

Rotherham Safeguarding Children Board

Safer Employment Best Practice Guidance

1 Introduction

This practice guidance has been developed by Rotherham Safeguarding Children Board (RSCB) to provide a framework for partner agencies to ensure that all staff, volunteers and contractors are recruited and supervised in a manner that best ensures the safety of children and young people in Rotherham.

As outlined in 'Working Together to Safeguard Children' 2006¹, all Local Safeguarding Children Boards (LSCBs) have a responsibility:

- to co-ordinate what is done by each person or body represented on the Board for the purpose of safeguarding and promoting the welfare of children in the area of the authority
- to ensure the effectiveness of what is done by each such person or body for that purpose.

To ensure delivery on its functions, RSCB must develop and promote procedures in a number of different areas, as defined in 'Working Together to Safeguard Children' (ibid). This includes the recruitment and supervision of people who work with children (p 75). It must ensure that safeguarding and promoting the welfare of children are an integral part of all employment processes. However, whilst RSCB has a co-ordinating role to ensure effectiveness of local organisations in relation to safeguarding children, it is not accountable for their operational work.

As also outlined in 'Working Together to Safeguard Children' (ibid p 90), RSCB has a duty to ensure the effectiveness of partner organizations to safeguard and promote the welfare of children. In order to do so it will monitor their work by a process combining peer reviews, self-evaluation, performance indicators and joint audits. This will include work on safer recruitment and employment practices.

Following the Bichard Inquiry Report 2004² national guidance was issued to ensure that those employed in all areas of education were safe to work with children. 'Safeguarding Children and Safer Recruitment in Education'³ has been effective in all educational establishments since January 2007. But all LSCB partner agencies, including the voluntary and faith sector, need to ensure that they adhere to this guidance in their own practice. Many other non-education partner organisations of RSCB already have robust and effective employment policies and procedures in place. But this now needs to

¹ HM Government, www.everychildmatters.gov.uk

² Sir Michael Bichard, www.homeoffice.gov.uk/pdf/bichard_report.pdf

³ DfES, www.dcsf.gov.uk. Reference 04217-2006BKT-EN

extend to all agencies where workers come into contact with children as defined above. It is also recommended that this procedure be followed when recruiting staff that, whilst not having direct contact with children, have access to related sensitive information.

'Safeguarding Children and Safer Recruitment in Education' (ibid p 21)) states that:

'These measures ... should be applied in relation to everyone who works in an education setting where there are children under 18 who is likely to be perceived by the children as a safe and trustworthy adult'.

For the purpose of this procedure this term should now be applied to staff and volunteers in all RSCB partner organisations, not just educational establishments.

The term 'children' will denote all children and young people under the age of 18 years old.

1.1 Audience

This procedure is designed to be used by all those involved in recruiting and employing anyone involved in working with children, for example:

- staff in organisations, including managers and human resources personnel
- governors and members of management committees
- employment agencies and businesses supplying staff to partner organisations

Each RSCB partner organisation should have its own recruitment procedures. This procedure does not replace those; it is guidance as to what they should include. Further advice about information and support available to those recruiting and supervising staff, contractors and volunteers, should be available from their own human resources department or management committee.

This procedure is concerned with the recruitment and supervision of all those who regularly come into contact with children in the course of their job, but also includes those who regularly work in other roles in settings where children are present. These staff will be deemed as 'safe and trustworthy' due to their presence, as much as those who regularly work with children, such as school reception staff or taxi drivers. Therefore, this procedure covers everyone in any type of employment, i.e. permanent, temporary or short term paid staff, agency and locum staff, contractors, and volunteers.

Regular work or contact is defined as three or more times in a period of 30 days, or once a month or more, or including overnight.

1.2 Contractors

All RSCB partner agencies need to ensure that the terms of any contract oblige the contractor to adhere to this guidance. It also requires monitoring of

their compliance with the guidance by the partner agency. This should be audited internally by the respective organisation; for some organisations it may be part of an external inspection e.g. OFSTED. Some contractors will be providing a service to organisations where their staff will not be in contact with children. However, any contractual staff that come into contact with children should undergo the checks appropriate for the level of work undertaken.

All Private Finance Initiatives (PFI) staff such as caterers or caretakers, and other contract staff, should undergo the same checks as other staff; including Enhanced Criminal Record Bureau (CRB) Disclosures, List 99, Protection of Vulnerable Adults list and Protection of Children Act list (see Section 2.15). The contractor is also responsible for ensuring any sub-contractors adhere to this procedure, and staff are checked in the same manner. The RSCB partner organisation must be informed of the outcome of the check, in writing by the nominated manager from the contractor. The host organisation must also be provided with a list of direct employees and sub-contracted staff at least **20 days** prior to commencement of their work. The requirement to confirm the identity of contract staff lies with the contractor. Without such written confirmation, work should not commence or workers have to be supervised by a member of staff/volunteer.

Contract staff who attend agency premises to carry out emergency repairs or service equipment and who would not be left unsupervised, or who attend outside of hours when children are not present, do not have to obtain CRB Disclosures.

1.3 Volunteers

Volunteers are defined as:

"a person who is engaged in any activity which involves spending time, unpaid (except for traveling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives".
(www.crb.org.uk)

Volunteers working with RSCB partner agencies will also be seen as safe and trustworthy adults. Some volunteers may already be well known to the organisation; others may only be involved for a short period of time or had no previous contact. Some will not be left alone with children; others may have extensive contact and regularly left alone. Whilst it is necessary to ensure adequate checks are made, it may not always be necessary to adhere to the same recruitment procedures as for paid staff.

RSCB partner agencies human resources departments or management committees should be contacted for further information and specific advice or documents related to recruiting volunteers.

In deciding what checks need to be made, the following should be considered:

- the duration, frequency and nature of the contact with children

- what the organisation already knows about the volunteer, including formal and informal information from other staff and volunteers
- whether anyone is aware of any behaviour at any time by the volunteer, that has given cause for concern
- whether the volunteer is in paid employment or other voluntary work from whom references can be sought
- any other available relevant information.

