

# RECRUITMENT AND SELECTION

## Maison Care Limited

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### Policy Statement

Maison Care's recruitment and selection procedures aim to ensure that the most suitable candidate is chosen for the job and that all applicants receive fair and equitable treatment both during the recruitment and selection processes. These

processes will adhere to relevant employment law practice and guidance issued by the Care Quality Commission (CQC) and the Department of Health (DoH). We are also mindful of the changes within the Equality Act 2010 and the guidance issued by the Government Equalities Office concerning health questionnaires and health questions allowed during the interview process. Safe recruitment and selection are acknowledged as our first line of defence in safeguarding our residents.

## **The Policy**

This policy is intended to set out the values, principles and policies underpinning Maison Care's approach to recruitment and selection of its staff. All staff involved in the recruitment process must adhere to this policy. Failure to do so could result in disciplinary action.

It is important to recognise that the recruitment and selection of staff are directly linked to the safeguarding of the people using services. It is essential that the process allows the right people to be recruited and that it filters out those who are unsuitable to work within a regulated activity. It is therefore important that the following principles are adhered to:

- All legal and regulatory requirements regarding Regulation 19 are met.
- All potential applicants are aware of the employer's obligations to the welfare and safeguarding of Residents.
- The organisation is satisfied that each applicant has demonstrated their suitability for the post.
- Every stage of the recruitment and selection process is completed to the highest standard and in particular relation to references, that these are checked, validated and where necessary added to with a supporting third reference.
- The organisation is satisfied with the applicant's identity, and qualifications and where necessary, revalidation processes are checked.

The above principles should be in place and anyone involved in the recruitment and selection process must be fully aware of these principles

## **Job Posting**

Maison Care provides employees with an opportunity to indicate their interest in open positions and to advance within the company according to their skills and experience. Generally, notices of all regular, full and part-time job openings are posted, though the company reserves the right to not post a particular opening, for succession planning purposes.

To be eligible to apply for a posted job, an employee must be performing competently in their present position and have held it long enough to make a significant contribution.

Maison Care encourages employees to talk with their supervisors about their career plans and supervisors are encouraged to support employees' efforts to gain experience and advance within the organisation.

An applicant's supervisor may be contacted to account for an employee's performance, skills, and other factors relevant to any application they might make. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

### **Job Advertisement**

Alongside the internal posting of any vacancies, jobs can be advertised in local newspapers, job centres and other media means. This is to ensure that Maison Care benefits from as wide a pool of prospective employees as possible.

Maison Care believes that an accurate job description and person specification are essential requirements for every post and all recruitment purposes. Maison Care believes that the more accurate that the job descriptions and person specifications are, the fairer recruitment will be with all candidates being clear before the interview as to exactly what is required for the job.

### **Job Description**

Within Maison Care a job description is understood to be a written document detailing the main duties and responsibilities of a post, describing a role and what is required to do the job. They should always be written with the job in mind and should not be written to describe any existing individual member of staff or how they do their job. Accurate job descriptions act as:

- A tool in recruitment to assist in the writing of job advertisements.
- A tool in selection to help make decisions about whom to employ.
- A basis of employment contracts making it clear what is required of a member of staff.
- Part of Maison Care's defence in cases of discrimination or unfair dismissal.
- A means by which Maison Care's expectations, priorities and values are communicated to new members of staff.

### **Person Specification**

Within Maison Care, a person specification is understood to be a written document that states the knowledge, skills and experience that a post holder would be expected to have to competently undertake the duties and responsibilities outlined in the job description. It is used for recruitment purposes.

## **Creating and Updating Job Descriptions and Person Specifications**

A job description should exist for every role within Maison Care and a new job description should be constructed for every new role developed within Maison Care. An existing job description should be reviewed whenever a post becomes vacant, or after an appraisal.

