

Axis Recruitment Ltd

Policy Title	Fit and Proper Persons	March 2017	
CQC KLOE Reference	Well Led	September 2017	

Policy

Regulation 19 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 states:

19.—(1) Persons employed for the purposes of carrying on a regulated activity must—

- (a) be of good character,**
- (b) have the qualifications, competence, skills and experience which are necessary for the work to be performed by them, and**
- (c) be able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the work for which they are employed.**

(2) Recruitment procedures must be established and operated effectively to ensure that persons employed meet the conditions in—

- (a) paragraph (1), or**
- (b) in a case to which regulation 5 applies, paragraph (3) of that regulation.**

(3) The following information must be available in relation to each such person employed—

- (a) the information specified in Schedule 3, and**
- (b) such other information as is required under any enactment to be kept by the registered person in relation to such persons employed.**

(4) Persons employed must be registered with the relevant professional body where such registration is required by, or under, any enactment in relation to—

- (a) the work that the person is to perform, or**
- (b) the title that the person takes or uses.**

(5) Where a person employed by the registered person no longer meets the criteria in paragraph (1), the registered person must—

- (a) take such action as is necessary and proportionate to ensure that the requirement in that paragraph is complied with, and**
- (b) if the person is a health care professional, social worker or other professional registered with a health care or social care regulator, inform the regulator in question.**

(6) Paragraphs (1) and (3) of this regulation do not apply in a case to which regulation 5 applies.

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Procedure

The Agency accepts its duty under this Regulation to take proper steps, and to apply appropriate due diligence in its recruitment processes and practices, to ensure that it only employs people (including permanent staff, locums, temporary/agency/bank staff, trainees/students/contractors) who are able to deliver care and treatment (appropriate to their role) that meets the regulatory requirements described in Part 3 (Requirements in relation to Regulated Activity) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 and the fundamental standards detailed in Regulations 10 to 21.

The Agency operates robust recruitment procedures, including undertaking any relevant checks, has a procedure for ongoing monitoring of staff to ensure they remain able to meet requirements, (Staff Support, day to day supervision and Performance Appraisal) and appropriate arrangements to deal with staff that are no longer fit to carry out the duties required of them.

To satisfy this regulation, the Agency will carry out all necessary checks to confirm that persons who are appointed are:

- (a) of good character;
- (b) have the appropriate qualifications;
- (c) are competent and skilled (including that they show a caring and compassionate nature and appropriate aptitude);
- (d) have the relevant experience and ability (including an appropriate level of physical and mental health, taking account of any reasonable adjustments); and
- (e) exhibit appropriate personal behaviour and business practices.

The Agency may consider that an individual can be employed in a role based on their qualifications, skills and experience with the expectation that they will become competent within a specified timeframe once in the role (i.e. they may be employed and undergo training in order to become competent).

If, subsequent to an appointment the Agency discovers information that suggests an individual is not of good character the Agency will take appropriate and timely action to investigate and rectify the matter.

Where the Agency deems the individual suitable despite not meeting the characteristics required, the reasons will be recorded and information about the decision may be made available to those that need to be aware.

The Agency will confirm information about candidates (set out in Schedule 3 of the regulations) prior to employment. These include (but are not limited to):

- proof of identify, eligibility to work in the UK, qualifications, registration with professional body (as required);
- required checks with the Disclosure and Barring Service;
- declarations of offenses committed in the UK and outside the UK/EU;

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- satisfactory evidence of conduct in previous employment/education (specifically information related to conduct in health and social care and with children and vulnerable adults);
- any other checks deemed appropriate by the Agency.

After appointment the Agency will regularly review performance in line with this Regulation, and will respond appropriately to any concerns, so as to ensure, at all times, the safety and wellbeing of its clients and the quality and safety of care and treatment.

The following Policy/Procedure Statements support the Agency's commitment to Fit and Proper Persons Employed:

- a) Capability;
- b) Disclosure and Barring;
- c) Recruitment;
- d) Recruitment of Ex-Offenders;
- e) Staff Support.

References to Legislation and Fundamental Standards	
Health and Social Care Act 2008 (Regulated Activities) Regulations 2014	Regulation 19
Fundamental Standards	Persons employed must be of good character, have the necessary qualifications, skills and experience, and be able to perform the work for which they are employed.