



Title
Fit and Proper Person Policy and Procedure
Principle
Homekare Community Services Ltd is committed to equality of opportunity in all its recruitment and employment practices. The fit and proper person assessment process will be applied consistently and fairly, regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. A positive DBS disclosure, health condition or disability does not automatically bar a person from employment. Reasonable adjustments will be actively considered in every case. All fitness decisions will be evidence-based, individually assessed, proportionate and properly documented. Homekare Community Services Ltd is committed to ensuring that all persons employed or engaged to carry out regulated activity are fit and proper to do so. The protection and safety of the people who use our services depends fundamentally on the quality, character and competence of the team member's we employ.
Objectives
This policy sets out the legal framework, responsibilities, procedures and standards that Homekare Community Services Ltd will apply to ensure that: • All team member's, volunteers, agency workers and contractors who carry out regulated activity are of good character • All team member's hold the qualifications, competence, skills and experience required for their role • All team members are physically and mentally fit to carry out the tasks intrinsic to their role, with reasonable adjustments made where necessary • Robust recruitment procedures are established and consistently operated • All Schedule 3 pre-employment checks are completed before a person commences regulated activity • Ongoing monitoring systems are in place to ensure team members remain fit throughout their employment • Where fitness concerns arise, they are dealt with promptly, consistently, fairly and proportionately

Scope

This policy applies across all roles at Homekare Community Services Ltd, from team members to Directors, and encompasses employed staff, bank and agency workers, contractors, and volunteers.

This policy applies to all persons who are employed, engaged or deployed by Homekare Community Services Ltd for the purposes of carrying out regulated activity, including:

Category	Examples	Schedule 3 Applies?
Directly employed team member's	Care Team, Senior Care Team, Care Manager's, Registered Manager, HR & Compliance Lead	Yes — all checks
Directors and Nominated Individual	Director, Nominated Individual (also subject to Regulation 5 and Schedule 4)	Yes — all checks + Schedule 4
Agency and bank team	Cover staff sourced from approved agencies	Yes — provider must verify checks completed or carry out own checks
Contractors carrying out regulated activity	Persons contracted to provide personal care or regulated tasks	Yes — evidence of checks must be obtained before commencement
Volunteers with client access	Any volunteer who has contact with clients in their home	Yes — (Note: full employment history not required for volunteers unless they are directors or registered managers)

This policy must be read alongside: Recruitment and Selection Policy, Disciplinary, Grievance and Appeals Policy, Safeguarding Vulnerable Adults Policy, Confidentiality Policy, Code of Conduct Policy, Whistleblowing Policy and Care Certificate Standards Policy.

Responsibilities

Role	Responsibilities
Director / Nominated Individual	Authorise and oversee the Fit and Proper Person Policy; ensure Regulation 5 compliance for themselves; ensure the Registered Manager meets Regulation 7; sign off on any decision to employ following a risk assessment for disclosed concerns
Registered Manager	Day-to-day oversight of all fit and proper person processes; ensure Schedule 3 checks are completed for all team members before commencement; review and sign off staff fitness decisions; manage fitness concerns arising during employment; maintain an up-to-date understanding of DBS barring referral duties
HR & Compliance Lead	Coordinate pre-employment checking processes; maintain team file completeness; track DBS certificate dates and renewal requirements maintain the Team File Index; ensure records are compliant with UK GDPR
Care Manager / Senior Team	Identify and escalate early signs of fitness concerns in their teams; complete return-to-work interviews; ensure agency or cover team can evidence appropriate checks before carrying out regulated activity
All Team members	Complete all pre-employment checks as required; self-disclose any change in circumstances that may affect fitness (e.g. new convictions, health changes); comply with the Code of Conduct; raise concerns about colleagues' fitness via the Whistleblowing Policy

Procedure

1. Fitness Criteria — The Three Core Standards

Under Regulation 19(1), every person employed for the purposes of carrying on a regulated activity must meet all three of the following criteria:

1.1 Good Character — Regulation 19(1)(a)

A person is of good character if they are honest, trustworthy and have the integrity expected of someone in a position of trust with vulnerable adults. Good character is assessed through:

