

PRE-EMPLOYMENT CHECKS POLICY

Version History

Version	Date of Issue	Author/Dept	Change Summary
V6	23.03.2022	HR	Added section 10

Equality Impact Assessment

All colleagues, contractors and third-party partners are required, when following this policy, to ensure that they do not disadvantage any resident or group on the grounds of race, religion or belief, age, sex, gender reassignment, disability, sexual orientation and/or caring responsibilities.

1 INTRODUCTION

This policy set out the requirements for conducting and obtaining pre-employment checks.

2 MEDICAL SCREENING

2.1 Medical Questionnaire

All staff directly employed by The Company must complete the Medical Questionnaire (QF-HR-14) once they have been offered employment and before commencing in their new role.

Prospective employees must complete and return the form directly to the recruiting manager who will check the declaration.

If the prospective employee highlights any health issues in the questionnaire, the recruiting manager must refer to Human Resources for advice.

2.2 Reasonable Adjustments

Under the Equality Act 2010 it is not permissible to ask about health and attendance prior to a job offer being made other than to establish if reasonable adjustments are necessary to enable the person to participate in the selection process and/or whether the applicant will be able to carry out a function which is intrinsic to the work once reasonable adjustments are in place. Once a candidate is selected and a conditional offer is made, medical screening can be conducted.

There is a statutory requirement for employers to make reasonable adjustments for disabled applicants and recruiting managers should not reject an application simply on the basis of a recommendation for adjustments.

2.3 Vaccinations

All Candidates must provide evidence of adherence to current mandatory requirements for vaccinations or official evidence of medical exemption.

3 REFERENCES

A minimum of two satisfactory references must be obtained for all staff directly employed by The Company. References will be applied for once an offer of employment has been accepted and express permission provided to apply to the referees. Wherever possible the referees should be the two most recent employers. If this is not possible, the prospective employee should clearly outline who the referees are. If the prospective employee has previously worked with vulnerable adults, a reference should be requested from that employer.

References must be in writing and specific to the job applied for. "Open" references or testimonials are not acceptable.

References supplied must be on company headed paper and/or from a registered company email account.

Where an applicant does not have a previous employer they should identify a trusted authoritative source, ideally with knowledge of the person's interaction with vulnerable adults or alternatively with children. Examples may include academic institutions, GPs, voluntary organisations, church etc.

The Company will not accept references from relatives or from people writing solely in the capacity of friends. Open references should also not be accepted.

The recruiting manager/home administrator must use their best endeavours to obtain references and this may entail making repeated requests for references in the event that no response is received. Where no responses are obtained the home should keep copies of all their attempts to obtain references and either withdraw the offer or carry out a risk assessment as to whether to proceed with the recruitment process in the absence of such references and in light of all other pre-employment checks.

When seeking to obtain references, the template QF-HR-32 Reference Request must be used. For character references use QF-HR-78

3.1 Checking References

Upon receipt, references must be checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered satisfactorily or the reference is vague or unspecific, the referee should be contacted by telephone.

References must be compared to the details contained in the application form to ensure that the information provided is consistent. Any discrepancies should be taken up with the candidate and advice should be sought from Human Resources.

3.2 Access to references

The Data Protection Act allows employees to have access to references about themselves received by the Company (subject to the Company respecting the confidentiality of the reference provider). However employees do not have the right to access references provided by the Company about them to a third party.

References received from a third party are not exempt from the Data Protection Act. If a reference is held in a way that is covered by the Act, any request for access to that information must be considered under the rules of access.

Advice should be sought from Human Resources if access is requested.

3.3 Use of Reference Information

Where information contained in a reference highlights current or past disciplinary/capability action, this should be considered in the overall context of the selection process including all other pre-employment checks, the role and previous and a subsequent discussion with the applicant. Cases in which an issue was satisfactorily resolved some time ago, or did not require a formal sanction, and where no further issues have been raised, are less likely to cause concern however referral should be made to the local safeguarding team to ensure there is no reason prohibiting employment.

4 VERIFYING IDENTITY

Home Managers (and Human Resources for head office staff) must ensure that the identification of anyone working on their premises is checked before employment commences.

For English homes, the current statutory guidance relating to ID checking can be found on the GOV.UK website. A minimum of 3 documents are required to verify identity (in line with DBS guidelines) and these should be retained on file. Prior to March 2015, identity could be verified with a photo ID and proof of address.

