

## Recruitment and Selection Policy and Procedure

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Document Manager (job title)	Director of Head Office Services
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### Version Tracking

Version	Date Ratified	Brief Summary of Changes	Owner
1	November 2018	Amended to reflect updated ISO 9001 2015 controlled document register	AC
16/1	July 2020	Amended (p9) to reference Covid-19 risk assessment	AC
2	04 Sept 2020	Revised process for recruitment of salaried staff (appendix 2)	AC
3	27 Nov 2020	Changes to Policy Statement and the principles of recruitment (p1-3) and revised appendices for Recruitment Processes.	RJ
V1	April 2021	Annual issue update	RJ
V2	24 Nov. 2022	Slight amendment to employee referral process	AL

### Purpose of this Document

This document outlines the policy of Agincare in relation to Recruitment and Selection of all grades of staff ensuring safe selection and assurances that our staff are safely vetted to work with vulnerable people. The policy is held in accordance with the requirements of the Regulations of the Health and Social Care Act (Regulated Activity) Regulation 2014. The procedures for recruitment are detailed in appendices 1, 2 and 4.

CQC have added a Fit and Proper Person requirement to their regulations for the appointment of directors; this document contains guidance at Appendix 3

### Policy Statement

This policy seeks to ensure that the best candidate is chosen for each job based on competency against the essential criteria for the vacancy regardless of sex, race, disability or other personal characteristics. Current employees will be invited to apply for opportunities for transfer and promotion, development or secondment wherever possible, via the advertisement of all internal career opportunities

Agincare are committed to tackling unfair and unlawful discrimination and actively promoting and celebrating equality and diversity, and are committed to ensuring our recruitment and selection policy and processes are fair, effective, efficient and consistent.

To ensure that all applicants and candidates, internal or external, experience a positive candidate journey and the same process is applied to each in relation to application, selection, assessment & feedback.

## **Principles**

- For all Salaried staff/roles the Authority to Recruit Form (ATR) is required to be completed and signed off at director level before recruitment is approved and the recruitment process can start. In the case of a new role the CEO will need to approve the recruitment and sign off the ATR form. In the case of replacement roles, the department director / budget holder is sufficient to approve recruitment and sign off the ATR form.
- Our staff pool should reflect the diverse needs of the people who use our services and the communities we serve.
- Opportunities are advertised to as wide a pool of applicants as possible, both internally and externally of the organisation.
- Individuals are screened against the job requirements as laid out in the job descriptions and person specifications.
- Any qualifications or requirements applied to a job that have or may have the effect of inhibiting applicants from certain groups of the population should only be retained if they can be justified in terms of the job to be done.
- Job advertisements will be based on the job description and person specifications and/or competency profile. They will also strongly reflect the Agincare company values. All Agincare career opportunities must be advertised and applications accepted only via the company Applicant Tracking System.
- All internal ~~vacancies~~ career opportunities will be ~~emailed~~ advertised across the whole company for a minimum of 1 week, with the expectation that details will be available including the ability to apply for all staff regardless of location.
- Internal applicants will always be invited to interview unless they clearly do not meet the job role criteria, in which case they will receive a feedback career planning conversation with their line manager and HR, explaining the reasons for their unsuitability.
- Any employee who decides to apply for an alternative role should as a matter of courtesy inform their line manager of their application.

