

Safer Recruitment

Through Better Recruitment

First published in November 2016. This guidance replaces the Scottish Government's national guidance Safer Recruitment Through Better Recruitment (2007).

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Ministerial foreword

Only people with the rights skills and values should work in social care and social work. With more people using care, and more people working in care, it is vital that staff are recruited in ways that are safe and contribute to excellence.

The first national safer recruitment guidance was developed almost ten years ago, and so I am very grateful to the wide set of partners and employers, facilitated by the Care Inspectorate and the Scottish Social Services Council, who reviewed the guidance and brought it up to date. Being online means this a live, collaborative and – I hope – supportive tool for employers of different sizes who support a wide range of people.

Safer recruitment is about properly examining the skills, experience, qualifications and values of potential staff in relation to work with vulnerable people. Employers must therefore have a range of safer recruitment and selection practices in place. Working with individuals and families who may be at their most vulnerable and need support can be both rewarding and challenging. There is therefore a great responsibility on employers to ensure that the people providing these most vital services are appropriate and suited to the task.

Everyday people work in Scotland's social services to deliver quality care and support to individuals, families and communities. The life-changing work undertaken by social service workers, on behalf of us all, to support children, adults and families to live lives in which they can achieve their potential is extremely demanding, challenging and valuable work and contributes to a more equal and socially just Scotland.

Regulation of the social services workforce and the services they work in, national standards of conduct and practice which employers and social service workers must follow and legislation that protects vulnerable groups all support delivery of high quality social services in Scotland. Whilst this helps create professional accountability for care services and workers, employers remain responsible for making sure that only people who are suitable enter the workforce.

Even the best recruitment approaches cannot be guaranteed to deter someone determined to harm others, but a rigorous and consistent use of the approaches set out in this guidance will help ensure the best support is in place for people who use care. The guidance has been developed for the social services sector and will help employers in that sector to meet their responsibilities under the SSSC Code of Practice for Employers and the expectations of the Care Inspectorate. I am also sure that it will be of use for people in other sectors too.

It is also important that employers adopt a values-based approach to recruitment and retention, as Scotland moves increasingly towards a human-rights based approach to its public services. Compassion is a core component of high-quality care. I am confident that social work and social care providers in Scotland share my view that strong social care values should be at the heart of building the social care workforce.

I expect that all social service employers will wish to follow the good practice set out here and I commend it to you. Through safer recruitment and values-based recruitment we can make a positive and lasting impact on creating excellent social services in Scotland and improving outcomes for people.

Mark McDonald, MSP
Minister for Childcare and Early Years
November 2016

Introduction

1. This resource is good practice guidance intended to help employers, especially those in social care, early education and childcare and social work to meet existing legislative and regulatory requirements in relation to the safer recruitment and selection of people who work with individuals who receive support and care from social services in Scotland. This guidance replaces the Scottish Government's national guidance Safer Recruitment Through Better Recruitment (2007).

The guidance details robust recruitment processes that can help employers ensure that unsuitable staff do not gain access to children or protected adults. Best practice recruitment approaches are crucial to ensure that the right people, with the right skills and values are recruited into roles. The emphasis on values-based recruitment moves the guidance from being focused solely on compliance and protection to one which demonstrates, and will actively support, broader improvements in the delivery of care. We know from scrutiny evidence that there is a close relationship between the quality of staffing in care and the outcomes for people using it. Ensuring that the skills, values and attitudes of potential employees match the post being recruited to is an important element of building a strong, stable staff team which supports better outcomes for people.

It also supports Scottish Ministers' expectation that employers will work towards continuous improvement of their safer recruitment practice in relation to those who will work with the most vulnerable people.

Approaches brought in through the Protection of Vulnerable Groups (Scotland) Act 2007 are a key plank in stopping people who are unsuitable from gaining access through work to children or protected adults. However, this is only one element of a rigorous safer recruitment and selection process, which goes beyond preventing harm and instead helps to improve the quality of care.

2. This guidance replaces the 2007 guidance and was developed by the Safer Recruitment Group (see membership at Annex A) led by the Scottish Social Services Council and the Care Inspectorate with representation from a wide range of key stakeholders including employers from both the statutory and independent sectors, representatives from the membership umbrella bodies, professionals from social work services and human resources, representation from the regulatory and inspection bodies, Disclosure Scotland and the Home Office. This work is one of the 'supporting the workforce' actions from the [Social Services in Scotland: a shared Vision and Strategy 2015-2020](#)
3. In areas where there are no statutory provisions, for example the issuing of references, the expectation of regulatory and scrutiny bodies on employers of social service workers has been made more explicit.

Each stage of the recruitment process has been presented sequentially, with 'key elements' and

‘further considerations’. This will allow employers to more easily obtain the level of detail they require about a particular issue. Practice examples – such as tools, process maps and materials – from the sector have been included where there is the opportunity to share effective practice, and case scenarios have been included to encourage shared learning and collaborative problem-solving in the sector.

4. This guidance is designed to help employers to:
 - meet legal and regulatory requirements
 - make sure potential applicants are aware of the organisation’s commitment to the welfare of vulnerable people
 - be satisfied that each candidate has demonstrated their suitability for the specific position
 - be satisfied, as far as possible, at each stage of recruitment and selection that the candidate is safe to practice
 - be satisfied at each stage of the process that the best candidate(s) have been selected to progress to the next stage
 - be satisfied of the candidate’s identify, qualifications, registration and right to work status
 - involve people who use care in recruitment and selection.
5. It will also allow employers to achieve positive outcomes for people using care by illustrating effective approaches, as well as reinforcing statutory requirements. The overarching principles are consistent with approaches in health, the forthcoming new National Care Standards, and the SSSC Codes of Practice issued in accordance with the Regulation of Care (Scotland) Act 2001 and its associated Statutory Instruments.
6. This guidance is however not a comprehensive guide to recruitment and selection or employment issues. It does not cover all issues relevant to that subject. You will need to seek your own human resources or legal advice when appropriate. Neither is it a substitute for training in those areas, or in interviewing and assessment techniques. This guidance does not oblige employers to follow every detail described in each section but is presented to help support effective practice.
7. This guidance has been designed to be most helpful when recruiting staff to work in:
 - a support service
 - care at home
 - a care home
 - school care accommodation
 - a nurse agency
 - a child care agency
 - secure accommodation
 - offender accommodation
 - adoption and fostering
 - adult placement

- child minding
- day care of children
- housing support
- social work provision
- criminal justice social work and community justice.

