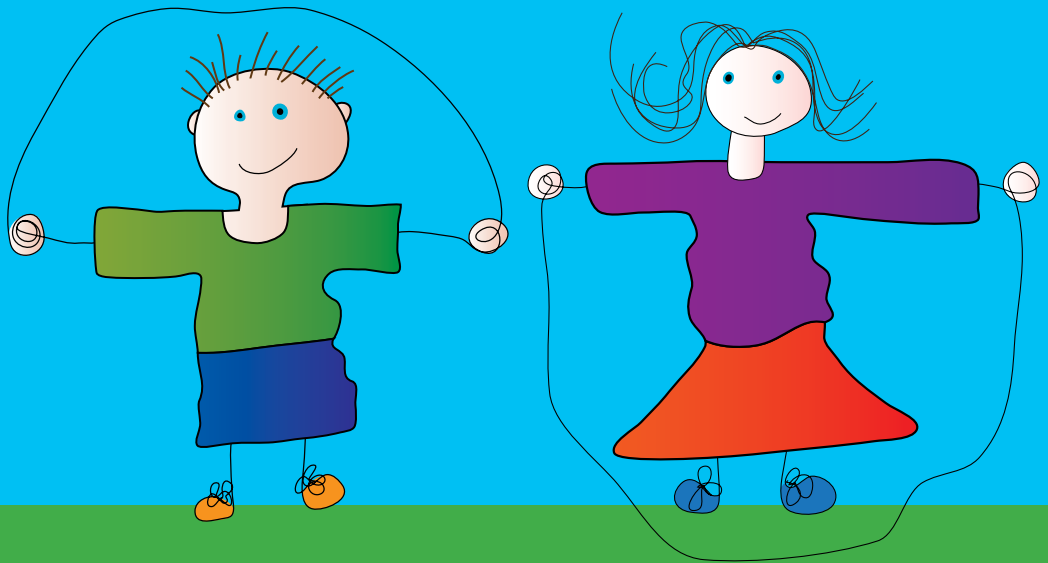


Bedfordshire Local Safeguarding Children Board

Working together to safeguard children

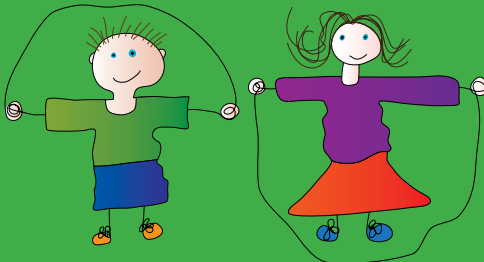


Safer Staffing Toolkit

Recruitment and selection
processes and procedures

This toolkit is designed for managers who have responsibility for recruitment of staff who will work with children and young people. It is intended to compliment individual agency recruitment policies.

Bedfordshire Safeguarding Children Board (LSCB) is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers working with children to share this commitment. This toolkit has been adapted from Lincolnshire LSCB.



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1. Standards for Safer Recruitment

Experience shows the importance of organisations that provide services to children, young people and families operating recruitment and selection procedures that help to deter or reject or identify people who pose a risk to children or who are otherwise unsuited to work with them. The LSCB has developed operational standards to support member agencies to develop recruitment and selection procedures which will help to effectively safeguard children. A model recruitment policy is included within this toolkit.

For the purpose of this toolkit the following definitions apply:

Unsuitability - Where an individual has:

- **Caused harm or possible harm to a child**
- **Contravened or continued to contravene guidance**
- **Exploited or abused duty of care**
- **Acted in a way any reasonable person would find alarming**
- **Failed to make sound professional judgements which safeguard children and young people**
- **Failed to understand how their actions adversely affect children or young people**
- **Failed to understand need for personal and professional boundaries**
- **Been or will be the subject of criminal or social care investigations**
- **Behaved in way which undermines trust placed in them by their employer**

For more guidance please visit www.bedfordshirelscb.org.uk/

publications to access the DCSF document Unsuitable Adults Guidance for employers when considering the behaviour of adults towards children.

Staff – A member of staff is an individual who is in paid employment whose duties involve working with children or requires them to work in a setting which is referred to as a regulated setting.

Volunteer – An individual who undertakes unpaid duties for an organisation and in undertaking those duties has unsupervised contact with children and / or undertakes duties which involves work with children on a regular basis. Volunteers are seen by children as safe trustworthy adults, so those with regular contact with children should be subject to the same recruitment processes as paid staff. (Regular is defined as three or more times in a 30 day period or overnight).

Organisation – All organisations must ensure through contract specifications that their commissioned services meet the standards defined within this guidance.

1.1 Standards

- Where appropriate, adverts and recruitment processes include a “Safeguarding Children” statement (refer to model policy) and inform applicants that an enhanced disclosure check from the Criminal Records Bureau (CRB) is required. All applicants must be asked to declare any convictions, cautions or reprimands, warnings or bind-overs which they have incurred, as positions working with children and/or vulnerable adults are exempted from the Rehabilitation of Offenders Act 1974. This includes any convictions considered as “spent” under the Act.
- All paid staff working within the children workforce have job descriptions and personal specification. The job descriptions need to identify the responsibility to safeguard and promote the welfare of children and young people.
- Person specifications consider the need to include specific reference to suitability to work with children and include a “safeguarding children” statement.
- Comprehensive information on employment history is obtained from applicants prior to interview and any discrepancies or anomalies or gaps in employment are satisfactorily resolved before job offer.
- Independent professional and character references to help assess an applicant’s suitability to work with children are obtained and considered prior to appointment. One of these references need to be the most recent or current employer. Written references are followed up with a telephone call to verify authenticity
- A face-to-face interview that explores a candidate’s suitability to work with children as well as aptitude for the post is always undertaken. Questions relate to the personal specification and the job description in addition to individual questions relating to issues highlighted in references must be asked.

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- The applicant's identity is verified with photographic proof e.g. passport or photo-driving licence. Additionally documentary evidence of home address should also be provided. (It is good practice for applicants for posts that require a CRB disclosure, to provide a passport sized photograph that will be retained for identification purposes).
- Academic or vocational qualifications are always verified with actual certificates photocopied and maintained on personal file.
- The applicant's health and physical capacity to undertake the job is verified.
- Where staff are employed pending / subject to satisfactory CRB disclosure, the employer undertakes a written risk assessment. This assessment ensures that the individual has ALL other recruitment checks completed, that the person has applied for an enhanced CRB check which includes a List 99 / POCA (Protection of Children Act) List check and that the person does not have unsupervised contact with children until the CRB disclosure is received and clearance given.
- At least one member of the interview / recruitment process team will have received training in safer recruitment. At least one member of the school workforce in each school (preferably the head teacher) will have completed NCSL recruitment training.
- All staff will receive an induction into the workplace which includes information about, and written statements of: policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti bullying, anti racism, physical intervention/restraint, intimate care (where appropriate), whistle blowing, internet safety and any local child protection/safeguarding procedures as appropriate to the organisation.