- In order to qualify for the Agincare employee referral rewards all employee referrals must apply via the recruitment team who will use the onboarding tracker to manage the stages of the process.
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- For the external advertising of Agincare career opportunities, all appropriate advertising channels will be utilised as agreed with the hiring manager at the Assignment Briefing when planning the recruitment campaign. Positions will be simultaneously advertised internally and externally.
- Equality information on individuals with protected characteristics will be collected in order to monitor the numbers of applications from different groups. This information will not be used in the selection process or for any other use other than this purpose.
- Selection tests should be specifically related to the job role requirements and should measure the person's actual or inherent ability to do or train for work.
- Values based interview and selection methods will be used incorporating guidelines from the Skills for Care Recruitment Toolkit.
- Selection tests will be reviewed regularly to ensure they remain relevant and free from bias, either in content or in the scoring mechanism.
- When appropriate psychometric testing including ability tests and occupational personality questionnaires will be utilised to assist selection of the most suitable candidates.
- All candidates who have attended an interview with Agincare at every stage of the candidate journey, successful or unsuccessful, will receive verbal feedback from the recruitment team explaining the reasons for the decision.
- All hiring managers should understand the companies agreed ways of working and non-discriminatory practices.
- To avoid possible personal conflict or conflict of interest, Agincare does not allow the recruitment of close relatives in circumstances where one family member would be responsible for recruiting, managing, supervising, auditing or authorising work, unless prior authorisation has been obtained from the Company Director. When recruiting any family or friend, the recruitment manager or officer must inform their line manager to arrange for another person to undertake and complete the recruitment process
- Written records of interviews, reasons for decisions made at each stage of the process and reasons for appointment or non-appointment including interview and selection records should be kept by the individual Registered Manager or HR / Recruitment Department for a minimum of six months, unless a longer period can be justified and is in compliance with

the General Data Protection Regulation (GDPR). Records should then be disposed of confidentially.

- Interviewer will assess candidates against job-related criteria only.
- All information held about a candidate must be used only for the purpose for which the information has been collected.
- All candidates will be asked at the first interview stage to provide documentary evidence of their right to live and work in the UK, to ensure compliance with the Immigration, Asylum and Nationality Act 2006. A photocopy of the accepted documentation will be taken. The HR or Recruitment department can provide a full listing of what documentation is acceptable.
- Reasonable adjustments should be made to reduce any disadvantage faced by disabled people in making an application in response to an advertisement.
- The recruitment and selection process for disabled candidates should take into account such adjustments to working arrangements or physical features of the work place/station/premises as are reasonable to accommodate their needs and be such that they are not placed at a substantial disadvantage compared with non-disabled candidates.
- Decisions to interview, shortlist or offer employment will take no account of an applicant's trade union membership or non-membership.
- All offers are subject to two satisfactory references, verification of training or qualifications declared and completion of relevant mandatory training, a check on qualifications such as PIN number for qualified nurses, eligibility to work in the UK where applicable and a clear enhanced DBS disclosure where applicable. The HR or the hiring manager will verify all references, which will be requested once applicants have indicated acceptance (subject to the conditions highlighted above). References will ideally come from current and/or previous employers, if applicable. If the references are not satisfactory, the offer may be revoked.
- HR or the hiring manager will send a copy of the written statement of terms and conditions of employment and all related new starter forms that need to be completed. All new starters will receive a timetable for their successful induction into the organisation.

### **Criminal Record Information**

It is recognised that many of the client groups with whom Agincare works are vulnerable. Since the primary concern is the welfare of clients for whom a service is provided, it would not be appropriate for Agincare to accept potential employees or volunteers with certain convictions.

Criminal records should only be taken into account when conviction is relevant to the nature of the work an employee will carry out. The tasks the employee will be required to perform and the

circumstances in which the work is to be carried out should be taken into consideration in determining whether a Disclosure and Barring (DBS) disclosure is required for a post.

**This applies to all categories of staff (permanent/temporary etc) and volunteers.**

### **Recruitment of ex-offenders and DBS Disclosures**

Agincare complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. Agincare undertakes not to discriminate unfairly against any person subject to a Disclosure on the basis of conviction or other information revealed.

Where a Disclosure is to form part of the recruitment process, Agincare encourages all applicants called for interview to provide details of their criminal record prior to attending interview. We are aware that due to the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Agincare requests that this information is provided upon application and Agincare guarantees that this information will only be seen by those who need to see it in relation to the recruitment process, but do not expect convictions or cautions, reprimands or warning as a youth to be disclosed unless these are specific offences

A thorough risk assessment will be carried out should an applicant hold any caution or conviction that is disclosed on application and/or upon receipt of DBS disclosure. Also, where appropriate and permissible, there should also be a risk assessment completed when a new Care Worker starts work with an DBS 1<sup>st</sup> when full disclosure has not been received.