8. We welcome additional feedback, suggestions, case studies and scenario descriptions for use on the online version of this resource pack.

1. Developing your recruitment policy

Your recruitment policy

Key elements

Be clear that your recruitment policy follows safer recruitment guidelines. It should be fair and must be compliant with all relevant legislation, and help lead to positive experiences and outcomes for people who use care.

An explicit written recruitment policy can help show your organisation's commitment to safeguarding and promoting the welfare of people.

Key statements from your policy may be included in:

- publicity materials
- recruitment websites
- advertisements
- applicant information packs
- person specifications
- job descriptions
- competency frameworks
- induction training.

Further considerations

Your policy should refer to the stages of the recruitment process and how your organisation intends to approach these. For example:

- use of assessment centres
- composition of interview panels
- retention of applicant information
- how offers of employment will be made
- conditions of employment such as professional registration or probationary periods.

The provision of references to other social service employers on behalf of an employee (or former employee) providing information on suitability is an essential undertaking. You should have clear guidance on your organisation's approach to this. You should consider:

- Who should complete the reference?
- Does it need to be counter-signed at a higher level?
- Employer responsibilities as outlined in the SSSC Codes of Practice for Employers, in particular Code 1.3.

Links to further guidance and practice examples:

[Skills for Care- Values based recruitment and retention guide](#)

[Skills for Care – Employing your own care and support information hub](#)

[Principles of the National Care Standards](#)

[SSSC Codes of Practice](#)

[SSSC registration regulations 6 month rule](#)

[Care service record keeping and notification requirements](#)

[Personal data and record keeping](#)

[Practice example 1 Pre & post employment checks](#)

[Practice example 2 Recruitment and selection policy](#)

[Practice example 3 Recruitment checklist](#)

Consider highlighting that an applicant having convictions is not necessarily a barrier to their employment.

A robust procedure will include a process for dealing with recruitment complaints.

Practice example 4
Recruitment policy

Practice example 5
Recruitment training

Equal opportunities

Key elements

Equal opportunity principles should be applied throughout the recruitment process but **should not be seen as a barrier to rigour**.

Ensuring that your practices and strategies promote equal opportunities and people's human rights should not make employers overly cautious. The key is to treat all applicants fairly and ensure people's individual needs during recruitment are considered.

Collecting sensitive information on disabilities, race or sexuality to help monitor equal opportunities is acceptable but, only if the information is used for that purpose. Where possible use anonymised information. If there is any doubt as to whether adopted practices and strategies do comply with equal opportunities and/or human rights legislation, consider contacting the Equality and Human Rights Commission for Scotland for advice or seek independent legal advice.

Further considerations

A tool such as the personal interview is an effective way of looking at skill, suitability and fit. Applicants should be made aware that:

- this kind of interview is a key part of the recruitment process and that by submitting their application form, they understand this
- if they find this kind of probing difficult, they may take the opportunity to withdraw.

All applicants should be asked to address the same issues at interview (though information revealed by individuals may of course take the discussion in varying directions and require further supplementary questions that will differ for each candidate). The areas explored must be those which relate to the post applied for.

Links to further guidance and practice examples:

[Equality and Human Rights Commission for Scotland](#)

[Practice example Encouraging men into childcare](#)

Involving people who use services in Recruitment and Selection

Key elements

It is good practice to involve people who use services and/or their relatives in recruitment. This should be carried out in a meaningful and appropriate way which is in line with your recruitment policy

Various methods include:

- visits by applicants to facilities
- groups of people who use services meeting applicants individually where a set of agreed questions is put to the applicants
- a group of people who use services meeting a group of applicants in order to undertake a group exercise
- asking people who use services to help develop the person specification for the post without being directly involved in the interview process or including people who use care as a member of a panel interview.

Further considerations

You should think about the following issues.

- Are you exposing people who use services to individuals who may not have had any PVG checks?
- Have you provided adequate training and support for people who use services to undertake the task you have asked them to do?
- Are people clear about their role within the whole process and have you helped to manage their expectations?
- Have you made clear whether people using the service will contribute directly to making the recruitment decision?
- Have you thought about how you will manage any personal biases in relation to age, sex discrimination and other equalities issues?

In planning how you will involve people who use care in your recruitment, you should think about these issues and how you will mitigate any risks.

Links to further guidance and practice examples:

[Practice example 1 Interview by young person](#)

[Practice example 2 Involving service users](#)

[Practice example 3 OSC children's involvement in staff recruitment](#)

[Practice example 4 RATS programme](#)

[Practice example 5 Service user's interview report](#)

Application form

Key elements

A focused but comprehensive application form or online process can make a strong statement on rigour and commitment to safety and can deter those who know their practice is unsafe whilst encouraging those who wish to work for a quality employer.

Application forms allow an employer to obtain a common set of core data from all applicants.

An application form should seek:

- full identifying details
- a full employment history in chronological order including part time and voluntary employment, including start/end dates, reason for ceasing and explanations for periods not in employment or education/training
- a statement of academic and/or vocational qualifications relevant to the position
- any involvement in of disciplinary or grievance procedures and any 'live' formal warnings
- details of current or former registration with the SSSC or any other relevant regulatory body, declaration of any finding by a regulatory body and any conditions that apply to current registration
- details of any PVG scheme membership
- a declaration of any family or close relationship to existing employees and relatives of people using the service
- details of referees: one referee should be the applicant's current or most recent employer and minimum of two references should be sought, making clear that references will not be accepted from relatives or friends
- a statement of the personal qualities and experience the person believes are relevant to his/her suitability for the post and how he/she meets the person specification.

