

# Safe and fair recruitment guide COVID-19 supplement (May 2020)

## About this document

This COVID-19 supplement to our [Safe and fair recruitment guide](#) has been developed in partnership with Dominic Headley & Associates and with input from the Disclosure and Barring Service (DBS) and the Care Quality Commission (CQC).

It aims to help employers follow a clear process when recruiting social care workers, key staff and volunteers for [eligible roles](#) in connection with the provision of care and treatment of COVID-19 in England and Wales, or those being recruited to backfill roles because of the impact of the pandemic (COVID-19 roles).

The guidance applies to all COVID-19 roles, particularly those where employers need staff to start work rapidly, and any undue delays to the recruitment, pre-employment vetting and onboarding process could lead to risks to the continuity of service; and the safety and wellbeing of other members of staff and the people using the service.

A 30 min webinar providing an overview of advice contained in this document can be found [here](#).

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## COVID-19 safer recruitment checklist

Our safer recruitment checklist has been updated to reflect emergency processes which support faster recruitment of staff during COVID-19. It covers key elements in the recruitment process including, job applications, selection criteria, interviewing and the post-application follow-up. Download [here](#).

## Levels of DBS checks in social care

It's still extremely important that employers carry out the correct level of criminal records check that the role is eligible for.

*The [Safe and fair recruitment guide](#) contains further information regarding the main types of criminal record checks available and the differences between each level of DBS check (Pages 12 – 13).*

Standard, enhanced, and enhanced with barred list COVID-19 DBS checks are **free-of-charge**, but all other appointments and applications for DBS checks that are aren't linked to COVID-19 must be processed in line with best practice and existing DBS and CQC guidance. **Basic checks are not eligible for free-of-charge COVID-19 DBS checks.**

## Determining DBS check eligibility

Employers and providers should use the [DBS checks for adult social care roles guidance](#) and [DBS eligibility guidance](#) to determine what level of COVID-19 DBS check the role is eligible for. You can also find out more in our [Introduction to DBS checks](#) webinar.

Anyone who engages ONCE or more in [regulated activity](#) (as defined under the Safeguarding Vulnerable Groups Act 2006) is eligible for an **Enhanced DBS check with an adults' barred list check**.

Anyone who carries out any type of work that is **not** regulated activity, but which gives them the opportunity to have contact with vulnerable adults four times or more in a 30-day period or between 2am and 6am, or at least once a week on an ongoing basis, is eligible for an **Enhanced DBS check without an adults' barred list check**. This can apply to ancillary roles such as housekeeping, administration, catering and maintenance staff.

Anyone who works less often but has the opportunity for contact with people who need care and support during their work would be eligible to be asked to apply for a **Standard DBS check**.

The following eligibility scenarios are primarily aimed at recruiting paid staff and volunteers for [COVID-19 eligible roles](#), including those being recruited to backfill roles due to the impact of the pandemic.

1. Martine is a cleaner in a care home working two days a week.
  - a. Because Martine has opportunity for contact with adults living at the care home through the course of her duties, and because she works there at least once a week on an ongoing basis, **Martine is eligible for an enhanced DBS check without an adults' barred list check.**
2. Bryan is a maintenance worker for the same care home. He only works at the establishment two days each month.
  - a. Because Bryan works at the care home less than four times in a 30-day period, even though he has opportunity for contact with the people who live there in the course of his work, **Bryan is eligible for a Standard DBS check.**
3. James is a volunteer whose role is to drive elderly people to or from hospital or doctors' appointments because they wouldn't be able to get there themselves.
  - a. Because James works in regulated activity (conveying), **James would be eligible for an Enhanced DBS with an adults' barred list check.** (James only needs to transport people **ONCE** to be in regulated activity).
4. Jonathan is employed as a home care assistant; he goes into various people's homes and undertakes different activities depending on the person's needs. He may tidy up, do some washing or ironing or cook and prepare a meal. His role does not include any aspects of personal care. He works five days per week.
  - a. Because Jonathan has contact with adults who need care and support through the course of his duties works four times or more in a 30-day period, *but doesn't deliver regulated activity*, **Jonathan is eligible to be asked to apply for an Enhanced DBS check without an adults' barred list check.**
5. Angela works as a home care support worker for the same company but does provide personal care in her role. She helps people dress, wash and go to the toilet. She also prompts them to take medication and supervises them to make sure they do this. Angela is therefore in regulated activity with adults, even if she only does this once.
  - a. Because Angela works in regulated activity, **Angela is eligible to be asked to apply for an Enhanced DBS with an adults' barred list check.**
6. Patricia works for a sheltered housing scheme and provides a shopping service to the people living there who are unable to do their shopping for themselves. They give her their shopping lists and money and she returns their shopping and change.
  - a. Because Patricia works in regulated activity, **Patricia is eligible for an Enhanced DBS with an adults' barred list check.**