Human Resources and / or the hiring manager will ensure that those in Agincare who are involved in assessing the relevance of a criminal conviction to a post have been suitably trained to identify and assess the relevance and circumstances of offences. Human Resources will also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

### **Young Workers**

CQC guidance for employers and inspectors clarifies that adult social care workers, including those aged 16 and 17, are allowed to undertake all work tasks suitable for their level of employment.

The guidance makes it clear that workers under the age of 18 can be employed provided:

- They have completed or are undertaking an approved training programme in health and social care
- The registered manager or a delegated person assesses the competence and confidence of the young worker to carry out all the tasks required of them, including where necessary intimate personal care

- That appropriate support is offered to the young worker
- The consent of the person being supported and/or their advocate has been obtained
- Inexperienced practitioners are not left in charge of a care setting or left to work on their own.

Agincare will assess the suitability of a young worker through the same process of recruitment as that of other workers; it will however ensure that the young person is enrolled on a suitable training programme which can include a health and social care award, certificate or diploma and that a suitable risk assessment is carried out in order to provide the right level of protection and support. Where a young worker is below school leaving age, the results of any risk assessments must be shared with their parent or guardian.

## **Training**

All Agincare policies and procedures are referenced within the induction programme and in handbooks provided to staff. Staff will be informed of how to access all policies, procedures and related documentation and of how to seek further advice regarding their implementation. Ongoing supervision and training is provided to all staff as part of a core training and development programme. The Office Manager ensures training courses are attended by appropriate staff within agreed timescales. Existing staff should be provided with regular training updates to include latest good practice.

## **REVIEW OF THIS POLICY**

Review of this document is recorded on the controlled index and reviewed annually as part of the management review systems.

**Name:** Policy Review Group

**Date:** November 2022

### APPENDIX 1 - AHH – Recruitment Process for all roles including Clinical Staff

Process Step	Details	Timeline	Who Owns this Process Step?
Advert published in Applicant Tracking System (ATS)	The job role is advertised via all appropriate channels. Every job role advertised internally. Include all relevant job boards and job aggregators, social media channels and other medium deemed beneficial. Job adverts must meet minimum Agincare requirements in terms of brand content, messaging, structure and screening capability.	Day 1	AHH Recruitment Team
Applications Received	All applicants answer on line screening questions and CV attachment required. All applicants must apply or, instructed to apply (in case of phone or walk-in enquiries), via the ATS. GDPR compliance agreement form completed.	Day 1-7	AHH Recruitment Team
On Line Screening	AHH recruitment conduct on line screening of applications against the CV and standard screening questions.	Day 1-7	AHH Recruitment
AHH Recruitment contact Applicant	Suitable candidates following screening contacted via phone/e-mail/SMS text. Unsuitable candidates following screening issues reject communication from ATS.	Day 1-7	AHH Recruitment
Values based interview	Suitable candidates following screening booked in for values-based interview (criteria against job role and job description). Where at all possible this will be conducted via video call.	Day 2-7	AHH Recruitment
AHH Recruitment make Conditional Offer or Regret	Successful candidates following values-based interview are made a verbal Conditional Offer of employment and are also invited to the next Orientation Day taking place in the relevant Care Home.	Day 2-7	AHH Recruitment