1.2 Vetting through Criminal Records Bureau

- All agencies have clearly defined criteria and circumstances for obtaining a Criminal Records Bureau disclosure which is inclusive of a check of List 99, the POCA List and from October 2009 the Independent Safeguarding Authority (ISA vetting and barring please see section 5 page 39 for further details).
- Where the staff or volunteer will have unsupervised contact and/or regular contact with children, including the provision of care, training, supervising or sole charge, an Enhanced Disclosure check will be undertaken.
- Where there is regular contact, but the job does not include unsupervised contact with children a standard check is required. However, the LSCB recommend that an enhanced disclosure is undertaken in all cases. (This is in line with the Bichard Inquiry recommendations and is expected to be contained within the new Vetting and Barring Scheme).
- Volunteers who undertake work with children on a regular basis should have an enhanced disclosure undertaken. Where volunteering activity is ad hoc and does not include unsupervised contact with children (e.g. non residential school day trip) a CRB disclosure is not required unless the volunteers regularly undertake that activity.
- Where there has been a break in the employment contract or voluntary service for 3 months or more, or a move to a post with significantly greater responsibility for children (greater responsibility is where a post did not previously require a CRB disclosure or it had then been undertaken as a standard disclosure) or if reselected/ re-elected to a position, which requires regular and or unsupervised contact with children, the individual is subject to a further CRB disclosure. This applies to paid staff and volunteers. Where CRB Disclosure Certificates are issued indicating that there are convictions and/or relevant soft information, the employer

will undertake a risk assessment on the individual's suitability to undertake the job, which should include a face-to face meeting.

- Some positions e.g. staff working in residential settings; require a 3 yearly CRB disclosure to be obtained. (Refer to individual agency procedures.)

1.3 Record Maintenance

- The personnel file should be a single file, which includes all information on current employment and recruitment checks. This file should be held in a place which is accessible to the line manager.
- The responsibility for ensuring the information below is on the staff file rests with the line manager. Information on a personnel file should contain

The personal file for staff employed after 1st May 2006 should contain:

- Evidence of the CRB check including unique Disclosure number and date it was issued. The CRB have advised that the top portion of the Disclosure Certificate is photocopied and retained on the personnel file for reference. The original cannot be retained, as in some cases conviction information can appear on the rear of this portion of the Disclosure Certificate. In order to overcome this, retain a photocopy.
- Two References – (one from existing or last employer)
- Health Clearance
- Application Form
- Evidence that original academic and vocational qualifications have been checked these should be photocopied and placed on personnel file.
- Photographic Identification retained - copy of passport or a passport sized photograph suitably.
- Evidence of identity
- Evidence of the right to live and work in the UK

The personal file for staff employed between 1st April 2002 and 1st May 2006 should contain:

- Evidence of the CRB disclosure and date
- Two References (one from existing / last employer)
- Health Clearance
- Application Form
- Evidence that original academic and vocational qualifications have been checked
- Evidence of the right to live and work in the UK

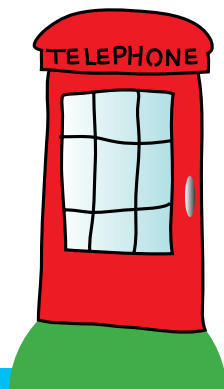
The personnel file for staff and volunteers employed between 1st April 1987 – 31st March 2002 should contain:

- List 99 check
- Two References – (one from existing or last employer)
- Health Clearance
- Application Form
- Evidence that original academic and vocational qualifications have been checked
- Evidence of the right to live and work in the UK

Personal records of all staff are maintained for 6 years after they have left the employment. Where staff working with children have been subject to allegations of abuse; records must be maintained until normal retirement age or for 10 years, if that is longer.

All agencies shall have arrangements for secure storage, handling, use, retention and disposal of criminal disclosures and disclosure information as required by the CRB's Code of Practice – see website for further details.

Helpful Websites: www.ncsl.org.uk
www.crb.gov.uk



2. Model Safer Recruitment Policy

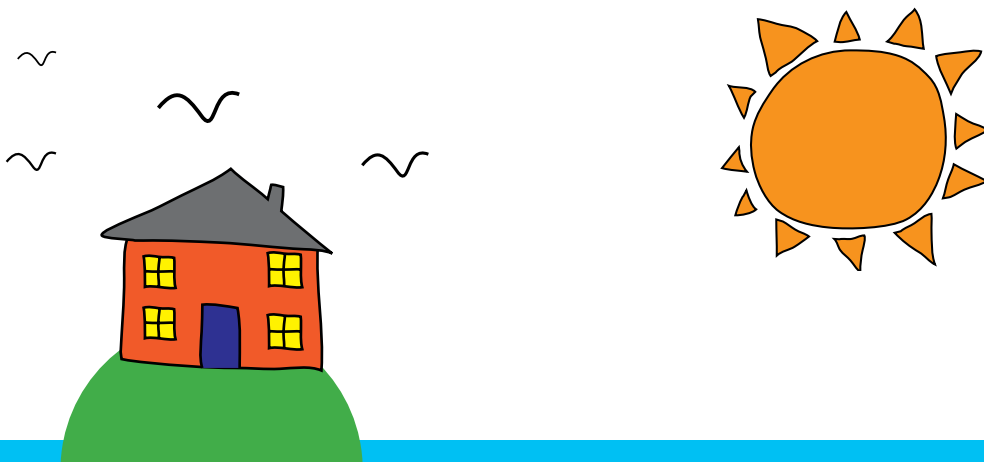
2.1 Context:

Experience shows the importance of organisations that provide services to children, young people and families operating recruitment and selection procedures that help to deter, (or) reject, or identify people who pose a risk to children or who are otherwise unsuited to work with them.

The LSCB has developed these operational guidelines to support member agencies to develop recruitment and selection procedures which will effectively safeguard children.

All agencies working with children, young people and families are encouraged to review current practice against current legislation and develop a safer recruitment policy which conforms to this guidance and other agency / professional specific guidelines.

This document is not a comprehensive guide to recruitment and selection or employment issues. It does not cover all the issues relevant to that subject. It is not a substitute for training in those areas, or in interviewing and assessment techniques.



2.2 Recruitment and Selection Policy Statement

All agencies should have an explicit written recruitment and selection policy statement and procedures that comply with national and local guidance. The statement should detail all aspects of the process and should link to their child protection policy and procedures.

