

Safe and sound?

Checking the suitability of new care staff in regulated social care services

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This bulletin is primarily designed to assist the **responsible person in charge of a care service** and **registered care services'** managers to improve their recruitment policies and procedures and vetting practices.

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Quality issues in social care – publications series



Promoting improvements in social care for the benefit of the people who use care services is one of the functions of the Commission for Social Care Inspection (CSCI). The Commission has a statutory duty to report on the performance of regulated social care services and publishes information that promotes choice and independence for people who use services. This bulletin is part of a series focusing on particular quality issues in regulated social care services.

These bulletins are designed to:

- Identify practical steps that can be taken by service providers to improve the experiences of people who use social care services;
- Share what we have learnt from regulating and inspecting care services; and

- Identify the factors that may have an influence on performance.

How have we developed this bulletin?

This bulletin captures the Commission's current understanding of the recruitment check processes in regulated social care services. We have gathered information from various sources and have:

- Identified key themes in the literature relevant to this study;
- Analysed the proportion of care providers in England that are meeting the recruitment and vetting standard across each service type;
- Analysed a random sample of 150 inspection reports to identify the key components that result in poor performance. This analysis was targeted at poorest performing providers scoring 1 (not met) against the recruitment and vetting standard on their inspection; and
- Consulted with a number of internal and external stakeholders.

Summary of key points

Key Issues

The recruitment and vetting of care staff is one of the poorest areas of performance against the National Minimum Standards in regulated social care services in England. Registered persons (employers) could do more to carry out thorough pre-employment checks and adopt robust recruitment practices.

All employers are responsible for verifying the safety, competence, integrity and skills of potential candidates before they are employed as a new member of staff. Once recruited, employers are responsible for ensuring that staff are well trained and well supported to deliver good quality care.

Recruitment and vetting practices have two vital functions in social care. These are:

- First and foremost, to protect children and adults by ensuring that the people who provide their care are suitable to do so and treat them with dignity and respect; and
- Secondly, to protect the rights of applicants to be considered equally for vacant posts.

Current performance of adult and children's services

This bulletin looks at the current performance of the services listed below.

Adult services:

- Older people's care homes;
- Younger adults' care homes (for people with learning disabilities, mental ill health and physical/sensory disabilities); and
- Domiciliary care agencies.

Children's services:

- Children's homes;
- Fostering services; and
- Adoption agencies.

An analysis of 150 inspection reports indicated that the poorest performing services failed to meet the recruitment and vetting standard in 2004-05 largely because they do not consistently implement:

- Adequate employment checks and references for all staff; and
- Robust recruitment policies and procedures.

Services that do well at meeting the recruitment and vetting standard tend to also meet the standards designed to protect people who use services and standards related to the training and support of staff.

Improving performance in recruitment and vetting

Employers can improve their recruitment and vetting practices through attention to the following four key areas:

- **Verifying the suitability of new care staff**
Employers need to keep abreast of sound recruitment and vetting practices and

carry out their responsibility to vet new staff. Employers also need to assess the risk to people who use the service when there are changes to the roles and/or responsibilities of both care and non-care staff.

- **Robust written policies and procedures**

Good recruitment does not end after requesting a Criminal Records Bureau (CRB) disclosure for a potential employee. Employers need to put in place comprehensive recruitment and retention strategies, which includes supporting staff through induction, training and development. Employers need to record evidence that they have adopted sound recruitment principles.

- **Application and interview process**

The application and interview process for all vacant posts needs to promote equal opportunities. All candidates have a right to be treated fairly and openly, using transparent recruitment methods.

- **Getting people involved**

People who use services are 'experts by experience' on the qualities they expect from a care service. Employers can actively involve 'experts by experience' in recruitment, such as scoping of job descriptions and interviewing potential new staff.

It is a continual challenge for social care providers to have a full complement of suitable and trained staff in an environment where there is high staff turnover, high

vacancy rates and limited availability of training and development opportunities. Partnership working between local councils, providers and industry bodies is essential to attract and retain good quality staff.

Employers need to be rigorous in their recruitment and vetting practices. The Government is planning to improve the current vetting system and reduce the risk of unsuitable people gaining access to people who use care services. The success of these improvements will rely on employers continuing to exercise their responsibilities in their day-to-day recruitment practices.



Introduction

1 What is this bulletin about?

The Commission for Social Care Inspection (CSCI) reported in 'The state of social care in England 2004-05' that the performance of social care services against the National Minimum Standards (NMS) for the recruitment and vetting of care staff is one of the poorest areas of performance and significant improvements are needed.

There is a serious issue of under-resourcing within social care, where one in four care homes for children, adults and older people are not able to recruit sufficient staff.¹ A limited supply of care staff and a dependency on agency staff and migrant workers mean that thorough recruitment and vetting processes are even more important. Some employers say that difficulties with recruiting staff can result in vital recruitment checks being overlooked. However, this cannot excuse poor recruitment practices that may subsequently place at risk children and adults who use care services or fail to protect the rights of employees.

The NMS for recruitment and vetting vary by service types, but they contain common elements.² This bulletin focuses on those common elements outlined in the box below.

National Minimum Standards for recruitment and vetting in regulated social care services

Care services in England must register with CSCI and are legally required to conduct their business in accordance with the regulations made under the Care Standards Act 2000 that apply to their particular service (see Appendix 1 for a list of the relevant regulations).

In addition to the regulations, NMS are published by the Departments of Health (DH) and for Education and Skills (DfES). These NMS are not legally enforceable but they do identify what a care service needs to do in order to meet its legal obligations. These NMS are currently being reviewed by DH and DfES.

The relevant NMS (for each service type considered in this bulletin) include the following references to the recruitment of staff:

- A written, robust policy and procedure is in place for the recruitment, selection and vetting of staff.
- All candidates for employment complete an application form.
- Satisfactory Criminal Records Bureau (CRB) disclosure.*
- Satisfactory Protection of Vulnerable Adults (PoVA) and/or Protection of Children Act (PoCA) checks.*

(continued overleaf)

1. Commission for Social Care Inspection (2005). *The state of social care in England 2004-05*. London: Commission for Social Care Inspection.

2. See Appendix 1 for the list of National Minimum Standards considered in this bulletin and the regulations that apply to adult, children's and domiciliary care services.