	Unsuccessful candidates following values-based interview are sent standard regret e-mail from ATS in addition to receiving a phone call from AHH recruitment with feedback.		
Orientation Day – Invite to Care Home	<p>Candidates invited to orientation day in the relevant Care Home. Also issued standard invite from the ATS.</p> <p>Candidate sent Job Description by AHH Recruitment.</p> <p>Invite confirms the date/time/venue and requests candidate to bring the appropriate Right to Work &amp; Proof of ID (including NI number) documents to the Orientation Day. Candidate sent Application Form (including Reference details) and instructed to bring this completed to the Orientation Day.</p> <p>If the candidate has a current DBS Certificate (Enhanced Check) less than 3 months old they will be instructed to bring this too.</p> <p>Applicants who are members of the update service will be instructed to bring their DBS with them.</p> <p>Once candidate accepts the invite to attend the Orientation Day their CV and Interview Notes are sent to the relevant Care Home Manager.</p>	Day 2-7	AHH Recruitment
AHH Recruitment 'Candidate Care' call	AHH Recruitment to call the candidate before the Orientation Day to check attendance and answer any questions or concerns they may have.	Day 2-7	AHH Recruitment
Orientation Day in the Care Home (including completion/verification of all essential documents)	<p>The Orientation Day includes an interview and tour of the Home as well as confirmation/verification of all documentation. *</p> <p>Candidate attends with all relevant documentation as indicated above including completed Application Form.</p> <p>If the applicant has a current DBS certificate and is a member of the Update Service you need to seek their permission to obtain a status check.</p> <p>You must print a copy of this status check and retain on the staff file.</p> <p>You will need to ensure that the current DBS is of an enhanced nature and is for the Child and Adult Workforce.</p> <p>Reference Request Forms to be sent out. For employment references the referee must be their employer from their previous job. If a previous role was working within the care sector but this was not the most recent job then this reference should also be requested. A minimum of 2 references must be held on file.</p>	Day 2-7	Care Home Manager



	<p>The Registered Manager is responsible for chasing and verifying references or nominated person.</p> <p>Candidate must complete and sign a Health Declaration Form which is retained by the Care Home.</p> <p>The Care Home Manager needs to ensure an Enhanced DBS disclosure has been submitted. (if the applicant is not a member of the on-line Disclosure Update Service. Please remind candidate they must bring in their DBS when received for copying).</p> <p>Two written references have been requested simultaneously.</p> <p>If the applicant has previously worked in the care sector the references must detail their reasons for leaving.</p> <p>Booking a practical assessment date.</p> <p>Requests can be emailed, to speed up the process. Where references are returned by email, print the email with company and signature as verification of it coming from the correct source.</p> <p>*COVID-19 rules and regulations allowing. These will be adhered to at all times.</p>		
Candidate Offer Confirmed or Candidate Regret	<p>Following Orientation Day, the Care Home Manager confirms formal offer or regret for candidate.</p> <p>Care Home Manager notifies AHH Recruitment of outcomes.</p> <p>Successful candidates invited to start employment and start day is confirmed by the Care Home Manager.</p> <p>For unsuccessful candidates the Care Home Manager notifies the AHH Recruitment team and provides AHH recruitment with reasons why the candidate was unsuccessful.</p>	Day 2-7	Care Home Manager
AHH Recruitment 'Candidate Care Call'	<p>AHH Recruitment will call every successful candidate at least once after their Orientation Day attendance and before their first day of employment to ask for their feedback from the Orientation Day and answer any questions of concerns they may have.</p>	Day 8 +	AHH Recruitment
Unsuccessful candidates	<p>Receive verbal feedback and are sent to the ATS candidate pool with their agreement. Also sent standard regret e-mail from ATS.</p>	Day 2-7	AHH Recruitment

Full Induction in Care Home details arranged	Care Home Manager arranges Care Home Induction. Reviews any current in date training certificates. Offer of Appointment Form should be completed and sent to HR. Offer Letter advising of Induction dates sent to employee. Care Home to confirm attendance at SAT the day before the induction commences.	Day 8 +	Care Home Manager
Risk Assessments – pre-joining	Care Home Manager to carry out risk assessments where required for any concerns highlighted on: Returned health declaration; Young workers; DBS risk assessment; COVID 19 Risk Assessment; Findings of the risk assessment(s) to be discussed with the worker and other relevant personnel and actions required to mitigate risk to be put in place.	Day 8 +	Care Home Manager
Day One of Employment	New Starter Form raised by Care Home using form on the on the company Intranet.	First day of New Starter Employment in Care Home	Care Home Manager
New Starter Form	Care Home to confirm receipt of New Starter Form by both HR and Payroll departments.	First day of New Starter employment	Care Home Manager
Contract of Employment issued	Contract of Employment to New Starter (if hourly paid) issued by Care Home. Contract of Employment for all salaried staff issued by HR. Care Home contacts, HR to request issue of employment contract. One copy of contract retained by new starter. One copy signed and returned to Care Home and placed on employee file.	First day of New Starter employment	Care Home Manager / HR
Induction Period including Shadowing plus new starter sign off to work unsupervised	On receipt of 2 satisfactory references and a clear DBS First Check staff may be able to undertake shadowing within a Care Home (if required).	First 12 Weeks of Employment	Care Home Manager

