



# BEYOND LIMITS

Beyond the limits of conventional support

## **Safer Recruitment & Selection Policy**

**This policy aims to set out our commitment to recruit and select all employees in an equitable, effective and efficient manner and in a manner that meets the relevant requirements.**



## INTRODUCTION

**In order to meet our organisational and operational objectives and achieve our full potential, we need to ensure that on each and every occasion we recruit the right person to fill every vacancy.**

**Under the Health and Social Care Act 2008 (Regulated Activities) Beyond Limits is obliged to employ staff of 'good character'. Staff who are able to provide care and treatment appropriate to their role.**

**This policy is a framework for the safer recruitment and selection process at Beyond Limits. It aims to set out our recruitment so that we can:**

- **Identify applicants who share our workplace values and commitment to safeguarding**
- **Understand people's values, behaviour and mindset through a range of different lenses, increasing both the inclusivity and safeguarding focus of our recruitment process**
- **Deter and prevent those who may be unsuitable from securing a role working with people drawing on care and support**

All individuals involved in recruitment and selection on behalf of Beyond Limits have a duty to become familiar with the requirements of the policy and to seek advice as and when necessary on the correct use and implementation.

It is the responsibility of all employees involved in recruitment and selection to ensure that statutory obligations placed on Beyond Limits by legislation are strictly adhered to, with particular reference to:

- Equality Act 2010
- Agency Workers Regulations 2010
- Bribery Act 2011
- Police Act 1998
- The Rehabilitation of Offenders Act 1974
- Health and Social Care Act 2008
- UK Visas and Immigration 'Sponsor Guidance'
- UK Visas and Immigration 'Employers Guide to Right to Work Checks'

## THE RECRUITMENT PROCESS

Beyond Limits recruits using a matching process so that the best possible match can be made between an employee and a person we support. This means that the person and those people that know them best will be central to the recruitment process and initial probation assessment and will be involved in the decision to recruit a worker and review their employment progress.

### DECISION TO FILL THE VACANCY

The decision to create a post or recruit into a vacancy must be taken by either the Operations Director or Senior/Service Leader.

### JOB ANALYSIS

To recruit the right person requires an accurate picture of the person we are going to support, the job itself and the skills and attributes it demands. To this end, Beyond Limits will produce:

- **A job description – detailing the functions, responsibilities and accountabilities within the job specifically attaining to the person being supported and their Service Design specifications**
- **A person specification - listing the particular aptitudes, skills and abilities required in order to do the job in question and specifically attaining to the person being supported and their Service Design specifications**

## **EQUAL OPPORTUNITIES IN RECRUITMENT AND SELECTION**

**This policy should be read in conjunction with the Diversity and Inclusion policy. All employees involved in the safer recruitment and selection process have a duty to take action to eliminate all types of discrimination (direct discrimination by association, perception discrimination and indirect discrimination) throughout the process.**

### **PROTECTED CHARACTERISTICS ARE:**

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and Civil Partnership**
- **Pregnancy and Maternity**
- **Race**
- **Religion or Belief**
- **Sex**
- **Sexual Orientation**

**Positive action may be taken to ensure equality for employees or job applicants who share a particular protected characteristic and suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.**

### **ADVERTISING THE VACANCY**

**Beyond Limits will utilise clearly worded, informative advertisements to attract the required response. All advertisements will comply with statutory obligations and Beyond Limits policies. Appropriate media will be used to ensure vacancies are accessible to the whole community.**

All prospective applicants will be given the necessary information, appropriate to the nature and level of the position for which they are considering applying, in order that they may reach an informed decision on their suitability and desire for the post. This will include information on the requirement to undertake DBS (Disclosure & Barring) check and other background checks. Commitment to safeguarding will be clearly stated on all advertising materials in order to deter unsuitable candidates.

## THE SELECTION PROCEDURE

### SHORTLISTING

Initially candidates who do not meet the essential requirements as defined in the Person Specification will be excluded. Then all the remaining candidates will be rated according to the extent they meet the particular requirements set out in the Person Specification and **NOT** in comparison with other candidates.

### SELECTION INTERVIEW

All interview panels must consist of a minimum of two people on the panel, one of whom should be the line manager/supervisor and whenever possible the person for whom they would work for. It is desirable that at least one person on the interviewing panel is trained in Safer Recruitment. If people supported cannot attend, other ways of getting their views incorporated will be pursued e.g. list of desired attributes, specific questions. For more senior posts one or more suitably experienced additional panel members will be added.

