**Safer Recruitment Policy**

1. **Purpose**
   1. Omega Care Group is committed to creating and maintaining a safe environment for the young people engaged with its provision. Safeguarding and protecting the welfare of young people is paramount and underpins all aspects of Omega Care Group.
   2. This policy applies to all workplaces operated by Omega Care Group
2. **Aim**
   1. By implementing robust recruitment practices and procedures allows Omega Care Group to ensure they are ensuring the highest possible caution when recruiting new staff to work with the children and young people while providing a work environment within which everybody is treated in a fair and just manner.
   2. Omega Care Group aims to recruit staff that share and understand the organisation’s commitment, and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equalities Act 2010.
   3. Implementing robust safer recruitment practices ensures the best possible practice to safeguard and protect all children and young people. A robust procedure will ensure the best possible person is recruited for the post based on skills, personal abilities and suitability for the role.
3. **Recruitment Process**
   1. The recruitment process should be consistent every time to ensure all job applicants are considered equally in accordance to the Equality Act 2010 regardless of their age, gender reassignment, disability, marriage/civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, culture, ethnic or national origin.
   2. Having a consistent and transparent approach minimises the risk of appointing someone unsuitable. It must be clear from the outset during the advertisement process the importance of safeguarding within the organisation. The advert should also contain the need to criminal check all successful applicants. Advertisements for all posts will include a statement of Omega Care Group’s commitment to safeguarding and promoting the welfare of young people. The advertisements will also include a statement of Omega Care Group’s commitment to the values of diversity and equality.
   3. Application Pack – All candidates applying for a position within Omega Care Group will receive an information pack to ensure they have all the relevant information required about the organisation and the position applied for. The pack will contain:

* A covering letter
* The Omega Care Group Safeguarding Statement
* The Omega Care Group Diversity and Equality Statement
* Information about Omega Care Group and our aims.
* The job description and person specification clearly outlining the role, duties and responsibilities of the post, including a specific responsibility for safeguarding. The required skills, qualifications and experience required to carry out the role will be listed in the person specification for both essential and desirable.
* Equalities monitoring form
* Application form which will clearly state that the post is exempt from the Rehabilitation of Offenders Act 1974, and include a Rehabilitation of Offenders Declaration form. The application form will also request details of at least 2 referees including the current/most recent employer.
* Candidate Confidential Self disclosure form (which is apart of the application form)

CVs will **not** be accepted as a substitute for the Omega Care Group application form.

* 1. Shortlisting – The shortlisting process will be carried out by all the panel conducting the interview apart from the young person. They will have a clear understanding of the role and will shortlist accordingly. Any discrepancies in an application will be noted and explored at the interview stage as appropriate. Applications not shortlisted will be stored securely and destroyed appropriately after six months in accordance with the Data Protection Act 1998.
  2. Interviewing – The interview panel will consist of a Manager, admin staff member and at times a young person. Both the manager and the other interviewer will hold a qualification in safer recruitment. Each candidate will be required to carry out a practical test at the start as part of the interview process. The candidates shortlisted for interview will be notified of what the interview process will consist of along with access details to the venue where the interviews are to be held. They will be asked to inform Omega Care Group prior to their interview should they require any assistance on the day.
  3. They will then attend their interview with the selected panel. The interview questions will be the same for each candidate. The questions should encourage the candidates to show they are able to establish and maintain professional boundaries and professional integrity, hold knowledge and understanding regarding safeguarding and child protection, demonstrate understanding of adverse childhood experiences, demonstrate understanding of behaviour and child development, establish and maintain relationships with children and young people and also take action to protect a child.

