



MILTON KEYNES SAFEGUARDING CHILDREN BOARD
SAFER RECRUITMENT GUIDANCE

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CONTENTS

INTRODUCTION	3
Audience	3
Legislation	3
SAFER RECRUITMENT AND SELECTION POLICY AND PROCEDURE	4
Policy statement	4
Adverts	5
Job description and person specification	
Candidate information pack	5
Application form	6
Scrutinising and short listing	6
References	6
Interviewing	7
SINGLE CENTRAL RECORDS	7
MULTI-USE SITES	7
COMPLAINTS AND MANAGING ALLEGATIONS AGAINST STAFF	7
WHISTLE BLOWING PROCESS	8
REFERRAL TO REGISTERING AND REGULATORY BODIES	8
VETTING ARRANGEMENTS IF APPOINTED	9
What is regulated activity?	9
What is a regulated activity provider?	10
What are specified places?	10
Key dates for implementation	10

INTRODUCTION

The majority of people working with children and young people, whether in a paid or voluntary capacity, have the best interest, safety and welfare of the children at heart. However, experience shows that some people seek access to children and young people in order to abuse them. This can include physical, sexual and emotional abuse.

Similarly, children and young people may be harmed when employees fail to report a colleague's abusive behaviour towards a child or young person. This not only colludes with and protects the adult but is contrary to the statutory expectation that "safeguarding is everybody's business".

This document identifies good practice in safer recruitment and selection. It is not intended to replace the recruitment policies and procedures of individual agencies. It is simply intended to enhance policies and act as a good practice guide for safer recruiting. For further detailed information on recruiting safely see

http://www.cwdcouncil.org.uk/assets/0000/7158/safer_recruitment_guidance_Nov_09.pdf

Audience

All organisations must ensure they have in place safe recruitment policies and practices, including enhanced Criminal Record Bureau (CRB) checks and registration with the Independent Safeguarding Authority (in accordance with the Safeguarding Vulnerable Groups Act (SVGA) 2006), for all staff, including agency staff, students and volunteers, working with children.¹

This document applies to all agencies in the public, private and voluntary sector that provide services to children and young people. Agencies must refer to good practice in safe recruitment for all appointments (whether paid or unpaid) including volunteers, committee members, governors etc. who have:

- Direct access to children and young people
- Supervisory or managerial responsibilities for staff who have access to children and young people
- Positions that enable them to access sensitive or personal information about children and young people and their families (e.g. databases)
- Unregulated activity with children and young people, for example language schools, sport and leisure facilities
- Responsibility for influencing services to children and young people

This document also applies to employment/supply agencies that provide staff to work with children and young people. Organisations that commission services for children and young people from the independent and voluntary sector must ensure

¹ S. 2.9 Working Together To Safeguard Children 2010

that appropriate safe recruitment and selection procedures are in place before contracts are agreed.

Legislation

There is a wealth of legislation and statutory guidance concerning safeguarding and promoting the welfare of children – for example, Children Act 1989 & 2004, Education Act 2002, Every Child Matters 2003, Working Together to Safeguard Children 2010 and Safeguarding Vulnerable Groups Act 2006.

The most relevant legislation for the purposes of safer recruitment is summarised below.

The Children Act 2004² sets out those agencies with a statutory duty to safeguard and promote the welfare of children. These agencies include local authorities, health services, police, schools and youth offending teams.

The Act³ also places the local authority's safeguarding duties in a wider context and onto a statutory footing. Milton Keynes Safeguarding Children Board is responsible for monitoring safeguarding practice in all agencies that work with children. The Safer Recruitment Guidance is an essential part of the process of ensuring that those employed to work with children in Milton Keynes are safe to practice.

Following the Bichard Inquiry (2004), the Safeguarding Vulnerable Groups Act 2006 was introduced. The Act sets out a vetting and barring scheme for those working with children and vulnerable adults. The aim of the scheme is to prevent individuals from working with children where there is evidence to suggest they may present a risk of harm. The Act also established the Independent Safeguarding Authority (ISA) to launch and monitor the scheme. The ISA is responsible for making decisions on individuals and their risk to children.