	<p>The new starter completes an initial Induction which is recorded on the AHH Care Home Induction Form.</p> <p>Shadowing then follows the initial Induction.</p> <p>All staff must undertake a period of shadowing and/or double up within a Care Home. The content and length of the shadowing period depends on the experience of the new joiner and any relevant risk assessments. This is the decision of the Registered Care Home Manager as is the final decision to sign off any new employee as competent to work unsupervised.</p>		
Induction Checklist completed	Care Home Manager must ensure that when the new starter commences work, the actions detailed on the Induction Checklist have been completed and initialled by the Care Worker and the Induction Checklist is held on the Employee's file.	On completion of Induction. At end of first 12 weeks of employment.	Care Home Manager
Probation Sign Off	<p>Follow the Probationary Policy to ensure performance criteria met and necessary support provided (e.g. competency checks must be carried out by a senior member of staff throughout probation until all aspects of the competency relevant to the new starter are satisfactorily completed).</p> <p>The completed Competency Form should be reviewed and signed off by the Care Home Manager.</p> <p>Care Home Manager to review Trainers Report and set targets for any additional training if required during the 12-week probation period. Care Certificate competency checks to be arranged and carried out with additional competencies checked for:</p> <ul style="list-style-type: none"> <li>- Medication competency for staff who administer medication;</li> <li>- Manual handling competency.</li> </ul>	Probation Period – 12 weeks	Care Home Manager

## Appendix 2

**Recruitment Process Applicable to AHOS plus Salaried Staff (roles paid monthly) based in the Registered Branches, Regional Offices, and Care Homes)**

<b>Recruitment Process Step</b>	<b>Who owns this part of process?</b>	<b>Description</b>	<b>Essentials to know</b>
<b>Planning</b>			
'Authority to Recruit (ATR)' form raised	Hiring manager completes form and sends to recruitment.	Recruitment requisition form (ATR) raised. (in future this will be raised on line within Applicant Tracking System - ATS)	Hiring Manager considers if role required. Discusses role with HR & Recruitment if required. Completes form (in future the Hiring Manager will need to login in to the ATS to raise the ATR recruitment requisition).
Job Description updated & market comparison if required	Hiring Manager	Job description reviewed, amended, updated as appropriate. Market comparison of role on salary / responsibilities.	Hiring Manager consults HR & Recruitment as required and finalises JD and Person Specification. Market comparison undertaken by Recruitment if needed.
ATR approved or declined	Hiring Manager	Requisition approved via automated process within ATS	Approvers (Hiring Manager plus their Line Manager) approve or decline ATR
Approved or declined ATR arrives in Recruitment	Recruitment	Automated on-line process within ATS	Approved ATR via automated workflow. Declined ATR sent back to Hiring Manager via automated workflow.
Recruitment (Assignment) Briefing	Recruitment conducts with Hiring Manager	All details of role and all aspects of recruitment process / timescales agreed with Hiring Manager	RBP/HOR meets with Hiring Manager
<b>Recruitment Process Step</b>	<b>Who owns this part of process?</b>	<b>Description</b>	<b>Essentials to know</b>
<b>Advertising &amp; Attraction</b>			