The form, if paper based, requires to be signed by the applicant.

Be clear that as a prospective employer you may contact any former employer in addition to the referees nominated by the applicant.

- Applicants should be warned that if employed, failure to disclose important information may lead to dismissal if discovered at a later date.

Links to further guidance and practice examples:

[ACAS – recruitment guidance](#)

[Link to Disclosure Scotland- guidance on spent/unspent convictions](#)

[Practice example 1 Applicant profile – Availability and work history \(care assistant\)](#)

[Practice example 2 Application form \(care assistant\)](#)

[Practice example 3 Application form](#)

[Practice example 4 Declaration](#)

Further considerations

Serious consideration should be given to developing post-specific application forms where contact with vulnerable people is important. At the very least, the additional information regarding convictions needed for certain posts should be sought in an addendum to an organisation-wide form.

Convictions

The law requires the following always to be disclosed

- any unspent convictions, and
- any spent convictions contained in a list of offences that must always be disclosed.

Make clear on the application form that Disclosure Scotland/ PVG scheme membership checks or regulatory body registration checks will be carried out.

Ensure application forms are not discriminatory. For example, to require a form to be filled out 'in your own handwriting', where written English is not relevant to the post, may discriminate against applicants whose first language is not English or applicants with disabilities that affect writing ability – an issue which may be avoided by making an electronic version of the form available.

Innovative recruitment

Key elements

Ensure your initiatives complement the SSSC value based recruitment standards.

Think about different routes to recruitment to obtain a broader diversity of applications, for example:

- local newspapers
- websites
- shopping mall
- open days
- local window advertising
- social media such as LinkedIn, Twitter, and Facebook
- organisations who help long term unemployed back into work
- schools and higher education institutes
- school leaver programmes
- local representative bodies and networks
- national representative bodies and networks.

Retaining recruitment information

Key elements

Only retain information obtained through a recruitment exercise for as long as there is a clear business need for it.

Further considerations

You may choose to retain recruitment records for a longer period of time, six months to one year, in case of a recruitment complaint, discrimination challenge, or to assist in the assessment of ways to improve the recruitment process for future vacancies.

You may wish to keep more information for longer about successful candidates. The Care Inspectorate expects employers to retain full records for people who are appointed.

Links to further guidance and practice examples:

[Skills for care -value based recruitment](#)

[Developing the young workforce](#)

[Community renewal](#)

[A question of care?](#)

[Principles of the National Care Standards](#)

[SSSC Codes of Practice](#)

Links to further guidance and practice examples:

[ICO - Quick guide to employment practice](#)

[ACAS - Personal data and record keeping](#)

[Retention of PVG and Disclosure Information](#)

[Disclosure of employee information under TUPE](#)

[Personal data and record keeping](#)

[Quick guide to employment practices code](#)

[Retention of disclosure information](#)

[Subject access and employment references](#)

2. Defining the Post

Competencies framework

Key elements

The development of accurate job descriptions and person specifications is important to ensure that the right people with the right skills, knowledge and experience apply for the role. It allows you to clearly state what the role entails and allows candidates to assess their own suitability for the role prior to applying.

Specific competencies for the post should be identified through a process of job analysis.

The competencies will help provide an accurate job description and person specification. This allows employers to specify requirements and applicants to assess their own suitability for the post.

In developing competencies, employers may wish to take account of the National Occupational Standards which are specific to practice areas.

Further considerations

In the social work, early years and social care sector, the National Occupational Standards have been developed by the SSSC and are available on their website.

The National Care Standards principles outline the underpinning values expected of those working in the care sector.

Consider any SSSC qualification requirements for the post, or requirements from any other regulators.

Links to further guidance and practice examples:

[A question of care](#)

[SSSC NOS navigator](#)

[SSSC qualification requirements](#)

[Principles of the National Care Standards](#)

[SSSC Codes of Practice](#)

Job description

Key elements

Job descriptions should clearly state the main duties and responsibilities of the post including the individual's responsibility for promoting and safeguarding the welfare of people s/he will be providing support or care for or comes into contact with.

Links to further guidance and practice examples:

[ACAS Job description template](#)

[Practice example 1 Job description – Care assistant](#)

[Practice example 2 Job description – Playworker](#)

[Practice example 3 Job description – Care home](#)

[Practice example 4 Job description – Learning disabilities social worker](#)

[Practice example 5 Job description – Community mental health team social worker](#)

[Practice example 6 Job description – Social care officer](#)

[Practice example 7 Job description – Support practitioner](#)

[Practice example 8 Job description – Support worker](#)

[Practice example 9 Job profile – Community care social worker](#)

[Practice example 10 Job profile – Care assistant](#)

[Practice example 12 Job profile – Trainee social care worker](#)

Person specification

Key elements

A person specification sets out a profile for the post and of the ideal person to fill it.

It should clearly state what are essential and what are desirable skills and qualifications.

It should:

- include the qualifications, knowledge and experience, registration requirements and any other requirements needed to perform the role
- include the competences and qualities that the successful applicant should be able to demonstrate or show the potential to develop.

It is good practice to explain how these requirements will be tested and assessed during the selection process.

Further considerations

Be clear what is essential and what is desirable. Think about development opportunities for applicants, registration and qualification requirements, and whether any of the criteria may be directly or indirectly discriminatory.

In addition to applicants' ability to perform the duties of the post, the interview may also explore issues relating to safeguarding and promoting the welfare of people including (see section on interviews):

- motivation to work with vulnerable people
- ability to form and maintain appropriate relationships including personal boundaries with people you support
- emotional resilience in working with challenging behaviours
- attitudes to use of authority and maintaining a good care environment.

