

Spiral Sussex

**Recruitment
Policy and Procedure**

September 2018

Spiral Sussex

Recruitment

Policy and Procedure

This policy and procedure has been approved by the Executive Committee of Spiral Sussex which are responsible for its review.

The original signed copy of this policy and procedure is kept at Spiral Sussex's office.

Signed: Mark Shanahan Date: 18th September 2018

Name: Mr Mark Shanahan

Chair of Trustees

Signed Marc Blackwell Date: 18th September 2018

Name: Mr Marc Blackwell

Trustee

Record of adoption and review of this policy and procedure:-

- Adopted:
- To be reviewed: (+1 years from the adopted date)

Recruitment Policy and Procedure

Spiral Sussex recognises the importance of a thorough recruitment process for the safeguarding of adults at risk and children.

This policy and procedure lays out the process by which Spiral Sussex will recruit staff which it seeks to ensure will be fair, timely and cost-effective while ensuring the safety and safeguarding of children and adults at risk is held as paramount.

It is the responsibility of the board of trustees to ensure that this document is updated to comply with all relevant legislation and the responsibility of the Chief Executive to ensure procedures stated within this document are followed.

1. Definitions

The following terms in this policy and procedure are understood as:

“staff and staff members”

means all Spiral Sussex employees including part-time, full-time, consultants, volunteers and interns -

2. Policy Statement

Spiral Sussex is committed to a fair recruitment process where all people are treated fairly throughout the recruitment process whether recruitment is for volunteers or paid staff. Spiral Sussex recognises and adheres to the provisions set out in the Equality Act 2010 (last updated 16 June 2016). Spiral Sussex is committed to ensuring that no one is treated less favourably or suffers discrimination due to a protected characteristic (ref: Equality Act 2010), which includes:

- age
- sex
- race (including ethnic or national origins, colour and nationality)
- disability
- religion or belief (including lack of belief)
- marriage and civil partnership (including marital status)

- gender reassignment
- sexual orientation
- pregnancy and maternity
- trade union membership

Spiral Sussex will ensure that the nature of the people's contract will also not lead to their less favourable treatment or their membership to a trade union.

3.Disability Confident Employer – Spiral Sussex signed up to the Disability Confident Employer scheme

Spiral Sussex is committed to treating people fairly. Spiral Sussex is committed to ensuring the following:-

- That all applicants with a disability who meet the minimum criteria for the job vacancy are invited to interview and that they are considered on their abilities
- Ensuring there is a process or means in place by which disabled staff can meet at any time, but at a minimum, once a year, to discuss what can be done to help them develop their abilities
- In the case that a staff member becomes disabled, everything will be done to ensure that they can continue in employment with Spiral Sussex
- That all staff are able to develop an appropriate level of disability awareness necessary to ensure the commitments laid out here concerning the Disability Confident Employer are made
- That these commitments can be reviewed regularly and any improvements can be planned

3. Recruitment, selection and appointment

3.1. Vacancies

Paid positions

- 1) When a vacancy occurs, this is an opportunity for Spiral Sussex to assess the necessity of this post, the duties, responsibilities and grade of the position. In the case that the post duties have changed dramatically, a proposal can be made to the Executive

Committee to change the post, which requires the Trustees approval.

- 2) Where a new vacancy arises, in the first instance consideration will be given to any staff member who is seeking redeployment due to redundancy or disability, prior to advertisement of the post. Where a staff member is returning from maternity leave and their position no longer exists, they will have priority over other employees in terms of job allocation.

Spiral Sussex may seek volunteers to support in the running of its activities.

3.2. Job/role descriptions and person specifications

Paid positions

- 1) Before any recruitment steps are taken, a job description and person specification will be in place.
- 2) Where this is known, the job description will include:-
 - The job title, salary/pay, details of the post
 - The location of the post
 - The title of the line manager to whom the postholder will be responsible
 - Titles and details of any posts reporting to the postholder
 - The main purpose and duties of the post
 - Any special working conditions
 - If applicable, an indication that the postholder may need to carry out other duties within the broad range and purpose of their job, as agreed and requested by their line manager
 - The requirement for applicants to be committed to Spiral Sussex's policies and procedures
- 3) The person specifications will include the skills, experience and knowledge required to do the job, specifying which are essential and which are desirable. All person specifications will be specific to the post – any necessary qualifications needed to do the post will be clearly specified. Where qualifications are deemed essential,

these will reflect the minimum requirements necessary to carry out the job to an acceptable standard.