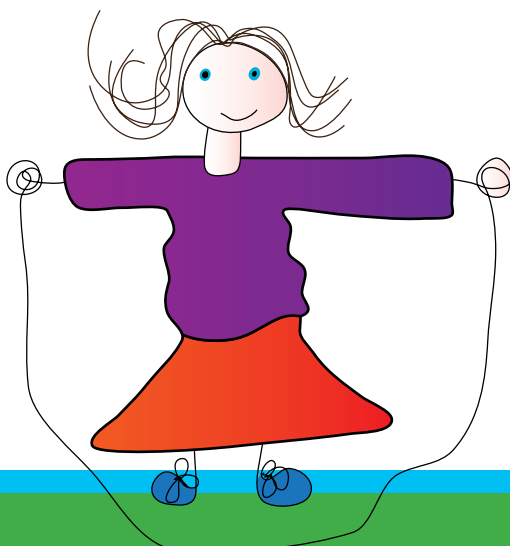
The policy statement should incorporate an explicit statement about the organisation's commitment to safeguarding and promoting the welfare of children.

For example:

“This agency is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment”.

The statement should be included in:

- Publicity materials
- Recruitment websites
- Advertisements
- Candidate information packs
- Person specifications
- Job descriptions
- Competency frameworks
- Induction training



2.3. Elements of Safer Practice

Safer practice in recruitment means thinking about and including issues to do with child protection and safeguarding and promoting the welfare of children at every stage of the process. It starts with the process of planning the recruitment exercise and, where the post is advertised, ensuring that the advertisement makes clear the organisation's commitment to safeguarding and promoting the welfare of children. It also requires a consistent and thorough process of obtaining, collating, analysing, and evaluating information from and about applicants. Main elements of the process include:

- Ensuring the job description makes reference to the responsibility for safeguarding and promoting the welfare of children;
- Ensuring that the person specification includes specific reference to suitability to work with children;
- Obtaining and scrutinising comprehensive information from applicants.
- Taking up and satisfactorily resolving any discrepancies or anomalies;
- Obtaining independent professional and character references that answer specific questions to help assess an applicant's suitability to work with children and following up any concerns;
- A face to face interview that explores the candidate's suitability to work with children as well as his/her suitability for the post;
- Verifying the successful applicant's identity through photographic identification e.g birth certificate plus driving licence/passport or passport size photograph endorsed by a Solicitor, JP, Doctor or last employer (all endorsements should include the endorser's address). Additionally documentary evidence of home address should also be submitted. Verifying that the successful applicant has any academic or vocational qualifications claimed through presentation of original certificates/documents;
- Checking his/her previous employment history and experience;

- Verifying that s/he has the health and physical capacity for the job;
- Undertaking an Enhanced CRB disclosure application (which includes a check of List 99 and the PoCA List. It is important not to rely solely on the CRB disclosure to screen out unsuitable applicants. These checks are an essential safeguard, but they will only identify individuals who have been convicted, will only be able to disclose other information where it is available, or identify those listed as unsuitable to work with vulnerable clients.

There will be some individuals who are unsuited to working with children who will not have any previous convictions, and will not appear on List 99 or the PoCA List. A CRB disclosure is inclusive of checking List 99 and the POCA list.

2.4 Planning and Advertising

Planning is vital to successful recruitment. It is important to be clear about what mix of qualities, qualifications and experience a successful candidate will need to demonstrate, and whether there are any particular matters that need to be mentioned in the advertisement for the post in order to prevent unsuitable applications. Also it is essential to plan the recruitment exercise itself, identifying who should be involved, assigning responsibilities, and setting aside sufficient time for the work needed at each stage to be completed so that safeguards are not skimmed or overlooked.

The person specification will need careful thought and drafting. It is also good practice to make sure at the outset that all the other material, e.g. the application form, job description, and information/guidance for applicants that will form part of the pack to be sent to prospective applicants is up-to-date, and clearly sets out the extent of the relationships/ contact with children and the degree of responsibility for children that the person will have in the position to be filled.

When a vacancy is advertised, the advertisement should include;

- A statement about the employer's commitment to safeguarding and promoting the welfare of children
- A reference, will be requested for current or most recent employer.
- Where appropriate to the need for the successful applicant to undertake an Enhanced Disclosure check via the CRB
- The usual details of the post and salary, qualifications required, etc.

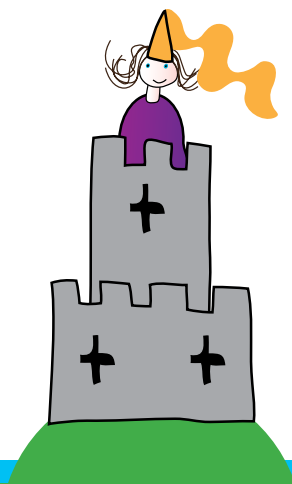
2.5 Application Form

Employers should use an application form to obtain a common set of core data from all applicants. It is not good practice to accept curriculum vitae drawn up by applicants in place of an application form because these will only contain the information the applicant wishes to present and may omit relevant details.

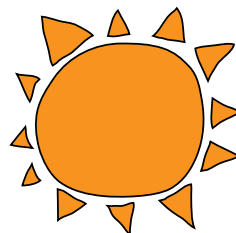
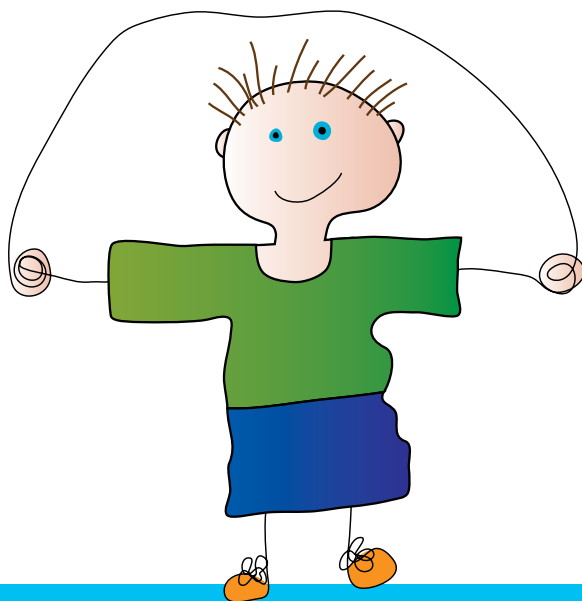
For applicants for all types of posts the form should obtain:

- Full identifying details of the applicant including current and former names
- Date of Birth
- Current address
- National Insurance Number
- Statement of any academic and/or vocational qualifications the applicant has obtained that is relevant to the position for which s/he is applying with details of the awarding body and date of award
- A full history in chronological order since leaving secondary education, including periods of any postsecondary education/ training, any part-time / voluntary work as well as full time employment.
- Start and end dates should be given in each case with explanations for periods not in employment or education/training, and reasons for leaving employment.