All interviews will be conducted on an objective basis, concentrating on the knowledge, skills and abilities of the applicant, their match with the person they will support and their ability to fulfil the job requirements and meet the requirements of the Service Design.

Questions asked of the applicant will relate to the requirements of the job only and their abilities to undertake them within the Beyond Limits environment. Motivation for the role will be explored to ascertain reasons behind applicant's desire to work within social care and supporting vulnerable adults.

At the end of the interview and the process of selection, the interview panel must form a clear and objective reason for their decision which will be recorded and retained for a period of twelve months.



## **2<sup>ND</sup> STAGE INTERVIEW**

Second stage interviews are relevant to individual services although these can form part of other interviews within the organisation depending on the role requirements.

For the services, the second stage interview will be conducted to ensure there is a match between the candidate and the person receiving support. The selection process at this stage will be suited to the person supported to best enable them to make their choice and could include a face-to-face meeting, a meeting with the person's family, or writing a letter.

## **AFTER THE INTERVIEW**

The offer of appointment will be made as soon as possible. All offers of appointment must be made subject to satisfactory pre-employment checks, including receipt of satisfactory references. Disclosure and Barring Service clearance, an identity check, right to work in UK check and subject to any other conditions which may apply to the appointment in question.

All appointments will be subject to a probationary period that will enable further assessment of suitability in the role.

In the event of alleged unfair or unlawful treatment within the recruitment and selection process, candidates will have recourse and should put any such complaint in writing to the Operations Director (Rebecca Chadwick)

## **PRE-EMPLOYMENT CHECKS**

Staff involved in conducting pre-employment checks will have a good understanding of safer recruitment, including how to apply a curious safeguarding mindset to the assessment of recruitment and vetting information.

The Service Leader/Senior Service Leader will carry out a risk assessment where any negative or adverse information is shared within the recruitment and vetting process and give candidates the opportunity to share their perspective on any information provided before a decision of appointment is made.

- **IDENTITY CHECK** – the range of documentary evidence gathered should aim to verify the individual’s appearance (photo identification) full name (forename and surname and any other name they legally wish to be known by). Date and place of birth and current residing address. Where the photo identification is not present, a photograph will be sent out with references to verify the appearance
- **RIGHT TO WORK IN THE UK CHECK** – Relevant documentary evidence will be obtained before the commencement of employment and the scan of the document will be kept together with the Home Office Right to Work Checklist form or the online right to work check.
- **REFERENCES** – A minimum of three written references (one character and two employer) will be requested for all shortlisted candidates, one of which should be the applicant’s current employer. References should validate a minimum of three years consecutive employment or training. Full employment history will be explored with the candidate including any gaps in employment or education. Where possible evidence should be sought that will validate these gaps. Any periods of unemployment where the applicant has been claiming benefits can be confirmed via Job Centre Plus by a summary letter or other means
- **OVERSEAS CRIMINAL BACKGROUND CHECK** – A satisfactory criminal record check from the country of origin or any country that the candidate resided in for 12 months or more within the last 10 years must be provided in addition to an enhanced DBS check before employment/voluntary work can begin. If the original certificates are written in a different language other than English, the applicant will need to obtain a certified translation of the certificate as Beyond Limits will require a certified translated English copy. Applicants can contact the Embassy of High Commission of the country in question, or the Embassy of the county concerned for further assistance. If a criminal record check is not available (as certain countries do not issue these), a personal signed declaration must be obtained from the candidate to verify that they have never had any criminal convictions recorded against them in any county in which they have resided in. In these circumstances, Beyond Limits will undertake a safety assessment and may make a request for additional references from potential overseas employees
- **FITNESS FOR WORK** – The Equality Act limits the circumstances when you can ask health-related questions before offering a job. Up to this point only those questions which will help you decide on certain issues can be asked:
  - To help you decide whether you need to make reasonable adjustments for the person in the selection process