* 1. The panel will explore the candidates experience of working with young people. They will explore their suitability to fulfil the job role and to meet the needs of the person specification. The panel will explore any annomilies/gaps in employment to satisfy themselves of any safeguarding issues. Accurate notes and documents will be retained from each interview. Candidates will be welcomed to disclose any information regarding themselves prior to any DBS check. Each candidate’s identitly during the recruitment process should be checked.
  2. Prior to appointment – Any job offer to successful candidate(s) should be made clear it is dependent on satisfactory completion of all the appropriate vetting process. This process also applies to temporary staff, agency workers and bank staff. These are receipt of 2 satisfactory references – these must come directly from the referee and cover a three year period. All references must be verified and any gaps must be clearly explained in writing. Reasons for leaving must be evident on employment history within the application form. If concerns are present regarding employment history, Omega reserves the right to contact previous employers.
  3. Verification of Right to Work in the UK in accordance with the Immigration, Asylum and Nationality Act 2006 must be completed. Verification of qualifications, original documents only and satisfactory full Enhanced Disclosure and Barring Service check. Verification of medical fitness for role is required to be completed by the candidate.
  4. Overseas Checks – If a candidate has been a resident overseas for three months or more within the past five years, Omega Care Group will check the candidate’s record in that country.
  5. Omega Care Group will apply for the full enhanced DBS check (including Children’s Barred list). On receipt of this the candidate should take the certificate to Omega Care Group where it will be verified and the date, company of issue and reference number will be recorded. All information relating to the individual’s application process will be maintained on their personal file and stored securely in line with the Data Protection Act. New employees **cannot** start work until all the criteria, including a satisfactory DBS check has been met.
  6. Concerns Following Vetting Checks – If references, vetting, DBS checks highlight any concerns about a candidate’s history then Omega Care Group will assess whether or not they are suitable to work with children and young people. Any formal offer of appointment will be placed on hold until these checks are satisfactory.
  7. References – 2 references minimal must be received with one being from the most recent employer and must cover a three year period. All references will be verified. If any references highlight significant issues, then the referee should provide further details in writing.
* Confidential Self-disclosure Forms – If a candidate discloses a caution or conviction on their form Omega Care Group will carry out a risk assessment to decide if this is relevant to the post. The candidate will be asked, who was involved, what happened, why did it happen and where did it happen. Candidates should disclose on this form whether they have ever been subject to any investigation, include child protection.
* Criminal Record Checks – Candidates on the barred list must not be given a role that requires them to work or volunteer with children and young people. Should Omega Care Group identify someone who has applied to work with children or young people and are barred we will notify the police. Candidates who have concerns on their DBS form will be risk assessed. This risk assessment will support the decision whether they are suitable to work with children and young people.
* Confidential information – If the vetting and barring check includes additional information that is marked “in confidence”, this should NOT be discussed with the candidate as it may compromise a criminal investigation or the safety of another person. This may also consititue a criminal offence under the Police Act 1997. Should Omega Care Group decide not to appoint on the basis of this information then it is sufficient to inform the applicant that, on the basis of checks and references that have been made, we have had to withdraw the provisional offer.
  1. Things Omega Care Group will consider include:
  + The nature, seriousness and relevance of the offence
  + How long ago it took place?
  + The length of the sentence
  + Was it a one off or part of a pattern of offences?
  + Are there any changes in circumstances
  + Where there mitigating circumstances? E.g immaturity/life event
  + Would they do things differently now?
  + What is their attitude to the offence?
  + Has there been a process of decriminalisation – does the individual show remorse?
  + Would the new role provide opportunity to reoffend?
  + Are there any legal constraints relevant to the role?

**3.12.** New employees are not allowed to start on shift with Omega Care Group until all the criteria, including a satisfactory DBS are met. Staff are also required to attend induction training which also covers child protection and complete 3, shadow shifts which will be for 8 hours per shift based in the home they have been allocated. Within the shadow shifts the staff member will complete part 2 of the induction pack which covers health and safety, fire checks and the day to day running of the home.

1. **Probationary Period and Induction Process**
   1. All posts are subject to the successful completion of a 6 months probationary period. This may be extended dependent on circumstances.
   2. Throughout the probationary period supervision will take place on a 2 week cycle, with the probationer having access to management support and guidance as and when appropriate. The manager will produce a report at the end of the probation period and together with the Director will, if successfully completed, sign the probation off.
   3. New staff members will receive a full induction. This will include receiving training in Safeguarding, Health and Safety, Child Sexual Exploitation, Positive Behaviour Management, Diversity and Equality and a range of other areas, to equip staff with the knowledge and skills to deliver their role.
   4. The induction process includes a series of shadow shifts with a comprehensive set of tasks and knowledge based targets to achieve. These are recorded and are addressed and contribute to supervision sessions.
   5. Professional development training will be available to staff, including access to qualifications. All staff are required to participate in relevant training.
   6. Disciplinary Procedures may not apply during a probation period if reasonable and substantiated evidence of misconduct or gross is found.
2. **Recruitment of ex-offenders**