- Job descriptions should always be clear and concise and contain the following sections:
- Job title.
- Hours of work.
- Disclosure and Barring Service clearance level required.
- Organisational arrangements (i.e. the job title of the person the employee would be accountable to managerially, etc).
- Job purpose (i.e. a summary of the overall purpose of the job).
- Main duties and responsibilities (this section should include a list of the main activities or tasks carried out by the jobholder, phrased wherever possible in terms of what the job holder is expected to achieve; words such as: “plans”, “prepares”, “produces”, “implements”, “provides”, “completes”, “maintains”, “liaises with” and “collaborates with” should be used to put tasks into context and any deadlines to work to should be included where a job task is performed under supervision, this should be clearly stated).
- Any special requirements

Person specifications should detail the qualifications, knowledge and experience that are required to fit the post. These should be listed as either “essential” to carry out the role in the case of qualities that must be attained for new candidates or as “desirable” in the case of qualities that can be used in recruitment situations where there are two equally suitable candidates.

Person specifications should contain the following sections:

- Education, training and qualifications (here the type and level of qualification should be stated, or additional qualifications a post holder may have which are not needed for the duties and responsibilities of the post should not be included).
- Skills and abilities (this area should list items such as standard or advanced keyboard skills, manipulation of fine tools, etc).
- Experience (this should detail exactly what experience is required and how the experience may be gained, e.g. “three years experience in a care home”).

## **Personnel Selection**

All applicants are sent an application pack that contains the following: the applicant's guide, application form, person specification, and availability sheet. Only applications made using the proper form and received by the advertised deadline are considered. CVs that have a full employment history are accepted.

Applicants are short-listed by comparing their application form with the person-specifications for the job. All short-listed candidates are offered an interview and given details of the company, the position for which they have applied, and the terms and conditions of employment. Where possible, we strive to have a gender-balanced panel.

## **Equal Opportunities Policy**

Maison Care practises an equal opportunities policy and wishes to recruit and employ those people who are best suited for the vacancies for which they have applied, regardless of sex, sexual orientation, religion and belief, race, disability, maternity and pregnancy, age, Gender Reassignment, marriage and civil partnership. To monitor the equal opportunities policy all applications (and their ultimate selection or rejection) are thoroughly reviewed to ensure a fair and transparent process.

We require all employees and applicants to complete an equality monitoring form. Maison Care Limited complies fully with the Equality Act 2010 including the guidance issued by the Government Equalities Office (GEO) (<https://www.gov.uk/government/organisations/government-equalities-office>), giving specific exclusions concerning pre-employment health questions.

## **Employing People with a Learning Disability**

Opening up the recruitment processes to people with learning disabilities enables Maison Care to tap into a valuable source of potential employees.

Within Maison Care we will:

- Place job adverts that make it clear that applicants with disabilities are welcome
- Provide an application form in large print, in plain English (i.e. without using jargon or complicated language), using pictures, or on tape if required.
- Allow a candidate to submit an application on tape or to provide the information over the telephone.
- Make reasonable adjustments to conduct the interview.
- Make it clear that applicants can bring their carer or advocate to assist them during the interview.
- Ask clear, short and succinct interview questions avoid acronyms and metaphors and never ask hypothetical questions.
- Avoid asking for qualifications or experience that are not necessary to do the job.
- Adapt our assessment methods to enable people with learning disabilities to demonstrate their abilities.

## Checks and References

These are undertaken by the company and fulfil the requirements of Schedule 3 of the Health and Social Care Act 2008 (Regulation 2014). They are carried out for all levels of staff, managers and directors. This includes the following:

- A minimum of two references, \*one of which must be from their current or last previous employer and one to show that the person is of good character.
- Where a reference does not give sufficient information as requested, we will seek a third referee.
- Where verbal references are sought these will be recorded and held on file until receipt of written references; any discrepancies will be investigated and recorded.
- Documentary evidence of relevant qualifications, full employment history and satisfactory information about their ability to work within a regulated activity.
- A “right to work” check.
- A DBS at an enhanced level, which must include all original identification. documentation as set out on the form. Refer to the Disclosure and Barring Policy for in-depth details.
- Any immigration documentation, if appropriate, where a work permit is in place.
- Verification of reason for leaving previous employment.
- Identity documents verified.
- Photograph of the employee.

**Note:** Applicants with a DBS who are part of the update service can be checked immediately on the DBS website by the manager.