- A declaration of any family or close relationship to existing employees or employers (including councillors and governors where relevant)
- Details of referees. One referee should be the applicant's current or most recent employer, and normally two referees should be sufficient. The form should make it clear that references will not be accepted from relatives or from people writing solely in the capacity of friends.
- If the applicant is currently working with children, on either a paid or voluntary basis, his/her current employer with children will be asked about disciplinary offences relating to children, including any in which the penalty is "time expired" (that is where a warning could no longer be taken into account in any new disciplinary hearing for example).
- Whether the applicant has been the subject of any child protection concerns, and if so, the outcome of any enquiry or disciplinary procedure.
- If the applicant is not currently working with children but has done so in the past, that previous employer will be asked about those issues.
- A statement of the personal qualities and experience that the applicant believes are relevant to his/her suitability for the post advertised and how s/he meets the person specification It should include an explanation that the post is exempt from the Rehabilitation of Offenders Act 1974 and therefore that all convictions, cautions and bind-overs, including those regarded as 'spent', must be declared



- It should require a signed statement that the person is not on List 99, disqualified from working with children, or subject to sanctions imposed by a regulatory body, and either has no convictions, cautions, or bind-overs, or has securely attached to the application form such detail in a sealed envelope marked confidential
- It should indicate that where appropriate the successful applicant will be required to submit a CRB Disclosure application for an Enhanced check of criminal record.
- In cases where the successful applicant is a foreign national the individual should be asked to obtain a “Certificate of Good Conduct” from the national embassy here in the UK as this will enable “trackability” of certificate, if required.
- In cases where the successful applicant is a UK national and has indicated that they have lived, or worked abroad for a period greater than 3 months, they too will be required to obtain a “Certificate of Good Conduct”.



2.6 Job Description

This should clearly state:

- The main duties and responsibilities of the post
- The individual's responsibility for promoting and safeguarding the welfare of children and young persons s/he is responsible for, or comes into contact with.
- Reference to an Enhanced CRB Disclosure check

2.7 Person Specification

This should include:

- Qualifications and experience.
- Any other requirements needed to perform the role in relation to working with children and young people.
- The competences and qualities that the successful candidate should be able to demonstrate explaining, how these requirements will be tested and assessed during the selection process.
- Explanation that if the applicant is short listed any relevant issues arising from his/her references will be taken up at interview.



2.8 Information Pack to Candidates

The pack should include a copy of:

- The application form, and explanatory notes about completing the form;
- The job description, and person specification;
- Any relevant information about the agency and the recruitment process, and statements of relevant policies such as the agency's policy about equal opportunities, the recruitment of ex-offenders, etc. the organisation's Safeguarding Children Policy.
- A statement of the terms and conditions relating to the post;
- Guidance about the CRB Disclosure process
- Statement on the organisation's Policy on the Recruitment of Offenders – refer to CRB website

2.9 Scrutinising and short listing

All applications should be scrutinised to ensure that they are fully and properly completed; that the information provided is consistent and does not contain any discrepancies, and to identify any gaps in employment. Incomplete applications should not be accepted and should be returned for completion. Any anomalies or discrepancies or gaps in employment identified by the scrutiny should be noted so that they can be taken up as part of the consideration of whether to short list the applicant. As well as reasons for obvious gaps in employment, the reasons for a history of repeated changes of employment without any clear career or salary progression, or a mid career move from a permanent post to supply teaching or temporary work, also needs to be explored and verified.

All candidates should be assessed equally against the criteria contained in the person specification without exception or variation.

2.10 References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee. Do not rely on references or testimonials provided by the candidate, or on open references and testimonials, i.e. “To Whom It May Concern”.

There have been instances of candidates forging references, therefore, open references/testimonials might be the result of a “compromise agreement” and are unlikely to include any adverse comments.

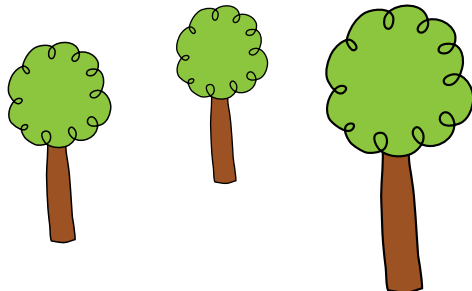
Ideally, references should be sought on all short listed candidates, including internal ones, and should be obtained before interview so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview. In exceptional circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to their current employer being approached at that stage, but that should be the aim in all cases. If a candidate does not wish their current employer to be approached for a reference prior to interview then their 2nd or 3rd reference should be approached.

In any case where a reference has not been obtained on the preferred candidate before interview, the prospective employer must ensure that it is received and scrutinised, and any concerns are resolved satisfactorily, before the person’s appointment is confirmed.

All requests for references should seek objective verifiable information and not subjective opinion. The use of reference proformas can help achieve that (See attached). A copy of the job description and person specification for the post for which the person is applying should be included with all requests.

On receipt references should be verified by a follow up phone call and checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered or the reference is vague or unspecific, the referee should be telephoned and asked to provide written answers or amplification as appropriate. The information given should also be compared with the application form to ensure that the information provided about the candidate and his/her previous employment by the referee is consistent with the information provided by the applicant on the form. Any discrepancy in the information should be taken up with the applicant.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, where an allegation was determined to be unfounded or did not require formal disciplinary sanctions, and in which no further issues have been raised, are less likely to cause concern than more serious or recent concerns, or where issues that were not resolved satisfactorily. A history of repeated concerns or allegations over time is also likely to give cause for concern.



2.11 Other checks before interview

If a short listed applicant claims to have some specific qualification or previous experience that is particularly relevant to the post for which s/he is applying that will not be verified by a reference, it is good practice to verify the facts before interview so that any discrepancy can be explored at interview. The qualification or experience can usually be verified quickly by telephoning the relevant previous employer and asking for written confirmation of the facts.

2.12 Involving children and young people

Involving children and young people in the recruitment and selection process in some way is common, and recognised as good practice. There are different ways of doing that. For example young people might form part of an interview panel; candidates might be asked to engage in an interactive exercise with young people e.g. teaching a class. When planning young people involvement, care must be taken to consider risks and implement strategies to minimise them.

2.13 Interviews

The interview should assess the merits of each candidate against the job requirements, and explore their suitability to work with children. Issues identified within the individual's reference must be discussed.

The selection process for people who will work with children should always include a face-to-face interview even if there is only one candidate.