**Statement of Intent**

* 1. Omega Care Group actively promotes equality of opportunity to any individual who may seek to work for the organisation. Omega Care Group will not discriminate against a prospective employee who may have a criminal record. Selection for interview will be based on experience, relevant skills and qualifications. Omega Care Group will address disclosure of offences through a transparent, recorded and effective process.
  2. Omega Care Group will comply with the law, using the Disclosure and Barring Service to obtain information and enable it to assess the suitability of applicants for employment in regulated activities.
  3. Omega Care Group will comply fully with the DBS Code of Practice and not discriminate against any subject of a DBS check based on a conviction or other information revealed. Having a criminal record will not necessarily bar an applicant from employment with the organisation, as the nature of the disclosed conviction and the relevance to the post will be considered.
  4. Omega Care Group will comply with the DBS Code of Practice regarding secure storage, handling retention and disposal of DBS and disclosed information and with obligations under the Data Protection Act.
  5. Omega Care Group asks all applicants to voluntarily provide details of any criminal record at an early stage in the application process. The covering letter attached to the application pack explains this, and that any information disclosed on the declaration form will be seen only by those who need to as part of the selection process. The covering letter will state that unauthorised disclosure of information about spent convictions is illegal and that Omega Care Group will comply with all relevant legislation.
  6. Should the applicant be shortlisted and the completion of the Rehabilitation of Offenders Declaration form identify a conviction(s) the following process will be followed:
* An interview will be offered
* Post interview the panel will discuss the disclosure with the applicant - the young person’s representative must not participate in this discussion and must leave the room.
  1. The panel and applicant will discuss:
* Who was involved
* What happened
* Why did it happen
* Where did it happen
  1. The applicant’s feelings about the incident should be explored. Consideration should be given by the panel to the employee and the situation should be explored as outlined in section 3.11
  2. The discussion should be formally recorded. If the disclosure is as a result of a DBS check the applicant has the right to dispute this and should do so by contacting the DBS. Information from the discussions should inform the Adverse Disclosure Risk Assessment if the applicant is considered for the post. The Adverse Disclosure Risk Assessment should also consider Lone Working and evaluate all known risk factors. Protective factors should also be considered.
  3. Should any identified risk be considered acceptable, and the applicant merits appointment on all other criteria, they should be offered the post. The risk assessment and records of the meeting should be retained securely in line with the DBS Code of Practice and the Data Protection Act.
  4. Should any risk be considered unacceptable although the applicant merits appointment on all other criteria, they must not be offered the post. The records of the meeting and the risk assessment, showing clear and specific reasoning, should be retained securely in line with best practice and confidentially destroyed after 6 months.

**Omega Care Group will ensure that all those involved in recruitment will receive appropriate guidance in the relevant legislation concerning ex-offenders.**

Adverse Disclosure Risk Assessment

The term "adverse disclosure" refers to a disclosure containing information relating to convictions, cautions and reprimands etc plus "soft information" relating to non-convictions, but which police forces deem relevant.

Omega Care Group follows a consistent process for considering such disclosures and for making subsequent judgements regarding an candidate’s suitability for employment.

When an adverse disclosure is identified, a discussion must take place between the relevant manager and HR. The relevant manager will undertake an initial assessment as to whether the offence(s) listed are sufficiently serious to cause concern.

If offences were deemed sufficiently serious to cause concern, it is judged that an interview is necessary, this should normally be undertaken between the employing manager and the prospective employee.

The relevant manager should not take the decision to employ or not employ in isolation, of a panel of a minimal of two should review in line with the scoring guidance. There should be a clear record made of the recommendation, bearing the judgement and signature of the person conducting the interview.

All adverse disclosures should be passed to the Human Resource Officer for discussion with the Service Manager and Director who are not involved in the initial recommendation. These Senior Managers will make the overall decision about whether to employ or not to employ the person.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name of individual:** |  | **Signature:** |  | **Date of meeting:** |  |
| **Position applied for:** |  |
| **Relevant manager:** |  | **Signature:** |  | **Date:** |  |
| **Senior manager:** |  | **Signature:** |  | **Date:** |  |