- The criminal record check (Enhanced DBS with adults' barred list)
- A minimum of two written references from previous relevant employers
- Scrutiny of the full employment history for gaps, patterns or concerns
- Values-based interview assessment
- Self-declaration of any pending investigations, fitness to practise hearings or professional sanctions

- Confirmation that the individual does not appear on the DBS adults' barred list or any relevant professional barring register

1.2 Qualifications, Competence, Skills and Experience — Regulation 19(1)(b)

Homekare Community Services Ltd will assess competence, skills, qualifications and experience as follows:

- Verification of original qualification certificates (Care Certificate, NVQ/Diploma, medication competency, first aid, manual handling, etc.)
- Verification of professional registration where applicable (NMC, HCPC, etc.) — confirmation that registration is current and without conditions or sanctions
- Employment history review to confirm relevant care experience for the role applied for
- Completion of induction and probationary competency assessments before unsupervised working commences
- Ongoing competency assessment via supervision, appraisal and mandatory training records
- Compliance with Oliver McGowan Code of Practice (September 2025) — all team member's must complete Tier 1 (and where applicable Tier 2) learning disability and autism awareness training

1.3 Physical and Mental Health Fitness — Regulation 19(1)(c)

Homekare Community Services Ltd will assess health fitness through:

- Completion of a pre-employment health declaration form before commencement (or at point of conditional offer)
- Consideration of whether any disclosed health condition affects the individual's ability to carry out tasks intrinsic to the role
- Referral to occupational health where a health declaration raises concerns that require specialist assessment
- Active consideration of reasonable adjustments under the Equality Act 2010 before any fitness decision is made
- Ongoing monitoring of health and wellbeing through supervision, return-to-work interviews and appraisal
- A health condition or disability does not automatically bar a person from employment — each case is assessed individually

Important: Equality Act 2010 Duty

A health condition, disability or positive DBS disclosure does NOT automatically bar a person from working at Homekare Community Services Ltd. Homekare Community Services Ltd is committed to a fair and evidence-based approach.

For health conditions and disability: Reasonable adjustments must be actively explored and documented before any decision is made to decline employment or remove a person from role.

For DBS disclosures: Each disclosure will be assessed on its individual merits, considering: the nature and seriousness of the offence; the time elapsed since the offence; the person's age at the time; whether the person poses a current risk to clients.

2. Schedule 3 Pre-Employment Checks — Mandatory Checklist

All the following checks must be completed, verified and recorded before a person commences employment or carries out regulated activity at Homekare Community Services Ltd. Where a check cannot be completed before commencement, the reason must be documented and a risk assessment completed.

#	Check	Standard Required	Record Location
1	Proof of identity (with recent photograph)	Original documents verified by HR; copy retained on file; photo ID required (passport, driving licence or national ID)	Team File
2	Enhanced DBS check with adults' barred list	Enhanced DBS check; barred list check for regulated activity. Must be no older than 12 months for new starters. DBS Update Service check acceptable where certificate is current.	Team File
3	Right to work in the United Kingdom	Original documents verified in accordance with the Immigration, Asylum and Nationality Act 2006; copies retained	Team File
4	Satisfactory written references (minimum 2)	Two written references from previous employers, at least one from the most recent relevant employer; verbal follow-up carried out where references raise concerns	Team File
5	Full employment history with explanation of all gaps	Chronological account of employment since leaving full-time education; all gaps explained and recorded.	Application Form/ Team File

		(Not required for volunteers except directors and registered managers.)		
6	Relevant qualifications (where required for role)	Original qualification certificates verified; relevant role-specific qualifications confirmed. Care Certificate, Level 2/3 Diploma, medication competency, etc.	Team File	
7	Professional registration (where applicable)	Confirmed via professional register (e.g. NMC, HCPC); registration current and without conditions or restrictions	Team File	
8	Pre-employment health declaration	Completed health declaration form; reviewed by Registered Manager; OH referral where indicated; reasonable adjustments considered; decision recorded	Team File — held securely	
9	Self-declaration of conduct / disciplinary history	Candidate declares any previous investigations, dismissals, fitness to practise proceedings, regulatory sanctions or pending criminal matters; reviewed and considered proportionately	Team File	

DBS Adult First Check — Conditional Commencement

Where an Enhanced DBS certificate has been applied for but not yet received, a person may commence work ONLY if all of the following conditions are met:

1. A DBS Adult First check has been carried out and confirms NO match on the adults' barred list.
2. All other Schedule 3 checks have been satisfactorily completed.
3. A written interim risk assessment has been completed and signed by the Registered Manager.
4. The individual does NOT work unsupervised with clients until the full DBS certificate is received.
5. The full DBS certificate is reviewed as soon as it is received.