- Where appropriate visitors and volunteers are subject to CRB and PoVA/PoCA disclosures.
- Checks on registration, for example nursing and midwifery registration.
- Managers are qualified to the required level.
- The care service makes detailed records of the information provided at interview. Any gaps in employment histories are fully explored and evidenced. The records are signed and dated.*
- Two written references, one from the current or most recent employer.
- All documentation required by the NMS and regulations, for example proof of identity documents, is collated on the staff files.
- There is evidence that all staff are provided with terms and conditions of employment and a copy of the General Social Care Council (GSCC)'s code of practice.

**see the summary of key terms on page 31 for definitions*

This bulletin looks in detail at the performance of the following regulated social care services in meeting the recruitment and vetting standard:

Adult services

- Older people's care homes;
- Younger adults care homes (for people with learning disabilities, mental ill health and physical/sensory disabilities); and
- Domiciliary care agencies.

Children's services

- Children's homes;
- Fostering services; and
- Adoption agencies.³

Boarding schools, residential special schools and further education colleges have been excluded from this analysis because the Commission does not register these services.⁴ Residential family centres are also excluded, as only seven centres are regulated by the Commission.

The bulletin is organised as follows:

- **Facts and figures** summarises the performance of care services in meeting the standard for recruitment and vetting;
- **Improving recruitment and vetting practices** provides information to employers on ways to strengthen current recruitment policies and procedures; and
- **Looking to the future** outlines the Government's intended changes to the vetting system and provides a summary of steps employers can take to improve their performance against the recruitment and vetting standard.

3. Fostering services and adoption agencies include staff working in and for the care service.

4. The enforcement of standards for these services is undertaken by DfES. The Office of the Children's Rights Director has also produced a number of reports assessing the welfare of children in boarding schools, residential special schools and further education colleges. For more information, see www.rights4me.org.uk

2 Why is checking the suitability of new care staff an important quality issue?

Children and adults who use social care services have the right to be treated with dignity and respect, to be safe and to receive good quality care. Recruitment and vetting practices are one component of social care providers' wider responsibility for safeguarding children and adults who use care services from abuse and neglect.

All registered persons (employers) in regulated social care services are responsible for verifying the safety, competence, integrity and skills of candidates before they employ them as a new member of staff. In addition, registered persons must put in place a fair application and interview process to protect the rights of applicants to be considered equally for a job. Once recruited, employers are responsible for ensuring that staff are well trained and well supported to deliver good quality care.

Poor performance in this area raises questions about the extent to which children and adults are placed at potential risk of receiving poor quality care from unsuitable staff. The DH guidance 'No Secrets' (2000)⁵ on protecting vulnerable adults and the 'Safeguarding Children' (2005)⁶ report give a clear indication of the varying character of abuse:

Definition of abuse (from 'No Secrets')

- Abuse may consist of a single act or repeated acts and can occur against a single person or, in a service context, to more than one person at a time.

- Abuse may be physical, verbal or psychological, or may be an act of omission or neglect.
- It includes discriminatory abuse and abuse that occurs when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not or cannot consent.
- It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

The Government initiated an inquiry into recruitment and vetting processes, in response to the weaknesses revealed by the Soham murders case. The Bichard Inquiry Report (2004)⁷ identified problems in the recruitment processes and with the overall checking system. As a result of the review, substantial work has begun on the new vetting and barring scheme (see section 11 of this report for further explanation).

However, a robust vetting scheme alone will not necessarily safeguard children and adults who use care services. Pre-employment checks are just one of the tools available to employers to assess the suitability of care staff. Once employed, ongoing supervision and training of staff are crucial for maintaining a quality care practices. Managers of social care services need to create and maintain an open culture so that people feel safe to challenge poor care practices.

5. Department of Health (2000) *No Secrets: Guidance on Developing and Implementing Multi-agency Policies and Procedures to Protect Vulnerable Adults from Abuse* [LAC (2000)]⁷ see www.dh.gov.uk

6. Commission for Social Care Inspection (2005). *Safeguarding Children: The Second Joint Chief Inspectors' Report on Arrangements to Safeguard Children*. See the dedicated website: www.safeguardingchildren.org.uk

7. Home Office (2004). *The Bichard Inquiry Report*. See www.bichardinquiry.org.uk/report

Facts and figures

3 How well are care services currently performing?



The Commission's inspections assess the extent to which the following outcomes are being delivered for children and adults receiving care services.

Outcomes for adults

- The well-being, health and security of people who use services are protected by policies and procedures on the recruitment and selection of staff. Staff must hold good care practice skills and translate this into the delivery of good quality care.

Outcomes for children

- Children must be protected from exposure to potential abusers through the vigorous selection and vetting of all staff and volunteers working with children and providers and the effective monitoring of visitors.

Appendix 2 contains a table of the performance of adult and children's services against the recruitment and vetting standard.

Evidence – the key findings from adult services

Although performance has improved, there is poor compliance with the recruitment and vetting standard across the whole range of adult services, with performance varying across service and ownership types.

Performance

- **Domiciliary care agencies** were the poorest performing adult service as at 31 March 2005, with 53% of agencies meeting the standard. In that year, voluntary providers (61% met the standard) performed considerably better than private providers and local councils (53% and 49% respectively). As the Commission only began inspecting these services in 2004-05, trend data is not yet available to indicate their improvement over time.
- Performance against the recruitment and vetting standard has improved for **adult care homes overall**. However, the starting base in 2002-03 was low and performance was still poor in 2004-05:
Older people's care homes (overall) 59%
Younger adult's care homes (overall) 61%
- As at 31 March 2005, **voluntary providers of adult services** performed better than those services provided by private organisations and local councils. The only exceptions to this trend were younger adult's care homes with nursing and older people's care homes with nursing.

- **Older people's care homes** were the poorest performing residential setting as at 31 March 2005, with 59% of care homes for older people meeting the standard. Older people are the largest group receiving care services and therefore a large number of people are potentially exposed to avoidable risk.
- Voluntary and local council providers of **older people's care homes** performed better than private providers (except in 2002-03, when private providers performed better than local councils). Local councils have made the most progress to-date, improving from 40% of services meeting the standard in 2002-03 to 59% in 2004-05.⁸
- As at 31 March 2005, care homes for **people with physical/sensory impairment and people with learning disabilities** (58% and 57% meeting the standard respectively) performed better than care homes for **younger adults with mental ill health** (49%).