SAFER RECRUITMENT POLICY AND PROCEDURE

Policy statement

All agencies should ensure that they have an explicit written recruitment and selection policy statement and procedures that comply with national and local guidance. The statement should outline the organisation's commitment to safeguarding and promoting the welfare of children and young people. For example:

“This authority/school/charity etc. is committed to safeguarding and promoting the welfare of children and young people, engages with children and staff in policy and practice developments, and proactively encourages feedback”

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

² S.11 Children Act 2004

³ S.13 Children Act 2004

This statement should be included in :

- all publicity materials
- recruitment websites
- job advertisements
- candidate information packs, person specifications and job descriptions
- competency frameworks
- induction training programmes

Advert

When a vacancy is advertised, the advertisement should include a statement about the employer's commitment to safeguarding and promoting the welfare of children and advise that the successful applicant will require an Enhanced Disclosure from the Criminal Records Bureau (CRB) and be registered with the Independent Safeguarding Authority (ISA), where appropriate. as well as the usual details of the post, salary, qualifications required etc. This gives candidates the opportunity to make an informed decision about whether or not they apply for the position.

Job description and personal specification

All job descriptions and the personal specifications for jobs that involve working with children and young people should clearly describe the role, responsibilities, accountabilities, knowledge, skills and experience required for safeguarding and promoting the welfare of children and young people.

It is good practice to ensure that each employee's specific duty of care and personal responsibility for safeguarding and promoting the welfare of children and young people are built into job descriptions, Codes of Practice, contracts of employment and disciplinary procedures.

The person specification should explain how the requirements will be tested and assessed during the selection process. For example: 'In addition to candidates ability to perform the duties of the post, the interview will also explore issues to safeguarding and promoting the welfare of children, e.g. motivation to work with children and emotional resilience to working with challenging behaviour'

Candidate information pack

The pack should include a copy of:

- the application form and guidance notes about completing the form;
- the job description and person specification;
- any relevant information about the employer or establishment and the recruitment process and statements of relevant policies such as the employer's or establishment's policy about equal opportunities, the recruitment of ex-offenders, etc;
- the establishment's child protection policy statement; and

- a statement of the terms and conditions relating to the post

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 a letter of application or curriculum vitae alone, because they will only contain the information the applicant wishes to present and omit relevant details.

Apart from including details such as full name, date of birth, current address and national insurance number,⁴ the application form should explain that the post is exempt from the Rehabilitation of Offenders Act 1974. Therefore, all convictions, cautions and reprimands including those regarded as “spent” or “pending” must be declared.

The application form should require a signed statement that the person is not disqualified from working with children or subject to any sanctions imposed by a regulating body such as the General Teaching Council or General Social Care Council. The application form should also contain a question about any outstanding complaints or investigations against the candidate which might in the future bring the organisation into disrepute.

Scrutinising and short listing

All application forms should be scrutinised to ensure 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 history or any other issues that may cause concern. Other issues may include:

- Frequent changes in employment that do not show any clear career or salary progression
- A move from higher paid permanent employment to temporary or supply work

Any areas of concern should be explored and verified with the candidate at interview. In addition, the information provided by the applicant should be compared to that provided by the referees (after the short-listing process).

References

References are an important part of the safer recruitment process, their purpose being to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee. If all questions have not been answered or the reference is vague or unspecific, the referee should be contacted and asked to provide written answers or further information as requested. Employers should not rely on references and testimonials provided by the candidate, or open references and testimonials, i.e. ‘To Whom it May Concern’.

⁴ Each agency should have its own policies and procedures concerning things that are included on application forms

If a candidate is not currently working with children, but has worked in the past with children – a reference must be sought from that former employer. Refusal or reluctance by an applicant for a former employer to be contacted should be explored further.