For Irish homes, the current statutory guidance relating to ID checking can be found at www.nidirect.gov.uk/identity-checking-signatories. A minimum of 3 documents are required to verify identity and these should be retained on file.

Identification documents must be checked against the application form to ensure the information matches, e.g. full name, age and current address.

Copies of documents retained on file must have the date they were copied and the name or initials of who took the copy. They should also state that the person has seen the original document, and if photographic ID, that it is a true likeness.

5 RIGHT TO WORK IN THE UK

It is illegal to employ a worker who does not have the right to work in the UK and directors and/or managers can be jailed for up to 5 years and receive an unlimited fine if they know, or should have known, that they employed someone who does not have the right to work in the UK.

Checks must be carried out on all prospective employees

A copy of relevant documents must be kept on the employee's staff file for the duration of their employment and for a further two years after the end of their employment. This can be a hard copy or a scanned and unalterable copy. Evidence for Tier 2 employees will be collected and stored by the Company's Compliance Officer.

Managers and home administrators must be vigilant regarding the ongoing requirement to check and retain evidence of the ongoing right to work in the UK of overseas workers.

6 SELF DISCLOSURES

All employees working in our care and nursing homes are exempt from the Rehabilitation of Offenders Act which means that spent convictions must be declared, save for those that have been filtered. Although applicants must be asked to self-declare convictions, cautions and pending prosecutions and any current investigations, this does not negate the need for a DBS/Access NI Check and Adults Barred List checked to be carried out.

On 29th May 2013 the police filtering of criminal information came into effect. As a result, DBS certificates will no longer contain certain information about some old or minor offences and therefore employers may no longer ask applicants to declare these "filtered" offences on self-declaration forms.

There is a list of offences which must always be declared (as they will never be filtered) – irrespective of when they occurred.

It is the responsibility of the individual to check what they must declare. In the event that an individual declares cautions or convictions which would be filtered by the Police these must be disregarded for the purposes of the recruitment decision.

In the event that an applicant/volunteer fails to disclose information, the recruiting manager will need to consider whether this was a result of confusion over the information which they should declare or a deliberate misrepresentation.

Self-declaration forms should be retained on the individual's staff file until the DBS/Access NI certificate has been processed. The self-declaration form should then be destroyed. The information in a DBS/Access NI certificate should be compared to the information in a self-declaration.

A self-declaration is not a replacement for a full DBS/Access NI.

7 DBS ADULTS BARRED LIST

The DBS Adults Barred List is a confidential document maintained by the DBS, of people who are barred from working in Regulated Activity. A check against the DBS Adults Barred List is automatically carried out as requested as part of a qualification DBS application.

It is an offence for the Company to appoint someone who is barred from working in regulated activity.

Checks against the Adults Barred List are only carried out where there is an application for an Enhanced DBS check.

8 DISCLOSURE AND BARRING SERVICE/ACCESS N.I. CHECKS

All new employees and volunteers working in our care and nursing homes or undertaking regulated activity **must** be DBS/Access NI checked.

The DBS/Access NI application should be made once an applicant has accepted an offer of employment with The Company.

Only those with authority must complete DBS or Access NI applications. This is usually the Home administrator or Human Resources (for head office roles) and it is essential that original ID documents are checked before the application is completed.

The Primary User will receive an email notification when the check against the adults barred list has been completed and again once the full disclosure has been completed. For Northern Ireland a Central Administrator has access to this information.

The notification will either state if the applicant's name appears on the barred list or whether it is necessary to wait for full disclosure.

Where a positive notification is received, the recruiting manager must obtain the DBS certificate from the prospective employee, copy it and contact Human Resources for assistance in assessing the information contained within it. If employment is confirmed page 3 of the staff file check list (QF-HR-37) should be completed with the relevant information and then the copy of the DBS/Access NI certificate destroyed. If the offer is withdrawn the copy of the DBS/Access NI certificate must be destroyed.

8.1 Filtering rules for DBS/Access NI Certificates

Following the introduction of new police filtering of criminal information, DBS/Access NI Certificates will no longer contain certain information about some old or minor offences and

therefore employers cannot ask applicants to declare these “filtered” offences on self-declaration forms.

The general rules on filtering are as follows:

For those 18 or over at the time of the offence:

An adult conviction will be removed from a criminal record certificate if:

- 11 years have elapsed since the date of conviction, and
- It is the person’s only offence, and
- It did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the list of offences which will never be filtered.