|  |  |  |
| --- | --- | --- |
| **Decision - Please tick as appropriate and give details** | | |
| Employ | Do not employ | Employ with adjustments to role (give details) |
|  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Questions to Consider** | **Possible Responses** | **Answer** | **Comments** |
| Does the DBS reveal that the candidate is subject to a Disqualification Order?  If the answer is yes, then the appointment is automatically unlawful and the person must not be appointed to the post. Do not continue with this decision sheet. Report to the police. | Yes  No |  |  |
| Is the conviction relevant to the position?  Consider the impact of the particular nature of the conviction/s disclosed on the post. How relevant is it to the job role? | Yes  No |  |  |
| Please list conviction details  List offence/s and disposal/s from the certificate so an informed judgement can be made. |  | | |
| Placement on either the PoCA or PoVA lists or List 99?  (Noted as Major or Catastrophic) |  | | |
| People whose employment has been barred or restricted by the Secretary of State for Education and Skills under the terms of the Education (Restriction of Employment) Regulations 2000, and previous regulations.  (Noted as Major or Catastrophic) |  | | |
| Offences where death results, violence is used or threatened or life recklessly endangered by a person, sexual offense or drug offense (please refer to annex A)  (Noted as Major or Catastrophic) |  | | |
| Offenses related to Annex B?  (Noted as Moderate/Major) |  | | |
| Are you satisfied with the candidate’s explanation of the circumstances of the offence/s?  All adverse disclosures should be discussed with the candidate. Note down their explanation of the circumstances. | Yes  Unsure  No |  |  |
| How serious do you consider the offence/s to be? | Major  Moderate  Minor |  |  |
| Did the offence/s occur recently? | Within last 1 year  Within last 3 years  Within last 10 years  Older |  |  |
| At what age were the offences committed?  Was the offence committed as an adult, or as a child or adolescent? | State age |  |  |
| What age is the candidate now? | State age |  |  |
| Does the disclosure show a pattern of offending behaviour, or was the offence a one-off?  Repeated offences may indicate that the individual has not been able to change his/her behaviour, and may be more likely to re-offend. | One-off  Repeat-frequent  Repeat-infrequent |  |  |
| Have the circumstances that lead the candidate to commit the offence changed for the better?  Look at all the circumstances, including the employment pattern and the individual’s own explanation. | Yes  No  Maybe |  |  |
| Did the candidate disclose the conviction/s, caution/s, warning/s or reprimand/s when asked?  Note that a failure to disclose an offence without a satisfactory reason will / would be a breach of contract and render the employment offer void. | Yes  No – No valid reason  No – But has valid reason |  |  |
| Does the role allow the opportunity to re-offend?  Consider the nature of the post in relation to the disclosed offence/s. | Yes  No |  |  |
| What level of management supervision will the person receive?  What opportunity would there be to re-offend? Will supervision reduce the risk? How much responsibility does the post carry? | High  Moderate  Low |  |  |
| Does the post involve responsibility for finance, items of value or other high-risk areas?  This is particularly relevant where the disclosed offences are related to robbery, burglary or fraud. | High  Moderate  Low |  |  |

**Adverse Risk Assessment Tool**

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| --- | --- | --- | --- |
| **Likelihood** | **Frequency** | **Score** | **Your selection and why?** |
| **Rare** | This will probably never happen |  |  |
| **Unlikely** | Do not expect it to happen but it is possible it may do so |  |  |
| **Possible** | Might happen occasionally |  |  |
| **Likely** | Will probably happen but it is not a persisting issue |  |  |
| **Almost Certain** | Will undoubtedly happen, possibly frequently |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Risk** | **Harm caused** | **Level** | **Your selection and why?** |
| **Negligible** | Minimal injury requiring no/minimal intervention or treatment. |  |  |
| **Minor** | Minor injury or illness, requiring minor intervention. |  |  |
| **Moderate** | Moderate injury requiring professional intervention. |  |  |
| **Major** | Major injury leading to long-term incapacity/disability. |  |  |
| **Catastrophic** | Incident leading to death or an event which impacts on a large number of patients. |  |  |



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| --- | --- |
| Further considerations, including summary of risk assessment |  |

Annex A

Appendix A: Convictions or circumstances which would automatically exclude an offer of appointment Please note: this list is not definitive or exhaustive nor restricted to posts involving access to children/young persons and vulnerable adults or to information about them

Offences where death results, violence is used or threatened or life recklessly endangered by a person actions including, but not restricted to:

• Murder (Common Law)

• Manslaughter (Common Law)

• Wounding or Causing Grievous Bodily Harm with Intent, otherwise known as Malicious Wounding. (Section 18 - Offences Against the Person Act 1861)

• Grievous Bodily Harm or unlawful wounding (Section 20 – Offences Against the Person Act 1861)

• Robbery (Section 8 – Theft Act 1968)

• Aggravated Burglary (Section 10 – Theft Act 1968)

• Injury or Assault (Section 1 Children and Young Persons Act 1933 amended 1989)

• Rioting (Section 1 – Public Order Act 1986)