Links to further guidance and practice examples

[Skills for Care- Values based recruitment and retention guide- person specification document](#)

[ACAS Person Specification template](#)

[Principles of the National Care Standards](#)

[SSSC Codes of Practice](#)

[Practice example 1 Person specification – Social care worker](#)

[Practice example 2 Personal specification – Senior social care worker](#)

[Practice example 3 Personal specification – Social care officer](#)

[Practice example 4 Person specification – Social worker](#)

[Practice example 5 Person specification – Social worker 2](#)

[Practice example 6 Person specification – Support practitioner](#)

[Practice example 7 Person specification – Trainee social care worker](#)

[Practice example 8 SCW Social care grade](#)

3. Advertising and Shortlisting

Advertisement

Key elements

The advertisement should be concise and easily understood.

If possible, include the following information or a link to where this detailed information can be found, such as from websites or in an application pack:

- the post title and main details of the post including pay, location and type of contract (for example, is it permanent or fixed term)
- any required qualification?
- whether PVG scheme membership is required for the post
- what the next steps will include, such as an interview, written assessment, group exercise, assessment centre
- dates of interview, if known.

You should be clear about the nature of the work and how applicants should respond to the advertisement.

Consider including alternative formats, for example audio files, tape or Braille where needed.

Space permitting, the advertisement may include information about the qualities, skills and knowledge essential for the post and career development opportunities.

Advertising jobs well may help promote interest in the sector amongst people with the right skills and values but who might not have considered working in care.

Further considerations

Give consideration to the best way to attract the kind of applicants you are looking for. For example, consider where you be advertising and whether the use of social media would be useful.

Include in your recruitment pack:

- an application form and explanatory notes about completing the form
- job description and person specification
- relevant information about the employer, the recruitment process; and policies such as equal opportunities, the recruitment of ex-offenders

Links to further guidance and practice examples:

[Skills for Care- Values based recruitment and retention guide- post advert document, values poster](#)

[Practice example 1 Advert - SW](#)

[Practice example 2 Advert – Assistant manager](#)

[Practice example 3 Advert – Early years educator](#)

[Practice example 4 Advert – Nursery worker](#)

[Practice example 5 Advert – Support workers](#)

[Practice example 6 Advert – Social care support worker](#)

[Practice example 7 Advert – Social care worker](#)

[Practice example 8 Advert – SW Child care protection](#)

- your child/vulnerable adult protection policy statement including an explicit statement about the organisation's commitment to safeguarding and promoting the welfare of vulnerable people
- terms and conditions of the post.

Shortlisting

Key elements

You should carry this out using the competencies and person specification as criteria, taking into account length of experience, qualifications, and so on. You should apply the person specification to all applicants equally and without exception. You may wish to give weighted scores to the competencies based on their importance to the post. If possible, shortlisting should be undertaken by more than one person and by members of the interview panel.

Further considerations

Look for unexplained gaps in employment history, significant changes in career, incomplete applications, repeated job moves without obvious career progression and other discrepancies. These should be explored at interview if the applicant is short-listed.

Invitation to interview

Key elements

Explain clearly in your letter or email what the interview or assessment process will involve. Include:

- time, place and location (directions to the venue are helpful)
- details of the interview panel
- details of how the interview will be conducted
- emphasis on the protection of people and that safer recruitment checks will be carried out if the applicant is successful.
- what the applicant will need to bring with them to interview such as identification and evidence of declared qualifications.

Links to further guidance and practice examples:

[Practice example 1
Candidate screening](#)

[Practice example 2
Shortlisting form](#)

Links to further guidance and practice examples:

[Practice example 1
Invitation to interview](#)

[Practice example 2
Invitation to interview](#)

[Practice example 3
Invitation to interview](#)

[Practice example 4
Invitation to interview](#)

4. Assessing Your Applicants and Offering the Post

Interviews

Key elements

Screening interview

Some employers use an initial individual screening interview with applicants to scrutinise the application form, identify any issues which require clarification, or gain additional information to establish reasons for breaks in employment or other matters which are not clear. This will be useful to inform your final decision.

It is an opportunity to ask applicants directly if they need to disclose any issues before safer recruitment checks are undertaken.

From the applicant's perspective it is an opportunity to explain and expand on any omissions or errors in their application form.

Though less desirable, the elements of a screening interview may be addressed within formal/panel interview.

Further considerations

Appropriate training for 'screeners' is recommended.

Essential skills for those screening include:

- attention to detail
- active listening
- the ability to challenge
- understanding of responses to questions for those applicants where English is not their first language.

Links to further guidance and practice examples:

[Practice example 1 Interview screening pro forma](#)

[Practice example 2 Screening interview](#)

[Practice example 3 Screening interview](#)

Formal interview

The process should be structured and address the competencies in the job description and person specification.

Questions should be behavioural and, where possible, focus on what applicants have done, not just on what they might do. Past behaviour is often the best indicator of future behaviour.

Where appropriate for the post, interviewers should follow up applicants' responses to questions and probe critical areas such as attitudes to punishment, conflict, sexuality, management of sexualised behaviour, as well as the influence of their own experience (eg of being parented or of parenting) on approach to vulnerable people.

Although it is possible for interviews to be conducted by a single person it is not recommended. It is better to have a minimum of two interviewers.

The panel members should:

- have the necessary authority to make decisions about appointment
- be appropriately trained including for example, interviewing skills, relevant legislation including the requirements of the Data Protection Act and the Equalities Act.

In advance of the interviews panel members should:

- reach a consensus about the required standard for the post
- consider the issues to be explored with each applicants and who will ask about these
- agree the assessment criteria in accordance with the [person specification](#) and agree how a record of the assessment will be taken.

Further considerations

- Provide the correct training to interviewers
- Be prepared for all interviews by following the same structure
- Questions should be competency/values based.
- Have a set of role specific questions available for each role
- Explore the applicant's learning from previous experiences, lessons learned and areas for development

The interview provides applicants with the opportunity to explain/disclose any information.

Links to further guidance and practice examples:

[Skills for Care - Values based recruitment and retention guide](#)

[National Care Standards](#)

[Practice example 1 Interview observer record 1](#)

[Practice example 2 Interview observer record 2](#)

[Practice example 3 Interview questions \(care for adults\)](#)

[Practice example 4 Interview questions](#)

[Practice example 5 Interview record 1](#)

[Practice example 6 Interview record 2](#)

[Practice example 7 Panel interview](#)

If an applicant discloses that they are subject to SSSC investigation or employer disciplinary enquiries or investigation, you should be prepared to explore the issues; consider this in your [recruitment policy](#).