8. Note that there was a delay in registering local council care homes, however all local council care homes were registered by 31 March 2004.

Evidence – the key findings from regulated children’s services

The performance of regulated children’s services in meeting the recruitment and vetting standard varies widely.

Performance

Children’s services experienced a greater degree of improvement over a two-year period from 2003 to 2005 when compared with adult services. However, as at 31 March 2005, the performance of children’s services in meeting the standard was still poor:

Children’s homes	57%
Fostering services	64%
Adoption agencies	35%

As at 31 March 2005, **adoption agencies** were the poorest at recruitment and vetting practices, with 65% of adoption agencies failing to meet the standard (see section 4 for possible reasons for this poor performance).

- **Voluntary children’s homes** showed the greatest degree of improvement, from 38% in 2003-04 to 66% in 2004-05.
- As at 31 March 2005, **fostering services** (with 64% meeting the standard) were better at meeting this standard than all other services discussed in this bulletin.
- In 2004-05, **voluntary providers** of children’s services performed better than local councils and private providers.

Key Points

Adult and children’s services have improved their performance against the recruitment and vetting standard since inspection year 2002-03. However, the starting point was low and overall performance was still poor in 2004-05. Voluntary providers tend to be better than other ownership types at meeting the standard.



4 Reasons why the poorest performing services fail to meet the standard

The poorest performing services fail to meet the recruitment and vetting standard because they do not consistently carry out sound recruitment practices. They fail to meet the standard for one or more of the following reasons:

- Verifying the suitability of staff by carrying out thorough pre-employment checks and references**

The staff member’s personnel file does not contain evidence that the employer has obtained the appropriate level of CRB disclosure and two written references.

- Robust, written recruitment policies and procedure**

The policies and procedures are insufficient and not adequately implemented.

- Application and interview process**

There is insufficient evidence to show

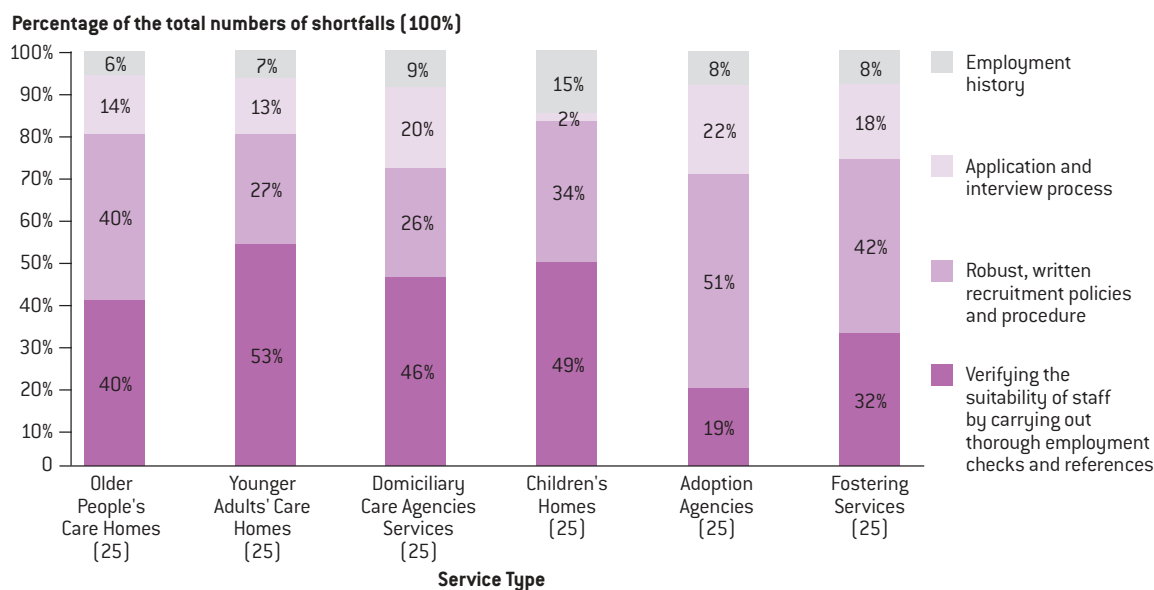
that the application and interview process is fair.

- Employment history**

The staff member’s personnel file does not contain their employment history and provide reasons for any gaps in employment.

The table below shows how often each component of the recruitment and vetting standard featured as a reason for failing to meet it. A random sample of 25 inspection reports per service type was used to analyse the common reasons for failing to meet the standard, making 150 reports in total. The sample only included the poorest performing care services (score 1) in order to focus on the reasons why the poorest services were failing to meet standards rather than to describe current performance across all relevant services.

Reasons for failing to meet the recruitment and vetting standard as a percentage of the total number of cited shortfalls in the sample (150 inspection reports scoring 1 from inspection year 2004-05)



Findings from the analysis – adult services

- Insufficient verification of the suitability of staff through recruitment checks and references featured as the most common shortfall for older people's care homes (40%), domiciliary care agencies (46%) and younger adult's care homes (53%).
- Inadequate recruitment policies and procedures featured as the second most common reason for failing to meet the standard across adult services. This failing was more evident for older people's care homes (40% of the total shortfalls) than for younger adults and domiciliary care agencies (27% and 26% respectively).
- Evidence of a lack of application and interview processes was more common for domiciliary care agencies (20% of the total shortfalls) than for younger adults' care homes (13%) and older people's care homes (14%).
- Inadequate checking of the employment history of a prospective employee featured as the least common reason for failing to meet the standard in adult services.

Findings from the analysis - children's services

- In children's homes, the most common reason for failing to meet the standard related to insufficient evidence of the required pre-employment checks and references (51% of total shortfalls).
- Although the complete or partial absence of pre-employment checks for one or more members of staff featured as

a common reason for failing to meet the standard, inadequate policies and procedures is more commonly cited for fostering services and adoption agencies (51% and 42% of the total shortfalls respectively).

- Failing to provide a robust application and interview process was more common for fostering services and adoption agencies (22% and 18% of the total shortfalls respectively) than for children's homes (2%).
- As with adults' services, inadequate checking of the employment history of a prospective employee was the least common reason for failing to meet the standard for adoption and fostering services (8% of the total shortfalls). This failing was more common for children's homes (15%).