Regular work or contact is defined as three or more times in a period of 30 days, or once a month or more, or including overnight.

Using the above information, along with professional judgement, managers will need to decide whether a CRB Disclosure is required. However, it should be noted that **under no circumstances should a volunteer who has not provided an Enhanced CRB Disclosure be left unsupervised with children**. Case studies in Appendix 13 of 'Safeguarding Children and Safer Recruitment in Education 2006'⁴ may be helpful in decision-making.

Governors and partners of management committees should be considered in the same way as volunteers. If they have regular contact with children an Enhanced CRB Disclosure should be obtained. If a governor or member of a management committee gives cause for concern an Enhanced CRB Disclosure should be requested from them. All other governors or committee members should sign declarations confirming their suitability for the role. However, chairs of school governors must obtain Enhanced CRB Disclosures.

N.B. CRB Disclosures are free for volunteer staff. This includes management committee partners and governors. For further information visit www.crb.org.uk.

In certain circumstances Human Resources Department, CYPD, SCC may be able to process CRBs as a registered body on behalf of voluntary sector organisations. However, an administrative charge may apply. Please contact the department on 0114 205 6737 for further information.

1.4 Guidance and good practice

RSCB partner organisations will have their own recruitment and employment policies and procedures. This document is not intended to supercede them, but to act as good practice guidance for organisations to check against their own standards. It is not intended to be a substitute for training on recruitment and employment. It is strongly advised that all those involved in recruitment and supervision of staff undergo appropriate training courses in this field. For larger organisations human resources departments will be the first point of contact, for training and for advice and support. For smaller organisations, advice is available from a number of different quarters. Key documents and websites include:

⁴ DfES, www.dcsf.gov.uk. Reference 04217-2006BKT-EN

- ‘Safeguarding Children and Safer Recruitment in Education’ 2006, DfES www.dcsf.gov.uk
- ‘Guidance on Safe Working Practice for the Protection of Children and Staff in Education Settings’ www.teachernet.gov.uk
- Chartered Institute of Personnel and Development www.cpid.co.uk
- DfES child protection www.teachernet.gov.uk/childprotection
- www.governet.co.uk for school governors
- Office for Standards in Education (OFSTED) www.ofsted.gov.uk
- Every Child Matters www.everychildmatters.gov.uk
- www.charity-commission.gov.uk

An online training package is available to those working in educational settings via the National College for School Leadership (www.ncsl.org.uk) under the heading of Safer Recruitment. However, access is restricted to one head and one governor per school. More on-line learning is available for other interested parties via the same link, for the public. Although it has been developed for those working in educational establishments, the principles are still the same and can be useful for those working in other settings. However, the latter does not lead to accreditation.

For further information on safer recruitment training please contact the Safeguarding Children Unit on 01709 824186 or RSCB partner agencies human resources departments or management committees.

1.5 Summary of Safer Practice in Recruitment

Reference to safeguarding children and child protection should now be considered by RSCB partner agencies at all stages of the recruitment process. A commitment to safeguarding and promoting the welfare of children needs to be made clear throughout. Adhering to a consistent process of collating, analysing and evaluating information about job applicants is also a vital part of the commitment to safeguarding children.

This should include:

- ensuring the job description refers to safeguarding and promoting the welfare of children
- ensuring the person specification refers specifically to working with children
- obtaining comprehensive information from applicants, which should be scrutinised, particularly for any discrepancies or anomalies. These should be checked until a satisfactory outcome is reached.
- obtaining independent professional and character references, that specifically request information about an applicant’s suitability to work with children, and take up any concerns
- verify an applicant’s identity
- verify the applicant has the professional or vocational qualifications as claimed

- check their employment history and other experience since leaving secondary school
- verify they have the levels of health and physical capacity required for the post
- obtain the required checks, undertaking a mandatory check of List 99, POCA, and where appropriate an Enhanced CRB Disclosure (for further information see Section 2.15).

1.6 Continuing Awareness

Safeguarding and promoting the welfare of children does not end when a person is appointed who is suitable to work with children and is committed to their safety. It should be extended throughout the employment and includes issues such as training, supervision, whistle blowing and other aspects of maintaining a safe working culture.

Whilst the vast majority of staff and volunteers are committed to safeguarding and promoting the welfare of children, there are a minority who abuse their positions. Some may purposefully seek employment in posts with access to children for the purposes of doing harm. Others may react spontaneously and without thinking, in situations of stress for example, when harm to a child is then committed as a result.

Both situations are abusive, and should be investigated following Allegations against Staff, Carers and Volunteers protocol in Appendix 4 of these procedures. Although it is an area of particular difficulty and sensitivity, it is vital that all staff and volunteers are aware of such possibilities, and that these may occur even with experienced colleagues of some standing. They should always seek advice if they have any concerns. Please see Allegations of Abuse against Staff protocol for further information.

Rotherham Safeguarding Children Unit is available 8.30 am-5.30 pm Monday to Friday on 01709 822390 for advice in such situations. The Local Authority Designated Officer (LADO) is responsible for overseeing all allegations against a member of staff or volunteer (01709 823977).

2 Safer Recruitment Practice

2.1 Statement

All RSCB partner agencies should have written recruitment and selection procedures that adhere to national and local guidance. These should clearly link to their child protection policy and procedures and have a written statement outlining their commitment to safeguarding and promoting the welfare of children. Such an example is provided in Safeguarding Children and Safer Recruitment in Education⁵ (p 25):

⁵ DfES, www.dcsf.gov.uk. Reference 04217-2006BKT-EN

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

The word ‘organisation’ or similar can be substituted accordingly for other partner agencies. This statement should be included in:

- publicity materials
- recruitment websites
- advertisements
- candidate information packs
- person specifications
- job descriptions
- competency frameworks
- induction training.

2.2 Planning and advertising

Detailed planning of all stages of the recruitment process is vital to ensure that the successful applicant is the right person for the job, and is committed to safeguarding and promoting the welfare of children. It is essential that adequate time is allocated for all associated tasks so that safeguarding issues are not overlooked or skimmed upon. For example, the date of interview should be set to allow adequate time for references on candidates to be obtained prior to their attendance at interview.

