

# Birtenshaw

## Recruitment and Selection

### Policy and Procedure



Legislation References	
Employment Rights Act (ERA) 1996	Equality Act 2010
Disability Discrimination Act (DDA)	Data Protection Act 1998
Keeping Children Safe in Education 2016	Working Together to Safeguard Children 2015
The Children's Homes ( England) Regulations 2015	Safer Recruitment Guidelines
Care Quality Commission (CQC) Health and Social Care Act 2008 (Regulated Activities) Regulation 2014. Regulation 19 Fit and Proper Persons Employed.	

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## Scope

This policy explains the steps that need to be followed by both managers and employees of Birtenshaw in order to ensure that the organisation applies best practice and complies with legislation including; Keeping Children Safe in Education 2016, Working Together to Safeguard Children 2015, The Children's Homes (England) Regulations, Safer Recruitment and Care Quality Commission (CQC) Health and Social Care Act 2008 (Regulated Activities) Regulation 2014. Regulation 19 Fit and Proper Persons Employed.

Birtenshaw demonstrates a culture of safe recruitment and, as part of that, adopts recruitment procedures that help deter, reject or identify people who might abuse children, young people and vulnerable adults.

Birtenshaw's intention is to only employ 'fit and proper' staff who are able to provide care and treatment appropriate to their role within its regulated activities. Birtenshaw operates robust recruitment procedures, including the undertaking of all relevant checks.

In addition, following appointment, Birtenshaw continues to monitor staff to ensure they remain capable/able to meet the requirements, The Conduct Management Policy GP19, and Performance Management Policy GP21, correspond with this policy. Both policies set out the processes to follow in order to deal with staff who may be no longer fit or able to carry out the role or the duties required of them.

## Policy Summary

Birtenshaw is committed to equal opportunities and aims to maintain a transparent and fair recruitment and selection process whilst promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment.

The aim of the policy is to demonstrate that the recruitment and selection process is fair and consistent with best practice so that the most competent and appropriate candidate is recruited.

Birtenshaw is committed to carrying out all relevant pre-employment checks before confirming start dates for new members of staff. This process involves the obtaining of at least two satisfactory references, including one from the most recent employer, medical clearance and a Disclosure and Barring Service Check (DBS) Enhanced (Child and Adult Workforce).

All appointment procedures regarding new members of staff comply with the requirements of Schedule two of the Children's Homes Regulations.

In all pre-interview information, mention will be made of the requirement to disclose any previous convictions and all applicants are required to complete a Disqualification by Association form as part of the application process.

## **Principles**

It is the clear intention of Birtenshaw to promote consistent good practice, carried out in a lawful, efficient and cost effective manner. In this way the interests of Birtenshaw and its reputation as a fair employer will be protected.

All employees involved in recruitment and selection have a duty to take action to eliminate discrimination throughout the recruitment and selection process. Therefore this policy also corresponds with Equality and Diversity Policy –GP16.

## **The application process**

### **Planning and Advertising**

All recruitment campaigns need to be planned, including who will be involved, their roles and responsibilities, diary planning and timescales.

Birtenshaw is very clear in the job advertisements regarding the mix of qualities, qualifications and experience a successful candidate will need to demonstrate, and whether there are any particular matters that need to be stated in the advertisement for the post, in order to prevent unwanted applications.

The following statement is also included in all advertisements posted on behalf of Birtenshaw in order to ensure its commitment is clear from the outset. *Birtenshaw is committed to safeguarding and promoting the welfare of vulnerable children and adults and expects all employees to share this commitment. Therefore all offers of employment, where appropriate, are subject to an enhanced DBS check.*

### **Job Description**

Once a post becomes vacant or a new post is created, the job description and person specification needs to be reviewed/agreed to ensure compliance with safe recruitment guidance and also any changes to the post.