Key Points

This sample indicates that the poorest performing care services failed to meet the recruitment and vetting standard because basic recruitment practices were inconsistently applied or overlooked. The predominant reasons for failing to meet the recruitment and vetting standards are inadequate evidence of pre-employment checks and references and poorly developed recruitment policies and procedures.

Driving up standards

CSCI registers and inspects care services, and may take enforcement action if the standards in these services fall below an acceptable or safe level. A range of enforcement procedures are available to the Commission, from providing informal advice to imposing conditions on registration to taking court action, including cancellation of registration (preventing a service from operating).

Case example – driving up standards through inspection

A small children's home employs 12 staff. During the 2004 inspection the Commission found that two staff had been checked at the 'Standard' level, not the correct 'Enhanced' level which is required for adults in close, frequent, or unsupervised contact with children. A standard-level check identifies a criminal conviction. However, an enhanced-level check is needed for the employer to find out if there were any previous investigations or allegations that did not result in a criminal conviction but which may require the employer to make further enquiries. A previous manager had misunderstood what was required.

The inspector issued an Immediate Requirement form, on the spot, to indicate a serious concern that needed to be rectified at once. The inspector was able to talk to the employer about what action would make the situation safe. It was agreed that the two staff members would be temporarily sent home, the staff shift roster would be revised and other staff would cover until the CRB disclosure was up-graded.

Other errors had been made in the records kept on the recruitment process, including unexplained gaps in some staff's employment histories. The inspector decided that, although it was possible to issue a Statutory Improvement Notice on pain of prosecution if matters were not resolved, the new manager was showing a positive attitude, was alert to risk, and was determined to get it right. The inspector gave the service three months to improve.

An unannounced follow-up inspection in February 2005 found that all the correct procedures had been completed, and missing information had been identified and recorded. The recruitment and vetting standard was met.

In April 2006 the Commission started to change the way it works by beginning to implement its 'Inspecting for Better Lives' programme to modernise the regulation of social care services. We will listen to the views of people who services and our inspectors will meet people using the service every time they carry out an inspection visit. Also, the majority of our inspection visits will be unannounced. This will allow our inspectors to focus more time on services that are not performing well. We will expect to see these services improve and will take action if they do not do so. Each CSCI Region has drawn up an Improvement Strategy to ensure that appropriate action is taken with poorly performing services.

5 The relationship between 'recruitment' and other NMS

Could the reason that some care services do better than others relate to other aspects of the service? The performance of a care service against one NMS has a relationship with the care service's performance in other areas. This is because the same management, staff and systems are involved in delivering the service.

The top three NMS that are likely to be met alongside the recruitment and vetting standard are:⁹

1. Protection of people who use services

Care services that cultivate an open and honest environment are better able to protect the people who use the service. The relationship between the protection and recruitment and vetting standards highlights the need for continuing vigilance regarding safety for those who use the service beyond the time of recruitment.

2. Staff training

Staff need to develop and build on their experiences and at times reaffirm the key principles of delivering good quality care. For example, child and adult protection training can empower staff and managers to identify what behaviours compromise good quality care and what actions they need to take if this happens.

3. Staff support and supervision

Ongoing support from managers and effective supervision ensure staff are aware of what is required from them in their caring role and can identify other support needed.

Key Points

Employers that see the quality of their staff as critical for providing good care will ensure recruitment processes are fair and staff are carefully vetted. These employers are also more likely to put in strategies that support staff development, such as providing supervision and training. These actions ultimately provide greater protection from abuse and neglect for people who use services.

9. Data held by CSCI was used to identify any association between the recruitment and vetting standard and all the other NMS. This was done using the 2004-05 data, and separately for older people's care homes, younger adults' care homes and children's homes.

Improving recruitment and vetting practices

6 Verifying the suitability of new care staff

Many of the reasons why social care providers fail the recruitment and vetting standard are avoidable. So how can employers improve their performance against the four core components of the recruitment and vetting standard?

The protection of children and adults who use care services would be considerably enhanced if employers consistently verified the suitability of staff prior to employment.

The current system

Employers check the suitability of their staff by applying to the CRB for a disclosure.¹⁰ All employers within regulated social care services are responsible for ensuring that disclosures are applied for when necessary, and that the level of disclosure is appropriate according to the duties the staff member will have.

CRB disclosures are available at two levels: standard and enhanced (see the summary of terms on page 31 for an explanation of the differences). Information available in a CRB disclosure includes details of any current and spent convictions, reprimands and warnings. In the case of enhanced disclosures, other information held by local police forces is also available. Information is also drawn from three other, separate, lists in relevant cases as follows:

- **Information held under Section 142 of the Education Act 2002 (known as List 99).** This is a confidential list (managed by DfES) of people who may not be employed by Local Education Authorities (LEAs), schools (including independent schools) or Further

10. Should registered persons require more information on CRB disclosures, refer to the CRB website at www.crb.org.uk



Education (FE) institutions as a teacher or in work involving regular contact with children under 18 years of age. List 99 also includes details of people that can only be employed subject to specific conditions.

- **PoCA (Protection of Children Act, 1999) List.** This list is managed by the DfES and contains details of individuals who have been guilty of misconduct that harmed a child, or has placed a child at risk.
- **PoVA (Protection of Vulnerable Adults) List.** This list is also managed by DfES on behalf of DH and contains details of individuals who have been banned from working with vulnerable adults because they have harmed, or caused a risk of harm to, vulnerable adults. Where appropriate there are cross-referrals between the PoVA and PoCA lists.

These lists operate under different legislative provisions and each adopts different criteria for inclusion and procedures for referral. Currently employers have a duty to make referrals to the relevant list only when employees are suspended or dismissed for misconduct. The lists are therefore reactive in nature. The Government acknowledges that the current vetting system lacks coherence and plans to strengthen and update the system in 2008 through its introduction of a new vetting and barring scheme. This is contained in the Safeguarding Vulnerable Groups Bill (see Section 11).

11. For further analysis on this topic see Kings College, London (2004) *POVA Referrals – the First 100: Analysis of the First 100 Referrals to the POVA List*. Available at www.dh.gov.uk

Outcomes following a referral to the PoVA list

Referrals are made when a person has been dismissed, suspended (or otherwise leaves the employment) for misconduct which harms a vulnerable adult or places them at risk of harm. A referral to the PoVA list can result in a workforce ban in the adult regulated social care sector.¹¹

Individuals confirmed for placement on the PoVA list can also be placed on the PoCA list. This occurs when an individual is considered to be a risk to children as well as adults resulting in a ban in both the children's and adult's workforce.