7. Carolyn works as a cleaner in the same sheltered housing scheme. In addition to cleaning the communal areas she assists some of the people living there in the cleaning of their apartments two mornings a week as they are unable to do this themselves because of their age, illness or disability.
  - a. Because Carolyn has contact with adults who need care and support through the course of her duties, works four times or more in a 30-day period, *but doesn't deliver regulated activity*, **Carolyn is eligible for an Enhanced DBS check without an adults' barred list check**

## Community groups

For those organising community volunteer groups and individuals wanting to assist those in their local community, the DBS has developed a [Safeguarding and DBS factsheet](#) containing FAQs on eligibility and safeguarding considerations.

The DBS guidance makes it clear that there is no legal requirement for community volunteer groups to undertake DBS checks. However, if activities undertaken by group members would, under normal circumstances, be eligible for a DBS check (e.g. providing a shopping service for vulnerable people unable to do their shopping for themselves, or driving elderly people to or from hospital or doctors' appointments because they wouldn't be able to get there themselves), it is advised that having volunteers DBS checked is a prudent safeguarding step.

**Important note:** On its own a DBS check does not mean someone is suitable for volunteering work. It is extremely important to have in place robust effective safeguarding practices and procedures to keep vulnerable people and volunteers safe.

## Using previous DBS checks to determine an applicant's suitability

As detailed in the [DBS COVID-19 guidance](#) and [COVID-19 flowchart](#) if the applicant for a COVID-19 eligible role has had a DBS check in the last three years, an employer or provider may use the recent DBS certificate to determine suitability for the role applied for – as long as it is for the correct level (standard or enhanced) and is for the same workforce (i.e. adults or/and children).

If the applicant has an existing subscription to the [Update Service](#) for the same workforce, then the employers should assess the suitability of the applicant using their original DBS certificate and a check of the Update Service.

The [Safe and fair recruitment guide](#) contains further information on The DBS Update Service (Page 20).

As a temporary measure for paid jobs for eligible COVID-19 roles being filled in response to the pandemic, employers may consider accepting DBS certificates previously issued for volunteer roles – **if the previous certificate is at the correct level and for the same workforce.**

**Important note:** Employers should not compel an applicant or existing member of staff or volunteer to share a previous DBS certificate that they have obtained whilst working or volunteering for another organisation.

They should ask applicants if they are content to share a previous DBS certificate, and ensure that any consent given is fully informed.

### **Criminal record self-declaration forms**

In addition to DBS checks, best practice is to request that short-listed applicants complete a [COVID-19 criminal record self-declaration form](#) or disclosure statement providing details of any cautions and/or convictions they may have in-line with [DBS filtering rules](#) and the law as applicable in England and Wales (not the law in their country of origin or where they were convicted). Disclosure should include any sentences or disposals (that are not eligible for filtering) received since the issue of the previous DBS certificate or subscription to Update Service and any criminal convictions of non-UK nationals convicted overseas.