If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years.

The same rules apply as for adult cautions, except that the elapsed time period is 2 years.

There is a list of offences which must always be declared (as they will never be filtered) – irrespective of when they occurred.

It is the responsibility of the individual to check what they must declare.

8.2 DBS/Access NI Online update service

Individuals can register with the DBS/Access NI for an annual fee. They must apply for a DBS/Access NI certificate before they can register and must register within 19 calendar days of the issue date of their certificate. The responsibility for paying the annual fee rests with the individual.

Employees and applicants cannot be compelled to register.

Where an applicant is registered, the Company can check their DBS/Access NI status on-line free of charge, rather than requiring a fresh certificate. To do that the Company needs to have the DBS/Access NI certificate in front of them when

carrying out the check and check that it covers Adult Workforce and that it is an Enhanced Check. The Company also needs the individual's consent

The on-line system can be accessed at www.gov.uk/db or for Northern Ireland at <https://accessni.nidirect.gov.uk>

There is no requirement to undertake periodic checks on individuals in employment. Individuals can see which organisations have made checks on their status and when this was undertaken. When making a status check the user will receive one of the following responses:

This certificate did not reveal any information and remains current as no further information has been identified since its issue.	This means that the Certificate when issued did not reveal any information about the person and no new information has been found since its issue and can therefore be accepted as being still current and valid.
This Certificate remains current and no further information has been identified since its issue.	<p>This means that the Certificate revealed information about the person but no new information has been found since its issue and can therefore be accepted as being still current and valid.</p> <p>In this circumstance it is important that the company see the original disclosure in order that a decision can be made.</p>
The Certificate is no longer current. Please apply for a new DBS check to get the most up to date information	This means that new information has come to light since the Certificate was issued and a new DBS check must be obtained.
The details entered do not match those held on our system. Please check and try again.	<p>This means either:</p> <ul style="list-style-type: none"> • The individual has not subscribed to the Update Service, or • The Certificate has been removed from the Update Service by the individual, or • The employer has not entered the correct information

8.3 Starting Work Pending a DBS disclosure

Whilst it is not recommended, in exceptional circumstances, Home Managers in our English homes have the discretion to allow an individual to begin work within their home pending

the receipt of the DBS Disclosure, but must ensure that all other checks have been completed including a check against the Adults Barred List.

Where the home manager wishes the individual to commence employment, a risk assessment must be undertaken and the employee should not have unsupervised access to residents until the DBS clearance is received.

IT IS NOT PERMISSIBLE FOR ANY RECRUIT TO START EMPLOYMENT IN ONE OF OUR NORTHERN IRELAND HOMES BEFORE A FULL DISCLOSURE CERTIFICATE IS IN HAND AND HAS BEEN ASSESSED.

It is also not permissible for any recruit to commence employment without a full disclosure where the new member of staff will be residing in the home or in property owned by the Company and adjacent to the home.

8.4 Work Experience and Work Placements

It is not possible to obtain a DBS/Access NI check for people under the age of 16. Therefore ensure that any pupil on work experience signs in and out and is escorted whilst in a home by an appropriately vetted member of staff.

Individuals on work placement in a school or college must undergo the same checks as for all other staff. If the placement is organised through a school, college or university, it is their responsibility to carry out those checks and to provide written confirmation to the company that those checks have been carried out.

8.5 Positive Disclosures

The candidate will be sent a copy of the disclosure certificate direct from the DBS/Access NI. The primary user for the Company will be notified via email that a certificate has been issued to the individual and will notify the Company where there is a need to “contact the applicant to view a hard copy of the certificate”. In such circumstances the manager should ask the individual to produce their original certificate, as soon as possible after receipt.

If the individual has already started employment under supervision and has self-declared that they have nothing to declare, and a positive disclosure is notified, the manager should contact Human Resources urgently in order that action can be taken to immediately remove the employee from the home until the certificate is seen and a decision made.

Positive DBS/Access NI Certificates may contain extremely confidential and sensitive information and should be received by the Home Manager or a nominated person only. Certificates should be handled at all times such that no unauthorised person has sight of, or access to them.

Recruiting managers will need to make a reasoned judgement as to the authenticity of the certificate presented to them – that is that it appears to be an original and relates to the identity of the person presenting it (i.e. name, date of birth etc. matches other documents the candidate has previously provided).