As at 31st May 2006, 2,285 individuals are placed on the POVA list either provisionally or confirmed.

Understanding the current vetting system

It is crucial that employers have a good working knowledge of how the current vetting system operates.

A disclosure is not just for care staff

Employers need to assess the risk of any individual who provides a service, not just those with a direct responsibility to deliver care to children and adults who use the service. This does not apply to family members and friends, but it may apply to other people who are not directly employed, such as visitors, volunteers and agents. Employers need to use their judgement in deciding whether individuals need a CRB disclosure in the following situations:

- When a person is employed to undertake a time-limited task, such as painting and decorating or gardening.
- When an individual visits to provide goods or services to children or adults who use the care service, eg hairdressers and podiatrists (called visitors).
- When volunteers spend time with people who use the service, such as providing transportation, entertainment or support.

The CRB is able to provide a disclosure in respect of anyone whose role brings them within certain statutory definitions, and this will depend on the extent to which they will have access to children and vulnerable adults. When the application is made reliance should not be placed on a job description alone – for example, the specific duties of a maintenance person or driver may incorporate situations where they regularly have unsupervised access to children or vulnerable adults. It is also important to evaluate the level of access individuals have to people who use services on a continuous basis, and to consider obtaining a new CRB disclosure when this changes.

Case scenario - hairdresser entering a care home

Things for registered persons to consider:

- Does the visitor have unsupervised access to individuals receiving care?
- A new risk assessment is required if contact with people who use services changes.
- CRB disclosures relate to people and not to companies. So, if a company changes the person they are sending into a care setting, a CRB disclosure must be obtained for that new person.

- ***Repeat CRB disclosures can be applied for***

Any disclosure is only valid on the day it was issued. It is effectively a ‘snapshot’ and is not updated until the staff member seeks employment in another setting. If a person carries out a criminal act that puts into question their suitability to work in care services, there is currently no mechanism for ensuring that this is revealed to the present employer. A new CRB disclosure for the same individual



can be requested at the employer's discretion, which is useful when the current employer has concerns about a staff member's behaviour.

- **CRB disclosures are non-transferable**
CRB disclosures are not transferable. The employer is responsible for carrying out the appropriate checks for each staff member, even if another organisation has already obtained a CRB disclosure for that staff member.
- **Employers are responsible for agency staff disclosures**
Employers who use agency staff need to be aware of their legal responsibilities. Although some employment agencies will give oral assurances that disclosures have been undertaken, it is the employer's responsibility to ensure that an employee has returned a satisfactory CRB disclosure. The employer needs to obtain written confirmation from the employment agency. If an individual is employed by more than one employment agency, each agency needs to ensure that a CRB disclosure is obtained.
- **International staff also need police checks from their home country**
A greater number of care staff are recruited from overseas in today's social care workforce. These staff need to have a full CRB disclosure as well as police checks, where possible, from their home countries before they are employed. The employer must ensure that potential employees have appropriate

documentation permitting them to work in the UK.¹²

- **It is the registered person's responsibility when checks reveal a conviction or other information**

The decision rests with the employer as to whether to employ a person whose CRB disclosure reveals a conviction or other information. The employer must be mindful of their overarching responsibilities for the welfare of the people who use the service.

An employer may not employ someone who:

- Is on the PoCA or the PoVA list.
- Has been convicted of a disqualifying offence under the Disqualification from Caring for Children (England) Regulations 2002 in a children's home, unless the regulator gives written consent.

Key Message

It is important that registered persons keep up-to-date with Government policies and procedures for vetting new employees. The registered person must continue to assess the risk on a case-by-case basis and to seek guidance from CRB where required.

Registered persons also have a duty to refer care workers to the PoVA and PoCA lists where any action or inaction on the part of that individual harmed or placed at risk of harm a vulnerable adult or child.

12. Information about this and the Workers Registration Scheme (for employees from the new member states of the European Economic Area) can be found at: www.ind.homeoffice.gov.uk

7 Robust, written recruitment policies and procedures

Recruitment policies

Robust, written policies and procedures provide a transparent code of conduct to which managers and staff must adhere. They give employers the opportunity to promote equal opportunities and give the workforce clear guidelines on their responsibilities in a carer's role.

A number of documents need to be on staff files. These provide evidence of the individual's suitability to work in care services and a clear audit of the process by which the person was recruited.

Documents needed on staff personnel files

The documents required in respect of each employee are set out in the registration regulations. The following are legally required:

- Name, address and date of birth.
- Proof of identity (for example photographic identification, copy of passport and/or birth certificate). Applicants should provide details of any other names that they may have been known by, ie maiden names, names changed by deed poll and 'known as' names, as checks may need to be made against those names.
- Where appropriate CRB disclosures, at the level that reflects the duties of vacancy.
- Two written references, dated and addressed to the prospective employer.
- Written verification of reasons for leaving previous similar employment (if available).

- Full employment history.
- Statement by the employee of mental and physical fitness.
- Details of registration with any professional body.
- Description of duties and responsibilities.

Positive practice

To promote fairness in the interview process, employers may find designing a standard interview template useful. Also developing a checklist to sit at the front of each personnel folder will assist in ensuring all documentation is clear, present and coherent. Other documents that will evidence thorough recruitment principles include:

- An application form (fully completed). This should have a clear structure.
- Evidence of interview format and answers given by candidate.
- Evidence of induction, probation periods and supervision.
- Contract of employment.
- Signed confirmation of candidate's receipt of their terms and conditions and copy of the General Social Care Council's code of practice.

Staff code of practice

All staff should be employed in conjunction with the principles set out by the General Social Care Council code of practice. Staff behaviours should also mirror these principles and be translated into a high standard of care.

Good Practice

The General Social Care Council code of practice is given to all staff. It is available in a range of formats, including audio and videotape, Braille, large print, pictorial format and in different languages.