2.14 Invitation to Interview

In addition to the arrangements for interviews - time and place, directions to the venue, membership of the interview panel - the invitation should remind candidates about how the interview will be conducted and the areas it will explore including suitability to work with children. Enclosing a copy of the person specification can usefully draw attention to the relevant information.

The invitation should also stress that the identity of the successful candidate will need to be checked thoroughly to ensure the person is who s/he claims to be, and that where a CRB disclosure is appropriate that person will be required to complete an application for an Enhanced CRB Disclosure straight away. Consequently where an appointment decision cannot be made immediately following interviews, all candidates may be asked to complete a CRB Disclosure application and should, therefore, bring with them documentary evidence of their identity that will satisfy CRB Disclosure application requirements.

Candidates should also be asked to bring documents confirming any educational and professional qualifications that are necessary or relevant for the post, e.g. the original or a certified copy of a certificate, or diploma, or a letter of confirmation from the awarding body. N.B. If the successful candidate cannot produce original documents or certified copies, written confirmation of his/her relevant qualifications must be obtained from the awarding body.

A copy of the documents used to verify the successful candidate's identity and qualifications must be kept for the personnel file. Although it is possible for interviews to be conducted by a single person this is not recommended. It is better to have a minimum of two interviewers, and in some cases, e.g. for senior or specialist posts, a larger panel might be appropriate. A panel of at least two people allows one member to observe and assess the candidate, and make notes, while the candidate is talking to the other. It also

reduces the possibility of any dispute about what was said or asked during the interview. One member of the panel should have received training in recruitment practices and for teaching staff; one of the panel should have completed safer recruitment training. Please visit www.bedfordshire.org.uk for more information.

The members of the panel should:

- Have the necessary authority to make decisions about appointment.
- Be appropriately trained, (it is recommended that one member of interview panels should have undertaken training on recruitment and selection process and associated legislation).
- Meet before the interviews to reach a consensus about the required standard for the job to which they are appointing.
- Consider the issues to be explored with each candidate and who on the panel will ask about each of those.
- Agree their assessment criteria in accordance with the person specification.

The panel must agree a set of questions they will ask all candidates relating to the requirements of the post, and the issues they will explore with each candidate based on the information provided in the candidate's application and references (if available).

A candidate's response to a question about an issue will determine whether and how that is followed up. Where possible it is best to avoid hypothetical questions because they allow theoretical answers. It is better to ask competence based questions that ask a candidate to relate how s/he has responded to, or dealt with, an actual situation, or questions that test a candidate's attitudes and understanding of issues.

2.15 Scope of the Interview

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore:

- The candidate's attitude toward children and young people
- His/her ability to support the agency's agenda for safeguarding and promoting the welfare of children;
- Gaps in the candidate's employment history.
- Concerns or discrepancies arising from the information provided by the candidate and/or a referee. (It is acceptable to ask individual issues relating to information contained within references)
- If the candidate wished to declare anything in light of the requirement for a CRB disclosure.

If, for whatever reason, references are not obtained before the interview, the candidate should also be asked at interview if there is anything s/he wishes to declare/discuss in light of the questions that have been (or will be) put to his/her referees.

2.16 Conditional Offer of Appointment: Pre Appointment Checks

An offer of appointment to the successful candidate should be conditional upon:

- The receipt of at least two satisfactory references
- Verification of the candidate's identity
- Where appropriate, a satisfactory CRB Disclosure that includes a check of List 99 and the PoCA list.

- Verification of the candidate's medical fitness
- Verification of original qualifications
- Verification of professional status where required
- The manager should seek advice from its HR or Personnel Services Provider, if a Disclosure reveals information that a candidate has not disclosed in the course of the selection process
- All checks should be: confirmed in writing, documented and retained on the personnel file, and, followed up where they are unsatisfactory or there are discrepancies in the information provided.
- Where the candidate is found to be on List 99 or the PoCA List, or the CRB Disclosure shows s/he has been disqualified from working with children by a Court; or, an applicant has provided false information in, or in support of, his/her application; or there are serious concerns about an applicant's suitability to work with children, the facts should be reported to the police and to any relevant Professional Body if appropriate.

Ideally a CRB disclosure should be obtained before an individual starts work. Where it is necessary to engage a member of staff / volunteer where the CRB disclosure is outstanding the employer must undertake a written risk assessment and ensure the employee is appropriately supervised. In all cases an enhanced CRB Disclosure application must have been applied for and all other recruitment checks completed. Arrangements should be put in place to ensure the individual will have no unsupervised contact with children until such time as clearance has been obtained via the Disclosure Certificate and confirmed to the Line Manager.

Appropriate supervision for staff who start work prior to the result of a CRB disclosure being known needs to reflect what is known about the person concerned, their experience, the nature of their duties and the level of responsibility they will carry. For those with limited experience and where references have provided limited information the level of supervision required may be high. For those with more experience and where the references are detailed and provided strong evidence of good conduct in previous work a lower level of supervision could be appropriate. For all staff without completed checks it should be made clear that they are subject to this additional supervision.

The nature of the supervision should be specified and the roles of staff undertaking the supervision spelt out. The arrangement should be reviewed regularly, at least every two weeks until the CRB disclosure is received.

2.17 CRB Checks on Overseas Staff and UK Residents Who May Have worked or resided overseas.

The CRB and the DfES have issued new guidance for overseas applicants, as from May 2006, a CRB disclosure is required to be undertaken regardless of whether the applicant has had no UK residency. A “Certificate of Good Repute” from the home embassy/home country is also required. Additionally any overseas member of staff appointed between April 2002 and the end of April 2006 should undertake a retrospective CRB Disclosure check and also provide a “Certificate of Good Repute” from the home embassy/home country.

In all cases where the preferred candidate is a UK resident and has worked or been resident overseas in the previous 5 years, the applicant should request a “Certificate of Good Repute/Letter of Good Conduct” from the home embassy of that country. The requirement of obtaining this certificate through the home embassy

is to provide the ability to authenticate the document, if required. It should also reduce the need and cost to undertake any potential translation requirements.

Although the CRB provides an Overseas Information Service not all countries provide this information. For some countries there is a fax-back service, which provides employers with details of criminal record information.

In all cases mentioned above this should be linked to other required checks, especially those of identity and qualifications, and satisfactory references.

The CRB does not have any involvement in applications by individuals to overseas authorities. Employers should also be aware that they might have to arrange for information returned from overseas authorities to be translated into English.

Further information about the Overseas Information Service can be obtained from: http://www.crb.gov.uk/services_overseas.asp

Telephone the CRB enquiry line on: 08700 100 450.