This should clearly state:

- The main duties of the post;
- The extent of contact/responsibility for children and young people;
- The individual's responsibility for promoting and safeguarding the welfare of the children, young people and adults at risk s/he is responsible for, or comes into contact with.

## Person Specification

This should include:

- The essential and desirable qualifications and experience;
- Other requirements needed to perform the role in relation to working with children, young people and adults;
- The competencies and qualities that the successful candidate should be able to demonstrate.

## Information Pack to Candidates

All information given to interested applicants should highlight the importance of the rigorous selection processes and the duty to safeguard and promote the welfare of children, young people and adults. It should be clear that proof of identity will be required, as well as a **Disclosure and Barring Service** enhanced check in Birtenshaw's name.

The pack should include a copy of:

- The application form, and explanatory notes about completing the form;
- The job description and person specification;
- Relevant information about the organisation and the recruitment process;
- A disqualification by association form
- A statement of the terms and conditions relating to the post.

## Application Form

Birtenshaw does not accept curriculum vitae in place of an application form as this contains only the information the applicant wishes to present and may omit relevant details. An application form includes a common set of core data required from all applicants.

The application form/information pack should refer to Birtenshaw's commitment to safeguarding children, young people and adults. It should obtain:

- Identifying details of the applicant including current and former names, current address and national insurance number;
- NB: To comply with the Equality Act 2010, Birtenshaw adopts the practice that the **date of birth** is not included on the main application form. This information is collated through the personal details document that a successful candidate is required to complete.
- A statement of any academic and/ or vocational qualifications with details of awarding body and date of award;
- A full history in chronological order since leaving secondary education, including periods of any post-secondary education/training and part-time and voluntary work as well as full time employment, with start dates, explanations for periods not in employment or education/training and reasons for leaving employment;

- A statement of the skills and abilities, and competencies/experience that the applicant believes are relevant to his/her suitability for the post and how s/he meets the person specification.
- Details of referees. One referee should be the applicant's current or most recent employer/line manager, not a colleague. Normally two referees should be sufficient, however Birtenshaw reserves the right to request additional references should it be felt necessary.

Where an applicant is not currently working with children, but has done so in the past, it is important that a reference is also obtained from the employer by whom the person was most recently employed in work with children in addition to the current or most recent employer.

References should not be accepted from relatives or friends.

Open references and testimonials, for example, "to whom it may concern" will not be relied on and will not be used instead of seeking references.

There should be an explanation that the post is exempt from the Rehabilitation of Offenders Act 1974.

Information should be requested about any previous - including spent - convictions, cautions, reprimands, warnings or bind-overs.

## **The Selection Procedure**

### **Scrutinising and Short Listing**

The same selection panel should both short list and interview the candidate. At least one member of the panel should have undertaken safe recruitment and selection training.

All application forms should be scrutinised to ensure they are fully and properly completed, the information is consistent and does not contain any discrepancies. Incomplete applications should not be accepted.

Any gaps in employment/training or a history of repeated changes of employment are identified. Any anomalies, discrepancies or gaps in employment and the reasons for this should be noted, so that they can be taken up as part of the consideration of whether to short list the applicant, as well as a history of repeated changes of employment without any clear career or salary progression or a mid-career move from a permanent to temporary post.

All candidates should be assessed equally against the criteria contained in the person specification.

### **Invitation to interview**

Wherever possible, the interview panel must include the Recruiting/ Line Manager for the post. In order to comply with equal opportunities and safer recruitment guidelines, the panel must consist of at least two panel members. Interviews can never be carried out by one panel member in isolation, and the same panel members must interview every candidate. Where the vacancy is specifically working

with children and young people, at least one of the interview panel should have received training on 'Safer Recruitment'.

In all pre-interview information, mention will be made of the requirement to disclose any previous convictions and that no convictions can be considered as 'spent'.

### **Interviewing**

All interviews will be conducted on an objective basis, concentrating on the knowledge, skills and abilities of the applicant and their ability to fulfil the job requirements. Interviews will be structured clearly and questions will be asked for each competency in a consistent manner. Interviewers may ask additional questions to gain clarification or to obtain further information if an answer is unclear.