\* Where a reference does not give sufficient information as requested, we will seek a third referee.

All information will be obtained and stored by the UK General Data Protection Regulations 2018.

## Reference Requests

When staff leave, references are often requested from prospective employers. Where a reference request is received, the following process is in place:

Where a reference is from a company registered with CQC implied consent is given as the new employer, to meet the requirements of Regulation 19 (Fit and Proper Persons Employed). will, as part of their recruitment procedures, request a minimum of two references.

The reference will be factual, written by the **Registered Manager** who will have access to the personnel file. In the interests of open and transparent relationships, the individual to whom the reference relates will be able to view the reference, placed on file. It is important to stress that the Subject Access Request procedure under the Data

Protection Act 2018 allows staff access to their file, so that even if the reference is given “in confidence”, it can still be accessed.

Reference contents should be kept to a minimum, and for a current or past employee should be true, fair, accurate and not misleading. Personal opinions should be avoided; if the content is challenged at a later date.

As a minimum, they should include:

- Start and end employment dates.
- Job title.
- A summary of duties and responsibilities.
- If applicable, their reason for leaving.

Where the individual has been dismissed, this can be included only where relevant or where it is requested as part of the reference. You should take care to ensure that the reference is not misleading about why the employment ended

Only named managers will provide references. Should a manager have a request for a personal reference, this should not be provided on the company notepaper.

Where a reference is requested from a company or business which is not regulated by the Care Quality Commission consent for such a reference should be checked with the individual, before the reference is completed.

Discrimination is a factor for consideration where a request for a reference is refused, or, where a negative reference is given that cannot be justified by the referee. Where the person has a Protected Characteristic, as defined by the Equality Act 2010, care must be exercised when including any negative information, especially about Protected Characteristics.

### **Administrative and Support Staff**

Administrative and other staff who are not in regular direct contact with residents are expected to have a DBS Standard disclosure. The DBS is continually updating the list of those who are and are not eligible for a DBS on their website.

### **Fit and Proper Persons**

Regulation 5 and Schedule 4 of the Health and Social Care Act 2008 (Regulations 2014) are a requirement for directors, and, by definition, extend these requirements to the senior management team. Maison Care Limited sets out below its process for ensuring compliance with the regulation.

The process covers the following all relating to directors and specific, identified posts:

1. Recruitment and selection.
2. Employment checks.
3. Appraisal arrangements for specifically identified posts.
4. Code of conduct.

## **Recruitment and Selection**

All directors and specific, identified posts will be subject to the following robust stages of recruitment:

- All such posts will be advertised externally, to open the process.
- Directors and specifically identified posts will have job descriptions that detail their roles and responsibilities, duties, and the limits to their accountabilities.
- A person specification will form part of the recruitment process.
- Interviews will use an assessment criterion to ensure transparency for all candidates and records will be a contemporaneous account of the interview.

## **Employment Checks**

All the identified posts will be subject to the following checks:

- Right to work check, to comply with current immigration requirements.
- Reference checks, both written and verbal confirmation of their integrity.
- Qualifications (originals) to be validated and then copied for file retention
- A disqualified director's check made via the Companies House Register or the Insolvency Service Register for England and Wales (Scotland and Northern Ireland have their insolvency registers).

To meet the regulatory requirements, all of the above checks must meet the good character and unfit person's tests in part one of the Schedule that applies to the specified posts.

## **PLEASE REFER TO SEPARATE FIT AND PROPER PERSONS (Directors) POLICY**

## **Employment of Staff from Overseas**

Since leaving the EU all overseas nationals including EU citizens are subject to work permits and visa rules. Free movement of people within EU countries has now ceased except for those whose occupations are listed in the shortage occupation list compiled by the government. (See Addendum)

Maison Care also understands that employing foreign nationals who are not permitted to work in the UK is a criminal offence under the Asylum and Immigration Act 1996 and can lead to a fine of up to £20,000 per person illegally employed.

Maison Care is committed to equality of opportunity in its recruitment, selection and employment practices. To prevent discrimination Maison Care treats all applicants in the same way and verifies the eligibility of all new staff to work in the UK following its recruitment policy.