Once membership of the interview panel has been agreed upon, a timetable should be drawn up at this stage of what is to be done when and by whom. It is good practice to include one member of the panel who has been accredited or trained in safer recruitment. It is also recommended that the panel members are involved at all stages of the recruitment process, to ensure continuity. This should also reduce the possibilities of errors or oversights being made, in appointing a candidate who is committed to safeguarding.

All documentation that forms the candidate application pack should clearly state the extent of relationships and contact with children required for the post and the degree of responsibility that such involvement takes.

Advertisements should clearly state the organisations commitment to safeguarding and the need for a CRB check, as well as the usual information in relation to job title, salary, and qualifications etc.

2.3 Application form

Application forms should be used in preference to curriculum vitae. In some organisations, CVs are not accepted. Applicant packs should contain guidance stating this, and instructions on how to complete the application form. This ensures that a core set of data are made available by all candidates. Discrepancies or anomalies are, therefore, more easily spotted. Application forms should require the following:

- identity details: full current and former names, date of birth, current address, and National Insurance number. All of these help to ascertain a candidate's correct identity. It is recommended that details of date of birth are also included on the equal opportunities monitoring form, in order to avoid age discrimination. Responsibility for checking this should be assigned to one member of the selection panel
- relevant academic/professional/vocational qualifications, date and awarding body
- full chronological history of full or part time employment since leaving secondary school, including voluntary work, education and training. Reasons for leaving jobs should be requested, and any gaps should be clearly accounted for.
- a declaration of any family or close relationships to existing employees or employers, including voluntary workers
- two referees, one of which should be the current or most recent line manager. If an applicant is not currently working with children but has done previously, a reference should be obtained from their line manager from that employment. It should be made clear that references will not be acceptable from relatives or from people clearly writing as just a friend. Personal references should be considered as a last resort
- a statement should be requested in relation to the candidate's suitability for the post. They should state what qualities and experience they have that, they believe, makes them suitable for the post. It should clearly relate to the person specification for the post.

The application form should state that the post is a 'regulated position' and therefore the Exceptions Amendment Order of the Rehabilitation of Offenders Act 1974 applies. Therefore any convictions, cautions, bind-overs that would normally be considered 'spent' should be declared for the purpose of applying for the post. Any such details disclosed should be sent with the form in a separate envelope marked 'confidential'. A statement should be signed by the applicant to state that they are not on List 99, subject to sanctions imposed by a regulatory body, e.g. the General Medical Council (GMC), Nursing and Midwifery Council, and General Teaching Council (GTC), and that they are not disqualified from working with children. It should also state that:

- the successful candidate will be required to provide a CRB Disclosure at the level appropriate for the post. In some organisations or directorates all posts will require Enhanced Disclosures
- references will be sought on those short listed and that previous employers may be approached to verify details provided before interview
- if the candidate is currently working with children, or has done in the past, either on a paid or voluntary basis, employers will be asked if there have ever been any disciplinary offences against children or there have been any child protection concerns. If so, the outcome of the enquiry or disciplinary procedure needs to be ascertained.

- providing false information is an offence which could result in the application being rejected, or summary dismissal if the applicant has already taken up the post. The matter could be reported to the police. For further advice please contact the Local Authority Designated Officer on 01709 823977

Applicants with professional qualifications and registration to regulatory bodies should provide details of registration, which should be verified by the said body, such as the GMC or GTC.

2.4 Job Description

The job description must clearly state the main duties and responsibilities of the post, as well as the post holder's responsibilities in terms of safeguarding and promoting the welfare of children and young people with whom they come into contact. The degree of responsibility for safeguarding children held by the post holder must be clearly outlined.

2.5 Person Specification

This should:

- include details of qualifications, experience, and any other pre-requisites for the post in relation to working with children or young people
- outline the competencies and qualities that the successful applicant should be able to evidence
- describe how the above will be assessed at interview along with issues of safeguarding and promoting the welfare of children. This will include:
 - motivation for wanting to work with children
 - building and maintaining appropriate relationships with children, including issues of boundaries
 - coping strategies for working with children with challenging behaviours
 - attitudes concerning the use of authority and discipline when working with children.

2.6 Candidate information pack

The candidate information pack should include a number of standard documents such as the application form, with explanatory notes to assist with completion, job description, person specification, terms and conditions, and information about the organisation. However, the candidate information pack should also state other information in relation to safeguarding and promoting the welfare of children. This should include:

- policies regarding the recruitment of ex-offenders and
- the organisation's child protection policy statement.

RSCB partner organisations human resources department can provide guidance in how to compile the candidate information pack.

2.7 Scrutinising and short listing

It is advised that one person from the short listing panel is nominated to scrutinise all applications for gaps or anomalies, before the actual short listing takes place. Each form should be checked to ensure it has been accurately and fully completed. If not, it should be rejected and returned to the applicant. Any anomalies or gaps should be noted to check with the candidate if they are invited to interview. Gaps in employment, frequent changes in employment without a career or salary progression, or a move from permanently working with children to temporary, agency or supply work also need to be explored with the candidate.

All applicants should be assessed according to the criteria contained in the person specification, and the same standards applied to each application.

2.8 References

References are an integral part of checking a candidate's suitability to work with children, by obtaining accurate and impartial information about their work history and character. Referees should always be approached directly by the agency who is conducting the interviews, not via the applicant. References should always be sent to a named individual, who should respond in writing. RSCB partner agencies should develop a standard pro-forma on which references should be returned; a letter is not recommended. Open references addressed 'to whom it may concern' are not acceptable. Two references should be requested, one from the current or previous employer, and one other who can objectively comment on the applicant's character, for example another previous employer, or an educational referee. References from relatives or from people writing solely as friends are not acceptable. In the case of an applicant who is not currently working with children but has in the past, a reference from that period of employment should be obtained.

It is essential that adequate time is allowed in the recruitment process so that references can be obtained prior to interview. If references have not arrived prior to the interview day, every effort should be made to obtain them including receiving them by fax/email in order to have all necessary information on which to assess candidates.