Induction and training

Employers need to value the induction, training and development of their workforce. It is very important that all new staff have a developed induction when starting with a new employer. The induction can and should go beyond the first day of work and can be developed to include ways to meet training needs. Some providers have promoted a 'grow your own' scheme, where they identify members of staff who show potential and invest time and money in those individuals.¹³



13. See also the Information for Employers section to find out more about the National Occupational Standards and the Common Induction Standards developed by Skills for Care.

8 The application and interview process

Providers need to record evidence that they have adopted sound recruitment principles. The application and interview process for all vacancies must promote equal opportunities. This means that all candidates for a care post are treated fairly and openly, using transparent recruitment methods. Candidates who are known to management still need to go through the same recruitment process and have the relevant checks.

Ideally, employers should aim to recruit a workforce that reflects the diversity of the people using the service.

Ways to promote equal opportunities

- Advertise vacancies widely. This could include adverts in newspapers, community centres, regional events and/or open days.
- Application forms are generic and are fully completed by every applicant.
- Ensure a full job description and person specification is available for all applicants to clearly outline the expectations and responsibilities of the role.
- Evidence of short-listing and those invited to interview is recorded and kept within the service. It is good practice to keep evidence of your decision making process even when there is a small number of applicants.
- Two or more senior members of staff are present at interviews to reduce bias.

Good Practice

Children First Fostering Agency

Children First Fostering Agency believes that not 'anyone can be a foster carer'. There are some very specific qualities and skills that foster carers must have. For this reason Children First Fostering Agency have very thorough and rigorous recruitment procedures.

Children First Fostering Agency believes strongly in equal opportunities. When recruiting foster carers, they adopt an inclusive recruitment strategy. This is reflected in their staff mix, which comprises 50% White carers and 50% carers from Black African, African Caribbean and other minority ethnic groups.

Good Practice

Riverview Care Centre, Reading (part of Lifestyle Care PLC)

Riverview Care Centre showed initiative by accessing free English language lessons from the local college to develop the communication skills of their staff members from abroad. This has aided communication and has also enhanced understanding of the importance of training and key skills in areas such as child and adult protection.

9 Employment history

In order to make an informed choice when employing new care staff, information on candidate's previous employment experience is essential. This allows employers to ascertain the level of skill and competence of a candidate. It also gives the employer the opportunity to find out how care staff have performed in other care settings and from references to determine and affirm the candidate's skills set and approach to a caring role.

This also applies when employing staff on a permanent basis who have agency work in their employment history. Employers must investigate what agencies they worked for and not accept 'agency working' on an application form, as a description of employment history.

A new employer will not know how a candidate has performed in previous caring roles if references are not sought. They may have left a post because they were unsuitable and this must be part of the intelligence that a prospective employer uses when making their risk assessment.

Ways to check 'below the surface'

Employers are responsible for collating as much evidence as possible on a prospective candidate. This means chasing up independent information beyond that provided by the applicant. Good practice means that:

- All employment gaps are fully explored.
- References are followed up with a telephone call. This is to verify the identity of the referee and provides an opportunity to clarify any queries the potential employer has.
- References are addressed to the person who requested them, and not 'To whom it may concern'.
- References should be on headed paper where possible.
- References should be from a manager or personnel officer at the previous place of work, not a colleague.

10 Involving people who use services in recruitment

“Staff should listen to young people.”

[Young person]

Although involving people in recruitment only features in the NMS for younger adults, the principles can be adopted for other services to put people who use social care first. People who use services are ‘experts by experience’. Involving them in the recruitment process ensures that the staff employed have the qualities required to meet the needs of the people using them.

People who use services, relatives and staff should feel able to challenge providers on the robustness of their recruitment processes and on whether all staff members have been thoroughly checked.

“If there’s a high staff turnover, you’d want to know why people leave.”

[Resident at a care home]

How can people get involved?

- People using the care service are involved in scoping the job description for a vacant position.
- Job vacancies are discussed at care service/resident’s meetings to keep people informed and involved in decisions and changes that will affect the care they receive.
- People who use services are trained and supported to be actively involved in interviewing candidates.
- Employers and staff listen to people who use services
- The Statement of Purpose can include information on how the service involves people who use services in recruitment.

Providers need to be innovative in order to get people involved and engaged in recruitment. Care services need to identify the needs of the people who use the service in order to overcome any barriers they may face in contributing to the recruitment process. There are excellent examples of care services that have found creative ways to engage people using the service in recruitment and selection.

The following good practice examples are from services for people with learning difficulties. The principles are relevant to any service.

Good Practice

United Response, Sheffield

United Response provide domiciliary care services to adults with learning disabilities and have national policies that are constantly being developed and reviewed for the recruitment and on-going appraisal of staff, which includes being involved in six monthly reviews.

They actively involve and encourage people using their service to be part of the recruitment process including video recording panel interviews and group discussions with short-listed candidates. The adults using the service can then look through the video as many times as they want to help them make decisions about the staff who they think would best meet their needs.

Good Practice

Park Houses, Burnley, Lancashire

At this care home for people with learning disabilities, residents are involved in all aspects of recruitment, including running induction training for new staff, supervision and staff appraisals. Resources are made available to support residents in this role.

For example, individuals sit on the panel in the role of interviewer and the care home manager provides illustrative interview questions. Residents give feedback at the end of the interview and inform the appointment of new employees.

Good Practice

CARE Devon

CARE Devon is a care home for people with learning disabilities. The home has developed a recruitment and selection training programme for all people using the service who would like to join the interview panel. The training focuses on why a vacancy has arisen, what happens when staff leave, what questions are important to ask and what are a person specification, CRB disclosures, shortlisting, equal opportunities and preparation for interview.

The intention is to ensure that people using the service feel fully valued and part of the recruitment process, while emphasising the importance of finding the right person for the job.

CARE Devon has shown innovation in their response to acute pressures in recruiting new staff and meeting the needs of their service. They have utilised the skills of a member of staff who speaks Polish to recruit staff from Poland. Residents are also involved in recruiting these staff.

One of the most successful procedures is a formal panel made up of managers and the training coordinator with a separate panel of residents. Questions are written and agreed beforehand and a member of staff is present at the residents' panel for minimal support only. The two panels get together after the interview and feed back. It has been surprising how many times the two panels have agreed.

Successful candidates have stated that they felt it was valuable to have people using the service interviewing them.

