Recruitment

Policy and Procedure

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Recruitment Policy and Procedure

Purpose of Policy

This Recruitment Policy outlines Comfort Care Recruitment and Training Limited's policy on how we will recruit employees safely and fairly.

To meet the legal requirements of the following legislation:

- The Rehabilitation of Offenders Act 1974
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- The Equality Act 2010
- The Care Act 2014
- The Immigration Act 2016
- General Data Protection Regulation 2016
- Data Protection Act 2018
- Immigration Act 2020

To meet the following guidance:

- Care Quality Commission - Provider and CQC Inspector FAQs for meeting CQCs requirements of employment for Regulation 19
- Home Office – Criminal Records Checks for Overseas Applicants
- Home Office – Checking a Job Applicant's Right To Work
- Disclosure and Barring Service (DBS) Code of Practice

Scope

The policy applies to:

- All employees, including those designated as temporary, bank staff, agency staff, volunteers or work experience

Objectives

The objectives of this policy are:

- To ensure compliance with legislation and regulations
- To provide processes for managers to follow when recruiting new employees
- To ensure equality and diversity in recruitment processes

- To ensure recruitment checks are robust
- To ensure applicants are treated with respect
- To ensure that the most suitable candidates are recruited for roles within the organisation
- To ensure information relating to recruitment is confidential and stored in line with Data Protection requirements
- To promote Values Based Recruitment

Policy Statement

Comfort Care Recruitment and Training Limitedaims to provide high quality care services to our clients. To fulfil this aim we want to recruit the best employees with the right attitude, skills and experience and will promote Values Based Recruitment.

Comfort Care Recruitment and Training Limited is committed to having robust safe recruitment practices and will ensure that thorough checking of applicants' suitability is carried out before allowing an applicant to commence employment. Having robust recruitment practices in place will filter people who are unsuitable to work in regulated activity roles.

Comfort Care Recruitment and Training Limited will ensure that Director and Manager roles are recruited for in accordance with Comfort Care Recruitment and Training Limited's Fit and Proper Persons – Directors Policy and Procedure.

Comfort Care Recruitment and Training Limited will comply with the requirements of The Equality Act 2010 and is committed to equality and diversity in recruitment and will ensure that all applicants are treated fairly and without discrimination.

Comfort Care Recruitment and Training Limited will make reasonable adjustments for applicants when required.

Comfort Care Recruitment and Training Limited will ensure that all applicants are treated with respect throughout the recruitment process.

It is the Policy of Comfort Care Recruitment and Training Limited not to provide feedback to unsuccessful applicants.

Comfort Care Recruitment and Training Limited requires applicants who are offered positions of employment to demonstrate satisfactory conduct and fitness to undertake the role throughout their employment.

Comfort Care Recruitment and Training Limited will comply with Data Protection Act 2018 requirements and ensure that all documentation relating to recruitment is

processed and stored in accordance with the Act and with Comfort Care Recruitment and Training Limited's Data Protection Policy and Procedure.

The Registered Manager has overall responsibility for the recruitment of employees.

Comfort Care Recruitment and Training Limitedis committed to implementing this Policy and the practices it sets out.

Procedure

Job Vacancies

The Registered Manager is responsible for ensuring that Job Descriptions and Person Specifications for vacant posts are reviewed and up to date before a post is advertised. The Job Description must include the duties and responsibilities of the role. The Person Specification must include the skills, knowledge, experience, qualifications, and qualities required for the role and which of these are essential and which are desirable for the role.

The Registered Manager will ensure that a Job Advertisement is created that is appropriate for the role and will appeal to applicants. If this task is being delegated the Registered Manager must approve the Job Advertisement before it is issued.

Vacant posts will be advertised externally in a range of places which can include but is not limited to:

- Comfort Care Recruitment and Training Limited's website
- Social Media
- Local Job Forums
- Recruitment Websites
- Job Centres

All job vacancies will also be advertised internally to enable existing employees to apply for roles.

Application Forms with copies of the Job Description and Person Specification will be sent to applicants who have expressed an interest in the role.

All applicants are required to submit a fully completed Application Form before the closing date for the role. Applicants must provide a full employment history and the reasons for leaving their previous employment. All gaps in employment must be stated on the Application Form with reasons for these.

Curriculum Vitaes will not be accepted.

Late and incomplete applications will not be accepted.