- To help you decide whether an applicant can carry out a function that is essential to the job
  - To help monitor diversity among people making applications
  - To take positive action to assist disabled people
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- **DISCLOSURE AND BARRING SERVICE CERTIFICATE** – Beyond Limits will carry out the correct level of criminal record check that the role is eligible for. Enhanced DBS with the adult's barred list check will be conducted for any roles working in regulated activity with adults or managers of those in regulated activity services as listed in the Police Act 1997 (Criminal Records) Regulations
  - **ENGLISH LANGUAGE COMPETENCE CERTIFICATE (Candidates on a Visa)** – Candidates will need to show that they have passed an approved English test within the last 2 years as part of their visa application. A copy of the certificate will be held on file. Candidates from countries where English is a spoken language, or those with a degree-level qualification taught in English are exempt from taking the test.
  - **DRIVING LICENCE CHECK** – This will be conducted for any candidate where they will be required to drive for the purposes of Beyond Limits. Where a candidate will be driving their own vehicle for the purpose of Beyond Limits, additional information will be required such as, proof of MOT and business insurance.
  - **SOCIAL MEDIA SCREENING** – Beyond Limits may seek information across the internet on all major social media platforms including Facebook and Instagram to make an assessment to whether information gathered via the application form and vetting process is mirrored on the persons social media pages. This will also help to verify if a candidate upholds the values of equality, diversity and inclusion. Specifically, the screening will pay attention to evidence showing behaviour that is unlawful, violent, aggressive, sexist, racist and abusive or explicit in nature. Any information of concern will be explored with the candidate prior to making a decision regarding their appointment.

During the screening, we may come across information that is protected under the Data Protection Act 2018 (UK's implementation of the General Data Protection Regulation). Some of this information may include a candidates age, gender, religion, race, sex, sexual orientation and other sensitive information. None of this information will be used to make a hiring decision.

**OFFER OF EMPLOYMENT** – Any offer of employment with Beyond Limits will be conditional on all documentation being received and it being satisfactory to Beyond Limits. Verbal references shall not



normally be sought or accepted, unless confirmed in writing. Consent will be sought prior to references being sent for; it is noted that any delay may impact on satisfactory pre-employment.

## **RECRUITMENT FROM OVERSEAS**

Whilst we endeavour to recruit people locally and from surrounding areas, Beyond Limits have acquired a UK visa sponsorship licence which allows us to recruit from overseas, to help fill vacancies.

We are committed to safe and ethical recruitment and are very aware of modern slavery traps. For this reason, we are careful around how we recruit from overseas and we intend to only use validated ethical recruiters. To date our direct overseas recruitment has been via Devon Alliance for International Recruitment which offers a level of security.

If we were to recruit directly, where possible we would avoid the use of a third parties' involvement to minimise the risk of rogue activity that is taking place nationally. However, if recruited via third parties in the future, we will endeavour to conduct due diligence checks with candidates both at the time of their interview and when they arrive in the UK to check if they have paid any unlawful work finding fees.

Beyond Limits will also receive interest from international candidates currently residing within UK. If the candidate is successful for the role, they will be offered sponsorship and issued with a certificate of sponsorship.

Pre-employment vetting checks will apply to all candidates as stated above.

**When recruiting from overseas Beyond Limits will:**

- **Ensure ongoing compliance with the Home Office Sponsor Guidance**
- **Not charge candidates any recruitment fees in relation to gaining employment in the UK**
- **Make all appropriate information about the role available from the start of the recruitment process so candidates can make informed decisions**
- **Ensure that any repayment clauses will abide by principles of transparency and proportionality, cost, timing and flexibility**

**For sponsored employees, as per above and in addition to, Beyond Limits will keep records of:**

- **Certificate of Sponsorship**
- **Right to work checks**



- **Detailed job description**
- **Evidence of the sponsored worker's entry to the UK (If recruited from outside the UK)**
- **References**
- **Signed contract of employment**
- **English language certificate**
- **DBS check**
- **Overseas criminal background check**
- **Details of advertisement and selection process**
- **History of contact details including UK residential address, telephone numbers, mobile and landline if relevant and email address**

## **SUPPORT FOR STAFF FROM OVERSEAS**

**Beyond Limits recognises that to be successful at retaining staff from overseas that a comprehensive support plan needs to be in place.**