Looking to the future

11 The new vetting and barring scheme

The aim of the Bichard Inquiry was to examine the effectiveness of relevant intelligence-based record keeping and vetting practices of organisations. The Bichard Inquiry Report made a number of recommendations that were wide-reaching and intended to improve the working practices of the agencies involved.¹⁴

The DfES, in partnership with the DH, is working towards creating a new vetting and barring scheme.¹⁵ This scheme aims to tighten up procedures to prevent unsuitable people from gaining access to children and/or vulnerable adults through their work, whether paid or unpaid.

The scheme will build on the existing pre-employment checks available through the CRB. It will extend the coverage of the existing barring schemes and draw on wider sources of information, providing a more comprehensive and consistent measure of protection for vulnerable groups.¹⁶

There are a number of proposed advantages of the new scheme which will assist all employers in making an informed and reliable assessment when recruiting and vetting all new care staff.

Advantages of the new vetting and barring system

It will provide a better knowledge base which brings together all available intelligence, providing employers with a better vetting service when recruiting people who come into contact with children and/or vulnerable adults through their work.

It will provide a comprehensive list of all people deemed unsuitable to work with vulnerable people. Those who are known to be unsuitable are barred from working with children and/or vulnerable adults at the earliest opportunity.¹⁷

It will impose tough sanctions on employers if they employ someone who has not been through the new central vetting system. This includes penalties of up to five years in prison and fines of up to £5,000.

14. For more information see www.homeoffice.gov.uk/pdf/bichard_report.pdf

15. Note: the Safeguarding Vulnerable Groups Bill is currently with the House of Lords and contains legislation relating to barring and monitoring of people who have access to vulnerable groups.

16. Department of Health (2006). *Our Health, Our Care, Our Say: A New Direction for Community Services*.

17. Department for Education and Skills and the Department of Health (2006). *Vetting and Barring Scheme: Policy Briefing Pack*.

12 Improving future performance

There is considerable room for improvement in meeting the recruitment and vetting NMS across all service types. Social care services need to adopt systems and practices that ensure suitable people are employed to deliver good quality care.

There are a number of challenges to overcome in an industry where it is reasonable to expect care to be delivered to a high standard, against a backdrop of high staff turnover, high vacancy rates, and little training and development. Having a full staff complement, without putting people at risk, is a continuing challenge for employers. Risks need to be managed wherever possible and carrying out checks is a basic recruitment principle which cannot be overlooked.

GSCC has consulted on a proposal to register residential and home care staff working in

the social care workforce.¹⁸ This initiative is designed to elevate the public perception of social care jobs as being a more desirable profession. This initiative builds on the current registration of social workers.

18. At the time of going to press this consultation period had closed. The consultation period was launched on 16/02/06 for a 12-week period until 12/05/06. The Commission contributed to the consultation.

19. www.gsc.org.uk
Media Releases

“Extending registration to those working in residential and home care will raise standards, increase public protection and help prevent abuse. Registration should also help raise the status of the important work these staff undertake by increasing public confidence in them.”¹⁹



The Government's proposed new vetting and barring scheme promotes a more coherent approach to reducing the risk of unsuitable people gaining access to people in care services. However more action is needed at a local level. Local councils, providers and industry bodies need to work together to improve the recruitment and retention of staff in regulated social care services. Attention to career development and supporting people in gaining qualifications will help to professionalise this workforce.

This bulletin has highlighted good practice suggestions to assist employers' to refine their recruitment practices and ensure that children and vulnerable adults using their services are supported and protected. To retain quality staff, employers need to invest in candidates who show potential in their caring role. Improving and developing recruitment policies and procedures need to be matched by a culture shift by staff and employers towards fully appreciating the importance of checking the suitability of staff.



13 Key steps for meeting the recruitment and vetting standard

The following key steps are designed to assist care services to improve their recruitment and vetting practices. This is not an exhaustive list but is indicative of some of the policies and procedures that employers need to consider when recruiting new staff:

- Vacant posts for care roles are advertised in a manner that ensures equal opportunities to all prospective candidates.
- The employer has a job description for the post which outlines the responsibilities of the vacancy. This means that both



employer and candidate are clear on the expectations of the role.

- All necessary CRB disclosures and references are received and verified, and a decision made that these are satisfactory, before a candidate is offered a post. The level of disclosure requested should reflect the nature of the duties. Where a PoVAFirst check is required, this must have been applied for, and the new member of staff fully supervised by another carer until the full disclosure is available.
- Gaps in a candidate's employment history should be fully explored and evidence kept of the findings on the personnel file.
- All staff have a full understanding of their terms and conditions.
- All staff receive a copy of the General Social Care Council's code of practice.
- All personnel folders are properly maintained and contain all necessary and relevant information, such as equal opportunities monitoring forms, training agreement, confidentiality statement and terms and conditions of employment.
- The registered person and all staff understand the function of the PoCA and PoVA lists and are aware of any actions that may require a referral to these lists.
- Proof of registration, for example all registered nurses and other health professionals need their PIN numbers and qualifications verified prior to being accepted for employment.

Employers may also like to consider the following examples of good recruitment practice:

- All questions are devised prior to an interview. All interviewees are asked the same questions and these are recorded on a hard-copy template. Employers should also be skilled in asking follow-up questions when necessary to extract more information about the candidate.
- Staff understand the service's policy on receiving gifts and this is part of their induction programme. This ensures that all parties have a clear understanding of the expectations and boundaries of their role.
- People who use the service can be empowered to be involved in the recruitment process.
- Repeat CRB disclosures can be applied for on a continuous and routine basis

as a way of monitoring the suitability of existing staff, or in situations where a person's duties have changed or where an employer is concerned that a staff member's CRB status may have changed.



Information for employers

General Social Care Council

Copies of the General Social Care Council code of practice should be included in staff induction packs. Existing staff should also receive a copy and sign to acknowledge receipt.

The code of practice can be downloaded from www.gsc.org.uk

Providers can also complete a form online to receive hard copies by post.

Skills for Care

Copies of the National Occupational Standards, Common Induction Standards and sources of support and information for registered persons can be found at www.skillsforcare.org.uk

Skills for Care, Albion Court, 5 Albion Place, Leeds LS1 6JL

T: 0113 245 1716

F 0113 243 6417

The new vetting and barring scheme

The new vetting and barring scheme will consist of a central register that determines whether an individual is unsuitable to work with children and vulnerable adults. After significant preparatory work, such as scoping and developing the IT infrastructure, full implementation is expected in 2008.

