

Kingston Centre for Independent Living

Recruiting

POLICY HANDBOOK

ISSUE 2

REVISION STATUS

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| Issue | Date | Details | Reviewed by |
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| Issue 2 | June 2024 | Safer recruitment policy amended | Joanne Stafferton |
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**RECRUITMENT AND SELECTION POLICY**

SAFER RECRUITMENT

The safety and wellbeing of our children and adults at risk is our top priority, and we take all reasonable and sensible measures to ensure they are kept safe from harm. We operate a Safer Recruitment Policy which ensures that all our staff are committed to safeguarding and promoting the welfare of children and adults at risk. This helps ensure the safety of the children and adults at risk who use our services and our adult volunteers/staff who provide for their supervision and care.

AIMS AND OBJECTIVES

The safe recruitment of staff at KCIL is the first step to safeguarding and promoting the welfare of children and adults at risk in our care. The Charity is committed to safeguarding and promoting the welfare of all children and adults at risk in its care. As an employer, the Charity expects all staff and volunteers to share this commitment.

The aim of the Safer Recruitment Policy is to help deter, reject or identify people who might abuse children and adults at risk or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

KCIL commits itself to an equal opportunities policy for employees and potential employees. Central to this policy are procedures designed to prevent discrimination on the grounds of age, class, religion, disability, marital status, irrelevant convictions of ex-offenders, race (ethnic or national origin), sex and sexual orientation.

The aims of this recruitment and appointment policy are to ensure that:

* KCIL actively engages in policies and practices designed to promote a balance within the KCIL’s workforce.
* Appropriate steps are taken to raise staff awareness of and sensitively to, any inequalities within KCIL and the underlying issues.
* All job applicants and employees receive fair and equal treatment within the context of the need for KCIL to redress the present inequalities.
* Staff from disadvantaged sections of the community will be given encouragement and support for advancement through KCIL and will be given information about relevant support networks.
* To ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance such as the Prevent Duty Guidance for England and Wales 2023 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).
* To ensure that the Charity meets its commitment to safeguarding and promoting the welfare of children, young people and adults at risk by carrying out all necessary pre-employment checks.

ADVERTISING

KCIL will advertise all vacancies, including full-time posts, as widely as possible to encourage applicants from all sections of the community. Posts will be advertised in the local press and through appropriate networks this will include:

* Local press.
* National press.
* Disability press.
* Ethnic minority press.

A person specification (skills, experience, aptitudes etc.) required for the job must be drafted by the interview panel prior to the post being advertised. Before preparing this person specification, the panel should draft a job description which reflects accurately the scope of the job. The person specification based on the job description should not include any requirements that do not relate specifically to the work to be undertaken by the post holder but must take account of all aspects of KCIL equal opportunities policies.

PREPARATION FOR THE INTERVIEW

For every job to be filled KCIL should have a complete person specification and job description prior to the advertisement appearing.

Every applicant should receive:

* A job description based on the person specification.
* A statement of any particular requirements relating to the post.
* A descriptive outline of KCIL.
* A descriptive outline of the premises in terms of access facilities.

Application is via CV and optional covering letter.

All applicants should receive a statement on whether or not they have been shortlisted within three weeks of the closing date of the post. Not only is it courteous, but any failure to reply to applicants, especially from ethnic minorities, disabled people or women, could arouse suspicion of discrimination. Where possible, job descriptions should include the proposed interview dates.

DECLARATION FORMS

All applicants will need to complete a declaration regarding convictions and working with children and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

It is unlawful for the Charity to employ anyone who is barred from working with children or adults at risk. It is a criminal offence for any person who is barred from working with children or adults at risk 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.

SHORTLISTING

The interview panel should not see the applications before shortlisting takes place.

Every application should be assessed in terms of the person specification.

Clear tabulated records should be kept, based on the applicants’ work experience, qualifications, assessed abilities (specification of qualities is provided for this purpose).

