an applicant from working with Orchard Cottage Care. Decisions regarding suitability for positions of trust which are subject to vetting will be dependent on the nature of the position, together with the circumstances and background of the offence(s).

5. The Immigration, Asylum and Nationality Act [1996], [2004], [2006] (amended in February 2008)

The Immigration, Asylum and Nationality Act [1996], [2004], [2006] (amended in February 2008) makes it a criminal offence for employers who knowingly employ illegal migrant workers and reinforces the continuing responsibility on employers of migrant workers to check their ongoing entitlement to work in the UK. There are three steps that Orchard Cottage Care must work through to confirm a prospective employee has the right to work in the UK:

1. Request right to work documents.
2. Validate the documents in the presence of the holder.
3. Copy, making a record of the date of the check, and securely store documents.

The employer must assess the eligibility of an individual's right to work in the UK by verifying the specified documentation from lists A and B.

List A - Employers must see one original form of evidence from the single acceptable documents list or a combination of documents as specified in this list. If the individual cannot provide documents from this list, ask for documents from List B.

List A: Single acceptable documents.

- A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK. 7 Footer Right to work checks June 2014 List A: Acceptable document combinations - The documents listed below can be accepted where produced with an official document giving the individuals permanent national insurance (NI) number and name. This could be a P45, P60, National Insurance Card or a letter from a Government agency or previous employer.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
- Full birth or adoption certificate issued in the UK, which includes the name(s) of at least one of the holder's parents or adoptive parents.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland.
- A certificate of registration or naturalisation as a British citizen.

List B - Documents are only required from this list if the individual cannot provide a document or combination of documents from List A. If a prospective employee provides one of the single documents, or a combination of documents as outlined in List B, it indicates that they only have limited leave to work in the UK. Employers are required to carry out follow-up checks on this person to establish a time-limited statutory excuse. The frequency of these follow-up checks depends on whether the documents presented are from Group 1 or Group 2. The table below summarises when follow-up checks are required.

Document Type	Excuse Type	Frequency of Checks
List A	Continuous	Before employment starts only, no further checks are required for the duration of their employment.
List B Group 1	Time-limited	Before employment starts and again when permission (as indicated within the document presented) expires.
List B Group 2	Time-limited	Before employment starts and again after 6 months.

List B Group 1: Single acceptable documents where a time-limited statutory excuse lasts until the expiry date of leave.

- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A current Residence card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland. Acceptable document combinations - The following documentation may only be accepted where it is presented together with an official document giving the person's permanent National Insurance number and their name, issued by a Government agency or previous employer.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question.

List B Group 2: Documents where a time-limited statutory excuse lasts for six months.

- A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question. Acceptable document combinations - The following document may only be accepted where a Positive Verification Notice can be obtained from the Home Office Employer Checking Service:
- An application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question.
- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland

stating that the holder is permitted to take employment which is less than six months old. Lists A and B were correct at the time of publishing but are subject to change.

Note: (June 2014) National insurance numbers Employers should note that the provision of a National Insurance number in isolation is not sufficient evidence for the purposes of having a statutory excuse and this must only be accepted when presented in combination with one of the appropriate documents specified in Lists A or B.

Points-based immigration system

Points-based immigration system regulates the number of individuals from outside of the European Economic Area (EEA) and Switzerland wishing to work, train or study in the UK. There are four tiers. Please note tier 3 was never implemented and remains suspended:

Tier 1: Persons of exceptional talent and graduate entrepreneur routes (previous general and post-study work routes are now closed to new applicants).

Tier 2: Skilled workers with a job offer to fill gaps in the UK labour force.

Tier 3: Limited numbers of low skilled workers needed to fill specific temporary labour shortages (this tier is suspended indefinitely).

Tier 4: Students. UK education providers will act as a sponsor for students from outside the UK/EEA and will have to apply for a licence from the Home Office. There are two types of visas available within this tier.

Tier 5: Youth mobility and temporary workers. People allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives such as exchange schemes or agreements.

For further information see:

<https://www.gov.uk/government/organisations/home-office>

6. Procedures during the Covid-19 Pandemic

Orchard Cottage Care will follow all procedures to ensure that it follows safe recruitment practices during the current Covid-19 outbreak. It recognises that it will require some flexibility in certain instances to ensure it can meet its staffing needs promptly in any staffing emergency caused by the situation.

It will therefore follow Care Inspectorate guidance to the effect that:

“Due to increasing COVID-19 cases and staff consequently having to self-isolate, more care services are having to deploy new staff at short notice. In light of this changing situation and to support services, we have reinstated flexibility allowing providers to deploy staff pending employment checks being returned. Providers should continue to request PVG checks and references, but no longer need to wait for these to be returned satisfactorily before deploying individuals to regulated roles directly supporting and caring for people”.

Orchard Cottage Care will follow this guidance if necessary and until it receives information that it no longer applies.