Outlined in the person specifications will be the requirement for applicants to demonstrate the following:-

- an awareness of and commitment to safeguarding and to keeping children and/or adults at risk safe
 - a commitment to excellent health and safety practice
 - a commitment to equal opportunities
- 4) In the case that physical requirements are included in the person specification, the *Equalities Act 2010* will be referred to. Physical requirements will be stated in terms of the specific role, for example, 'must be able to travel to various locations' rather than 'must own/drive a car'.

Voluntary positions

- 1) For voluntary positions, a job description and person specification must be in place.
- 2) Where known, the job description will include:-
 - the title and location of the voluntary position
 - the duration of the voluntary position
 - the details of the person who the volunteer will be responsible to
 - the main purpose of the voluntary position
 - any special conditions (e.g. a requirement for availability during the evening or weekend)
 - a requirement for volunteers to be committed to Spiral Sussex's policies and procedures
- 3) Any skills, experience or knowledge will be included in the person specification, that are deemed necessary to carry out the role. All person specifications will include the requirement for volunteers to have the following:-
 - an awareness of and commitment to safeguarding and to keeping children and/or adults at risk safe

- a commitment to excellent health and safety practice
- a commitment to equal opportunities

3.3.

Publishing the vacancy

Paid positions

- 1) Unless the post has been designated as particularly suitable for a staff member within the charity, such as a member seeking redeployment, all posts will be advertised both internally and externally. For short-term vacancies, for example to cover sickness or maternity leave, Spiral Sussex will seek to appoint a current member of staff or organise cover with an agency worker rather than appoint a new person.
- 2) There may be exceptional circumstances in which the charity may make an appointment without advertisement of the vacancy position. In this case, there should be clear reasons for this appointment and for not advertising the position. This will need prior approval from the Chief Executive and the Chair of Trustees.
- 3) At least two weeks for a closing date will be applied for the vacancy following its advertisement. All advertisements will include:-
 - brief information about Spiral Sussex, the address and registered charity details
 - the job title, salary and grade of the post
 - the location of the post
 - a main purpose of the post
 - any special working conditions
 - information that the post is subject to a clear enhanced DBS disclosure, conducted by Spiral Sussex
 - the closing date
 - the interview date(s), if this has been set
 - details of how to obtain an information pack and apply for the post
 - Disability kite mark

- 4) Applicants must complete an application pack which they can request via email or telephone.

The application pack will contain:

- Spiral Sussex's Application Form
- Equal Opportunities Monitoring Form
- A DBS Self-Disclosure Form
- The job description and person specification of the post

Voluntary positions

- 1) Dependent on the voluntary position, it may or may not be necessary to advertise the position, for example, the position of Chair of Trustees would be an advertised role. On the other hand, voluntary positions may not be advertised but may arise as a response from an individual's approach and expressed desire to volunteer, or contact by Spiral Sussex with a prospective volunteer.
- 2) Where it is deemed necessary to advertise a voluntary position, such an advertisement will include:-
 - brief information about Spiral Sussex including the address and registered charity details
 - the title, main purpose and location of the voluntary position
 - the duration of the voluntary position
 - any special conditions (e.g. a requirement for availability during the evening or weekend)
 - information that the post is subject to a clear enhanced DBS disclosure, conducted by Spiral Sussex
 - the closing date (if any)
 - the interview date(s) (if this has been set)
 - details of how to obtain an information pack and apply for the voluntary position
- 3) All people volunteering for Spiral Sussex are required to complete a Spiral Sussex Volunteer Form Equal Opportunities Monitoring Form and DBS self-disclosure.

3.4.

Processing applications*Paid positions*

- 1) All applications will be processed fairly following equal opportunities processes. Applicant confidentiality will be observed by all Spiral Sussex staff involved in the recruitment process.
- 2) The more senior person involved in the recruitment process will be responsible for selecting who will support in the process of shortlisting, interview and selection. This will involve at least two people.
- 3) Once the application deadline has passed, applications will be accessed based on individuals meeting the person specification and whether or not they have met the essential job requirements. Applicants meeting of the essential requirements in the person specification will inform the short listing of candidates. This will be recorded on the relevant short-listing form.
- 4) Original application forms will be kept at Spiral Sussex offices, together with the relevant short-listing form including the reasons for applicants being shortlisted or rejected. This will all be retained securely.

Voluntary positions

The identified person within Spiral Sussex responsible for managing volunteers will take lead responsibility for recruiting volunteers.

