

# How to recruit safely and fairly whilst deterring, identifying, and rejecting those who are unsuitable to work in specific roles

## Be prepared for recruitment

- Ensure you have a safe and fair recruitment policy and a recruitment of ex-offenders [policy](#)
- Have clear job descriptions and person specifications
- Ensure that staff carrying out recruitment process are trained and understand the process
- Develop clear selection methods and interview questions
- Ensure job adverts include the safer recruitment policy statement, the pre-employment checks you will carry out, and the level of DBS check needed

For more information on eligibility for DBS checks refer to DBS [guidance leaflets](#)

## Know who you are offering a job to

- Check identification, right to work, and qualifications and only accept original documents. Read the '[Right to work checks: an employer's guide](#)' for more information
- Ask shortlisted candidates to complete a criminal record self-declaration appropriate for the role applied for – refer to [guidance](#) on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975
- Check gaps in employment and former employment history, including dates and employers. If there are inconsistencies, follow these up with previous employers
- Take up all available references on short-listed applicants. Check for gaps and any inconsistencies between information given on the application form, and that provided by the references. Telephone to confirm reference receipt and follow up any queries
- Apply for the appropriate level of DBS check
- Carry out any checks required by your regulatory body, for example, General Medical Council (GMC), Nursing and Midwifery Council (NMC), or Teaching Regulation Agency (TRA)

## Applicants who have lived or worked outside the UK

You may want to complete an [Overseas check](#) to find out if they have any criminal history from their time overseas. Some information may not be applicable in the UK - each country has their own process to request disclosure of information.

- The UK national agency for international qualifications and skills ([UK ENIC](#)), can advise on how to check international qualifications and skills
- Any documents not in English should be accompanied by a certified translation
- If you are unable to obtain overseas checks for a candidate, you should carry out a risk assessment to help make an informed decision about how best to proceed

## Risk assessment

- Carry out a risk assessment on the applicant if concerns arise about information provided by the applicant through self-disclosure or/and other pre-recruitment checks
- Store a copy of the risk assessment, including any recommended safeguards to minimise risk in line with General Data Protection Regulation (GDPR) and Data Protection Act (DPA 2018) requirements

## Recruiting people with a criminal record

- The Rehabilitation of Offenders Act 1974 (ROA) allows conditional cautions and convictions to be considered spent ('legally ignored') after a specified period of time, known as the rehabilitation period. The length of the rehabilitation period is determined by the sentence or out-of-court disposal received. If the person is reconvicted within this rehabilitation period, none of their convictions will become spent until they all are
- Once the record is considered spent, the law treats the person as if they'd never committed an offence. They no longer have to disclose the conditional caution or conviction when applying for a job (or self-employment), education or training courses, unless the role applied for is exempt from the ROA. If someone's conditional caution or conviction is spent, it's unlawful for employers to consider it when making a decision about their suitability for a job
- ROA exemptions-if the role is covered by the ROA, employers should ask applicants at the appropriate point in the recruitment process: Do you have any unspent conditional cautions or convictions?
- [Filtering](#) is the term we use to describe the process that identifies which criminal records will be disclosed on a Standard or Enhanced DBS certificate (DBS check). Certain old or minor offences may not be disclosed on DBS certificates. These are known as 'protected' offences
- There is a [list of offences](#) that will always be disclosed on a Standard or Enhanced DBS certificate (unless they relate to a youth caution), these are known as 'specified' offences

## After appointment

- Make all appointments subject to a probationary period
- Highlight safeguarding responsibilities and set clear expectations of acceptable behaviour and boundaries of their role during staff induction
- Ensure staff have the relevant induction and training required to be safe and effective in their role
- Carry out regular one-to-one supervision meetings with staff
- Respond quickly and appropriately to any allegations about the behaviour of a member of staff, in particular concerning behaviour towards a child or adult at risk

## Useful resources

- Skills for Care's Safe and Fair Recruitment [Guide](#)
- NHS Employer's Identity Check's [Guide](#)