Internal advert written and posted on line	Recruitment	Role internally advertised to all Agincare Employees via Intranet & Social Referral. Advert based on 'Recruitment Briefing', Job Description	Every Agincare career opportunity advertised internally. Position will be internally advertised only (not external) when known that there are suitable internal candidates.
External Advert written and posted on line	Recruitment	External advert based on 'Recruitment briefing' & Job Description.	External advert can run parallel to internal advert if required. Posted on Agincare careers site, job aggregators, job boards, plus additional agreed suitable channels.
<b>Shortlisting</b>			
On Line Screening	Recruitment	All applicants screened on line using CV and screening question answers. Unsuccessful candidates receive automated 'regret' e-mail from ATS.	Initial applications sifted and best matching candidates identified to be invited to first interview. Hiring Manager may also assist with screening. Recruitment quality check – if candidate quality is not sufficient need to discuss with hiring manager and take additional attraction measures.
First Interview	Recruitment	Ideally conducted via video interview.	Standard questions covering experience and achievements, reasons for leaving, motivation, knowledge of company & of social care sector.
Candidate Feedback	Recruitment	Candidates who have been video/telephone interviewed must receive direct (via phone) feedback reason(s) they are not successful.	Candidate feedback essential for purposes of Agincare employer branding and reputation.
Shortlisting	Recruitment	Shortlisted candidates compiled for final interview and selection stages.	Recruitment quality check – if candidate quality is not sufficient need to discuss with hiring manager and take additional attraction measures.
<b>Recruitment Process Step</b>	<b>Who owns this part of the process?</b>	<b>Description</b>	<b>Essentials to know</b>

Interviewing & Selection			
Selection – Stage One	Recruitment	The candidate should have a maximum of two visits arranged as closely together as possible. Stage 1 & 2 of selection can be combined in one visit if practical. Interviewing and selection must always include a Values Based Interview.	All interviews and selection tasks & exercises based on Agincare values and job description.
Selection – Stage two		Additional interview & selection tasks as agreed at the Recruitment Briefing could include as appropriate: Presentation/Case Study/practical task/personality questionnaire/ability tests. For <b>volume hiring</b> a values-based <b>Assessment Centre</b> could be used, including a Group Exercise.	Applying principle of a maximum of 2 visits only for the candidate.
Candidate Feedback	Recruitment	Unsuccessful candidates who have been interviewed must receive honest constructive feedback (phone or face to face) as to reasons they are unsuccessful.	Candidate feedback essential for purposes of Agincare employer branding and reputation.
Onboarding & Induction			
Verbal offer of employment	Recruitment	Recruitment make verbal offer of employment to preferred candidate.	Offer of employment to made by recruitment or hiring manager after completion of all selection events. Offer not to be made at interview.
Issue Offer of Appointment Form	Recruitment	Recruitment completes and sends to HR for employee onboarding process.	Offer of Appointment Form includes agreed hours, salary, location, title, plus the new starters IT requirements as stipulated by the Hiring Manager.

Recruitment Process Step	Who owns this part of the process?	Description	Essentials to Know
Issue Offer Letter (subject to documentation/references/DBS)	HR	HR issues offer letter following receipt of Offer of Appointment Form.	HR issue to new employee
<b>Onboarding &amp; Induction</b>			
Contract of Employment issued to New Employee	HR		
All required documentation sent to Human Resources	Recruitment	<b>Essential Documents are:</b> Complete Application Form; Complete interview & selection notes Full employment history (all gaps explained); Reasons for leaving roles if involving vulnerable adults/children Reference details; Proof of identity all marked as 'originals seen' & dated Evidence of right to work in the UK Copy of transferrable DBS check Details of any agency rebate	Recruitment send all documentations to HR  Recent photograph; Proof of identity - passport/birth certificate/visa as applicable (marriage certificate or deed poll document if current name differs from birth certificate); Proof of address (recent utility bill); Driving licence / insurance for business use (If applicable);
Candidate Engagement Post Offer	HR	HR to obtain and save on paperless staff file	
Contract of Employment issued to New Employee	HR		
Reference 1 verified (from most recent employer)	HR		
Reference 2 verified	HR		
Evidence of Qualifications (declared on application form)	HR		
Health Declaration	HR		
Covid 19 Risk Assessment	HR		