To comply with the Asylum and Immigration Act 1996 and the Employers Guides to preventing illegal working October 2013 issue by the Home Office.

- Never discriminate against any candidate who may "look or sound" foreign.



- Treat all job applicants in the same way and during the recruitment process check documents which prove the individual's entitlement to live and work in the UK, such as:
  - A current passport from the country of citizenship, with a valid visa if the passport is not from one of the exempt countries.
  - A certificate of registration or naturalisation as a British citizen.
  - A birth certificate issued in the UK, the Republic of Ireland, the Channel Islands or the Isle of Man.
  - A document issued by a previous employer, the Inland Revenue, the Contributions Company, the Employment Service or the Benefits Company which states the National Insurance number of the person named.
  - A valid work permit.
  - Appropriate evidence of being fully vaccinated against covid-19 or medically exempt.
- Accept only original copies of these documents (as photocopies may be tampered with).
- Keep copies of all documents with other recruitment files.

Maison Care Limited can obtain up-to-date guidance and application forms from the Immigration & Nationality Directorate of the Home Office or its website at <https://www.gov.uk/government/organisations/uk-visas-and-immigration>

Refer to the Sponsorship Licence for Employment of Staff from Overseas Policy.

### **Procedures where DBS Checks are not 'Available at Time of Starting'**

In cases where it is proving impossible for newly appointed care staff from the home country or overseas to obtain an enhanced DBS disclosure, the company follows the regulations and CQC guidance by:

- Arranging for new staff to have a structured induction programme in which they carry out their work under supervision at all times.
- Closely monitoring the appointee's work settings.
- Informing the residents of the position regarding the lack of confirming information.
- Terminating the employment if the DBS disclosure is unsatisfactory on receipt.

### **Job Interviews**

Job interviews provide an opportunity for Maison Care to acquire the information it needs about applicants to decide who is most suitable for the position in question.

Interviews are conducted after applicants have been shortlisted.

Every attempt is made to ensure that interviews are conducted under conditions that are conducive to interviewees being able to demonstrate themselves at their best. Interviewers, for their part, ensure that they have all the appropriate documentation

before the start of the interview. The assessments made by interviewers are formally recorded on an interview assessment form.

Under section 60 of the Equality Act 2010, pre-employment health questions are allowed to be asked during the interview process.

Health questions are asked at interviews where the applicant is required to be fit and mentally able to undertake the tasks, and where those tasks are an intrinsic part of the job. All interviewers are familiar with the guidance issued by the GEO. (<https://www.gov.uk/government/organisations/government-equalities-office>)

Equality and Human Rights Commission Guidance for employers on Section 60 of the Equality Act 2010

[www.equalityhumanrights.com/en/publication-download/pre-employment-health-questions-guidance-job-applications-section-60-equality](http://www.equalityhumanrights.com/en/publication-download/pre-employment-health-questions-guidance-job-applications-section-60-equality)

The Equality Advisory Support Service (EASS) New helpline 0808 800 0082

**Note:**

**Involving people who need care and support in the recruitment process**

Within Maison Care, the managers and staff have a positive workplace culture and ethos and are committed to involving people who use our services in our recruitment process, at every level of Maison Care.

Residents, families and carers can be included. This involvement can start right from the beginning of the process. This includes contributing to the job description and person specification, as well as shaping the questions that are asked at interviews or being part of an interview panel.

We ensure that no one feels that they have been cajoled into being on the panel and are always treated with respect and dignity. It is important to us that they feel confident to give their opinion, and that they will be heard and included.

Interviews can be an intimidating experience for all concerned, and at the start of most panels, especially when people do not know each other well, interviewers can feel nervous too.

Where people who need care and support are actively involved in recruitment and retention, they can:

- Exert greater influence and control over who will be caring for or supporting them, which in turn results in better outcomes
- Give a first-hand experience of what is needed from the new recruit
- Identify how well a candidate communicates and engages with them
- Let the candidate know what is important to them, and identify if they have the right values, behaviours and attitudes for the role.