**The person who holds the role of Recruitment Assistant will support staff arriving from overseas during their initial settling in period. The recruitment assistant will provide support for people, including finding accommodation, registering with a GP, setting up a bank account and applying for a National Insurance number. The recruitment assistant will liaise with overseas candidates regularly and at least monthly for the first 6 months of their employment with Beyond Limits to ensure they have the best support during this crucial period. New overseas recruits will be provided with a welcome pack designed by Devon Alliance which includes information about the local area including schools and community facilities.**

## **RECRUITMENT OF EX-OFFENDERS**

**As an organisation using the Disclosure and Barring Service to assess applicant's suitability for positions of trust, we comply fully with the Disclosure and Barring Service Code of Practice and undertake to treat all applicants fairly. We undertake not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.**

**Beyond Limits actively promotes equality of opportunity for all with the right mix of talent, skills and potential and we welcome applications from a wide range of candidates, including those with**



**criminal records. Beyond Limits selects all candidates for interview based on their skills, qualification and experience.**

**A Disclosure is required for all staff. It is standard procedure given the nature of our work to seek an enhanced Disclosure. Beyond Limits request that this information is sent under separate, confidential cover, to a designated person. We guarantee that this information is only seen by those who need to see it as part of the recruitment process. All applicants successful at stages 1 and 2 ( application form and initial interview) will be required to show the original and provide a copy of their DBS and allow the organisation to hold this on file in accordance with the Data Protection Act 1998 and the Disclosure and Barring Service Code of Practice.**

**All application forms, job adverts, and recruitment briefs will contain a statement that an enhanced Disclosure will be requested in the event of the individual being offered the position.**

**Beyond Limits encourages all applicants called for interview to provide details of their criminal record at an early stage in the application process.**

**Due to the nature of the work that Beyond Limits undertakes, the organisation is allowed to ask questions about an individual's entire criminal record and not only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.**

**Beyond Limits ensures that all those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.**

**Beyond Limits also ensures that interviewers 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.**

**At interview, or in a separate discussion, Beyond Limits ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment.**

**Beyond Limits makes every subject of a Disclosure aware of the existence of the Disclosure and Barring Service Code of Practice and makes a copy available on request.**

**Beyond Limits undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.**

**Having a criminal record will not necessarily prevent you from working with Beyond Limits. This will depend on the nature of the position applied for and the circumstances and background of your**



offences. Often consent from external funders or people we support would be sought before a decision is made.

Subsequent to an enhanced Disclosure on starting employment, if the employee commits any new offence, this must be reported to their line manager immediately. Failure to disclose could be deemed a disciplinary matter and will be dealt with in accordance with our disciplinary procedures.

## **WORK PLACEMENTS**

Beyond Limits works with local colleges to encourage future generations to enter the social care/supported living sector. At times, where this is possible and with the consent of the person receiving support, Beyond Limits will offer work experience opportunities for students. In line with our procedures, we will ensure that a DBS at the appropriate level is requested. Some of the placements may happen very quickly and may be for a short period of time, therefore in some circumstances it may not be practical or proportionate to seek a DBS. In this case, we will document the reasons for the decision and ensure the person only undertakes suitable activities and tasks.

**Beyond Limits will carry out a safety assessment and ensure that:**

- **The person is supervised throughout their work placement by suitably trained staff, and they should only undertake suitable activities and tasks**
- **The person on the work placement must not be left alone with the person receiving support**
- **The person on the work placement should only carry out tasks which are limited to a supporting role and must not deliver any aspect of personal care**

## **AGENCY WORKERS**

On rare occasions, when necessary, Beyond Limits will work with employment agencies to outsource staff. Beyond Limits will choose a reputable agency that has a robust safer recruitment policy in place, and which adheres to good practice guidelines. Any specific pre-employment vetting checks will be agreed, and these will be specified in the supply agreement. Prior to any supply shift the agency must



**provide confirmation they have completed background and safeguarding checks on every worker, including:**

- **Proof of identity**
- **Proof of address**
- **Right to work checks**
- **Professional qualification check, if appropriate**
- **Full employment history**
- **References covering the last 3 years and including most recent employment**
- **DBS checks including the barred list information if needed**
- **Overseas criminal record check, where workers have lived or worked abroad for 12 months or more in the last 10 years**
- **Rehabilitation of Offenders Act declarations**
- **Fitness to work declarations**

**All agency staff reporting on shift will be asked to show their ID badge or other form of appropriate identification.**