An individual's full career history from leaving school to present day must be checked, Gaps in the candidate's employment must always be questioned, and, if during a period of time voluntary work or temporary work was undertaken, details of the organisation must be provided.

The panel should ask the candidate if they wish to declare anything in light of the requirement for a safeguarding check. The panel should also review the Disqualification by Association form to ensure the information provided in interview matched with what the Candidate has already documented.

As references will not have been obtained prior to interview the candidate should be asked if there is anything they would like to discuss in light of questions that will be put to referees, these will include subjects such as disciplinary, attendance and suitability to work with children, young people or adults.

Where the candidate being interviewed has a disability for which reasonable adjustments may need to be considered, the candidate's requirements may be discussed with him/her at interview however the outcome of these discussions must not influence the consideration the candidate's application.

### **Interviewing family or friends**

There are no circumstances in which it would be reasonable for a member of the interview panel to be involved in the recruitment of a family member or personal friend (as opposed to a work colleague). This **Conflict of interest** must be disclosed immediately at the shortlisting stage in order for the recruitment manager to make alternative arrangements.

### **Selection Methods**

This may involve more than one procedure and could include interview, presentation, test, written exercise or assessment day. The process must be relevant and consistent to the role and will be communicated to the candidate when they are

invited for interview. Birtenshaw must be able to demonstrate that the test is relevant to the selection process in that it does predict performance.

### **Scrutiny Interviews**

The Chief Executive may take the decision to be part of the interview panel in the initial interview stage and therefore remove the need for the scrutiny interview stage. However, in general, applicants must attend a scrutiny interview with the Chief Executive as the final stage of recruitment.

Written authorisation must be provided by the Chief Executive (or the Deputy Chief Executive in the Chief Executive's absence) to confirm a Birtenshaw contract can commence. This would normally be recorded on the recruitment checklist sheet.

### **Managing critical vacancies and/or large numbers of applicants**

Birtenshaw reserves the right to reduce the number of steps in the interview process. In instances of significant recruitment campaigns and/or where vacancies are critical to the organisation.

## **Interview outcome and conditional offer**

### **Conditional offer**

Once a decision has been made, paperwork for all candidates needs to be forwarded to HR in order for the Recruitment team to contact all candidates. The Recruitment team will make the provisional offer to the successful candidate before making contact with the unsuccessful applicants.

The paperwork outlined below is prepared and provided to potential employees by the recruitment team.

- Conditional Offer Letter
- Health Questionnaire
- Disclosure (DBS) information and instructions.
- Bank/Building Society details form
- P46
- Standards of Attire
- Emergency contact details
- Birtenshaw Charter
- Continual Professional Development Commitment

Once the satisfactory checks are received which include references, disclosure, and pre-employment health assessment a start date can be agreed. A Written Statement of Employment (contract) will be drawn up by HR within eight weeks of the start date of employment.

**Note:** As standard practice no potential employee should be permitted to start employment or shadow shifts without all relevant checks being received.

## **Interview outcome**

It is Birtenshaw practice to make contact with all interviewees regardless of the outcome however we do not provide feedback on the process. This is generally by phone and within 48 hours of the interviews. This is then confirmed in writing

### **Providing Feedback**

Recruitment/ Line Managers may receive requests from all applicants for feedback on their interview performance. These requests should be responded to either by email, telephone or letter. The feedback given should be related to the job requirements and should be given in a way that doesn't invite litigation. A record of the feedback given should be maintained on the candidates' paperwork.

### **Disclosure**

Birtenshaw must ensure that all members of staff who have regular access to children, young people and vulnerable adults do not pose a risk to the-service users they serve. The Disclosure service provides Birtenshaw with a means of checking the background of applicants and provides details of a person's criminal record including convictions, cautions, reprimands and warnings. This disclosure must cover at least the last five years. Where there are gaps in UK residence for six months and above, Overseas checks need to be taken up with the embassy to which the potential applicant was residing.