Preparation is required before people who need care and support get involved in our recruitment process. We

1. Ensure everyone is aware of the culture and ethos of Maison Care's recruitment process
2. Consider the access and personal support needs of the individuals, for example, accessibility, transport, sensory needs such as a loop system in place, assistive technology, support or care staff assistance, provision of breaks and any dietary requirements.
3. Identify training that may be required. For example, the support required for the person to contribute in a meaningful way, confidentiality, equal opportunities and interviewing techniques.
4. Understand that everyone should be thoroughly briefed and have the right knowledge about key recruitment processes or policies.
5. Make sure our recruitment and selection process is fair and consistent and complies with relevant legislation we need to ensure people who need care or support understand what it means in practice. For example, avoiding personal questions such as are you married? Asking everyone the same question and using the same scoring system, making sure people are assessed against criteria and not against others.
6. Establish the boundaries to involvement to avoid disagreements later on in the process by deciding how much weight the views of people who need care and support will have in recruiting new workers. For example, managers make the final decision but the views of people who need care and support are taken into account, everyone needs to be clear about this at the outset.
7. Thank people for participating and their contributions. This could involve paying expenses such as travel or lunch. This must be agreed upon before the interview takes place.

## **Values Based Recruitment**

Values-based recruitment recognises that a person's values and behaviours are equally important as knowledge and experience. A new employee can pick up practical skills on the job, but their core values and personality traits are fundamental aspects of who they are, and cannot be changed easily.

When the values of a company and its employees are aligned, everyone benefits. The workforce pulls in the same direction, the team is motivated, quality is maintained, and Residents receive quality service.

Maison Care Limited not only acknowledges the importance of safe recruitment but recognises the importance of retention. To support this, we use a value-based recruitment tool as part of the recruitment selection process. In addition Skills for Care issue guidance such as Finders Keepers.

Our Monitoring and Accountability Policy and Supervision Policy gives more detail on how we monitor and support our staff to continue to meet the requirements of their

post and develop and expand their skills and qualifications. Supervision and a training programme, training is in place to support all staff members and to identify ways to improve and develop.

Our Induction Training, Development and Qualifications policy gives more information on how we support recruits through induction, training, supervision and further qualifications.

If staff continue to be unable to meet the standards required of them a meeting will be held between the staff member and their supervisor or manager to discuss the next step. This could include a move to a different role, further support or an exit strategy from the company. If the staff member is still completing their probation period a meeting will be held with them and their supervisor and employment may be terminated immediately.

### **Recruitment of Volunteers**

Roles suitable for volunteers are identified by the relevant manager, who will draw up a volunteer outline. This will set out the requirements of the role and the skills or experience needed, as well as induction and any training that is required before volunteering can be undertaken. Volunteers will not be used as substitutes for employees.

### **Recruitment**

A person wishing to become a volunteer will be asked to complete an application form. The selection and recruitment requirements for employed staff (see Recruitment and Selection Policy) will be followed by volunteers to ensure that our residents are safeguarded. References will be required and, depending on the nature of the role, the prospective volunteer may be required to undergo a Disclosure and Barring Service (DBS) check and a health assessment, as required by the Care Quality Commission (CQC) processes. Equality and diversity will be adhered to in all recruitment and selection.

### **Recruitment of Apprentices**

An apprenticeship scheme must comply with the apprenticeship standards. The standards have been developed by employers to meet the needs of different industry sectors and the broader economy. They set out the core skills, knowledge and behaviours an apprentice will need to be fully competent in a specific role. They ensure that all apprenticeship programmes are delivered and measured consistently.

Recruitment of apprentices will follow the processes set out in this policy.

Apprentices will be subject to the relevant pre-employment checks required under Schedule 3 of the Health and Social Care Act 2008.

## **PLEASE REFER TO THE SEPARATE RECRUITMENT OF VOLUNTEERS APPRENTICES POLICY**

### **Recruitment Complaints**

The recruitment and selection process has methods that are fair, transparent, and free from discrimination. However hard we try to respond to the wishes and aspirations of the healthcare professionals accessing our recruitment services, we do recognise that, on occasion, our service may fall short of expectations. If you believe this has happened to you, you can use this complaints procedure, which tells you how to make a complaint and how it will be handled.