3.5.

Arrangements for interviews*Paid positions and voluntary positions*

The more senior person involved in the recruitment process will be responsible for selecting the interview panel. If possible, the panel should include a service user of the activity or service to which the vacancy position relates. Interviews should be scheduled as soon as reasonably possible. Applicants selected for interviews will receive written confirmation of their selection, however, may also be contacted by other means in order to schedule an interview time and date. Written confirmation to applicants should include:

- the date, time and location of their interview
- a request that they contact Spiral Sussex if they require any special requirements in relation to the interview, such as access to the premises or any other need related to a disability
- if appropriate, details of any test or preparation they are required to do, or anything they should bring with them (e.g. proof of qualification)

3.6.

Interviewing

Paid positions and voluntary positions

- 1) The interview panel will make the selection decision. This will be based on the application form, the interview and any additional interview tests as deemed necessary. The interview panel may decide to shortlist further, invite the applicant for a second interview, or make no appointment.
- 2) The interview panel will decide on interview questions prior to the interview, and each score the applicant's answers. They will then agree a score following the interview and will use this as a factor in their selection decision.
- 3) Applicants who have attended interviews will receive written notification of the outcome of their interview, including if not successful. Applicants can request further feedback on their interview if they wish.
- 4) The successful chosen applicant will be contacted by the manager leading that specific recruitment process and will be offered the position dependent on a clear DBS disclosure and two references achieved.

The original application form, the interview form and any other notes from the interview will be stored at Spiral Sussex offices in the applicants/staff member's personal file.

- 5) Panel members can only divulge their selection decision to people not immediately involved in the selection process once the appointee has accepted the post.

- 6) It will be stated on the Spiral Sussex application form that references will be sought in confidence. For paid positions, at least one of the referees should have knowledge and experience of the applicants work, education or training such as a previous employer or educator.

4. Proof of right to work in the UK

Paid positions and voluntary positions

- 1) Spiral Sussex is aware that all employees must have the right to work in the UK and that it is a criminal offence to employ anyone who does not have permission to work in the UK. All candidates must submit proof of their right to work in the UK, for example through an NI number. e.g. p45, a payslip, P60, an NI card, or a passport or birth certificate.
- 2) These checks are carried out with all potential employees and do not discriminate based on appearance or accent.

5. Recruiting to a post requiring a DBS (Disclosure and Barring Service) disclosure

Paid positions and voluntary positions

- 1) Spiral Sussex requires that all paid staff and volunteers have a clear DBS disclosure. These require renewal every three years. Spiral Sussex completes DBS checks through the Royal Mencap Society (RMS).
- 2) Two nominated people at Spiral Sussex are responsible for ensuring the completion of new staff DBS disclosures and of current staff renewals.
- 3) Original identity documents will be used by the nominated person to verify the individual's identity. The original documents must be seen, and in the presence of the individual. The nominated person is responsible for correct completion of the online DBS disclosure form so RMS can process the application.

- 4) A record of all DBS disclosures received will be kept by Spiral Sussex at their offices. This record will show the name of individual, the date the DBS disclosure was sent and clearance received, date of renewal and DBS certificate number.
- 5) The *Safeguarding Vulnerable Groups Act 2006* is referred to as it sets out a framework for the range of the vetting and barring scheme.

Under these regulations it is recognised that it is unlawful to employ a person, be it in a paid position or as a volunteer anyone who has been barred by the *Independent Safeguarding Authority (ISA)* from working with children or vulnerable adults. Advanced DBS disclosures are required for anyone working in whichever capacity, with children or adults at risk. Enhanced DBS disclosures will be sought for all people who will potentially work with children or adults at risk for the following reasons:-

- included in the enhanced DBS disclosure is a check against the Independent Safeguarding Authority (ISA) barred list, containing information about people barred from working with children and adults at risk (as formally contained in the POCA (Protection of Children Act) and POVA (Protection of Vulnerable Adults))
 - included in the enhanced DBS disclosure is a check to list 99, which contains information held about people barred from working with children by the Department of Education and Skills
 - included in the enhanced DBS disclosure are additional checks carried out by the police which may be relevant – e.g. an investigation which has not led to a criminal conviction
- 6) Spiral Sussex recognises its responsibility to inform the DBS in the following circumstances:-
 - In the case that Spiral Sussex dismisses or removes a member of staff because they have harmed a child or vulnerable adult or there is a risk of harm, or Spiral Sussex would have done so if that person had not left of their own will

- while processing an enhanced DBS disclosure, Spiral Sussex becomes aware of a person who is barred by the ISA from working with children or vulnerable adults, and this person has applied to work or volunteer with such groups at Spiral Sussex
- 7) In cases where the applicant has subscribed to the Update Service of the Disclosure and Barring Service which allows the individual's DBS certificate to be updated and viewed by organisations online, Spiral Sussex will, with the applicant's written consent, undertake an online check of the applicant. This however still requires the applicant to prove through original copies, their identity and their DBS reference number.