Think about how to introduce discussions to explore applicants' values. You may wish to ask candidates to discuss their experience of being parented or growing up. Some employers raise issues by referring to current events such as "I read about this matter in the newspaper - what do you think about that?".

Assessment/selection centre process

Key elements

Assessment centres offer the opportunity to simulate aspects of the post in order that applicants can demonstrate their ability to respond effectively to them.

Exercises are based on competencies for the post, using post simulation exercises and trained assessors.

Exercises might include written exercises, group and individual exercises, a presentation, an in-tray or planning exercise, and so on. You should consider how to ensure applicants have the communication skills in the language to be spoken and written.

Some organisations use questionnaires to explore issues of attachment and trauma.

Further considerations

The most important feature of exercises used in the selection of staff is that they must be appropriate for the post being filled.

Occupational testing brings a standardised and objective perspective to the selection process. This can give an indication as to a person's capacity or propensity to think or act in a particular way.

Ability tests test aptitude and are designed to predict potential to meet post requirements. The aptitudes tested are usually verbal, numerical and abstract reasoning

Assessed group exercises: applicants discuss a presented scenario, these groups can be facilitated or not.

Written exercises: applicants provide a written assessment of a presented scenario or an account of a group discussion.

Role play: a simulated interaction with someone playing a vulnerable person, this can assess both the applicant's initial actions and how they reflect on this afterwards

Organisation visits: applicants visiting the place where, if successful, they will work before the assessment centre and use their observations and reflections in a group or individual exercise.

Links to further guidance and practice examples:

[Securing safer care staff report](#)

[Practice example 1 In tray exercise](#)

[Practice example 2 Support worker written exercise](#)

[Practice example 3 Support worker written exercise marking](#)

[Practice example 4 Written exercise](#)

Interview or assessment records

Key elements

Scoring of applicants should be recorded and shared by interview panel members and considered alongside all available candidate information. This usually involves a combination of numerical scoring against indicators for each exercise or question in interview and discussion of implications of applicants' scores along with any feedback from the screening interview, if carried out separately from the formal interview, and the information available from the application form.

Apply scoring criteria to all applicants equally and without exception.

If the panel cannot agree on the most suitable applicant for the post, or want to explore further with the applicant their suitability for the post, you may want to consider undertaking a second interview with one or more of the applicants. It is recommended that at least one interview panel member from the original interview should be on the second interview panel. If relevant for the post you could consider asking the applicants to prepare a presentation or written piece in advance.

Links to further guidance and practice examples:

[Interview concerns example \(St Mary's Kenmure\)](#)

[Interview feedback \(St Mary's Kenmure\)](#)

[Practice example 1 Interview screening form](#)

[Practice example 2 Service user's interview report](#)

Making an offer of employment

Key elements

An offer of appointment to the successful applicant should be conditional upon:

- the receipt of satisfactory references
- verification of the applicant's identity, if that could not be verified at interview stage
- verification of qualifications, if not verified at interview
- a PVG scheme record check
- verification of right to work in the UK.

You will need to include in your offer of employment:

- an outline of the key conditions of employment
- any requirement to have the correct visa and right to work in the country (or a requirement to continue to possess these if they are for a time limited period)
- any requirement for the applicant to declare any new charges/convictions
- any requirement relating to gaining and maintaining registration with any regulatory body.

Further considerations

Be clear about your and the employee's responsibilities about maintaining registration, meeting qualification / post registration training and learning (PRTL) requirements or revalidation requirements.

If appointing to a post which requires registration with the SSSC, individuals will only have 6 months to become registered if they are new to the post.

It is an offence to employ an unregistered worker beyond the mandatory registration date unless the provider has a reasonable excuse.

Organisation visits: applicants visiting the place where, if successful, they will work before the assessment centre and use their observations and reflections in a group or individual exercise.

Links to further guidance and practice examples:

[ACAS recruiting staff guidance- offer letter style guides](#)

[SSSC/CI joint statement – registration regulations](#)

[SSSC registration](#)

[Practice example Declaration](#)

5. Essential checks

Identity and right to work checks

Key elements

Before employing an applicant an employer must check their right to work in the UK.

Check thoroughly that all necessary paperwork is correct and up to date. Employers can be fined up to £20,000 per employee, even if the employee misleads them, without the right to be employed in the UK.

Employers should be consistent in their checking and not only check those who they assume may not be eligible because of their name, race, accent or other personal characteristics.

Further considerations

Ensure identity checks are clear and unambiguous to confirm that the individual presenting on their first day of employment is the same person that was interviewed.

For more about eligibility to work in the UK and an employer's obligations, go to:

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

That guidance will help you to find out:

- what a right to work check is
- why you need to do right to work checks
- whose documents you should check
- how to carry out checks
- when to carry out initial checks, follow-up checks and what happens under TUPE
- what documents are acceptable.

Links to further guidance and practice examples:

[Home office- right to work checks employers guide](#)

also links to:

[Quick answer tool to check if someone can work in the UK](#)

[Checking Documentation \(Home Office\)](#)

[Employment checks \(Scottish Government\)](#)

[Identify verification and entitlement to work in UK \(Home Office\)](#)

PVG/disclosure checks

Key elements

The Protection of Vulnerable Groups (Scotland) Act 2007 introduced a membership scheme to improve disclosure arrangements for people who work with vulnerable groups. This includes maintaining a list of people disqualified from working with children and a separate list of people disqualified from working with protected adults.

It is an offence for an employer to permit someone who is barred from the relevant workforce to undertake regulated work with children and/or protected adults. An employer would only be able to establish if someone is not barred by ensuring the relevant person is a scheme member. This should be carried out using the agreed procedure and in accordance with appropriate legislation (currently Protection of Vulnerable Groups (Scotland) Act 2007, Part V of the Police Act 1997).