In the event that references do not arrive prior to interview, no offer should be made, informal or otherwise, until they have been received and assessed to be satisfactory. Interviewing organisations will respect if a candidate does not want their current employer contacting for a reference prior to interview. However, the candidate will need to agree to proceed to seek references immediately after interview. This should be pursued without making any offer of employment at this stage.

2.9 Checks before interviews

Any other information that the applicant has included on their application form that cannot be verified by references, should be checked independently prior to interview. This may include specialist qualifications, or previous employment experience working with children for example. In such cases, telephone enquiries should be made requesting written confirmation to be

sent to the interviewing agency. Membership of professional bodies should also be verified at this time. This should be done prior to an offer of appointment.

2.10 Involving children and young people

It is recommended that the recruitment process involves children and young people, whenever possible. This may take the form of separate interview panels of young people, supervised and observed by a member of staff. Another option would be for candidates to conduct a session with children or young people as they would be expected to do so if they were employed. At the least it should involve a young person giving a tour of the establishment to prospective employees, accompanied by a member of staff, or experienced volunteer.

2.11 Invitation to interview

The letter of invitation to interview, as well as practicalities such as time, venue, directions, panel members etc, should detail the structure of the interview and make reference to the specific methods of assessing candidates' suitability to work with children. This may be an interview panel with young people, leading a session, or giving a presentation for example, which will be used as part of the recruitment process.

The letter should also emphasise if a CRB Disclosure is required, the successful candidate will be required to complete the CRB form immediately after accepting the offer of employment. It should also state that identity checks will need to be undertaken and what documentation is, therefore, necessary to bring to the interview. This should be either a current passport, or photo driving licence, or full birth certificate with an accompanying recent utility bill or financial statement with candidate's name and current address. Where appropriate, documentation to substantiate a change of name should be provided to the panel. (See Appendix 3 for a list of acceptable documents.)

Original certificates of professional, vocational and academic qualifications should only be accepted. If originals cannot be produced by the candidate, the candidate should obtain a replacement document or written confirmation from the awarding body.

Copies of all identifying documents and certificates must be taken by the interview panel and kept in the applicants' files.

2.12 Interview Panel

In most cases it is recommended that three interviewers sit on the panel, as this allows for a wider range of opinions on each candidate. This lessens the possibility of disagreements over what a candidate said, or differences of opinion in a person's suitability to work with children. However, more or less than three are acceptable, although one is not recommended.

It should be ensured that panel members:

- are sufficiently senior to make decisions about appointments

- are suitably trained to interview for posts that involve working with children, i.e. that one panel member has undertaken safer recruitment training
- have met prior to interview to ensure that they are all in agreement about the necessary standards for the post; have agreed what questions to ask candidates and who will pose which questions; and have agreed how to assess candidates against the person specification
- establish specific supplementary questions for each candidate based on issues arising from application form or references, if appropriate.

A standard set of questions should be drawn up for all candidates. However, it is good practice to ask supplementary questions, to draw out attitudes or experiences of working with children. Hypothetical questions should be avoided, because they allow theoretical answers. It is more useful to ask competency based questions, to ascertain how they have responded to certain situations in the past, or to assess their level of understanding of particular issues.

Advice about how to undertake a competency based interview should be available from human resources departments of RSCB partner agencies. Voluntary organisations should contact Council for Voluntary Services for details of training and/or advice.

2.13 Interviews

Face to face interviews should always be conducted, even if there is only one suitable candidate. Competency based interviewing should now be used. This requires that a standard set of questions are compiled to ask all candidates, but that supplementary queries can be used to drill down further to ascertain candidates suitability for working with children and their attitudes to safeguarding and promoting the welfare of children. In certain circumstances, such as residential homes, additional questions should be asked (Warner interviewing). Please contact RMBC CYPS, Human Resources, for further information.

2.14 Scope of interview

As well as ascertaining each candidate's suitability for the post through structured interviewing, and any other assessment procedure, it is essential that the panel should also examine:

- the applicant's attitude towards children and young people
- his/her capacity to endorse the organisation's stance on safeguarding and promoting the welfare of children
- any anomalies or concerns arising from the application form
- any gaps in employment or study since leaving secondary school

Candidates should be asked if they wish to declare anything prior to a CRB Disclosure being requested. They should also be asked if there are any issues they wish to discuss in relation to references, if they have not already been received.

2.15 Pre-appointment checks

Once a decision has been made on the most suitable candidate, the process of ensuring that s/he is committed to safeguarding and promoting the welfare of children should continue. It is recommended that no offer, conditional or otherwise, is made until all of the following have been received, if they have not been provided prior or at interview:

- two satisfactory references (see Section 2.8)
- confirmation of the candidate's identity (see below and Appendix 3)
- a check of List 99, POCA, and, if required, a satisfactory CRB Disclosure (see below)
- confirmation of medical fitness as required for the post e.g. physical activities with children
- confirmation of qualifications
- confirmation of membership of a professional organisation

It should be noted that it can be some time before CRB Disclosures are completed. If it is essential for an employee to start work before such checks are received, please see Appendix 4: CRB Risk Assessment Pro-forma. Also please see Appendix 3 for a checklist of suitable documents to confirm identity.

If any information is received about a candidate at this stage, which disputes anything they previously stated, clarification about the situation should be sought by the human resources/personnel department of the organisation. For voluntary sector organisations, the manager should discuss it with their management committee.

All checks should be confirmed in writing, and records kept in the candidate's personnel file.

If any of the following occur, the candidate must be reported to the police:

- his/her name is on List 99, the POCA list, or a CRB disclosure states s/he has been disqualified by a court from working with children
- there are serious concerns about his/her suitability to work with children.

The police may also be contacted if an applicant has provided false information on their application form. However, this depends on the particular circumstances. Please contact the Local Authority Designated Officer on 01709 823977 for further information and advice.

The candidate should also be reported to the agency's relevant government department e.g. Department of Children, Schools and Families Children's Safeguarding Unit (www.dcsf.gov.uk).