6. If the certificate reveals concerns, the Registered Manager will review the employment decision immediately.

It is a CRIMINAL OFFENCE to knowingly employ a person who is barred from working with adults in regulated activity. There are no exceptions.

3. Procedure — Recruitment and Pre-Employment Fitness Assessment

3.1 Advertising and Application Stage

- All job advertisements will explicitly state Homekare Community Services Ltd commitment to safeguarding and that an Enhanced DBS check will be required
- Person specifications will include character, values and behavioural criteria alongside qualifications and experience requirements
- Candidates will be required to complete the Homekare Community Services Ltd application Form, which includes a full employment history section and self-declaration of criminal convictions and disciplinary history
- The Application Form makes clear that the post is exempt from the Rehabilitation of Offenders Act 1974, and that disclosure of spent and unspent convictions is required

3.2 Shortlisting and Interview

- Shortlisted candidates will be assessed against both competency and values-based criteria using the Homekare Community Services Ltd Values-Based Interview Record
- Shortlisted candidates will be asked to complete a criminal record self-declaration form prior to interview
- Any gaps in employment history will be explored at interview; explanations will be noted and considered as part of the fitness assessment
- References will be requested before any employment offer is confirmed; template reference requests will be used to ensure consistent and relevant information is obtained

3.3 Conditional Offer and Pre-Commencement Checks

- Any offer of employment is made conditional upon the satisfactory completion of all Schedule 3 checks
- The HR & Compliance Lead will initiate and track all pre-employment checks using the Team File Index
- The DBS application will be submitted immediately upon conditional offer
- The health declaration form will be issued at conditional offer stage; the Registered Manager will review the declaration before a final employment decision is confirmed
- Where a health concern is identified, the individual will be referred to occupational health, and a reasonable adjustment assessment will be completed before any decision is made

- Right to work documents will be checked and copied before the individual commences work

3.4 Commencement of Employment

- Employment will not commence, and the person will not carry out regulated activity, until all Schedule 3 checks are satisfactorily completed UNLESS the DBS Adult First check conditions are met
- Where a check raises a concern, the Registered Manager will review the information, complete a documented risk assessment and consult the Director before confirming employment
- The Team File Index will be signed off by the Registered Manager to confirm that all checks are in place before the individual commences

3.5 Overseas Workers

- For candidates who have lived or worked outside the United Kingdom, Homekare Community Services Ltd will seek a Certificate of Good Conduct or overseas criminal record check from the relevant embassy or authority
- Where an overseas check is not available from a particular country, a documented risk assessment will be completed, and enhanced supervision will be applied during the initial period of employment
- All overseas checks will be obtained as close to the date of application as possible

3.6 Agency and Contract Staff

- Agency staff must not commence carrying out regulated activity at Homekare Community Services Ltd until the HR & Compliance Lead has confirmed that the agency has carried out all required Schedule 3 checks, or Homekare Community Services Ltd has carried out its own checks
- Written confirmation from the agency that appropriate checks are in place must be obtained and retained on file before the individual begins work
- The Registered Manager retains responsibility for ensuring that all agency and contract staff working at Homekare Community Services Ltd are fit and proper, regardless of their employment relationship with the agency

4. Ongoing Fitness Monitoring

The fit and proper person standard is not assessed once only at recruitment. Homekare Community Services Ltd has a duty under Regulation 17 (Good Governance) and Regulation 18 (Staffing) to ensure that team members remain fit and proper throughout their employment. The following systems provide ongoing assurance:

Monitoring Mechanism	Frequency	Responsible Person
Probationary review (documented)	At 4 weeks and at end of probation (typically 12–13 weeks)	Registered Manager / Care Manager
Supervision meeting (individual)	Minimum every 8 weeks (mandatory item: wellbeing and fitness)	Registered Manager / Senior Care Team
Annual appraisal (competency review)	Annual	Registered Manager
Return to work interview following sickness absence	Following every episode of sickness absence	Care Manager / Registered Manager
DBS renewal risk assessment	At minimum every 3 years (or sooner if concern arises); DBS Update Service check annually where enrolled	HR & Compliance Lead
Mandatory training compliance tracking	Ongoing — via Mandatory Training Matrix	HR & Compliance Lead
Professional registration check (where applicable)	On renewal date; HR & Compliance Lead to maintain a register of renewal dates	HR & Compliance Lead
Disclosure of new information by team member	Ongoing — team member's self-disclosure duty	All team members— report to Registered Manager immediately

4.1 Team member Self-Disclosure Duty

All team members have a contractual duty to self-disclose to the Registered Manager, without delay, any of the following:

- Any arrest, caution, charge or conviction since their employment commenced
- Any investigation by a professional regulatory body
- Any disciplinary investigation or dismissal from another employer
- Any change in physical or mental health that may affect their ability to carry out their role safely
- Any change in immigration status that affects their right to work in the United Kingdom

Failure to self-disclose where required is a serious matter and may result in disciplinary action.

5. Procedure — Addressing Fitness Concerns During Employment

Where a concern arises about a team member's fitness to remain in their role, Homekare Community Services Ltd will respond promptly, fairly and proportionately. The following process applies:

Step	Stage	Action Required
1	Identify the concern	Concern identified through supervision, self-disclosure, complaint, incident, colleague report, safeguarding concern or management observation. Concern must be recorded immediately.
2	Assess risk to clients	Registered Manager assesses whether the concern poses an immediate or ongoing risk to clients. Where there is immediate risk, the individual may be suspended from working with clients as a precautionary, non-punitive measure pending investigation.
3	Consider safeguarding duty	Where the concern involves actual or potential abuse or neglect of a client, the Safeguarding Policy takes immediate precedence. A safeguarding referral to NCC MASH (0300 500 8080) must be considered.
4	Notify Director / Nominated Individual	The Registered Manager will notify the Director / Nominated Individual of any significant fitness concern affecting a member of staff. No decision to dismiss or refer to DBS will be made without Director oversight.
5	Consider NSAB PiPoT referral	Where the individual holds a position of trust and an adult at risk is or may be involved, the Nottinghamshire multi-agency safeguarding adults procedures should be followed; NSAB PiPoT guidance applies.
6	Conduct investigation	A proportionate investigation is carried out in accordance with the Disciplinary Policy. The individual has the right to be heard and to be accompanied. All evidence is documented.
7	Make a fitness determination	Following the investigation, a decision is made about the individual's ongoing fitness. Options range from support plan / retraining to capability process or dismissal. All decisions are documented with reasons.
8	DBS barring referral (mandatory)	Where the individual has been removed from regulated activity (dismissed, resigned, or

		had their role changed) because they harmed or placed a client at risk of harm, a DBS barring referral MUST be made.	
9	Professional regulator referral	Where the individual holds a professional registration (nurse, social worker, etc.) and the concern relates to their professional fitness, a referral to the relevant professional body must also be considered.	
10	Record and review	All actions, decisions and outcomes are recorded in the team file and reviewed as part of the quarterly Quality Assurance process. Lessons learned are fed back into policy and training.	

6. Mandatory DBS Barring Referral

Under the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012), Homekare Community Services Ltd has a mandatory legal duty to refer a person to the Disclosure and Barring Service (DBS) Barring Service where the conditions below are met.

When Is a Mandatory DBS Referral Required?

A DBS barring referral MUST be made when ALL THREE of the following conditions apply:

1. The person has been working in regulated activity (or would have been doing so).
2. Homekare Community Services Ltd has removed the person from regulated activity — or would have done if the person had not already resigned, retired or otherwise left.
3. The reason for removal is that the person has harmed, or poses a risk of harm to, an adult (or child) in their care.

Failure to make a mandatory referral is a criminal offence.

6.1 DBS Referral Process

1. The Registered Manager will identify whether the referral duty is triggered using the criteria above.
2. The Director / Nominated Individual will be notified and will authorise the referral.
3. The referral will be made using the DBS online referral service at www.gov.uk/government/organisations/disclosure-and-barring-service.
4. A copy of the referral form and any supporting documentation will be retained in the staff file.