*The [Safe and fair recruitment guide](#) contains further information regarding criminal record checks, including overseas criminal record checks (Pages 12 – 20), asking about criminal records and criminal record self-declaration (Pages 26 – 28).*

### **Scenario 1 – Rebecca**

Rebecca is a support worker in an adult day centre. The role involves regulated activity with adults; her employer carried out an **enhanced DBS check with adults' barred list check** when she applied for the role.

Rebecca applies for a new role as a care worker in a care home to backfill a role as a result of the impact of the COVID-19 pandemic. This role also involves regulated activity with adults and is also eligible for an enhanced DBS check with adults' barred list check.

Rebecca **will not** need to carry out a new DBS check if she is subscribed to the DBS update service within the same workforce (i.e. adult workforce).

The new employer may consider using a previous DBS certificate issued for the adult day centre to determine Rebecca's suitability for the role – **but only if the certificate was issued within the last three years.** The employer should also ensure that Rebecca completes a criminal record self-declaration form.

## Scenario 2 – Jared

Jared is a healthcare assistant at an NHS Trust which involves regulated activity with children and adults; his employer carried out an **enhanced DBS check with children and adults' barred list check** when he applied for the role.

Jared applies for a new role as a support worker in a nursing home to backfill a role as a result of the impact of the COVID-19 pandemic. In keeping with scenario 1, Jared's new role involves regulated activity with adults and so it is eligible for an enhanced DBS check with an adults' barred list check.

In this scenario, the new employer **would need to undertake** a new COVID-19 free-of-charge DBS check together with fast-track adults' barred list check, because the previous DBS certificate was issued for a different workforce (i.e. children and adults).

The new employer should first ensure that Jared completes a criminal record self-declaration.

They should then carry out the COVID-19 enhanced DBS check with fast-track adults' barred list check.

The employer may choose to commence Jared's employment before receipt of the new enhanced DBS certificate, but only if there is no match on the adults' barred list check and they have put in place appropriate measures to manage him.

If the employer does commence employment prior to receipt of the new DBS certificate, it is recommended that the new employer completes a risk assessment using the information provided by Jared in his self-declaration; and also the previous DBS certificate carried out for the NHS Trust (used solely for the verification of self-declaration information).

Download our template [COVID-19 pre-employment check and criminal record risk assessment](#) form to support this process.

## Scenario 3 – Margaret

Margaret is a receptionist worker for a care home. She only works at the establishment two days each month.

**Margaret is therefore eligible for a Standard DBS check** and she subscribed to the DBS Update Service at Standard level when she applied for the role.

Margaret applies for a new role as a receptionist in another care home to backfill a role as a result of the impact of the COVID-19 pandemic. The new role requires Margaret to work one day each week and so Margaret may be asked to undertake an **enhanced DBS check without adults' barred list check**.

In this scenario, the employer may need to carry out a new COVID-19 DBS check, because the new role is eligible for a different level check (i.e. enhanced DBS check without barred list check).

The new employer should first ensure that Margaret completes a criminal record self-declaration.

They should then carry out the COVID-19 enhanced DBS check without barred list check.

If the employer chooses to commence employment prior to receipt of the new DBS certificate, it is recommended that the new employer completes a risk assessment using the information provided by Margaret in her self-declaration; and also the original standard DBS certificate for her current subscription to the Update Service (used solely for the verification of self-declaration information).

The employer should ensure they have put in place appropriate measures to manage Margaret prior to receipt of the new DBS certificate.

*The [Safe and fair recruitment guide](#) contains a useful flowchart of gathering criminal records information (Page 25) and how to deal with an applicant who may have a criminal record (Pages 29 – 34).*

## **ID checking and right to work checks**

DBS has issued [temporary changes to DBS ID checking guidelines](#) during the COVID-19 pandemic which enable ID documents to be viewed over video link and scanned images to be used in advance of the DBS check being submitted.