3. Vetting

It is essential that those individuals who are known to present a risk to children do not gain access to them or to vulnerable adults through their work. It is also important that those who are working with children and vulnerable adults who become a risk are detected at the earliest opportunity and prevented from continuing to work with children and vulnerable adults.

From May 2006 it is a mandatory requirement for a CRB Enhanced Disclosure for ALL new appointments to the schools workforce under the Intended Schools Staffing (England) (Amended) (No. 2) Regulations 2006.

It is mandatory for regulated Settings to undertake 3 yearly, CRB disclosures on staff. The Criminal Records Bureau **do not** advise that all elected members should routinely be subject to CRB disclosure. If an elected member has regular or unsupervised contact with children or have significant responsibility for decision making regarding policy and service provision which affects children, a CRB disclosure may be undertaken.

Regarding eligibility of staff with access to sensitive or confidential information e.g. home addresses, medical information, and financial information: access to the Disclosure Service is made possible by virtue of the Exceptions Order (1975) to The Rehabilitation of Offenders Act 1974. Individuals with access to sensitive or confidential information are not covered by this order and are therefore not eligible for disclosures. The aspect of confidentiality should be encompassed within the employer's Code of Conduct. This is subject to change in the near future under the Vetting and Barring Scheme.

To submit a CRB Disclosure application where there is no provision within the List of Notifiable occupations is an offence under the Police Act 1997.

3.1 The Current Disclosure Process

The current Disclosure Service provided by the CRB is a “one-stop-shop” and provides employers with information via a Disclosure check, to screen out those who are unsuitable to work with children or vulnerable adults. There are 2 levels of disclosure:

Standard Disclosures show all convictions held on the Police National Computer, including ‘spent’ convictions, together with cautions, reprimands or final warnings held on that computer. For those applying to work with children, it includes checks against the Department of Health and Department for Education and Skills lists of people who are unsuitable. For work with adults, it includes checks on the government list of people who should not work with vulnerable adults. A Standard Disclosure has to be applied for in relation to a specific job or role. It is required for jobs defined as ‘regulated positions’ by the Criminal Justice and Court Services Act 2000. E.g. regular contact with children or vulnerable adults. In services regulated by OfSTED/CSCI, Standard Disclosures are needed where there is such regular contact, but the job does not involve directly working with, caring for, or supervising children or vulnerable adults – such as a job as a domestic, catering or maintenance worker.

Enhanced Disclosures contain all the information provided by a Standard Disclosure, but also include information on local police records that the police may consider relevant to the post to be held. Like Standard Disclosures, they relate to a specific job or role only. An Enhanced Disclosure is required for jobs which involve unsupervised contact with children or vulnerable adults, such as regularly caring for, training, supervising, or being in sole charge of children or vulnerable adults. Anyone registering with Ofsted as the provider or manager must have an Enhanced Disclosure.

CRB Disclosures are mandatory for some positions, employment settings and discretionary for others. For further guidance refer to the CRB.

The following are examples of positions which are exempted from the provisions of the Rehabilitation of Offenders Act 1974, and individuals must be asked by employers to declare any convictions, disqualifications, cautions or reprimands, warnings or bind-overs which they have incurred, including any that would be regarded as 'spent' under the Act in other circumstances. If a person is subsequently selected for appointment for such a position, the employer must ask them to apply to the CRB for a CRB Enhanced Disclosure to verify their declaration;

- Any work in a school; or
- Any position involving unsupervised contact with a child under arrangements made by the child's parents or guardian, the child's school or a registered day care provider; or
- A position as a governor of a school, FE college, including sixth form college which involves regular work in the presence of, or care for, children, or training, supervising or being in sole charge of children; or any position in which the normal duties include providing education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18.

All agencies must identify which posts and levels of responsibility will be eligible for a Disclosure check and apply them consistently. Once a CRB check is received, the employer must consider the available information and make a recruitment decision. In all cases an enhanced disclosure check is recommended, as this is the only check, which provides all information relative to the post applied for.

The Criminal Records Bureau requires all agencies that undertake CRB checks to ensure that those who have been convicted of a criminal offence are treated fairly. All employers must have a written policy on the recruitments of people who have been convicted in the past. The CRB provides a model policy for adaptation on their website.

4. Post Appointment Induction

There should be an induction programme for all staff and volunteers newly appointed in an agency.

The purpose of induction is to:

- Provide training and information about the establishment's policies and procedures.
- Support individuals in a way that is appropriate for the role for which they have been engaged.
- Confirm the conduct expected of staff and volunteers.
- Provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities.
- Enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.

The content and nature of the induction process will vary according to the role and previous experience of the new member of staff or volunteer, but as far as safeguarding and promoting the welfare of children is concerned the induction programme should include information about, and written statements of: policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti bullying, anti racism, physical intervention/restraint, intimate care, whistle blowing, internet safety and any local child protection/safeguarding procedures as appropriate to the organisation.

The programme should also include attendance at child protection training appropriate to the person's role.

4.1 Continuing awareness

It is vital that the measures described in this guidance are applied thoroughly whenever someone is recruited to work with children or to an adult focused service where the practitioner will come into contact with children, but that must not be the end of the matter. Agencies must ensure that they provide safer environments for children, and that all staff and volunteers working with children have their safety and welfare at heart. It cannot be ignored that some people seek access to children in order to abuse, and that abused children very often do not disclose the abuse at the time. All organisations across the voluntary, community, public and statutory sector must put measures in place to minimise the risk of harm to children and vulnerable adults.

It is crucial therefore that all agencies that provide services to children, young people and parents/carers have:

- Clear priorities for safeguarding and promoting the welfare of children explicitly stated in strategic policy documents.
- A clear commitment by senior management to the importance of safeguarding and promoting children's welfare
- A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children.
- Recruitment and human resources management procedures that take account of the need to safeguard and promote the welfare of children and young people including arrangements for appropriate checks on new staff and volunteers;
- Procedures for dealing with allegations of abuse against members of staff and volunteers
- Arrangements to ensure that all staff undertake appropriate training to equip them to carry out their responsibilities effectively, and

that all staff, including temporary staff are made aware of the establishment's arrangements for safeguarding

- Policies in place for safeguarding and promoting the welfare of children including a child protection policy, Arrangements in place to work effectively with other organisations to safeguard and promote the welfare of children, including arrangements for sharing information.
- A culture of listening to and engaging in dialogue with children seeking their views in ways appropriate to their age and understanding,
- Appropriate whistle blowing procedures and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed.

4.2 Arrangements for multi use sites

Increasingly, agencies are co-locating staff to enable integrated services to be delivered. This will enable the needs of children and families to be met more appropriately and in a more responsive way. Where staff from different agency's work on the same site, there is a need for lines of accountability to be clear and written agreements of standards and expectations provide a format for achieving this.