2.15.1 Identity

The employer must ask for proof of identity, to confirm that the candidate is who s/he claims to be. Identifying documents such as passport, driving

licence or birth certificate must be provided in conjunction with documents that prove current address. In summary, proof of identity must include name, date of birth, address and photographic identity. See checklist at Appendix 3, for a list of acceptable documentation.

2.15.2 List 99

List 99 is maintained by the Department of Children, Schools, and Families. It contains names, dates of birth and National Insurance numbers and professional registration numbers of people who have been barred or restricted, from working with children (or vulnerable adults), by the Secretary of State. S/he may only work in posts that do not breach the terms of the restrictions.

2.15.3 Protection of Children Act (PoCA) and Protection of Vulnerable Adults Lists

The Protection of Children Act 1999 introduced the Protection of Children Act (PoCA) List in which the Secretary of State has a duty to record the names of individuals who are considered unsuitable to work with children. Organisations working with children are required to check the register before employing individuals. They are also required to add to the list anyone that fulfils certain criteria making them unsuitable to work with children. This can be accessed through the Criminal Records Bureau (CRB) (www.crb.org.uk).

The Department of Health launched the Protection of Vulnerable Adults (POVA) scheme in 2004. The POVA list contains details of care workers who have harmed vulnerable adults in their care. Registered care providers must request a check against the POVA list when considering a person as a member of staff/volunteer in a care position. This check can only be made through the Standard or Enhanced Disclosure application process via the CRB.

2.15.4 CRB Disclosure

Certain posts and voluntary work are subject to the Rehabilitation of Offenders Act Exceptions Amendment Order. These include the following 'regulated positions':

- any work in schools, youth or children's centres or other places of work where children and young people are present
- any post that requires unsupervised contact with children made by the child's parents/carers, the child's school or registered day care providers
- a position of governor or member of management committee for an organisation that regularly works in the presence of, or care for, children, or training, supervising or being in sole charge of children
- any post which involves regularly caring for, training, supervising or being in sole charge of children under the age of 18.

Disclosure of any convictions, cautions, bind-overs which they have received should be requested on the job application form Any such details must be declared even if they would be considered 'spent' in other circumstances. If a

person who has made such disclosures is selected for appointment, they should ask be asked to apply for an Enhanced CRB Disclosure to verify their declarations.

2.15.5 Commencing employment awaiting CRB Disclosure

If a person is on List 99 or Protection of Children Act (PoCA) list, details of this will be included on an Enhanced CRB Disclosure, provided the appropriate box has been ticked on the CRB application form. A separate check of List 99 will not be necessary unless the CRB Disclosure has not been received at the commencement of employment. In such a situation further information can be obtained from Tsm.Casework@dfes.gsi.gov.uk (telephone 01325 392 101). If employment is commenced before the CRB Disclosure is obtained, the new member of staff/volunteer may need supervision when working with children, depending on what is already known about them, their previous experience and level of responsibility. If little is known about them and references have provided limited information the level of supervision prior should be high. For those with more experience, and comprehensive satisfactory references the level of supervision may be less. See Appendix 4 for a CRB risk assessment pro-forma in such cases.

Whatever level of supervision is required should be planned at the commencement of employment, communicated to the new member of staff/volunteer as to the level of supervision, why this is necessary and who will be the supervisor. This should be reviewed every two weeks until the Disclosure is received.

2.15.6 Portability of CRB Disclosures

Some organisations only accept checks that have been carried out, and by them, e.g. in the last three years with no break in service longer than three months. A new check would also be required if there is a significant change in duties or level of access to children. Therefore in such cases, portability of CRB Disclosures is not acceptable.

The Criminal Records Bureau states that portability should be restricted to working with children, or working with vulnerable adults, but not transferable between the two areas. Otherwise, portability of CRB Disclosures should be at the discretion of the organisation. There may be circumstances, e.g. for volunteers or agency workers, when CRB Disclosures may have already recently been obtained by other organisations. It is recommended that if all other checks prove satisfactory i.e. comprehensive references and evidence of identity then, if a CRB Disclosure has been obtained and seen, there is no requirement to obtain a new one. However, it is recommended that the Countersignatory on the Disclosure should be contacted to confirm that there has been no information of concern regarding the candidate since it was obtained. List 99 should be consulted in such circumstances.

It should be noted that the Criminal Records Bureau state that organisations accepting previously obtained Disclosures do so at their own risk. Also a comprehensive risk assessment, as outlined above, should be undertaken. See www.crb.org.uk, 'portability framework' for further details.

2.15.7 CRB Disclosures for visitors

It is not required to obtain CRB Disclosures for visitors who will only have contact with children on an ad hoc or irregular basis for short time periods. But it is recommended that they sign in and out of visitor books, and are accompanied whilst on the premises by a member of staff or volunteer. List 99 should be consulted in such circumstances.

Examples of people who do not need CRB Disclosures are:

- visitors to the organisation, who have brief contact with children and will be accompanied by a member of staff or volunteer
- visitors or contractors who come on site to carry out repairs or maintenance and who will not be in the company of children unsupervised
- volunteers, including parents, who accompany staff on one off trips, outings, or events e.g. sports days, school fetes etc that do not include overnight stays
- children under the age of 18 who are undertaking work placements in another establishment e.g. in a school. However, there may be some exceptions as some children do have criminal records. The placing organisation should ensure that the child is suitable for the placement and the host establishment is entitled to ask for evidence of a check if there is any concern
- people who are on site after hours, when children are not on the premises e.g. cleaners, or people hiring the accommodation for local events.

2.16 List 99/PoCA/CRB disclosures on overseas candidates

List 99 and CRB Disclosures should be obtained on all overseas candidates who are being considered for appointment. This includes applicants who were born in the UK, but whose most recent period has involved living abroad. PoCA lists should also be checked where appropriate.

In addition, criminal records checks should be undertaken with countries where the candidate has lived or worked. This should take the form of a certificate of good conduct. These will usually be in the administration language of the country, and therefore may require translation into English. The candidate is responsible for bearing the cost of obtaining the certificate of good conduct from their embassy, as well as the translation. Advice can be obtained from the CRB Overseas Information Service in relation to criminal record checking overseas www.crb.gov.uk.