Your complaint, and all accompanying statements and records, will be kept confidential as far as possible in facilitating a fair and thorough investigation. Whilst your privacy and confidentiality will be respected, this needs to be balanced with:

- The need for an open and fair investigation
- Appropriate remedial action to be taken
- The outcome of the investigation to be reported appropriately
- Action to be taken to improve our processes and quality of service.

Your complaint may therefore need to be shared with others who have been involved with the recruitment process and are responsible for their design and delivery.

## **PLEASE REFER TO THE SEPARATE RECRUITMENT COMPLAINTS PROCEDURE POLICY**

### **Code of Conduct**

All staff are employed following the Code of Conduct issued by Skills for Care.

### **Offers of Employment**

These are made only on satisfactory completion of all of the above. We are aware of the requirements of the Equality Act 2010 and due diligence will be exercised where reasonable adjustments are a consideration.

### **Unsuccessful candidates records**

Unsuccessful candidates will be notified as soon as possible after a decision has been made to not employ. The information collected during recruitment will be kept for 6 months. This is the appropriate time period to ensure that the candidate has not brought a discrimination claim against the organisation.

The information collected during the recruitment process is important for any potential claims being made.

All information will be stored securely meeting data protection requirements and destroyed after 6 months.

## **Vaccinations**

The importance of vaccinations remains clear and receiving a full course of vaccination, in particular a booster dose, is crucial in ensuring the levels of protection that individuals receive against COVID-19. This is particularly the case for those working in health and social care who must protect those they care for against COVID-19.

We inform and encourage recruits and other staff to receive their COVID-19 and influenza vaccinations but do not discriminate against those who choose not to or who are medically exempt.

## **Related Policies**

Adult Safeguarding

Code of Conduct for Workers

Data Protection Legislative Framework (UK GDPR)

Disclosure and Barring Service (DBS) and (DBS) Referral

Sponsorship Licence for Employment of Staff from Overseas

Equal Opportunities

Monitoring and Accountability

Recruitment Complaints Procedure

Recruitment of Volunteers

Young People and Employment

## **Related Guidance**

Home Office: Employer's Guide to Right to Work Checks: Annex B, May 2016, updated June 2018:

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

Immigration Act 2016 Fact Sheet: Illegal Working:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/537205/Immigration\\_Act\\_-\\_Part\\_1\\_-\\_Illegal\\_Working.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/537205/Immigration_Act_-_Part_1_-_Illegal_Working.pdf)

Skills for Care: Value-Based Recruitment:

<https://www.skillsforcare.org.uk/About/Blog/Blog/What-is-values-based-recruitment.aspx>

Government Equalities Office:

<https://www.gov.uk/government/organisations/government-equalities-office>

Equality and Human Rights Commission: Guidance for Employers on Section 60 of the Equality Act 2010:

[www.equalityhumanrights.com/en/publication-download/pre-employment-health-questions-guidance-job-applications-section-60-equality](http://www.equalityhumanrights.com/en/publication-download/pre-employment-health-questions-guidance-job-applications-section-60-equality)

CQC Regulation 19: Fit and Proper Persons Employed:

<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-19-fit-proper-persons-employed>

CQC: Regulation 5 Fit and Proper Persons Directors:

<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-5-fit-proper-persons-directors>

The Good Work Plan:

<https://www.gov.uk/government/publications/good-work-plan>

The Equality Advisory Support Service (EASS) New helpline is 0808 800 0082.

Unlock for people with convictions- Guidance for employers on the GDPR, data protection and the processing of criminal records data in recruitment

<http://recruit.unlock.org.uk/wp-content/uploads/Employer-GDPR-guidance.pdf>

EU settlement scheme

<https://www.gov.uk/settled-status-eu-citizens-families>

Brexit new rules are here

[https://www.gov.uk/transition?utm\\_campaign=transition\\_p4&utm\\_medium=cpc&utm\\_source=seg&utm\\_content=ukb\\_act0&gclid=CPWXmvj-rO4CFYmChQod0WID0w](https://www.gov.uk/transition?utm_campaign=transition_p4&utm_medium=cpc&utm_source=seg&utm_content=ukb_act0&gclid=CPWXmvj-rO4CFYmChQod0WID0w)

New employee coming to work from abroad

<https://www.gov.uk/guidance/new-employee-coming-to-work-from-abroad>

UK visa sponsorship for employers

<https://www.gov.uk/uk-visa-sponsorship-employers>

## Training Statement

All staff, during induction, are made aware of Maison Care's policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used including one-to-one, online, workbook, group meetings, individual supervisions and external courses are sourced as required.