5. Homekare Community Services Ltd will cooperate fully with any subsequent DBS investigation, providing all relevant information and documentation as requested.
6. The individual being referred will be informed of the referral in writing.
7. The referral and its outcome will be recorded in the team member's file and in the Homekare Community Services Ltd incidents and concerns register.

6.2 Referral to Professional Bodies

Where a team member holds a professional registration and the concern relates to their professional fitness to practise (e.g. a nurse), Homekare Community Services Ltd has a duty to consider referral to the relevant professional regulatory body (e.g. Nursing and Midwifery Council). The Registered Manager will seek legal or professional advice where this is unclear.

7. Fit and Proper Persons: Directors and Nominated Individual — Regulation

In addition to the Regulation 19 requirements that apply to all team member's, Regulation 5 imposes a specific fit and proper person standard on all directors and the Nominated Individual of Homekare Community Services Ltd. This includes the Schedule 4 information requirements.

7.1 Regulation 5 Fitness Criteria for Directors

Every director and the Nominated Individual must:

- Be of good character
- Have the qualifications, competence, skills and experience necessary for the role
- Be physically and mentally fit to carry out their duties
- Not have been responsible for, contributed to, or facilitated any serious misconduct or mismanagement in a regulated activity
- Not appear on the DBS barred list for adults or children
- Not be prohibited from holding a director role by any court, regulator or professional body
- Not have been dismissed from a regulated activity role for reasons related to unsuitability

7.2 Schedule 4 Checks for Directors

The following Schedule 4 information must be held for each director and the Nominated Individual:

- Enhanced DBS check (including barred list) — no older than 12 months at point of appointment to role; reviewed regularly thereafter
- Proof of identity
- Full employment history
- Evidence of relevant qualifications and professional registrations
- References from previous relevant roles
- Information about any previous regulatory involvement, enforcement action, restrictions or conditions

- Declaration of financial soundness and solvency
- Declaration of any previous convictions, cautions or investigations

7.3 Ongoing Director Fitness Review

The fitness of directors and the Nominated Individual is not a one-time assessment. Homekare Community Services Ltd will review director fitness:

- Annually as part of the Good Governance Policy review process
- Immediately upon any change in circumstances that may affect fitness (new conviction, regulatory investigation, serious health change, etc.)
- At CQC registration renewal or upon notification of a CQC assessment visit

8. Records, Confidentiality and Data Protection

All information gathered as part of the fit and proper person assessment process is personal data and, in some cases, special category data (health information, criminal record information) under the UK GDPR and Data Protection Act 2018. Homekare Community Services Ltd will ensure:

- All pre-employment check records are held securely in each individual's team file in accordance with the Team File Index
- Health declaration forms and health-related information are held separately within the team file and accessed only by those with a legitimate need to know
- DBS certificates are not retained beyond what is necessary; Homekare Community Services Ltd will retain a record of the DBS check date, certificate number and the outcome but not a copy of the certificate unless this is justified and the individual has consented (or the relevant legal basis applies)
- Information about fitness concerns, investigations and DBS referrals is held securely and accessed only by the Registered Manager, Director and HR & Compliance Lead unless disclosure is required by law or for the purposes of a safeguarding investigation
- Team files will be retained for a minimum of seven years following the end of employment
- Requests for access to fitness and recruitment records will be handled in accordance with the Confidentiality Policy UK GDPR subject access rights

9. Training and Awareness

All team member's will receive training and guidance relevant to their role in the fit and proper person process:

Training Topic	Applicable To	Frequency	Format
Safer Recruitment and Fit and Proper Person Awareness	Registered Manager, HR & Compliance Lead, Senior Care Team	At induction; every 3 years	Face to face / eLearning
Safeguarding Adults — including PiPoT and DBS Referral Duty	All Team member's	Annual refresher	eLearning / workshop
Equality, Diversity and Human Rights in Recruitment	All managers and those involved in recruitment	At induction; every 3 years	eLearning
UK GDPR and Data Protection in HR Processes	HR & Compliance Lead; Registered Manager	At induction; triennial refresher	eLearning
Oliver McGowan Tier 1 LD & Autism Awareness	All team member's	At induction; triennial refresher (minimum)	Online (e-learning module)