2.17 Managing Disclosure Information

If information is revealed on a CRB Disclosure, the panel should consult with their human resources department, CRB registered body or management committee. An initial assessment should be undertaken by a member of the panel. In making a decision about the relevance of disclosed information, the following should be taken into consideration:

- the nature of the conviction/caution etc
- the nature and circumstances of the offence
- the age at which the offence took place
- the frequency of the offence.

2.18 Renewing CRB Checks for Existing Staff/Volunteers

Renewing CRB checks on existing staff/volunteers is at the discretion of the organisation. Good practice suggests that they should be renewed every three years. However, the CRB states that in organisations that do not wish to adhere to this time frame, they can be renewed based on the knowledge of the person. If information comes to light of any concern, an Enhanced CRB Disclosure should be requested immediately. See www.crb.org.uk for further information.

Only when all checks have been made and the panel is satisfied that to the best of their knowledge the candidate is committed to safeguarding and promoting the welfare of children, should an unconditional offer of appointment be made.

3 Post appointment induction

All newly appointed staff and volunteers should undergo an induction programme. This is specific to the organisation and, therefore, is regardless of previous experience. The induction period should be designed to:

- provide training and information about the organisation's policies and procedures, particularly in relation to safeguarding children
- provide child protection training for new staff/volunteers
- support new staff/volunteers in the most appropriate manner for their position
- inform new staff/volunteers of the conduct and behaviour that is expected
- allow new staff/volunteers opportunities to discuss any problems or anxieties that may arise
- ensure that any concerns that the line manager or mentor may have about the person's suitability or capability to undertake the work is addressed from the outset
- ensure that any concerns about the person's commitment to safeguarding and promoting the welfare of children are addressed immediately.

The range of policies and procedures in relation to safeguarding and promoting the welfare of children will be dependent on the individual establishment, but should include those of the organisation, as well as South Yorkshire Child Protection Procedures. All new staff and volunteers should be aware:

- how to access organisational policies and procedures, as well as those agreed by RSCB. As well as those directly related to

safeguarding, these will also include disciplinary, capability and whistle blowing

- what standards of conduct, behaviour and safe practice are expected by staff, volunteers and children and
- how to raise any concerns, and with whom.

4 Maintaining a safe culture

Safeguarding issues do not stop once someone has been successfully recruited. It is vital that all staff and volunteers are appropriately trained and inducted in relation to safeguarding and promoting the welfare of children. This ensures that they have a level of awareness appropriate to the type of job they are doing and the seniority of the post they hold. If they have any concerns about the welfare of children, they should feel confident that in raising such concerns they will be taken seriously.

4.1 Training

All RSCB partner agencies should ensure that their staff and volunteers are adequately trained from the beginning of their employment, so that they can recognise when a child may need safeguarding, and know how to respond to such concerns. Staff, volunteers and managers should be able to work effectively within their own agency, as well as in the multi-agency arena. This will be best achieved by a combination of single agency and multi-agency training courses. However, it is recognised that not all RSCB partner agencies will be able to offer single agency training e.g. small voluntary sector projects. In such situations recourse to external safeguarding training courses should occur.

RSCB partner agencies should ensure that their staff involved in recruitment undergo safer recruitment training, to ensure that those employed are committed to safeguarding children.

For advice and information on all issues regarding safeguarding training please contact the Safeguarding Children Unit on 01709 822390 or RSCB partner agencies human resources departments or management committees.

4.2 Supervision

All RSCB partner agencies, whose staff and volunteers work with children or families, must have policies that set out standards of formal supervision. Supervision should take place with a line manager, or designated other. If the supervisor is not the line manager, systems of communication should be agreed so that the line manager is fully aware of the progress of the member of staff/volunteer, or highlight areas of concern. Supervisors should be available to staff/volunteer to provide advice and expertise, and be able to make decisions in relation to areas of difficulty for their staff/volunteer. This may be dependent on their level of experience.

All concerns regarding the safety and wellbeing of children should be raised by the member of staff/volunteer immediately they become apparent, with the line manager. Ongoing child protection issues should be discussed in

supervision, so that good practice of staff/volunteers in relation to safeguarding children can be maintained. Roles and responsibilities should also be discussed, to ensure that staff/volunteers are operating within their designated job descriptions. Managers or other supervisors should also regularly audit case recording in files to ensure standards are maintained.

If a member of staff/volunteer has developed physical or psychological problems that they feel are having an effect on their professional competence, they have a duty to report this to their line manager. Personal and professional support should then be offered. However, confidentiality cannot be guaranteed if such difficulties raise concerns about the safety of children.

There may be particular circumstances in which additional support should be available, e.g. allegations against colleagues or complex cases of abuse.

Risk assessments should also be conducted in relation to staff/volunteer safety and wellbeing. Whilst it is the duty of employers to ensure that their staff/volunteers are safe, it is also the responsibility of employees to inform their managers of any concerns they may have in this area, so that remedial action can be taken.

4.2.1 Unsuitable staff/volunteers

If concerns are highlighted regarding a member of staff/volunteer's suitability to work with children, reference should be made to the Allegations against Staff protocol (Section 4 of these procedures). Advice can be sought from the Local Authority Designated Officer (LADO) on 07109 823977 or the Rotherham Safeguarding Children Unit on 01709 822390.

RSCB partner agencies should nominate a named officer whose responsibilities include reporting relevant staff/volunteers to the appropriate professional body, List 99, and the PoCA list. Such reporting should only occur after the enquiry has taken place.