No individual will commence a Birtenshaw contract unless they have a DBS in Birtenshaw name. The cost of the DBS will be recovered from the first salary payment.

All individuals offered a Birtenshaw contract will be expected to sign up for the 'live update' version of the DBS at their own expense.

A guide to applying for a Disclosure can be found in [www.disclosure.gov.uk](http://www.disclosure.gov.uk) website.

### **Immigration and Asylum**

All new employees, (including temporary staff and those on fixed term contracts) need to satisfy Birtenshaw that they are entitled to live and work in the UK. In accordance with the Immigration, Asylum and Nationality Act 2006, Birtenshaw is required to make certain checks on all new employees. They must show (copy maintained on personnel file) documentation confirming that the individual is a British Citizen OR a European Economic Area National, or which shows that s/he is entitled to live and work in the UK.

Applicants who provide documentation in any other language than English must provide translated documents at their own expense.

### **Confirming appointment and Probation Period**

Once a start date has been confirmed, all new employees will be allocated a base location.

All new employees are required to successfully complete a probationary period of a minimum of six months. During this probationary period performance and suitability for continued employment will be monitored. However, if work performance is not up to the required standard, or is considered to be generally unsuitable, we may either take remedial action (which may include the extension of a probationary period up to nine months) or terminate employment at any time.

In exceptional circumstances it may be necessary to extend the probationary period. See Induction and Probation Policy – GP11

## **Contract Types**

Birtenshaw employees will be issued with one of the following contract types:

### ***Substantive Contract (not time limited)***

Staff are employed on a substantive basis, subject to satisfactory completion of probationary period.

### ***Fixed Term Contract (time limited)***

This is a temporary contract but has a defined end or occurs on completion of a task or project and is normally associated with a fixed term of funding which is available for a particular post. It should be noted that temporary employees will accrue employment protection rights and other terms and conditions which accumulate with service.

### ***Temp to perm agency***

Birtenshaw has arrangements in place with a number of recruitment agencies who assist with our recruitment processes by supplying agency staff on a 'Temp to Perm' basis.

Compliance checks are completed by each agency for these candidates which means they are able to commence work quickly. Following an interview process with a senior manager at Birtenshaw, candidates with satisfactory compliance checks in place start a 'Temp to Perm' placement with a view to then moving onto a substantive contract with Birtenshaw upon completion of an initial 12 week work period.

Before starting the 'Temp to Perm' placement the individual is required to complete all online training modules before commencing induction at the relevant registered service.

Once the candidate has been in post for five to six weeks an evaluation is sent to their manager for completion. If the evaluation shows the candidate is meeting all expected performance standards they will be invited to complete a Birtenshaw application form and a transfer interview is arranged (this is a panel interview, the same process as used for direct recruits). If successful at interview Birtenshaw commence pre-employment checks (the same process as for direct recruits).

Provided all checks are complete and considered satisfactory, the candidate will transfer onto a Birtenshaw contract at the 12 week point. If at any point during the 12

week period the individual does not meet the performance standards expected the contract will be ended.

***Flexible Support Team (FST)***

This is an individual who is a worker and has no normal or guaranteed hours of work. They are offered hours within Birtenshaw Services but with no obligation on either party for hours to be offered or accepted.

All FST staff are required to complete the same pre-employment checks, fulfil the same training expectations and abide by the same standards as all other employees.

***Agency Staff***

In exceptional circumstances where it is necessary to engage temporary ad hoc 'agency' staff, written confirmation should be obtained from the relevant supply agency that all appropriate checks have been carried out. Where the requirements for the post including a safeguarding check, the written confirmation from the supply agency must include the Disclosure number and the date of issue. Other information should include photographic ID, references and the ability to work in the UK.