In the case of childcare providers, Ofsted registered providers for provision for children aged under 8 years will apply to the CRB for Enhanced Disclosures in the case of the registered childcare provider and the manager. It is the responsibility of the childcare provider to make sure that any new members of staff or new people who live or work on the premises are suitable to care for or have regular contact with children. Generally, in order to fulfil this responsibility they will have to apply to the CRB for an Enhanced Disclosure.

Written agreements should be in place between any third party providers or groups using a multi use site including extended schools. These should set out the respective responsibilities of the Governing Body / Accountable Body and those of the provider or group. These should set out responsibility for areas such as health and safety, recruitment and vetting checks/ insurance arrangements.

Where the Governing Body provides services or activities directly under the management of the school, the schools arrangements for staff appointments and record keeping applies. Where a third party is responsible running services, written agreements should set out the responsibilities for carrying out checks on staff and volunteers.

4.3 Supply Staff

It is important that thorough checks are made on anybody who will be working with children, both to prevent unsuitable people from gaining access to children and to maintain the integrity and confidence that services for children are safe. The same range of checks necessary for permanent staff is also required for supply staff, including those that are employed via employment agencies. Where the staff member is provided by a supply agency, the agency must undertake the checks but the employer must have confirmation that the checks have been completed. It is recommended that all agencies ensure that any staff they provide have given written consent for any conviction or other information on the disclosure to be “shared” with potential employers. Where conviction/other information have been provided via a disclosure certificate, employers should request to see a copy of the disclosure and undertake their own written risk assessment.

4.4 Arrangements for Deciding when Information Obtained Through CRB is Relevant

An applicant's suitability should be judged in the light of the results of all the relevant pre-appointment checks carried out on him or her. The fact that a person has a criminal record does not automatically make him or her unsuitable for work with children. Employers, in conjunction with the registered body or person authorised to receive disclosure information, must make a judgement about suitability, taking into account only those offences that may be relevant to the particular job or situation in question.

Where disclosures come back with convictions / relevant soft information, the employer will undertake a risk assessment on the individual's suitability to undertake the job which should include a face to face meeting. In deciding the relevance of convictions a number of points should be considered:

- i. the nature of the offence: In general, convictions for sexual, violent or drug offences will be particularly strong contra-indications for work with children;
- ii. the nature of the appointment: Often the nature of the appointment will help to assess the relevance of the conviction. For example, serious sexual, violent, drug or drink offences would give rise to particular concern where a position was one of providing care. Driving or drink offences would be relevant in situations involving transport of children;

iii. the age of the offence: Offences which took place many years in the past may often have less relevance than recent offences. However, convictions for serious violent or sexual offences or serious offences involving substance abuse are more likely to give cause for continuing concern than, for instance, an isolated case of dishonesty committed when the person was young. The potential for rehabilitation must be weighed against the need to protect children;

iv. the frequency of the offence: A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction as it indicates a pattern of behaviour.

5. Independent Safeguarding Authority (ISA) in operation from October 2009

Employers and volunteer organisations who deal with children and vulnerable adults always need to check a person's ISA status before employing them. You cannot take their word for it and neither can you have them in post – even supervised – before you know the outcome of the check.

5.1 The basics

From October 2009, when you recruit someone new to work with children or vulnerable adults you will need to check their ISA status. This will determine whether or not you can employ them (or take them on as volunteers), and may affect what activities they can undertake.

We divide work with vulnerable groups into two categories: **controlled** and **regulated** activities. (For full definitions of these see the downloadable pdf factsheet on controlled and regulated activities at www.isa-gov.org.uk.)

What is a 'regulated activity'?

- Any activity of a specified nature that involves contact with children or vulnerable adults frequently, intensively and/or overnight. (Such activities include teaching, training, care, supervision, advice, treatment and transportation.)
- Any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively. (Such places include schools and care homes.)

- Fostering and childcare.
- Any activity that involves people in certain defined positions of responsibility. (Such positions include school governor, director of social services and trustee of certain charities.)

'Regulated activity' is when the activity is frequent (once a month or more) or 'intensive' (takes place on three or more days in a 30-day period).

What is a 'controlled activity'?

- Frequent or intensive support work in general health settings, the NHS and further education. (Such work includes cleaners, caretakers, shop workers, catering staff, car park attendants and receptionists.)
- Individuals working for specified organisations (e.g. a local authority) who have frequent access to sensitive records about children and vulnerable adults.
- Support work in adult social care settings. (Such jobs include day centre cleaners and those with access to social care records.)

Only an ISA-registered person can undertake **regulated** activity – it is illegal to employ an unregistered person and can result in imprisonment or a fine of up to £5000. An unregistered person means that a person has either not applied to register with us or that they are on an ISA Barred List.

For **controlled** activity it is still mandatory to check the ISA status of an applicant before you employ them. However, you may be able to employ a barred person provided certain safeguards are in place.

For certain organisations and posts you will also need to carry out a Criminal Records Bureau (CRB) check on applicants.

5.2 Existing employees

You will also need to ensure that existing employees are ISA-registered. First you should ask those who have not been previously checked by the Criminal Records Bureau (CRB) to apply for ISA registration.

Next you should ask those who have been CRB checked to apply, beginning with staff whose CRB checks are the oldest. **Detailed guidance on the timing of this process will be available as the ISA vetting service is phased in.**

5.3 Registering with ISA

It is the individual applicant's responsibility to apply to register with the ISA. If they have not applied for registration you can't employ them. It is your responsibility to check a potential employee or volunteer's status. If an applicant is not ISA-registered they have either not applied or are on an ISA Barred List.

You will not be charged for checking someone's ISA status. Once you have registered your interest in an individual as their employer, you will automatically be contacted should their status change – that is, if new information leads to an ISA decision to bar them.

5.4 Your responsibilities for referring information to ISA

In order to continuously monitor ISA-registered individuals, ISA need information from employers. Employers, professional and regulatory bodies, and child/adult protection teams in local authorities will be under a duty to refer relevant information to the ISA. All other employers of those working with children or vulnerable adults may provide information to us.

5.5 How this applies to parents?

As a parent employing someone to look after your children you are not obliged to check if they are ISA-registered, but you are free to do so for the extra reassurance this can offer.

If you wish to refer information about someone to the ISA you should do this through a statutory agency such as social services or the police. They will be able to investigate the matter and refer information to us if appropriate.

6. Conclusion

Monitoring of both the recruitment process and induction arrangements will allow for future recruitment practices to be better informed. It should cover:

- staff turnover and reasons for leaving;
- exit interviews; and,
- attendance of new recruits at child protection training.