Date Reviewed: May 2023

Person responsible for updating this policy: **Registered Manager**

Next Review Date: May 2024

## **Addendum**

### **Recruitment of Overseas Workers**

Temporary changes are being made to the health and care visa to make social care workers, care assistants and home care workers eligible to be included on the Shortage Occupation List for 12 months. This will make it quicker, cheaper and easier for social care employers to recruit eligible workers to fill vital gaps. Inclusion on the Shortage Occupation List will stipulate an annual salary minimum of £20,480 for carers to qualify for the Health and Care visa.

Care providers who do not already hold a sponsor licence in the Skilled Worker route can prepare to take advantage of the offer by registering for a sponsorship license ahead of implementation.

Providers who are new to visa sponsorship will be supported through the process through a series of engagement activities in January and February, to introduce them to the system and find out how to act as a visa sponsor.

### **Overview**

This overview is based on current government guidance on the employment of overseas workers. It is important to regularly monitor the government website relating to employing workers from overseas: <https://www.gov.uk/guidance/recruiting-people-from-outside-the-uk>

Freedom of movement ended on the 31<sup>st</sup> of December 2020. The UK has introduced a new immigration system for all overseas workers, who now need to meet certain requirements and apply for permission to work. The requirements are different for each visa. The new system excludes Irish citizens, who retain the right to work in the UK.

EU, EEA or Swiss citizens and their family members had the right to apply to the EU Settlement Scheme before 30<sup>th</sup> June 2021, for either settled or pre-settled status. This status provides specified rights to continue to live and work in the UK. Whilst the Settlement Scheme officially closed on 30 June 2021, some provisions have been made for late applications in certain circumstances.

For further details please see <https://www.gov.uk/settled-status-eu-citizens-families>

### **Skilled Workers**

Anyone you recruit from outside the UK via the skilled worker route needs to demonstrate the following:

- They have a job offer from a Home Office licensed sponsor.
- They speak English at the required level.
- The job offer is at the required skill level of RQF3 or above (equivalent to A level).
- They will be paid at least £25,000 or the 'going rate' for the job offer, whichever is higher.



If the job offer pays less, but not lower than £20,480, the applicant may still be able to apply by 'trading points' on specific characteristics against their salary, e.g., if they have a job in a shortage occupation or a PhD relevant to the job.

There are different salary rules for different sectors, including health and education jobs. There is **no** general route for employers to recruit from outside the UK for jobs offering a salary of £20,480 **or** at a skill level below RQF3.

If you wish to have the option of recruiting applicants from outside the UK, under the new system for skilled workers, you need to have a sponsor licence.

There are various other routes, such as Global Talent, Youth Mobility Scheme, Intra-Company Transfer, etc., which all have their own systems. These will rarely apply to social care settings but may apply to some health settings.

### **Shortage Occupational List**

This shortage occupation list (SOL) is compiled and amended by the Home Office only. The identified occupations are those jobs where there is a recognised shortage of skilled workers within the resident population of the UK. A panel decides the occupations, based on data from employers, trade organisations and business organisations. This list needs to be checked regularly, as occupations are added as they are approved by the panel.

Health and social provider organisations are still lobbying hard for changes to the list in respect of nursing assistants, support workers, etc., but as yet they have not been approved for inclusion in the SOL.

### **Right to Works Checks**

All job applicants will be asked to provide original documents that prove their right to work in the UK.

After 30<sup>th</sup> June 2021, for applicants who are EU, EEA or Swiss citizens, this includes proving their status under the EU Settlement Scheme. If there is any suspicion that existing employees do not have the correct right to work, appropriate steps will be taken to verify the position.