The scheme will make information more accessible. The employer will be able to carry out an online check against the PoVA and PoCA lists, independently of a repeat CRB disclosure.

For information on how the scheme will protect children see www.everychildmatters.gov.uk/vettingandbarring/ and for vulnerable adults, see www.dh.gov.uk

For information on the progress of the Richard Implementation Team, see www.homeoffice.gov.uk

Care Ambassadors

The Care Ambassadors initiative, developed by Skills for Care, has given young people the opportunity to go into schools to promote a career in social care.

For more information, see www.careambassadors.info

Social Care Institute for Excellence (SCIE)

The SCIE website has information on good people management and advice/guidance to improve recruitment and retention. It is especially designed so that smaller social care providers can access specialist personnel or human resource advice. See www.scie-peoplemanagement.org.uk

SCIE have also just produced a practice guide – *Making Referrals to the Protection of Vulnerable Adults (POVA) List*. This is available at www.scie.org.uk/publications/practiceguides

Practice Information from CSCI

Providers can access news and updates through the 'Information for Providers' page on CSCI website. This provides information on the regulations, CRB guidance and the PoVA scheme. See www.csci.org.uk

Summary of key terms

Registered persons can find out more information on CRB disclosures, enhanced CRB disclosures and PoVAFirst checks on the CRB website (www.crb.gov.uk).

For further information on making referrals to the PoCA and PoVA list, see the Department of Health (www.dh.gov.uk) and Department for Education and Skills (www.dfes.gov.uk) websites.

Criminal Records Bureau (CRB) disclosure

A CRB disclosure indicates the suitability of an individual to work, or have access to, children and vulnerable adults by showing what information is held about that individual. The potential employer must make an informed choice about whether to allow the individual in question to work in the service, or have access to those who use it, based on the information contained in the disclosure.

Standard CRB disclosure

A CRB disclosure will contain information from the Police National Computer, which holds details of all convictions, cautions, reprimands and warnings issued. Where the application form has been marked to indicate relevance, the disclosure will also contain information held on the following further sources:

- Protection of Children Act List.
- Protection of Vulnerable Adults List.
- List 99.

Enhanced CRB disclosure

An enhanced CRB disclosure should be obtained for individuals who are involved in regularly caring for, supervising, training or being in sole charge of people in their role. Registered persons must make an assessment when employing staff on what level of CRB disclosure they require. Enhanced disclosures contain the same information as standard disclosures but with the addition of local police force information considered relevant by Chief Police Officer(s).

Protection of Vulnerable Adults (PoVA) List

Managed by the DfES on behalf of the DH, this is a list of people banned from working with vulnerable adults.

PoVAFirst check

A PoVAFirst check allows the registered persons to check that a person is not on the PoVA list as soon as possible and before the full disclosure is received. There are some cases where a PoVAFirst check cannot be returned and the registered person will need to await the full disclosure. This does not necessarily mean that the applicant is on the list; it could, for example, mean that the applicant has the same name (eg John Smith) as someone who is on the list and the CRB need to confirm the applicant is not that person.

Protection of Children Act (PoCA) List

Managed by the DfES, this is a list of people banned from working with children. As part of the CRB disclosure, this list is checked to ensure that the candidate has not previously been banned from working with children.

Employee references

Employers need to request two written references before employing a new member of staff. This is to verify the competence of a candidate in his or her previous roles and to assess the suitability of the candidate for the role applied for.

Employee employment records

Registered persons are responsible for verifying the information that candidates provide on application forms about their employment, including training/qualifications history and any gaps in employment.



Appendix 1: National Minimum Standards and Regulations

National Minimum Standards

For this bulletin, the following NMS were considered:

Full details of each standard can be found at www.csci.org.uk

	Service types	NMS	Title
Adults' services	Care Homes for Older People	29	Recruitment
	Care Homes for Adults 18-65	34	Recruitment
	Domiciliary Care	17	Recruitment and Selection
Children's services	Children's Homes	27	Vetting of Staff and Visitors
	Adoption Agencies	19	Suitability to work with children
	Fostering Services	15	Suitability to work with children

Regulations

There are different regulations for adults, children's and domiciliary care services.

- Children's Homes Regulations 2001.
- Care homes Regulations 2001.
- Domiciliary Care Regulations 2002.
- Fostering Services Regulations 2002 Care Standards Act 2000.
- Adoption Regulations 2003 The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 and The Local Authority Adoption Service (England) Regulations 2003.

By law providers should meet these regulations or they could face enforcement action. The regulations are in place to protect children and vulnerable adults. The Commission's inspector role is to advise and support the provider to meet the regulations and to fully understand the importance of systems that reduce the risk of abuse. For more details, see www.csci.org.uk

Appendix 2: Performance Table

Percentage of services that were assessed against the recruitment and vetting standards and met the standard (scored 3 or 4)

Type of service	Private			Council			Voluntary			All Services		
	2002/ 2003	2003/ 2004	2004/ 2005	2002/ 2003	2003/ 2004	2004/ 2005	2002/ 2003	2003/ 2004	2004/ 2005	2002/ 2003	2003/ 2004	2004/ 2005
Older People (overall)	43%	50%	58%	40%	51%	59%	53%	60%	66%	44%	51%	59%
Older People with nursing	48%	53%	60%	-	-	-	54%	62%	60%	48%	54%	60%
Older people with personal care	41%	48%	56%	40%	51%	59%	53%	59%	68%	42%	50%	58%
Younger Adults (overall)	45%	55%	62%	38%	42%	53%	50%	53%	62%	47%	53%	61%
Younger Adults with nursing	48%	53%	62%	-	-	-	58%	47%	58%	52%	49%	62%
Younger Adults with personal care	45%	55%	61%	38%	42%	53%	49%	53%	62%	46%	53%	61%
Domiciliary care	-	-	53%	-	-	49%	-	-	61%	-	-	53%
Children's homes	43%	50%	59%	24%	37%	51%	37%	38%	66%	36%	45%	57%
Adoption	-	-	-	-	23%	28%	-	33%	53%	-	33%	35%
Fostering	43%	48%	62%	32%	45%	61%	59%	54%	78%	40%	48%	64%

How to contact CSCI

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