6. Starting employment without a DBS disclosure

Paid positions and voluntary positions

All staff members and volunteers are required to pass the enhanced DBS disclosure process before starting work with adults at risk or children. In exceptional circumstances however, the Trustees of Spiral Sussex, may decide that the applicant can start work before they have received the DBS disclosure.

In such cases, the following will be ensured by the Chief Executive:-

- That the DBS disclosure form has been completed and is being processed, this includes all relevant documents having been checked by the nominated person at Spiral Sussex
- That a Spiral Sussex application form have been completed by the applicant
- That two satisfactory references have been received
- The applicant signs Spiral Sussex's Staff Code of Conduct form and has been given a full set of up to date Spiral Sussex's policies and procedures
- That the applicant will not have any unsupervised time or access with adults at risk or children, this will also be reflected in a risk assessment on the specific activities or services that the applicant will engage in, completed by a senior manager at Spiral Sussex
- The applicant's line manager and other relevant staff are made aware of the situation

7. Probationary period

Paid positions and voluntary positions

All staff members and volunteers at Spiral Sussex are subject to a probationary period. The length and details of the probationary period will depend on their role and responsibilities which will be explained to them at the time of their recruitment.

8. Induction and training

Paid positions and voluntary positions

An induction is provided for all staff members and volunteers at Spiral Sussex, that is relevant to their role. This includes health and safety, safeguarding matters and the use of Spiral Sussex policies and procedures. Staff and volunteers will receive additional training as deemed appropriate dependent on their role and responsibilities, by their line manager or a senior manager.

9. Cautions or convictions disclosed on DBS self-disclosure form, Annual (employee/ volunteer) Declaration form, or at any other time

Paid positions and voluntary positions

- 1) When completing the DBS self-disclosure or annual staff/volunteer declaration form, any staff member or volunteer self-discloses a caution or offence, this will be further investigated by the Chief Executive who will also discuss further with the individual and may request further information in order to make an informed decision to the individual's suitability to work with adults at risk or children.

- 2) In the situation that the individual is an existing member of staff or volunteer, it may be deemed necessary by the Chief Executive and the board of trustees to suspend the staff member under the issue has been fully investigated. The Chief Executive will follow the procedures stated in section 13. Section 11 below pertains to factors that may influence the making of the decision.

10. DBS disclosures showing offences

Paid positions and voluntary positions

- 1) In the case that a DBS disclosure reveals any information, whether or not the applicant self-disclosed this information, for example on the DBS disclosure form where they may have included details of past convictions or caution. This will be investigated by the Chief Executive. The information received will be discussed with the individual to confirm that they acknowledge this caution or conviction. The individual has the right to be accompanied at this meeting by either a Trade Union or work colleague.
- 2) In the case that the individual did not disclose the caution or conviction, for example on an application form or DBS self-disclosure form, the reason for not doing so will be ascertained by the Chief Executive. The Chief Executive will treat any failure to disclose such information by an applicant or a staff member, including volunteers, as concerning.
- 3) In the case that the individual does not accept that the claims relate to them, a further investigation must take place. The responsibility for challenging any claims are the individuals and they should contact the DBS directly. The DBS will undertake an investigation into challenges made.

11. Additional information

Paid positions and voluntary positions

On the DBS disclosure form additional information that is not necessarily a conviction or a caution can be supplied to Spiral Sussex. For example, if the police have concerns regarding an individual which may currently be under investigation or may not have been proven. These details are at the discretion of the Chief Police Officer. In considering a decision regarding an applicant or existing member of staff, the Chief Executive of Spiral Sussex will treat this information with care. This information should not be revealed to the individual.