Shortlisting Applicants

Shortlisting must be completed by employees in the Management Team. If the Registered Manager is delegating this task to another Manager they must have oversight of the shortlisting process.

All applications for roles must be shortlisted against the Person Specification for the role and the most suitable applicants will be invited to attend an interview.

Shortlisted applicants should be contacted by telephone to invite them for interview. A letter inviting them to interview should also be sent by post or by email.

The applicant must be requested to bring identification with them to the interview; a copy of which will be retained with their Application Form.

Interviewing Applicants

Where possible the Registered Manager should be on the interview panel. If this is not possible another member of the Management Team must be on the panel and chair the interview. A minimum of two people must interview applicants.

Employees responsible for interviewing applicants must be trained and competent to do so.

Interviewers must ensure that interviews are conducted in a suitable environment that ensures privacy. Water must be made available for the applicants.

If an applicant requires reasonable adjustments to attend the interview these should be made.

If interviews are being conducted remotely by video conferencing they must be done in a quiet and private area.

Interviewers must be fully prepared for the interview and have all the required documentation available.

Interview questions should be Values Based and reflect Comfort Care Recruitment and Training Limited's values. The same interview questions will be used for all applicants invited for interview for the role.

When applicants arrive for their interview they must provide identification before the interview can take place. A copy of this must be taken and retained with the applicant's Application Form. If an applicant does not provide suitable identification when they attend for the interview, the interviewers must not proceed with the interview.

Interviewers must explain the interview process and put applicants at ease. Applicants must be given the opportunity to ask questions and to request clarification on questions asked to them.

Interviewers must record full details of the interview and the applicant's responses to questions on an Interview Record Form. The interviewers must sign and date the form.

If any gaps in employment have been identified on the Application Form these must be discussed with the applicant and a written account made of the reasons for gaps in employment.

The interviewers must check the reference details on the Application Form with the applicant and must establish if the referees are suitable to provide a professional reference.

The interviewers must inform applicants that all offers of employment are subject to satisfactory pre-employment checks.

Interviewers must not make any offers of employment at interview stage.

Offer of Employment

The interview panel will assess how the applicants interviewed have answered the questions at interview and their suitability for the role.

Applicants who have not been successful must be informed in writing.

If an applicant is identified as suitable for the role the Manager who has chaired the interview will telephone the successful applicant to offer them the post subject to satisfactory recruitment checks. This must be followed up in writing by sending an Offer of Employment Letter by post or by email.

The applicant should respond in writing to say they will accept the offer of employment subject to satisfactory recruitment checks.

References

At least two professional references are required for all employees. References must be requested from the applicant's current or most recent employment.

Professional references must be from people authorisedto give references and can't be accepted from colleagues, friends or family.

The referee details stated on the Application Form must be checked against the employment history stated to ensure that they match.

In the event of an applicant not being able to provide two professional references, for example if someone has only had one previous employer, the Registered Manager can request an additional two character references for the applicant. Character references will not be accepted from relatives or close friends. The Registered Manager must record their decision to accept alternative character references and the reasons for this.

Reference Request Forms must be sent by post or by email to the referees. Requests for professional references must be sent to business addresses and emails and not sent to personal addresses or emails. Telephone references will not be accepted.

When a completed reference is returned the Registered Manager, or another Manager if this task has been delegated, must check the details on the reference against the details on the Application Form. If there are any discrepancies this should be discussed with the applicant in the first instance.

All references must be verified by telephoning the referee to check that they have provided the reference and to check they are the person authorised to give the reference for the applicant. Once a reference has been verified this must be recorded on the reference and the person who has done the verification must write their name, sign their name and state the date.

If a reference does not give sufficient information the Registered Manager must ask the applicant to provide details of a third referee.

If a reference is unsatisfactory the Registered Manager can withdraw the offer of employment. A letter must be sent to the applicant informing them that the offer of employment has been withdrawn as the conditions attached to the offer have not been met.

If an employee has worked in previous roles with vulnerable adult or children, references should be requested from all these employers. The Care Quality

Commission (CQC) requires "satisfactory evidence of conduct in previous employment concerned with the provision of services relating tohealth or social care or children or vulnerable adults." The guidance states that this does not have to be in the form of references but can be appraisals or written statements. The Registered Manager must ensure that all attempts are made to gain evidence of previous conduct in all regulated activity roles and must document the actions taken to achieve this and why the decision to employ has been made if evidence is not available, for example if previous organisations are no longer operating. Further guidance can be found on the following link:

https://www.cqc.org.uk/sites/default/files/fid2932547-employment-requirements-regulation-19.pdf

Right To Work Checks

Applicants offered employment must provide proof of identity and their right to work in the United Kingdom.