4.3 Responsibilities of Management

Senior management and management committees/board of governors in all organisations should ensure that the following are in place for all staff and volunteers to safeguard and promote the welfare of children:

- adequate training for all staff/volunteers working/in contact with children and families
- up-to-date child protection procedures that should be adhered to when there are concerns that a child is at risk of, or is suffering, significant harm
- easy access to expert advice in relation to safeguarding concerns. (Contact Rotherham Safeguarding Children Unit on 01709 822390).
- formal support and supervision for those working with children and families. This should address practice standards, professional conduct, and issues related to working with children and families
- complaints and whistle blowing procedures for service users, staff and volunteers to raise concerns

4.4 Whistle Blowing

All staff/volunteers have a duty to highlight matters of concern or suspicion to their managers. This may result in other agencies being contacted, if the issues involve them also. It is acknowledged that taking such action against any professional is very difficult, especially if there is a concern about harassment or victimisation should such allegations be made. But **the safety of children is paramount** and everyone has a duty to safeguard and promote the welfare of children. However concerned an individual member of staff or volunteer may be, this must never result in a child being unnecessarily put at risk. It is important to remember it is often the most vulnerable children who are targeted. They need vigilant staff and volunteers to act on their behalf.

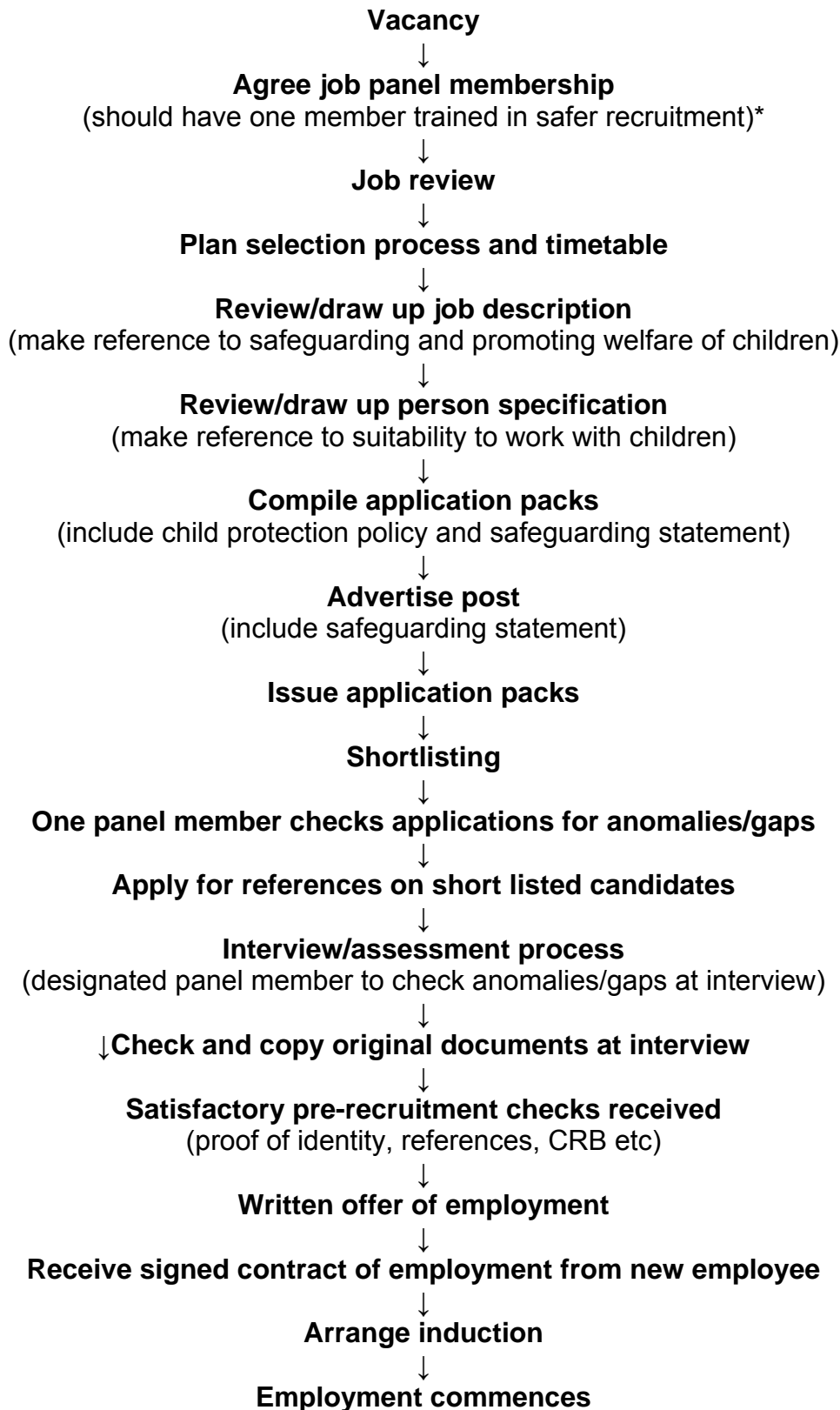
4.5 Monitoring

Monitoring results for both the recruitment process and induction periods should inform practice in both areas, if feedback suggests elements of change would be beneficial. The attendance of new staff and volunteers at child protection training should also be monitored.

As well as recruitment and induction monitoring, the rate and reasons why staff leave should also be scrutinised. This can be done by exit interview or questionnaires. Any safeguarding issues identified through such research should be investigated further.

Appendix 1

Process for Safer Recruitment



Appendix 2

Pre-recruitment check list

Pre-recruitment checks must be completed by the service manager, or the most senior employee involved in the recruitment process.

The following documents should be received and copies/details kept in successful applicant's personnel file. No offers of employment should be made until the following have been received:

- two written references, one from current/last employer and/or one from previous employer when worked with children, plus one other reference
- proof of identity (please see check list for accepted documentation)
- proof of qualifications
- proof of registration to professional body
- CRB Disclosure, if required

Documents completed and received	Please tick
Job description & person specification	
Completed application form	
Two written references: current/last employer on headed paper	
CRB form	
Proof of identity *	
Permission to work in this country (Asylum & Immigration Act)	
Proof of qualifications *	
Proof of registration to professional body *	
P45 or P46	
Bank details	
New Worker Registration Document (EU Accession States) **	
I confirm that I have had sight of the originals of the documentation	
Signature	
Print name	
Post	
Organisation	

* Originals must be seen and copies taken for file

** Please see Acceptable Identity Documents list for details

EU Accession States (New Worker Registration Scheme)

These are: Poland, Latvia, Hungary, Lithuania, Slovenia, Czech Republic, Estonia and Slovakia. Romania and Bulgaria are also Accession States; however their citizens are subject to work permit requirements to work in the UK.