10. Monitoring and Policy Review

This policy will be monitored and reviewed as follows:

What Is Monitored	How	Frequency / Lead
Completeness of Schedule 3 pre-employment checks	Staff File Index audit; cross-check against staff in post	Quarterly — HR& Compliance Lead
DBS certificate currency and renewal tracking	DBS tracker maintained by HR & Compliance Lead; alerts at 3 months before expiry	Monthly review — HR & Compliance Lead
Fitness concerns identified and managed	Concerns register; minutes of Quality Governance meetings	Quarterly — Registered Manager

DBS barring referrals made / not made	Documented decision record in team file; referral register	As events arise — Registered Manager; Director oversight
Training compliance for safer recruitment topics	Mandatory Training Matrix; Individual Training Plan	Quarterly — HR & Compliance Lead
Policy review against updated legislation and CQC guidance	Annual policy review by Registered Manager; Director sign-off	Annual — Registered Manager / Director

This policy is reviewed annually or sooner in the event of:

- Relevant legislative change
- Updates to CQC guidance or the Single Assessment Framework
- Significant fitness-related incident or DBS referral
- Identified gap in the fit and proper person process
- Following a CQC assessment or inspection

Linked Legislation and Guidance

Legislation / Regulation	Key Requirement
Regulation 19 — HSCA 2008 (Regulated Activities) Regulations 2014	Fit and proper persons employed; Schedule 3 checks mandatory before employment commences
Regulation 5 — HSCA 2008 (Regulated Activities) Regulations 2014	Fit and proper persons: directors and nominated individual; Schedule 4 checks apply
Regulation 7 — HSCA 2008 (Regulated Activities) Regulations 2014	Registered Manager must personally meet the fit and proper person standard
Regulation 17 — HSCA 2008 (Regulated Activities) Regulations 2014	Good governance: systems must be in place to monitor ongoing staff fitness
Regulation 18 — HSCA 2008 (Regulated Activities) Regulations 2014	Sufficient qualified, competent, skilled and experienced staff must be deployed at all times
Regulation 12 — HSCA 2008 (Regulated Activities) Regulations 2014	Safe care and treatment; staff fitness is a component of safe service delivery
Regulation 13 — HSCA 2008 (Regulated Activities) Regulations 2014	Safeguarding; unfit staff pose a risk to service users

Care Act 2014	Employer duty to safeguard adults; safer recruitment is a safeguarding obligation	
Safeguarding Vulnerable Groups Act 2006 (as amended)	Mandatory DBS barring referral where a person is removed from regulated activity due to harm	
Equality Act 2010	Non-discrimination in recruitment; duty to make reasonable adjustments; no automatic bar from employment	
Health and Safety at Work etc. Act 1974	Employer duty to ensure staff are fit and safe to carry out their work	
UK GDPR / Data Protection Act 2018	Lawful processing of pre-employment and health data; secure retention of staff fitness records	
Rehabilitation of Offenders Act 1974 (Exceptions Order)	Regulated care roles are exempt; spent and unspent convictions may be considered	
Oliver McGowan Code of Practice (September 2025)	All regulated care staff must complete mandatory learning disability and autism awareness training	
NSAB — Persons in Positions of Trust Guidance (Nottinghamshire)	Employer obligations when a person in a position of trust is the subject of a safeguarding concern	
CQC Single Assessment Framework	Safe and effective staffing quality statements; evidence of fitness processes expected at assessment	

Document Control

Policy Name:	Fit and Proper Person policy and procedure
Service Name:	Homecare Community Services Ltd
Policy Reference:	HCS-OP-006
Version Number:	01
Date Approved:	27/06/2026
Approved By:	S Radford
Date Last Reviewed:	27/06/2026
Reviewed By:	S Radford
Date of Next Review:	26/06/2027
Review Frequency:	Yearly or when changers occur

Review History

Version	Date Reviewed	Reviewed By	Changes Made
01	27/06/2026	S Radford	Interception

References and Appendices			
• Appendix A: • Appendix B: • Appendix C:			