When the final shortlisting process is completed, applicants will be offered an opportunity to visit KCIL. Whilst staff members may express their opinions on the suitability of candidates, the final decision of shortlisting will be made by the panel.

KCIL must ensure that a record is made stating why a candidate has not been shortlisted.

Possible problem areas are:

* If in any doubt as to the comparability of overseas or unfamiliar qualifications, contact the Commission for Racial Equality, the relevant Government Department or other appropriate authority. Do not make assumptions about any academic qualifications.
* Most people have some personal bias, be aware of yours and guard against it so that you do not make any hasty judgements, stereotype or make any general assumptions.

If a candidate volunteers information not asked for, such as marital status, interviewers should ignore it insofar as it does not relate to the application to do the specific job.

Note a candidate’s possession of appropriate transferable skills and experience

THE INTERVIEW

No-one should interview alone. The aim of the interview is to:

* Assess the candidate’s ability/suitability for a specific job
* Provide an opportunity for the candidate to make further enquiries concerning the nature of the job and to clarify conditions of employment in order to assess the appointment, if it is offered.
* Interviewers should ensure that they have read all the relevant information before the interview.

Members of the interview panel should not see the applicant if he/she is paying a visit to the KCIL office.

Panel members should agree on the format and structure of the interview. Panel members should agree how the interview is to be conducted, remembering that an interview is a two-way process and explain the structure to the applicants. The candidates should be asked the same questions.

A typical outline for an interview is as follows:

* Introduction of panel members.
* Clarify information on the application.
* Ask about the applicant’s skills and abilities and/or relevant experience in or out of work, including willingness to undergo further training.
* Opportunity for the candidate to ask questions.
* What happens next - when will the panel decide and inform the candidates.

The chair of the panel is responsible for the conduct of the interview and for ensuring that an interview report form is completed for each candidate.

In constructing an interview panel KCIL shall seek to ensure that:

* The panel includes both men and women.
* It includes people who have direct experience and understanding of the main ethnic communities with whom the project/unit concerned is working or seeking to work.
* The panel is not too large.
* The shortlisting and interview panel should always be the same.

All members of interview panels should undertake appropriate interview and selection training, wherever possible.

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 for an interview will be required to bring evidence of their identity, address and qualifications. Only original documents will be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed six months after the recruitment programme.

GENUINE OCCUPATIONAL QUALIFICATIONS

There are some exceptions under the Act where an employer can claim a Genuine Occupational Qualification (GOQ) to recruit, train, promote or transfer a person of a particular sex or racial group when one of the following applies:

* The employers do not have sufficient employees of a particular racial or sexual group for the required job (e.g. acting, modelling) to work in a special setting where persons of a particular racial or sexual group are required for authenticity.
* The job involves providing counselling services to a particular racial or sexual group and the services can most effectively be provided by a person of the same group.
* A man or woman may be required to preserve decency or privacy (e.g. a lavatory attendant).
* The job is in a single sex establishment which provides special care, supervision or attention.
* The employee provides people with personal services promoting their welfare or education, which can be provided more effectively by a particular person.
* The job is one of two to be held by a married couple.

QUESTIONNING TECHNIQUES

Questions relating to the following areas should be avoided during the course of an interview:

* Marital status.
* Occupation of spouse.
* Number of children, family intentions or domestic arrangements.
* Trade union activities.
* Political and/or religious beliefs.

The purpose of interview questions is to provide additional information to supplement or clarify the application form. It is, therefore, essential that comparable questions are asked for each applicant being interviewed and that the substance of questions should not vary according to the sex, ethnic or disability status of the applicant. The questions should be phrased in a standard way and not make use of cultural idiom or metaphor that would put particular candidates at a disadvantage.

ASSESSMENT

The Chair, in consultation with the Panel members, must at the conclusion of the interviews, complete an assessment (based on notes made by individual panel members) of each applicant in relation to the job description. The attributes of each interviewee should be listed carefully and compared with the specific criteria laid down in the person specification. This type of analysis will ensure objectivity and will have the benefit of providing recorded data on how the decision was reached.