Appendix 3

Acceptable Identity Documents

It is acceptable to provide one document from Group 1, or two documents from Group 2 as proof of identity.

Group 1

- Valid passport (any nationality)
- UK driving licence (either photo or paper)
- Original UK birth certificate (issued within 12 months of date of birth)
- Valid photo identity card (EU countries only)
- UK firearms licence

Group 2

- Marriage certificate
- Valid TV licence
- Valid vehicle registration document
- National insurance number card
- Connexions card
- Certificate of British nationality
- Exam certificate (GCSE, NVQ)
- Valid NHS card
- Bank or building society statement (less than three months old)
- Utility bill (electricity, gas, water, telephone, mobile phone contract/bill) (less than three months old)
- Addressed payslip (less than three months old)
- Credit card statement (less than three months old)
- Correspondence or documentation from: the Benefits Agency, the Employment Service, the Inland Revenue, a local authority (less than three months old)
- Store card statement (less than three months old)
- Non-original UK birth certificate (issued after 12 months of date of birth (full or short form)
- P45/P60 statement (issued within last 12 months)
- Mortgage statement (less than three months old)
- British work permit/visa (less than three months old)
- Financial statement (e.g. pension, endowment, ISA) (less than three months old)
- Court summons (less than three months old)
- Child benefit book (less than three months old)
- Work permit/visa (less than three months old)

Appendix 4

CRB Risk Assessment Pro-forma: Employees and Volunteers

This form is to be used when commencement of employment is being considered prior to a satisfactory CRB Disclosure being obtained. Please tick and date when completed. Record all follow up actions and comments.

	Complete	Mgmt Action	Date
Pre-recruitment Checks			
Application form checked for gaps and anomalies			
Two satisfactory references received			
Completed CRB form submitted to HR/manager			
Proof of ID obtained and copied			
Permission to work in UK checked and documented			
Original qualifications seen and copied			
Check of agency's dismissal register undertaken with satisfactory results			
Check of professional registration body with satisfactory results			
Safeguarding Checks			
If employee has disclosed previous convictions/cautions please consider the following:			
Candidate has made you aware of nature of conviction/caution and you do/do not feel this poses a risk to the safety of children and staff/volunteers			
The conviction/caution does not automatically bar candidate from working with children			
For all employees please consider the following questions:			
Does the post require unsupervised access to children?			
In the course of such duties can the employee observed or supervised by another who has been checked?			
Does the post require the employee to work in a remote or out of sight location?			

Does the employee have access to keys that grant unsupervised access to building out of hours?			
Will the employee be providing personal care to children?			
Will the employee be responsible for escorting children to the toilet?			
Will the employee be residing with children for any period of time?			
Will the employee have potential for contact with children away from the organisation or outside working hours?			
Does the employee live on site?			
Is training required for others in relation to supervising the employee?			
Does the employee require supervision prior to return of satisfactory CRB Disclosure?			
Has a satisfactory List 99 check been completed by HR/manger?			

I confirm that I have considered the risk to children, staff and volunteers of allowing this person to be employed prior to receipt of satisfactory CRB Disclosure.

I am willing/not willing for them to commence employment subject to any conditions outlined above.

Signature:

Print name:

Position:

Date:

Appendix 5

Whistle Blowing

All staff/volunteers have a duty to highlight matters of concern or suspicion to their managers. This may result in other agencies being contacted, if the issues involve them also. It is acknowledged that taking such action against any professional is very difficult, especially if there is a concern about harassment or victimisation should such allegations be made. But **the safety of children is paramount** and everyone has a duty to safeguard and promote the welfare of children. However concerned an individual member of staff/volunteer may be, this must never result in a child being unnecessarily put at risk. It is important to remember it is often the most vulnerable children who are targeted. They need vigilant staff/volunteers to act on their behalf.

DON'T THINK WHAT IF I'M WRONG: THINK WHAT IF I'M RIGHT

This guidance is for staff and volunteers working with children in any setting, but it should also be read in conjunction with individual RSCB partner agencies procedures on whistle blowing.

1.1 Grounds for whistle blowing action

All staff/volunteers have a responsibility to highlight concerns about behaviour or practice that they do not think is acceptable. This should help to ensure:

- that the situation is prevented from getting worse, or widening out
- that other children and staff/volunteers are protected, or the risks to them are reduced
- that oneself is not implicated

1.2 Reasons that may stop staff/volunteers from whistle blowing

There are a number of reasons why staff/volunteers may not want to contact managers about concerns they have. These include:

- concern that they will not be believed
- concern that they have got it wrong
- concern of any repercussions or that they will damage their own career
- concern about starting a chain of events which spirals out of their control
- concern about damaging relationships with colleagues
- concern about disrupting the work or project they and others are involved in.

1.3 Once an allegation or suspicion has been raised

When a member of staff/volunteer has raised issues of concern with their manager or other appropriate person in the organisation, the following should occur:

- they should be kept informed of the nature and progression of any enquiries that are subsequently conducted
- the line or senior management has a duty to protect them from victimisation or harassment

- no action will be taken against the member of staff/volunteer who raised the concerns if they are proven to be unfounded and were raised in good faith.

However, malicious allegations may be considered a disciplinary offence.

1.4 Self-reporting

If a member of staff/volunteer has developed physical or psychological problems that they feel are having an effect on their professional competence, they have a duty to report this to their line manager. Personal and professional support should then be offered. However, confidentiality cannot be guaranteed if such difficulties raise concerns about the safety of children.

1.5 Further advice and support

It is recognised the difficulties that whistle blowing can potentially bring. However, there are a number of different areas where support is available. These include line or senior management, human resources department or management committee, a relevant professional body, trade union. Advice can also be sought from a designated child protection officer in a RSCB partner agency or from Rotherham Safeguarding Children Unit on 01709 822390.