Further considerations

The Care Inspectorate expects care services to periodically re-check the suitability of care service staff as a matter of good practice.

The Care Inspectorate can make recommendations where we identify that a practice may lead to poor outcomes for people, but does not prescribe timescales for frequency of periodic checking. The Care Inspectorate itself has adopted a three yearly periodic checking cycle for its own staff.

Volunteers

Volunteers working in care services should be treated in the same way as paid staff and any volunteers within a care service without a PVG scheme record or a relevant Disclosure Scotland certificate and should ideally have no direct service user contact and should not in **any circumstances** work unsupervised.

National care home contract

Providers who have contracts with local authorities using the national care home contract for care homes for older people should also refer to section A.9 - Staffing and Volunteers of their contract to ensure that they comply with its terms and conditions

Links to further guidance and practice examples:

[Protecting vulnerable groups](#)

[PVG Act Guidance](#)

[PVG Scheme information for employers](#)

[Safer Recruitment guidance 2016](#)

[Practice example 1 Application check list 1](#)

[Practice example 2 Application checklist 2](#)

[Practice example 3 Background checks policy](#)

[Practice example 4 Criminal records risk assessment](#)

[Practice example 5 PVG Risk assessment record](#)

Case scenario:

[Disclosure checks – case scenario](#)

Qualification checks

Key elements

It is reasonable for an employer to ask the applicant for proof of qualifications required for the post. The applicant should be asked to bring evidence of qualifications to the interview.

If you are uncertain about the validity of a document provided you can check with the awarding body or registering body.

The applicant should be informed that these checks will take place and copies of relevant documents will be held on their file.

Further considerations

Always ask to see originals. Check the personal details are an exact match to the details on the application form and proof of identity.

If the qualification was undertaken in another country and is in another language, this should be translated to ensure it is equivalent to the minimum essential requirements for the post.

For group awards such as an SVQ award you may want to ask for the module breakdown sheet in support of the certificate.

Registration

Key elements

Check with the appropriate regulatory body: e.g. Scottish Social Services Council, Nursing and Midwifery Council and any other appropriate registers to confirm that the applicant is registered as declared. This can be done on the registration body website.

Further considerations

Newly qualified social workers must achieve registration within six months of taking up employment in this role. This six month period is only applicable to their first role as a social worker. Thereafter, social workers must be registered with the SSSC prior to undertaking the duties of the role of a social worker.

Social Workers in Scotland cannot carry out statutory duties or use the title of social worker unless they are registered with the SSSC.

Links to further guidance and practice examples:

[MySSSC for employers](#)

[Responsibility of registered workers](#)

[SSSC Settlement agreements](#)

[SSSC Registration](#)

[SSSC – search the register](#)

[Nursing and Midwifery Council Register](#)

[General Teaching Council Register](#)

[Allied health professionals register](#)

Personnel records check

Key elements

Assure yourself that the person you recruit has not already been subject to any disciplinary action as a member of your own staff previously. Check your organisation personnel records.

References

Key elements

All requests for references should seek objective verifiable information as far as possible and not only subjective opinion. The use of reference proformas can help achieve that.

A copy of the job description and/or person specification for the post for which the person is applying should be included with all requests, and every request should ask about the referee's relationship with the applicant, e.g. did they have a working relationship and if so, what was it; how long has the referee known the applicant, and in what capacity.

Satisfy yourself that the reference from the current or most recent employer is from an appropriately senior manager and it is not a reference from a former peer operating at the same grade.

Employers should have clear policies about what level of staff can draft and sign off references on behalf of the employer. ****Link to policy section****

Use the reference to specifically ask about the issues of safety (previous disciplinary issues, dismissals, demotions) and any competencies which may be difficult to address through a selection process (e.g. team working; tenacity; adherence to regulatory codes of practice). Your references should definitely include a check with a previous employer(s).

You should seek a minimum of two appropriate and relevant references, one of which should be from the current or most recent employer (if they have been previously employed). If this is not possible you should be satisfied there is a good reason for this and record why in the personnel file.

Links to further guidance and practice examples:

[ACAS: References for employment guidance](#)

[ICO Subject Access](#)

[ICO disclosure of information under TUPE](#)

[SSSC Codes of Practice](#)

[Subject access and employment references](#)

[SSSC settlement agreements](#)

[Disclosure of employee information under TUPE](#)

[Practice example 1
Character reference](#)

[Practice example 2
Employer reference](#)

[Practice example 3
Reference form](#)

[Practice example 4
Reference request letter](#)

[Practice example 5
References](#)

[Practice example 6
References policy](#)

Case scenarios:

[References case scenario 1](#)

[References case scenario 2](#)

Further considerations

There is no legal obligation to provide references but social service employers are expected to comply with their code of practice. In particular code **1.3: seeking and providing accurate and appropriate references to share information relevant to a person's suitability to work in social service posts.**

It is good practice to make sure the referee is aware that:

- they have a responsibility to ensure that the reference is accurate, dependable and does not contain any material misstatement or omission;
- relevant factual content of the reference may be discussed with the applicant

Follow up telephone calls are helpful to discuss and verify in more detail reference information provided.

You should find out whether the referee is satisfied that the person has the ability and is suitable to undertake the post in question.

You should find out whether the referee is satisfied that the applicant is suitable to work with vulnerable people, and, if not, what are the specific details of the concerns.

Remind the referee that:

- they have a responsibility to ensure that the reference is accurate, dependable and does not contain any material misstatement or omission;
- relevant factual content of the reference may be discussed with the applicant.

The Care Inspectorate recognises there may be circumstances where this may be difficult such as school leavers or staff returning to work following a lengthy absence from the workplace. In these circumstances the Care Inspectorate expect to be able to see evidence of a proportionate and responsible risk based response from the provider which may include:

- values based interview
- evidence of higher level of supervision
- "sign off" of employee competency after a period of induction and training
- character reference from a professional person
- other verification of what the individual has been recently doing

Settlement agreements

When there is a duty to refer a worker to the SSSC or another regulatory body you should do so even if a compromise agreement has been entered into with a former worker. The regulatory body does not need to know the details of any financial settlement made, but will need to know the reasons about why the referral has been made. When drafting a compromise agreement which terminates employment, you should make it clear to the worker that any confidentiality clause does not apply to information being passed to the individual's regulatory body.