Recruitment Process Step	Who owns this part of the process?	Description	Essentials to Know
Risk Assessment (declared health issues/young worker) if required	HR	HR send to new employee's line manager who then returns to HR	
IT log in set up	HR / IT	HR to arrange via SES	
IT Signature	HR / IT	HR to arrange via JM	
<b>Day One of Employment</b>			
New Starter Form	Hiring / Line Manager	Hiring/Line Manager sends to HR. NS Form completed on Intranet	
National Insurance Number/P45			
Copy of signed Contract	Hiring / Line Manager	If not already processed to HR for filing	
Confirmation of receipt of Employee Handbook and Code of Conduct and privacy notice	Hiring / Line Manager		
Evidence of on-site induction	Hiring / Line Manager	Hiring/Line Manager sends to HR for filing	
Probation dates provided to Line Manager	HR	As diary invites by HR	
<b>Induction (12 weeks)</b>			
SAT Induction booked	Line Manager	Line Manager must book this with Training Now	
Head Office Induction Booked (if role requires)	HR	HR to advise Line Manager	
Mid-probation review form – 1 or 3 months	Line Manager	Line Manager sends to HR	
Final probation review with outcome letter – 3 or 6 months	Line Manager		

## Appendix 3

## Fit and Proper Person Requirement



CQC have produced guidance for providers on the appointment of executive and non-executive directors following the failures at Winterbourne View Hospital and Mid Staffordshire NHS Foundation Trust stating that the Fit and Proper Persons requirement plays a major role in ensuring the accountability of directors and providers to hold the organisation to account. From 1<sup>st</sup> April 2015 all providers must meet Regulation 5: Fit and Proper Persons: Directors; this regulation is central to the registration process. The regulation applies to provider's directors or equivalents who are responsible and accountable for delivering care and will apply equally to interim positions as it does to permanent posts.

CQC assess the fitness of service providers by way of an interview with their 'nominated individual' during which they determine whether the provider has taken appropriate steps to ensure they are of good character, are physically and mentally fit, have the necessary qualifications, skills and experience for the role and can supply certain information including a DBS check and a full employment history. In addition to these usual requirements the regulation now extends to individuals who are prevented from holding office and significantly excluding people who:

*"have been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a regulated activity or providing a service elsewhere which, if provided in England would be a regulated activity"*

To meet the requirements of regulation 5; Agincare will:

- Provide evidence that appropriate systems and processes are in place to ensure all new and existing directors are, and continue to be fit and that no appointments meet the 'unfit criteria' (see appendix 3a below)
- This means that directors should be of good character, have the required skills, experience and knowledge and that their health enables them to fulfil the management function. None of the criteria of unfitness should apply which include bankruptcy, sequestration and insolvency, appearing on barred lists and being prohibited from holding directorships under other laws. Directors should not have been involved or complicit in any serious misconduct, mismanagement or failure of care in carrying on a regulated activity.
- Make every reasonable effort to assure itself about an individual by all means available
- Make specified information about directors available to CQC
- Be aware of the guidelines available and to have implemented procedures in line with best practice
- Where a director no longer meets the fit and proper person's requirement and is registered with CQC, inform CQC and take action to ensure the position is filled by a person who does meet the requirements

Directors may personally be accused and found guilty by a court of serious misconduct in respect of a range of prescribed behaviours set out in legislation. Regulators may remove an individual from the register for breaches of conduct.

CQC can take enforcement action for breaches of the fit and proper person requirement; breaches of other regulations may give CQC cause to question whether they have resulted from a breach of this regulation.

For the registration of any new Agincare service the application will request information about directors and require the chair of a provider to declare that appropriate checks have been undertaken in reaching a judgement that all directors are fit and proper persons; during the registration process CQC will test the providers understanding of the requirements.

### Inspection

Where there is a serious failure of the quality and safety of care of a provider CQC will carry out a focussed inspection including assessment of the fit and proper person aspects concerning recruitment and management of directors.