• Violent Disorder (Section 2 - Public Order Act 1986)

• Infanticide (Section 1 (1) – Infanticide Act 1938)

• Child Destruction ( Section 1 – Infant Life Preservation Act 1929)

• Causing fear of violence (Section 4 – Protection from Harassment Act 1997)

• Arson (Section 1 – Criminal Damage Act 1971)

• Offences included in the Prevention of Terrorism (Temporary Provisions) Act 1989

• Firearms offences – Possession of Firearms with Intent, Use of Firearms to Resist Arrest and Possession in Relation to Certain Offences (Section 16, 17(I), 17(ii) & 20 – Firearms Act 1968)

• Threats to kill (Section 16 – Offences Against the Person Act 1861)

• Destroying or Damaging Property with Intent to Endanger Life (Section 1 (1) – Criminal Damage Act 1971)

• Incitement of Racial Hatred (Section 31 – Race Relations Act 1976)

• Aggravated Vehicle Taking (Section 12 (a) Theft Act 1992)

**Sexual offences - to include (but not be restricted to ) the below as well as more recent changes as listed in the Sexual Offences Act 2003 or any subsequent updates or**

**amendments to this Act which may supersede any previous Sexual Offences Acts.**

• Rape and Attempted Rape

• Abduction

• Incest

• Buggery (for the purposes of these guidelines this applies only when the offence was committed with a child under 16 or any person without consent)

• Gross Indecency

• Indecent Exposure

Depending on the circumstances some offences concerning indecency may afford discretion. The circumstances would need to be clearly established before a final

decision could be made.

• Indecent Assault

• Causing or Encouraging to Become Prostitutes

• Intercourse with a Girl Under 16 or Mentally Retarded Person (known as Defilement)

• Indecent Contact with Children

**Drug offences**

• Importation and Exportation, Production, Supply and Possession with Intent to Supply (sections 3, 4(2) 4(3), 5(3) Misuse Of Drugs Act 1971)

Appendix B: Offences subject to management discretion

It is recognised that there are a variety of “other” offences where convictions may or may not indicate that the person is unsuitable for work providing substantial access to children and vulnerable adults. The reason for having such a category is that circumstances surrounding some offences vary widely. It is not possible to establish the precise

circumstances of the arrest or details of the offence merely from the information provided by the DBS. A person charged with “assault” may have been acting in self-defence or the offence of threatening behaviour could arise from a picket as part of an industrial dispute.

Offences in this category could include:

• Any bound over orders or cautions or any breaches of the peace.

• Offences committed when the candidate was under 17 years of age therefore legally considered a juvenile, unless those detailed in Appendix 1.

Assaults or threats of violence

• Actual Bodily Harm (Section 47 – Offences Against the Person Act 1861)

• Common Assault (Section 39 – Criminal Justice Act 1988)

• Carrying an Offensive Weapon – (Prevention of Crime Act 1963)

• Affray (Section 3 – Public Order Act 1986)

• Intentional Harassment, Alarm or Distress (Section 4(a) Public Order Act 1986)

• Assault on Police (Section 81(1) Police Act 1996 or Section 51 Police Act 1964)

Criminal Damage

• Destroying or Damaging Property (Section 1 (2) – Criminal Damage Act 1971)

Thefts

• Theft (Section 1 – Theft Act 1968)

• Making off without payment (Section 3 – Theft Act 1968)

• Burglary (Section 9 – Theft Act 1968)

• Obtaining property by Deception (Section 15 – Theft Act 1968)

• Obtaining a Pecuniary Advantage (Section 16 – Theft Act 1968)

• Handling Stolen Goods (Section 22 – Theft Act 1968)

• Blackmail (Section 21 – Theft Act 1968)

• Going Equipped (Section 25 – Theft Act 1968)

Sexual Offences

• Loitering and Soliciting

• Kerb Crawling

\*Depending on the circumstances some sexual offences concerning indecency may afford discretion. The circumstances would need to be clearly established before a

final decision could be made.

Drug offences

• Possession of Class A, B & C Drugs (Section 5(2) Misuse of Drugs Act 1971 (verify how long ago the offence occurred, and whether there is any medical history of drug taking)

Other offences

• Obscene Publications Offences (Section 1 (13) – Obscene Publications Act 1964)

• Cruelty to Animals (Section 1 - Protection of Animals Act 1911)

These guidelines do not provide an exhaustive list of all criminal offences, but

cover those most likely to be recorded.