A copy of the certificate should be taken (and stored securely) and the original certificate should be returned to the individual. The individual's written consent should be provided before a copy of the certificate is taken.

The recruiting manager should then assess the positive DBS/Access NI certificate as set out below to arrive at a fair and balanced decision. To avoid claims of unfair discrimination, positive disclosures must be managed in line with the DBS/Access NI Code of Practice.

The following factors must be considered:

- The seriousness/level of the disclosed information, e.g. was it a caution or a conviction.
- How long ago it occurred.
- Whether it was a one-off incident or part of a repeat pattern/history.
- The circumstances of the offence(s) being committed and any changes in the applicant's personal circumstances since then.
- The country where the offence/caution occurred.
- Whether the offences were self-disclosed or not. If they were not non-disclosure could in itself result in non-confirmation of employment on the grounds of trust, honesty and openness.

Serious sexual offences, assault or theft offences are likely to be considered to exclude an individual from employment with the Company.

The recruiting manager should discuss any positive DBS certificate with Human Resources and then with the individual to inform them of their evaluation and decision.

Where the decision is taken that the positive DBS certificate renders the person unsuitable for employment, the offer will be withdrawn, or where the employee has commenced work, employment will be terminated. Managers must refer to Human Resources in such situations.

8.6 Action if the individual does not produce

If an individual fails to produce a certificate upon request a deadline for disclosure should be given. If, the individual still fails to provide the certificate then the offer should be withdrawn. Home Manager should refer to Human Resources for advice and guidance in such circumstances.

8.7 Holding and storing a copy of the DBS/Access NI Certificate

All disclosure information (including copies) must be stored securely (in a locked cabinet) and processed and destroyed in accordance with the DBS/Access NI Code of Practice and the U-Check security policy.

The date the DBS/Access NI certificate is seen by the recruiting manager should be recorded on the staff file together with the certificate number and the date it was issued.

Managers must not however keep any note of any of the information contained on the certificate.

8.8 Volunteered Criminal Information during the course of employment

It is a term of all employment contracts that employees must immediately notify the Company in writing of any offence and the penalty if they are convicted of, or are cautioned for, any offence during their employment. It is also expected that employees will notify the Company of new convictions and cautions or pending matters. Failure to notify the Company of new convictions and cautions or pending matters may lead to disciplinary action, up to and including dismissal.

9 INDIVIDUALS WHO HAVE LIVED OR WORKED OUTSIDE THE UK

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff. In addition, the Company must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

Checks should be undertaken on all individuals who have lived or worked outside the UK as soon as they have a UK address. If an individual provides an address outside the UK in the previous 12 months when applying for a DBS/Access NI check the DBS may advise that a certificate of good conduct is obtained.

The Home Office has issued guidance on criminal records checks for overseas applications and this is available on their website at

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Certificates of Good Conduct should be requested from the individual. If they do not already have one in their possession they can apply via their relevant embassy.

10 YOUNG WORKERS

Candidates under the age of 18 can only be employed subject to the guidelines at Section 11 of the Recruitment Policy, and checks must be carried out to ensure compliance prior to offers being made.



APPLICANT NAME: _____

I acknowledge that in order to commence employment with The Company, that an enhanced DBS check will be undertaken and I will be required to produce an acceptable enhanced DBS certificate, including an Adults Barred List check where this is required for the post I have applied for.

I confirm that I will produce an original DBS certificate to the Company within a reasonable timeframe in order for the Company to proceed with my engagement. If a new DBS check has been carried out by the Company, I understand that I am required to produce the original certificate within 5 working days following my receipt of it. I acknowledge that if I fail to produce my original DBS certificate within a reasonable timeframe, the Company may not proceed with my application.

I understand that if I commence work before I receive my DBS certificate and/or produce it to the Company that this will be on a conditional basis as set out in my conditional offer letter. If my DBS check is unsatisfactory to the Company I acknowledge that my employment will not continue.

I confirm that I give my consent for the Company to take a copy of my original DBS certificate and hold the copy for as long as is necessary to complete the recruitment process. In any event the Company will not hold the copy for longer than 6 months. At the end of this period I acknowledge that the Company will remove the copy from their records and destroy it.

I further acknowledge that the Company may share the information contained on the DBS certificate with a third party for the purposes of seeking guidance on the recruitment decision, where appropriate.