Comfort Care Recruitment and Training Limited must not employ anyone who cannot provide evidence of their legal right to work in the United Kingdom as this is a criminal offence.

The applicant is required to attend the office of Comfort Care Recruitment and Training Limited to bring documentary evidence of identity, proof of address and their right to work. The Registered Manager, or another Manager if this task is delegated, must see the original documents and must take copies of these.

The Registered Manager must check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you
- the dates for the applicant's right to work in the UK have not expired
- photos are the same across all documents and look like the applicant
- dates of birth are the same across all documents
- the applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work)
- for students you see evidence of their study and vacation times
- if 2 documents give different names, the applicant has supporting documents showing why they're different, such as a marriage certificate or divorce decree

(Source: https://www.gov.uk/check-job-applicant-right-to-work)

The Registered Manager must verify the documents and state on the copies that the originals have been seen and verified. The person verifying must print their name, sign and state the date of the verification check.

All documents must be checked to establish that they provide suitable evidence of the applicant's legal right to work.

Details of the documentation that is acceptable can be found on the Government Website on the following link:

https://www.gov.uk/government/publications/right-to-work-checklist

The Government Right to Work Document Check can also be completed and a copy printed to retain with the applicant's application. This can be found on the following link:

https://www.gov.uk/legal-right-work-uk

A photograph of the applicant must be taken or provided and this will be retained with their recruitment documents.

If an applicant cannot provide proof of identity and evidence of their right to work in the UK the offer of employment will be withdrawn. A letter must be sent to the applicant informing them that the offer of employment has been withdrawn as the conditions attached to the offer have not been met.

Disclosure and Barring Service (DBS) Checks

An enhanced DBS and barred list check will be required before an applicant can commence employment with Comfort Care Recruitment and Training Limited.

The applicant will be required to provide the necessary documentation to complete the DBS application.

The applicant will be required to bring in the original DBS Certificate when it is received for the Registered Manager to view this.

If an applicant subscribes to the DBS Update Service they must provide the original certificate and their update reference number and provide consent for the Registered Manager to do a Status Check to check if the information is unchanged.

If a DBS Certificate shows information recorded the Registered Manager will discuss this with the applicant.

Having a criminal conviction will not automatically prevent an applicant being employed at Comfort Care Recruitment and Training Limited. The Registered Manager must refer to the Recruitment of Ex-Offenders Policy and Procedure.

The Registered Manager must consider the information on the DBS certificate and the nature of the position applied for. If an applicant has not disclosed relevant information the offer of employment can be withdrawn.

The Registered Manager must complete a Risk Assessment and must document the decision to proceed with the appointment or to withdraw the offer of employment. If the decision is that the applicant is not suitable a letter must be sent to the applicant informing them that the offer of employment is withdrawn as the conditions attached to this have not been met.

For applicants who are non-UK nationals'criminal records checks from overseas must be completed in accordance with the latest Governance guidance. The latest guidance can be found on the following link:

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

Health Questionnaire

The successful applicant must be given a Health Questionnaire to complete to ensure their mental and physical fitness to carry out the role and to establish if reasonable adjustments are required.

The Registered Manager must check the completed questionnaire and must discuss any relevant information with the applicant. The Registered Manager must assess if reasonable adjustments are required to support the applicant in the role.

The Registered Manager can ask the applicant to consent to contacting their GP for further information about their medical conditions if necessary.

Qualification Checks

If essential qualifications are required for the role the applicant must supply the original documents.

The Registered Manager must take a copy of these and verify the documents and state on the copies that the originals have been seen and verified. The person verifying must print their name, sign and state the date of the verification check.

Pre-Employment Checks

The Registered Manager must ensure that all pre-employment checks have been completed before allowing an applicant to commence employment.

The Registered Manager must be satisfied that the pre-employment checks completed demonstrate that:

- The person is of good character
- The person has the skills, qualifications and experience for the role
- The person has the qualities and values for the role

Contracts of employment will not be issued to applicants who have not demonstrated their suitability to work in the role and the offer of employment will be withdrawn.