After the interview, the available information should be evaluated before a final decision is reached.

DECISIONS

All candidates must be informed of the results of the interview at the earliest possible opportunity, so that if they are unsuccessful, they may consider applying for other posts. The successful candidate should be told if an appointment is subject to references and/or satisfactory medical report and when they may expect to hear the final result of the interview.

REFERENCES

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 or adults at risk, then the second reference should be from the employer with whom the applicant most recently worked with children or adults at risk. The referee should not be a relative. References will always be sought and obtained directly from the referee, and their purpose is to provide objective and 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 or adults at risk. 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.

OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS

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 (where that has 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 being satisfactory.
* 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"](https://www.gov.uk/government/publications/dbs-guidance-leaflets/regulated-activity-with-children) confirmation that the applicant is not named on the Children's Barred List.
* Confirmation that the applicant is not subject to a direction under section 79 of the Charities Act 2016 which prohibits, disqualifies or restricts them from providing working at a charity, taking part in the management of an independent charity.
* 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.
* 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 they have not been previously verified).

The Charity is required to carry out an enhanced DBS check for all staff, supply 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. 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. 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

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. Therefore, any convictions and cautions that would normally be considered ‘SPENT’ must be declared when applying for any position at the Charity.

DEALING WITH CONVICTIONS

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.

A formal meeting will take place face-to-face to establish the facts with the Chair of Trustees. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Chair of Trustees will evaluate all of the risk factors above before a position is offered or confirmed.

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.

OVERSEAS CHECK

Applicants who have lived/travelled abroad for more than three months within the previous year will need to obtain a criminal records check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the Charity.

COMPLAINTS PROCEDURE

Candidates who feel that they have not been treated fairly at an interview are entitled to complain to the CEO within three months of the notification of the result of the interview. The matter should then be referred to the Vice Chair and investigated. Interviewers should remind candidates that this possibility is open to them.

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, 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 has 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 with the Charity. All information retained on employees is kept in a locked and secure cabinet. The same policy applies to any suitability information obtained about volunteers involved with Charity activities.

The Charity 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 six-month retention period is in accordance with the Data Protection Act 2018.

ONGOING EMPLOYMENT

The Charity 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.

LEAVING EMPLOYMENT AT KCIL

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children and adults at risk 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. While 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 adults at risk.
* Has been removed by the Charity from working in regulated activity (whether paid or unpaid).
* Has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child or adult at risk.

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.

VOLUNTEERS

The Charity will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with children or adults at risk at or on behalf of the Charity.

Under no circumstances will the Charity permit an unchecked volunteer to have unsupervised contact with children or adults at risk.

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 one year or more. Volunteers on break are asked to declare any new convictions since their last DBS check within the one-year period. 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 and other volunteers.
* Character references from the volunteer's place of work or any other relevant source.
* An informal safer recruitment interview.
* Online background checks.

MONITORING AND EVALUATION

The Chair of Trustees will be responsible for ensuring that this policy is monitored and evaluated. This will be undertaken through formal audits of job vacancies and a yearly Safer Recruitment Evaluation audit which will be presented to the Board of Trustees.

SAFEGUARDING

At the Charity, safeguarding is paramount, and we are fully committed to ensuring the welfare and safety of all our children and adults at risk.

We believe that children and adults at risk have a right to be in a supportive, caring and safe environment which includes the right to protection from all types of abuse; where staff are vigilant for signs of any child or adult in distress and are confident about applying the processes to avert and alleviate any such problems.

If any behaviour is a concern in relation to safeguarding the Charity’s procedures and processes will be followed at all times in accordance with the Safeguarding Policy.

Any concerns will be referred to the Designated Safeguarding Lead and reported to the Board of Trustees.

CONCLUSION

Remember that the recruitment of staff is time consuming but important. If unsuitable staff are chosen and they do not fit the needs of the job, you will have to go through the whole process again. This is expensive in both time and money. Be thorough, patient and careful about interviewing and ensure you fulfil your obligations under the Equal Opportunities Policy.