Signed: _____

Print name: _____

Dated: _____

Additional section to be completed by applicants who have a subscription to the DBS online update service

By signing this section of the form you confirm that you are registered with the DBS online update service and you give permission for the Company to carry out a status check with the DBS online update service.

You confirm that you will produce to the Company your current DBS certificate and any further information required to carry out the DBS status check.

You acknowledge that the Company may require a new DBS check to be obtained if the certificate you have presented is not at an appropriate level or for an equivalent role. A new DBS check may also be required if the online status check indicates that your certificate is no longer current.

Signed: _____

Print name: _____

Dated: _____

Appendix 2

Confidential Risk Assessment

For appointment prior to DBS disclosure being received

Employee: _____

Post: _____

Location: _____

An individual may begin work in England pending receipt of the DBS Disclosure (except for residential staff or staff employed in Northern Ireland) but the Home Manager must ensure that the individual is appropriately supervised and that all other checks have been completed.

1. Has a full recruitment process been undertaken with application form and interview?	YES / NO
2. Have appropriate references been received (including most recent employer)	YES / NO
3. Has an Adults Barred List check been completed and clear	YES / NO
4. Has a self-declaration been completed	YES / NO
5. Have any declarations been discussed with the individual?	YES / NO
6. What safeguarding risks have been identified?	e.g. unsupervised access to vulnerable adults
7. What measures will be undertake to manage the risk?	e.g. supervision arrangements

Signed (Home Manager) _____

Print Name _____

Date _____

To be retained on staff file

Appendix 3

Framework for meeting for positive DBS checks/self-disclosures

The Disclosure Code of Practice requires that employers discuss any matters revealed on a disclosure with the person. A similar process should be conducted for self-disclosures.

This document provides a framework for that meeting.

Interview

Explain that the role involves actual or potential unsupervised access to vulnerable adults and, because a positive self-declaration/DBS Certificate has been received, an assessment must be undertaken before a decision is made to proceed with employment or not. In these circumstances the candidate is interviewed as part of that assessment process.

1. **Suggested questions**(in the case of DBS Certificate/Access NI), do you dispute the accuracy of the information disclosed? (if yes they need to contact DBS)
2. Can you tell me about the disclosure(s)
3. How can I be sure that you do not present a future risk?
4. How is your life different now?

Assessing the risk

Relevance

Whether the conviction or other matter revealed is relevant to the position they are being considered. (Sexual or physical assault or robbery/theft charges are likely to be highly relevant).

Seriousness

The seriousness of any offence or other matter revealed (i.e. is it a caution, conviction or imprisonment).

Age of offence

The length of time since the offence or other matter revealed and/or the age of the applicant at the time (i.e. did it happen in the individual's youth).

Pattern of offending

Whether the individual has a pattern of offending behaviour or other relevant matters

Changed circumstances

The circumstances surrounding the incidents and the explanation(s) offered by the person. Whether the applicant's circumstances have changed since the incident.

Honesty

(In the case of a DBS/Access NI Check) whether the conviction or other matter was declared and the information provided in advance on the self-disclosure and is accurate.

Applicant Name:

Person Conducting Meeting

Date of Meeting

Employment Decision

DO NOT RECORD OR RETAIN ANY DETAILS OF THE DISCLOSURE ON THIS RECORD OR IN ANY OTHER FORM

EQUALITY IMPACT ASSESSMENT TOOL – (NAME)

Equality Impact Assessment Tool		Yes/No	Comments
1	Does the policy affect one group less or more favourably than another on the basis of:		
	• Race	No	
	• Ethnic origins	No	
	• Nationality	No	
	• Gender	No	
	• Culture	No	
	• Religion or belief	No	
	• Sexual orientation	No	
	• Age	No	
2	Is there any evidence that some groups are affected differently?	No	
3	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?		
4	Is the impact of the policy/guidance likely to be negative?		
5	If so can the impact be avoided?		
6	What alternatives are there to achieving the policy/guidance without the impact?		
7	Can we reduce the impact by taking different action?		

If a potential discriminatory impact of this procedural document is found, please refer it to the HR department and Governance department, together with any suggestions as to the action required to avoid/reduce this impact

SIGNATURE SHEET FOR PRE_EMPLOYMENT CHECKS POLICY

Person's name	Role	Date of signature	Signature

This is a controlled document. It should not be altered in any way without the express permission of the author or their representative.

On receipt of a new version, please destroy all previous versions.

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