## **Appendix 3a**

### **Schedule 4 Good Character and Unfit Person Test. Regulation 5**

#### **PART 1 Unfit person test**

- a. The person is an undischarged bankrupt or a person whose estate has had sequestration awarded in respect of it and who has not been discharged.
- b. The person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or an order to like effect made in Scotland or Northern Ireland.
- c. The person is a person to whom a moratorium period under a debt relief order applies under Part VIIA (debt relief orders) of the Insolvency Act 1986(1).
- d. The person has made a composition or arrangement with, or granted a trust deed for, creditors and not been discharged in respect of it.
- e. The person is included in the children's barred list or the adults' barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006, or in any corresponding list maintained under an equivalent enactment in force in Scotland or Northern Ireland.
- f. The person is prohibited from holding the relevant office or position, or in the case of an individual from carrying on the regulated activity, by or under any enactment.

#### **2. PART 2 Good character**

- a. Whether the person has been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence.
- b. Whether the person has been erased, removed or struck-off a register of professionals maintained by a regulator of health care or social work professionals.

## **Appendix 4**

### **Applying for Disclosing and Barring Certificate Procedure**

**Pre Interview**

Following the recruitment process, send out **invite to interview letter**. This letter advises candidates on what identification they require for the DBS application. It also advises the candidate to bring their current DBS if they are a member of the update service.

**Post Interview  
Member of the Update Service**

Candidates, who are successful at interview and are member of the update service, can be checked at the point of interview with their permission. You must print a copy of the status check and ensure it is for the correct level of disclosure, enhanced for all Care related staff & Standard for all other staff. You should also ask to take a copy of the DBS to retain on file.

The link for checking the update service  
<https://secure.crbonline.gov.uk/crsc/check?execution=e1s1>

**Three possible responses to update service our:**

This Certificate did not reveal any information and remains current as no further information has been identified since its issue. This means that the individual's Certificate contains no criminality or barring information and no new information is available. Please print and retain on file.  
**No further action required**

This Certificate remains current as no further information has been identified since its issue. This means that the individual's Certificate did contain criminality or barring information and no new information is available.  
**Please apply for new DBS.**

This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information. This means that the individual's Certificate should not be relied upon as new information is now available and you should request a new DBS check.  
**Please apply for New DBS**

**Post Interview  
Non Member of the Update Service**

Allow the candidate to complete the DBS form at the point of interview. Please ensure the following points are followed:

- Complete in black ink
- Ensure that all yellow fields are completed as these are mandatory
- Please ensure the position applied for box 61 states Child and Adult Workforce with job role below

For further guidance please refer to the DBS Guidance for Managers.

<b>Charging Details</b>				
<b>AHH –</b>	<b>AUK</b>	<b>Live In Care</b>	<b>Home Cuisine</b>	<b>Agincare Group</b>
No upfront charge. Staff sign NSF and money is deducted on leaving as per NSF	Staff pay up front for DBS certificate. Cash added to petty cash receipt given Cheques sent to Head Office.	No upfront charge £22 deducted in first 2 wages	No upfront charge staff sign NSF and £11 is taken over 4 month period	No charge made to staff



Candidate to complete DBS form. Check DBS form is completed correctly by checking the completion guides which can be found on SharePoint. It is essential to remember the following:  
All yellow areas are completed.  
All areas on back of form are completed correctly to minimise returns.

### **Services with no counter signatory**

Send DBS Form completed to Head Office who will log and process this for you.  
In order for you to track the form it is essential that you keep a log of the Form Reference Number and the date of birth.

### **Services with counter signatory**

Ensure that section Y on the DBS form is completed correctly. This needs to have your individual Counter signatory.  
You then need to log the details on your individual tracker.

DBS form is to be sent to:  
DBS PO Box 3961 Wootton  
Bassett SN4 4HF

Allow 48 hours for the form to be processed. If your contract allows, you can make a request for a DBS first check. This can be done on <https://www.isaadultfirst.co.uk/> to check this you need the individual form number and date of birth. Complete DBS First Risk Assessment Form

DBS certificates are no longer sent to counter signatories they are only sent to the candidates.  
A tracking service is available at:  
<https://www.gov.uk/disclosure-barring-service-check/tracking-application-getting-certificate>