Director and Manager Roles

Comfort Care Recruitment and Training Limited's Fit and Proper Person – Directors Policy and Procedure must be followed when recruiting for Director and Manager roles.

Regulation 5 Fit and Proper Persons: Directorsrequirements states that a provider must not appoint to a post under the scope of the Regulation without first satisfying itself that the individual:

- Is of good character.
- Has the necessary qualifications, competence, skills and experience.
- Has the appropriate level of physical and mental fitness.
- Has not been responsible for, or privy to, any serious misconduct or mismanagement (whether lawful or not) in the course of carrying out regulated activity.
- Is not deemed unfit under the Regulation provisions.
- Can provide the personal information as set out in the Regulation which must be available to be supplied to the Care Quality Commission (CQC) when required.

If during the course of the pre-employment checks it is apparent that the applicant does not meet the requirements of the role Comfort Care Recruitment and Training Limited will withdraw the offer of employment.

Comfort Care Recruitment and Training Limitedis responsible for ensuring the continued compliance of those persons to whom the Fit and Proper Persons Regulation applies. It is a requirement of Comfort Care Recruitment and Training Limited that all employees in senior management positions meet the requirements of the Fit and Proper Persons Regulation and maintain suitability for the position they are undertaking.

In the event that a senior manager ceases to be a fit and proper person, Comfort Care Recruitment and Training Limited will conduct a full investigation and the individual may be summarily dismissed.

Comfort Care Recruitment and Training Limited can request that senior managers provide evidence of their ongoing suitability and they may be required to complete regular declarations.

Document Retention

For employees all documentation relating to recruitment will be retained in line with the Data Protection Act 2018, the General Data Protection Regulation 2016 and the DBS Code of Practice.

For unsuccessful applicants the application information will be retained for a period of six months.

Probationary Period

All new employees must complete a six month probationary period in accordance with Comfort Care Recruitment and Training Limited's Probation Policy and Procedure.

During the probationary period new employees will be supported, supervised and trained to enable them to fulfil the requirements of the role.

New employees will have their competency assessed and will also have observations and spot checks of them carrying out their role.

If it is identified that an employee is not performing to a satisfactory standard and is not meeting the requirements of the role the Registered Manager will arrange a probationary review meeting with the employee. The Registered Manager will establish if the employee requires further support and training or may terminate their probationary period if the employee is not suitable for the role.

Ongoing Monitoring

Once employees have satisfactorily completed their probationary period they must continue to meet the requirements of the role and demonstrate good conduct.

It is a condition of employment that employees must inform the Registered Manager of any changes to their DBS status immediately and all employees must complete an Annual DBS Declaration. If there are changes to an employee's DBS status the Registered Manager must discuss this with the employee and must complete a risk assessment to assess if the employee remains suitable for the role.

Should there be concerns relating to an employee's conduct, performance or fitness to carry out their role to the required standard this will be dealt with under Comfort Care Recruitment and Training Limited's Performance Improvement Policy, Capability Policy or Disciplinary Policy.

Complaints

If an applicant has a complaint relating to the recruitment process they must make their complaint to the Registered Manager. The complaint will be managed in accordance with Comfort Care Recruitment and Training Limited's Complaints Policy and Procedure.

Roles and Responsibilities

All employees are responsible for:

- Following the Recruitment Policy and Procedure.
- Attending any required training in relation to Recruitment.

The Registered Manager is responsible for:

- Ensuring this Recruitment Policy and Procedure is implemented.
- Ensuring that employees with responsibilities for recruitment receive training and are competent to do the role.
- Ensuring that Job Descriptions and Person Specifications are up to date.
- Ensuring that all pre-employment checks are completed before an applicant can commence employment.
- Ensuring that all documentation provided by applicants is verified.

- Completing Risk Assessments when information is recorded on a DBS check and clearly documenting the decision to employ or to withdraw the offer of employment.
- Ensuring compliance with Data Protection requirements in relation to recruitment documentation.
- Ensuring that employees continue to be suitable to carry out their roles.
- Ensuring complaints relating to recruitment are managed.

Breaches of Policy

For employees, failure to adhere to the Recruitment Policy could lead to possible disciplinary action being taken.

For others (volunteers, agency staff, contractors) their individual relationship with the organisation may be terminated.

Monitoring and Review

This Policy will be reviewed annually or sooner if necessary due to legislative or regulatory requirements.