12. **Factors to consider when making a decision**

- 1) On confirmation that the identified caution(s) or conviction(s) relate to the applicant or staff member in question, the Chief Executive of Spiral Sussex will explore them and their circumstances, when they took place and so on. Any criminal record is accessed in relation of their role, the tasks they need to carry out and in what circumstances these would take place.
- 2) The Chief Executive will consider the following factors in their decision making:
 - The broader circumstances leading up to the incident e.g. the influence of financial or domestic circumstances
 - Whether the individual's circumstances have changed since the offence was committed, making re-offending less likely
 - The degree of intent on behalf of the individual
 - The damage caused
 - Repeat offences i.e. was the offence a one-off or part of a history of offending
 - The length of time since the offence took place
 - The nature of the job i.e. does the nature of the job present any opportunities for the individual to re-offend in the course of their work
 - The degree of risk that the offence suggests that the individual represents
 - The extent of job supervision i.e. does the job involve one-to-one contact with children or other vulnerable groups and what level of supervision will the individual receive
 - An individual's attempt to avoid re-offending
 - The degree of remorse, or otherwise, expressed by the individual and their motivation to change
 - Whether the offence has subsequently been decriminalised by Parliament
 - Whether the conviction has previously been considered by the organisation and the individual has been cleared for employment, and this is already noted on the individual's personal file

- Whether the convictions/cautions/reprimand was disclosed on the application form/CRB self-disclosure form (or to the line manager for existing employees and volunteers) and if not, whether the reason given by the individual is acceptable to the line manager
- 3) Having a caution or conviction should not necessarily prevent an individual from taking up or continuing a position, paid or voluntary, with Spiral Sussex. The Chief Executive will give serious consideration of all information given in order to reach a decision. The Chief Executive will take into account the factors listed about and the possibility for further offending and the potential implications if any, of employing the individual in whichever capacity. Offers of employment or volunteering can be withdrawn following discussion of the disclosure with the individual.

Spiral Sussex is extremely unlikely to offer any position, paid or voluntary, to someone who has sought to conceal or withhold information of a conviction or caution.

- 4) The Chief Executive and board of trustees should make all decisions about employing an individual with previous cautions or convictions, jointly by and communicate such decisions to the individual in writing.

13. Handling and storage of disclosure information

Paid positions and voluntary positions

- 1) Disclosure information received (including to the Chief Executive, nominated person(s) and Office Manager) will not be passed to persons not authorised to receive it, as unauthorised disclosure is an offence under section 124 of the Police Act. It is the responsibility of those who receive it to ensure that this does not take place.
- 2) It is the responsibility of the Chief Executive for ensuring that disclosures and the information they contain are securely stored

and available only to those who need to have access in the course of their duties. These will be stored securely in the Spiral Sussex office. Such information will only be kept for the time required for the particular purpose, as the DBS advises.

14. Independent Safeguarding Authority/Vetting and Barring Scheme

Paid positions and voluntary positions

Spiral Sussex will review its recruitment, selection and vetting procedures as legislation is updated and announcements are made by government.

15. Exit interviews

Paid positions and voluntary positions

Spiral Sussex will offer all staff members and volunteers who are leaving the opportunity to have an exit interview where they can give feedback on their experience working with Spiral Sussex. Feedback will be shared with the Executive Committee should it be seen as relevant and will be recorded on the exit interview form.

Spiral Sussex

Chief Executive

Mark Shanahan

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Nominated Person

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The Mencap Society/DBS Services

Telephone: 01733 873 737

Website: <https://www.mencap.org.uk/disclosure-barring-service-dbs-checks>

Internal Audit Guidance

Check	Evidence
Do all our job vacancies include the information set out in section 4.3 above	Ask to see copies of recent job adverts. Ask senior staff what should be included in job adverts
Is the short-listing of candidates being completed fairly?	Check recent short-listing records. Speak to staff who recruit – check if they are dealing with people fairly
Are interviews being conducted properly? Are service users included on interview panels? Are interview questions appropriate? Are recruitment decisions made fairly?	Check interview notes from recent interviews. Speak to senior staff about practice
Do all staff/volunteers have an up-to-date DBS certificate?	See Single Central Record at the office. Ask CEO how renewals are done every 3 years
Are offers of employment made subject to DBS certificates and references?	See copies of job offer letters. Look at personnel files to check 2 references on file. Speak to senior staff and check their knowledge of job offers
Are recruitment/staff/volunteer records stored securely?	Check paper copies are in locked cabinet. Check with details can be accessed by all staff
Are exit interviews taking place and, if so, why are people leaving?	Ask CEO for exit interview copies. Check reasons why staff are leaving. Are exit interviews being included on CEO report to Executive Committee?