Health check

Key elements

For most posts, it is not necessary for applicants' health to be checked prior to offer of employment but once an employer has offered an applicant a post, whether unconditionally or conditionally, it is permitted to ask appropriate health-related questions to determine whether any reasonable adjustments to enable the employee to carry out their duties require to be made.

If it is necessary to ask health-related questions before making an offer, you can do so only in the following circumstances:

- to determine whether an applicant can carry out a function essential to the post
- to take positive action to assist disabled people
- to monitor, without revealing the applicant's identity, whether they are disabled
- to check whether an applicant has a specific disability where not having that disability is a genuine occupational requirement of the post.

The four limited circumstances under the Equality Act 2010 apply to all stages of recruitment before an offer. This includes application forms, health questionnaires, interviews and any other assessment and selection methods

Links to further guidance and practice examples:

[ACAS guide, Equality and discrimination](#)

[Practice example Health declaration form](#)

Contract of employment

Key elements

Conditions and contract of employment.

This is the basis of your future relationship with your new employee and need to set out the responsibilities that each party has.

This should include details such as:

- post title
- brief description of what they are employed to do
- place of employment
- pay and intervals at which remuneration is to be paid
- annual leave entitlement
- working hours
- any sick pay scheme
- pension scheme
- notice required for termination of employment or end date if fixed term contract
- any probationary period
- any continuous service
- where the disciplinary/grievance procedures may be located
- maternity and paternity leave
- flexible work conditions

Further considerations

In addition you may wish to consider inclusion of the following:

- the employee's duty to declare charges and convictions to you and the relevant registering body
- requirement of the employee to register with SSSC within 6 months or meet the registration requirements of another professional body
- requirement to have the right to work in the UK
- requirement to maintain registration with a professional body.

For roles that require individuals to register with the SSSC, you should include in your contract a requirement about when the individual should submit their application for registration to ensure it is received by the SSSC timeously to be processed in time to meet the six month deadline.

Links to further guidance and practice examples:

[ACAS: Employment contracts](#)

[SSSC/CI joint statement – registration regulations.](#)

[Practice example 1 Responsibilities of registered workers](#)

[Practice example 2 Sample contract wording](#)

[Practice example 3 Written statement of employment](#)

Case scenario:

[Registration case scenario](#)

Risk assessments

Key elements

Safer recruitment checks may highlight information which requires further scrutiny and consideration, for example criminal convictions or restrictions on an individual registration status.

You should have an established risk assessment process and procedure in place to determine whether the applicant is suitable for the post.

Further considerations

Where criminal conviction information is provided on the PVG scheme record or disclosure certificate it is important to risk assess this information following a conversation with, or by gathering information from, the applicant. This should be assessed on an individual basis with specific reference to the tasks and responsibilities of the job. This will assist in determining whether the applicant is suitable for the post.

Further information regarding any restriction on an individual's registration or any on-going investigation by an individual's regulatory body should be clarified and verified directly with the relevant regulatory body.

Your risk assessment process should consider these points:

- what further information is required or should be considered?
- how will this information be recorded and assessed?
- who participates in the process and who makes the final decision?
- how are risk management actions communicated confidentially to those who need to ensure they are in place?
- how will the decision be recorded?

Links to further guidance and practice examples:

[NHS Policy On The Use Of Disclosures, Rehabilitation Of Offenders And Protection From Working With Vulnerable Groups](#)

[Practice example 1 Risk assessment record of meeting](#)

[Practice example 2 Risk assessment tool](#)

6. Other Considerations for Safer Recruitment

Agency staff

Key elements

An employment agency should adopt the principles of safer recruitment as outlined in this document. It is their responsibility as an employer to carry out recruitment checks to ensure that individuals are, as far as possible, suitable to be in the relevant workforce.

Responsibility for ensuring that people who use a care service are safe and protected lies with the care service who should seek formal assurances from any employment agency that individuals have been recruited robustly.

Further considerations

Nurse agencies are registered with the Care Inspectorate and are expected to adhere to the SSSC Codes of Practice for social care employers. Social care recruitment agencies are not currently registerable.

Build your expectations of safer recruitment practices into your contract with any agency providing you with staff.

A check list which the agency is required to complete for each member of staff deployed to your service may assist to offer you some extra assurance that the agency is fulfilling its duties to you.

Any observed or alleged fitness to practise issues should be reported by the service provider to the employment agency **and** to the employee's relevant registering body.

Links to further guidance and practice examples:

[SSSC Employer referral form and guidance](#)

[HCPC employer referral guidance](#)

[NMC employer referral guidance](#)

[GTCS employer referral guidance](#)

[Practice example Expectations of employment checks](#)

Case scenario:

[Agency staff case scenario](#)

Reasonable adjustments for disabled applicants

Key elements

An employer should ask whether an applicant needs any reasonable adjustments (sometimes referred to as access requirements) for any part of the recruitment process.

Further, if an applicant has indicated a disability on their application form, or the employer becomes aware of it, or the applicant asks for reasonable adjustments to be made, the employer must consider making adjustments to assist the applicant to apply for the post advertised and attend for interview or assessment centre if selected.

Further considerations

In many cases, reasonable adjustments are relatively simple for an employer to make. Examples of reasonable adjustments may involve:

- an applicant with a hearing impairment needing to clearly see the interviewer so they can lip read
- an applicant with limited mobility needing to know the accessible routes to the interview rooms in the employer's building
- an applicant with dyslexia needing some additional reading time to familiarise themselves with materials used in an assessment centre.

If you employ a candidate with a disability, support may be available through Access to Work to make reasonable adjustments in the workplace.