Appendices

Guidance note to referees

Referees have a responsibility to ensure that the reference is accurate and do not contain any material misstatement or omission and you are reminded that any relevant factual content of the reference may be discussed with the applicant.

Please indicate in what capacity and over what period of time you have known this candidate.

Are you satisfied that the candidate has the ability and is suitable to undertake the job in question? Please set out the candidate's actual responsibilities and performance in his/her current job.

Please set out the areas of relative strengths and weaknesses including whether you have ever had cause for disquiet about this person's behaviour/judgment and the circumstances.

Are you satisfied that the candidate is suitable to work with children, and, if not, please provide specific details of your concerns and the reasons you believe the candidate may be unsuitable.

Any other comments – please feel free to make any other comments regarding the candidate's knowledge, experience and suitability for appointment based on the enclosed job description and person specification.

If you are the candidates current employer, or a previous employer in work with children please provide information on the following areas:

- Confirmation of the candidates current post, salary and sick record
- Details of any disciplinary procedures the candidate has been subject to in which the disciplinary sanction is current
- Details of any disciplinary procedures the candidate has been subject to involving issues related to the safety and welfare of children or young people, including any in which the disciplinary sanction has expired, and the outcome of those
- Details of any allegations or concerns that have been raised about the candidate that relate to the safety and welfare of children or young people or behaviour towards children or young people, and the outcome of those concerns eg whether the allegation or concern was investigated, the conclusion reached, and how the matter was resolved.
- If the candidate has already left or has indicated an intention to leave your employment please indicate the date of leaving and the reason.

Additional Guidance for Contractors Services.

Children should not be allowed in areas where builders are working for health and safety reasons, so these workers should have no contact with children.

However settings which provide services for children and young people should ensure that arrangements are in place with contractors, via the contract where possible, to make sure that any of the contractors' staff that come into contact with children undergo appropriate checks. It is not necessary to obtain a CRB disclosure for visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time.

However it is good practice for visitors to sign in and out and to ensure they are escorted whilst on the premises.

Other Contractors

Other contract staff, for example caretakers, cleaning and caterings staff, must be checked by the contractor in the same way as other employees (i.e. with a CRB Disclosure), and such requirements form part of the contract. The outcome of such checks must be notified to the employer. The contractor is also responsible for ensuring that the same procedures are followed by any sub contractors. The contractor must provide the employer with a list of its direct employees and those of any subcontractors at least 20 days before they start work on site.

Reference / Further reading

Primary legislation;

- Rehabilitation of Offenders Act 1974
- Children Act 1989
- Asylum and Immigration Act 1996
- Data Protection Act 1998
- Protection of Children Act 1999
- Care Standards Act 2000 Section 12
(application for registration)
- Criminal Justice and Court Services Act 2000

- Education Act 2002 sections 35(8) and 36(8)
- Education Act 2002, sections 157 & 175
- Children Act 2004
- Safeguarding Vulnerable Groups Bill, 2006

Secondary legislation & Statutory Guidance;

- Children's Homes Regulations 2001 sections 6 to 9 (Registered Persons) & sections 25 to 27 (Staffing) & Schedule 2 (Information required in respect of persons seeking to carry on, manage or work at a children's home).
- Fostering Services Regulations 2002 sections 5 to 8 (Registered Persons and Management of Local Authority Fostering Service) & sections 19 to 21 (Conduct of Fostering Services) & section 27 (assessment of prospective foster parents) & Schedules 1 (Information required in respect of persons seeking to carry on, manage or work for the purposes of a Fostering Service) and 3 (Information as to prospective foster parent and other members of his household and family).
- The School Staffing (England) Regulations 2003
- ACAS (June 2005) Advisory Booklet - Recruitment and Induction
- Working Together to Safeguard Children – 2006, HM Government
- The School Staffing (England) (Amendment) Regulations 2006 - which came out last week re mandatory CRB checks

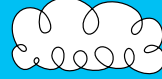
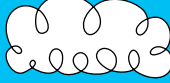
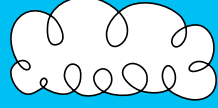
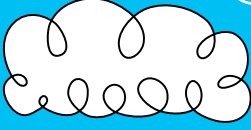
Other related regulations, reports and guidance;

- Choosing with Care – The Warner Report, 1992
- Utting ‘People Like Us’ The report of the review of safeguards of children living away from home, 1997
- Physical and Mental Fitness to Teach of Teachers and of Entrants to Initial Teacher Training DfES 4/99
- Towards Safer Care DOH 2000
- Recruiting Safely - Guidance for employers and other bodies in the health and social care field on recruiting and retraining staff and volunteers with criminal records (2001) NACRO on behalf of Employment of Ex-offenders in Care Settings
- Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service DfES/0278/2002
- GTC Code of Conduct and Practice for Registered Teachers, 2002
- GTC Statement of Professional Values and Practice, 2002
- Quality Mark for Supply Agencies, DfES, 2002
- National Minimum Standards – Children’s Homes, 2002 NMS 27 to 31 (Staffing) & NMS 34 (Business Management)
- National Minimum Standards – Fostering Services, 2002 NMS 2 to 3 (Fitness to provide or manage a fostering service) & NMS 15 and 17 (Recruiting, checking, managing, supporting and training staff and foster carers)
- National Minimum Standards – Boarding Schools, 2002 NMS 8 (Management and development of boarding) & NMS 34 (Staff

job descriptions, induction, supervision, training) and 38 (Staff recruitment and checks on other adults) and 39 (Adult access to boarders and accommodation) & NMS 51 (Lodgings, long stay) and 52 (Off site accommodation and exchanges, short term)

- National Minimum Standards – Residential Special Schools, 2002 NMS 19 (General School records) & NMS 27 (Child Protection – Vetting of staff and visitors) & NMS 29 (Training and staff development) & NMS 31 (Staffing arrangements)
- The Employment Practices Data Protection Code Part 1 - Recruitment and Selection (2002) The Information Commissioner
- Employing Ex-offenders - A Practical Guide (2004) CRB/CIPD
- Inquiry Bichard report, 2004, House of Commons
- Safeguarding Children; Safer Recruitment and Selection in Education Settings, DfES/1568/2005
- Safer Recruitment: Online training for Head teachers, Governors and Local Authority Staff NCSL training, 2005
- Safeguarding Children – The second Joint Chief Inspectors report on arrangements to safeguard children, 2005
- Making safeguarding everyone’s business; The Government’s response to the Chief Inspectors Report, 2006
- Every Child Matters Information Sharing guidance, HM Government 2006

**A guide for professionals working
with children and young people**



Finding out more

If you would like further copies,
a large-print copy or information
about us and our services,
please telephone or write to us
at our address below.



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Customer Service Team

Bedfordshire Local Safeguarding Children Board March 2008



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