**Important note:** The applicant must present the original versions of these documents when they first attend their employment or volunteering role.

The Home Office has also issued guidance on [temporary changes to right to work checks](#) during the COVID-19 pandemic to make them easier for employers to carry out. Similar to the DBS guidelines, the right to work changes allow for checks to be carried out over video calls and job applicants or existing workers to send scanned documents or a photo of documents for checks using email or a mobile app rather than sending originals.

If the applicant cannot provide accepted documents, the Home Office advises that employers use the [Employer Checking Service](#) to check their immigration status.

*The [Safe and fair recruitment guide](#) contains useful information on how to address practical barriers and challenges that applicants may face such providing ID, obtaining a bank account, lack of work experience and unusual address history (Pages 21 – 23).*

**Important note:** After the COVID-19 measures end, employers will be required to carry out retrospective right to work checks within eight weeks on all staff that started working during the measures, and staff that required a follow-up right to work check during the measures.

## Collecting references

*Employers and providers should take all reasonable steps to gather suitable references on applicants recruited during the COVID-19 pandemic as detailed on page 24 of the [Safe and fair recruitment guide](#).*

NHS employers has developed [temporary guidance on obtaining references and employment history](#) during the pandemic that social care employers may find useful.

- As a minimum, employers should seek at least one reference from the individual's current or previous employer either via email or over the phone.
- They should also check for gaps and any inconsistencies between information given on the application form, and that provided in any reference(s).
- Where reference(s) are provided over the phone, the employer should record a written account and ask the referee to confirm that this is an accurate reflection of the information they have provided. This information should be retained and stored.

**Important note:** If it has proved impossible to obtain reference(s), the recruitment decision should be based on relevant evidence gathered throughout the recruitment process together with the employers' own judgement as to the suitability of the applicant and their fitness to carry out the role. Reasons for the recruitment decision and details of the efforts made to obtain reference(s) should be recorded, along with the reasons why the information could not be obtained.

## Data protection and record-keeping

Employers and providers should implement a system to ensure they can easily identify staff records of those recruited during the COVID-19 pandemic. For example, adding a code such as 'COVID-19' or 'Coronavirus' to the record. This may help for future safeguarding audits and any follow up procedures that might be required (e.g. review of criminal record risk assessment, full right to work check).

They should take reasonable steps to gather recruitment information and evidence of the applicant's fitness to carry out their role in line with best practice (e.g. employment history, professional registration where relevant, references from previous employers and evidence of their conduct in previous employment in health or social care with children or vulnerable adults, and the reasons why that employment ended).

If an employer has to start a new member of staff or volunteer with less recruitment information than usual, based on what is available at the time of appointment, (e.g. single reference or previous DBS certificate), the employer should record:

- any decisions they have made
- what efforts have been made to obtain the information
- the reasons why the information could not be obtained, and
- any risks identified along with the mitigations they will put in place to keep people safe in the [COVID-19 pre-employment check and criminal record risk assessment form](#).

Mitigations could include, for example, avoiding lone working where this is practical and possible; robust supervision arrangements; regularly checking the satisfaction of people using the service who are in contact with that member of staff; possibly removing from frontline duty anyone about whom a complaint is made who is also awaiting their certificate or other outstanding recruitment check information.

*The [Safe and fair recruitment guide](#) contains further information on data protection and record keeping (Page 38).*

## Further guidance and information

**Skills for Care** – [COVID-19: Support and guidance for the adult social care sector](#)

**CQC** – [COVID-19: interim guidance on DBS and other recruitment checks](#)

**DBS** – [COVID-19: How DBS is supporting the fight against coronavirus](#)

**NHS Employers** – [Pre-employment checks and assurance](#)

Please email any questions in relation to this guidance to [randr@skillsforcare.org.uk](mailto:randr@skillsforcare.org.uk) . We will publish responses to frequently asked questions on our [COVID 19: Safe and rapid recruitment](#) webpage.