Links to further guidance and practice examples:

[Access to Work](#)

Working without checks or disclosure/PVG

Key elements

It is a requirement to have people undertaking regulated work PVG checked and the Care Inspectorate expects full vetting and checks to be in place before an individual starts work. However, in exceptional circumstances, if in the difficult position of needing more people to work in order to maintain service levels and ensure the safety and well-being of people who are using the service, you will need to consider the various risks associated with employing someone without knowledge of appropriate checks.

Further considerations

Consider how best to employ an unchecked person in the safest capacity. They should not be alone with people who use services or provide intimate care. You may need to reconfigure a rota or enlist the support of your existing staff in order for this to work.

You should always discuss these exceptional situations with your care inspector.

Links to further guidance and practice examples:

[Protecting Vulnerable Groups – Guidance for Care Inspectorate staff and service providers](#)

7. Post Selection Considerations

Referrals to third parties

Key elements

Where concerns or allegations about a worker's fitness to practise or harm to a user of a service occurs, the employer has a duty to notify the relevant bodies of the concern and also the service regulator. In the social services workforce this will include the Care Inspectorate and usually the SSSC. Depending on any which relevant regulatory body the individual is registered with, this may also include NMC, HCPC, GTCS.

Where individuals are employed in regulated work, employers have a duty to make a referral to Disclosure Scotland when they believe that an individual's conduct meets the following referral grounds:

- harmed a child or protected adult
- placed a child or protected adult at risk of harm
- engaged in inappropriate conduct involving pornography
- engaged in inappropriate conduct of a sexual nature involving a child or protected adult
- given inappropriate medical treatment to a child or protected adult.

Employers **may only** make a referral to Disclosure Scotland when they have dismissed an individual or removed them permanently from regulated work with the group concerned or where they would or might have dismissed the individual had the individual not left their employment before the decision was made, or had they known the information at the time the individual worked for them.

You should let workers know if they have been or will be referred to any body. SSSC have specific guidance available around employer responsibilities to refer when there is a settlement agreement in place.

Links to further guidance and practice examples:

[SSSC Employer referral form and guidance](#)

[HCPC employer referral guidance](#)

[NMC employer referral guidance](#)

[GTCS employer referral guidance](#)

[Notifying the Care Inspectorate](#)

[PVG Scheme information for employers](#)

[Settlement agreements \(SSSC\)](#)

Monitoring registration status

Key elements

Workers who are registered with the SSSC (registrants) are personally responsible for ensuring that they maintain and meet any requirements on their registration.

However, employers have a legal responsibility to make sure that all of their staff are appropriately registered. MySSSC will help you manage and track your workers registration.

Further considerations

Think about who has access to MySSSC and how frequently you check the registration status of your employees.

Several individuals within your organisation can be nominated to receive email alerts about changes in a workers registration for example if they are to be lapsed for non-payment of fees. Think about who is best placed within your organisation to receive these alerts.

Links to further guidance and practice examples:

[MySSSC guidance for employers](#)

Glossary and key responsibilities

SSSC	Scottish Social Services Council- the regulatory body for social service workers in Scotland
CI	Care Inspectorate – the scrutiny and improvement body for social care, early learning and childcare, social work, and community justice.
PVG scheme	The Protection of Vulnerable Groups (Scotland) Act 2007 (the Act) provides for a scheme whereby individuals with a known history of harm can be prevented from doing work with children and / or protected adults. The scheme is provided by Disclosure Scotland protection service. Disclosure Scotland do all of the administration for the PVG Scheme and make decisions about unsuitability on behalf of Scottish Ministers
HCPC	Health & Care Professions Council – HCPC regulate the following professions: arts therapists, biomedical scientists, chiropractors/podiatrists, clinical scientists, dieticians, hearing aid dispensers, occupational therapists, operating department practitioners, orthoptists, paramedics, physiotherapists, practitioner psychologists, prosthetists/orthotists, radiographers, social workers in England and speech and language therapists
GTCS	General Teaching Council for Scotland- regulatory body for teachers in Scotland
NMC	Nursing & Midwifery Council - regulatory body for nurses and midwives in England, Wales, Scotland and Northern Ireland
ICO	Information Commissioner’s Office- The UK’s independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.
ACAS	Advisory, Conciliation and Arbitration Service that provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law.
TUPE	TUPE stands for the Transfer of Undertakings (Protection of Employment) Regulations 1981. The purpose of the Regulations is to protect employment rights when employees transfer from one business (“the transferor”) to another (“the transferee”). The terms and conditions of employment of the transferring employees are maintained when a business or an undertaking, or part of one, is transferred to a new owner. The employees’ continuity of service is preserved as well as the original terms, but the previous employer’s benefits relating to old age, invalidity or survivors under occupational pension schemes are not transferred.

Contact information

Scottish Social Services Council

Telephone: 0345 60 30 891

Email: enquiries@sssc.uk.com

Care Inspectorate

Telephone: 0345 600 952

Email: enquiries@careinspectorate.com

HCPC

Telephone: 44 (0)300 500 4472

Email: registration@hcpc-uk.org

Disclosure Scotland

Telephone: 03000 2000 40

Email: info@disclosurescotland.co.uk

NMC

Telephone: 020 7462 8850

Email: employerlinkservice@nmc-uk.org

UK Visas & Immigration

Sponsorship, Employer and Education Helpline on 0300 123 4699.

GTCS

Telephone: +44 (0)131 314 6080

Email: gtcs@gtcs.org.uk

Information Commissioner's Office

Telephone: 0131 244 9001

Email: Scotland@ico.org.uk

ACAS

Telephone: 0300 123 1100

Annex A: membership of group

Care Inspectorate

Scottish Social Services Council

Scottish Government - Office of the Chief Social Work Advisor

National Day Nurseries Association

Scottish Out of School Care Network

Society of Personnel & Development Scotland

Disclosure Scotland

Education Scotland

UK Visas and Immigration

Blackwood Group

Turning Point Scotland

Bluebird Care

Enable

Hansel

SAMH

BUPA

Education Through Care Scotland

Social Work Scotland

Scottish Government Health and Social Care Directorate