For those who have not worked before, consider obtaining a reference from any voluntary organisation they have worked with or from someone in authority such as a lecturer.

Interviewing

All interview panels involved with the appointment of staff to work with children should have a least one panel member who is knowledgeable and experienced in safeguarding issues and for all school appointments, must have completed the Safer Recruitment Training (which should be updated every 5 years).

Specific questions or scenarios relating to child protection issues should form part of the standard selection process.

This opportunity should be taken to question applicants on gaps in employment and to probe on any areas that may cause concern or have not been answered fully.

Any conditional offer of employment should be made subject to all the relevant pre-employment checks being made before they take up the position e.g. right to work, references, qualifications, employment history, Independent Safeguarding Authority (ISA) registration and enhanced CRB (see page 8).

SINGLE CENTRAL RECORDS

Schools are required to maintain a single centrally-held record of staff employed, including details of right to work, qualifications held, evidence of identity checks and vetting undertaken i.e. ISA Children's Barred List (formerly List 99) and Enhanced CRB.

Information disclosed as part of a CRB Disclosure must be treated as confidential. However, before the disclosure is destroyed (in line with CRB guidance), records need to be kept detailing the date the disclosure was obtained, who obtained it, the level of disclosure and the unique reference number. This is not only good practice but also a source of primary evidence for regulatory bodies who will be looking closely at safer recruitment practice.

MULTI-USE SITES

Third party providers or groups using multi-use sites should have written agreements in place. The agreement should set out the responsibilities of the governing or accountable body and those of the provider or group. The agreement should include areas such as safer recruitment and vetting arrangements.

COMPLAINTS AND MANAGING ALLEGATIONS AGAINST STAFF

All agencies should have a complaints procedure in place so complaints about any aspect of the service provided, can be properly investigated and responded to. If the complaint involves an allegation against a member of staff and it is connected with a child's welfare, the complaint should go to the Children's Social Care Referral & Assessment Team or the Local Authority Designated Officer (LADO).⁵

WHISTLE BLOWING PROCESS

All agencies should have whistle blowing procedures in place.⁶ These procedures should enable individuals (without the fear of reprisals) to express worries or concerns about the conduct of another member of staff if it affects a child's welfare.

REFERRAL TO REGISTERING AND REGULATORY BODIES

Following a criminal prosecution or a serious disciplinary action, a referral may need to be made to the individual's professional body (e.g. the General Social Care Council, the General Teaching Council or the General Medical Council).

The employer will need to consult with statutory agencies and human resources as to whether a referral should be made to the registering body and/or the Independent Safeguarding Authority for inclusion on the barring list (Children or Adult).

Referrals should be made directly to the professional registering body to be considered in line with their standards and procedures.

⁵ See chapter 31 in Milton Keynes Safeguarding Children Board web-based procedures (link)

⁶ The Public Interest Disclosure Act 1998

VETTING ARRANGEMENTS IF APPOINTED

The government announced on 15th June 2010, that registration with the Vetting and Barring Scheme (VBS) has been halted to allow the government to remodel the scheme back to proportionate and commonsense levels. Information detailed below is therefore subject to change, although no timescales have yet been published.

It is now a criminal offence for individuals barred by the Independent Safeguarding Authority (ISA) to work or apply to work with children or vulnerable adults in a wide range of posts - including most NHS jobs, Prison Service, education and childcare. Employers also face criminal sanctions for knowingly employing a barred individual across a wider range of work.

The three former barred lists (POCA, POVA and List 99) have been replaced by two new ISA-banned lists, one for those working with children and one for adults.

Employers, local authorities, professional regulators and other bodies have a duty to refer to the ISA, information about individuals working with children or vulnerable adults where they consider them to have caused harm or pose a risk of harm⁷

In 2009, the ISA introduced increased safeguards under the Vetting and Barring Scheme for all those applying or already working in regulated activities.

What is regulated activity?

Regulated activity covers anyone working closely with children or vulnerable adults, paid or unpaid, not part of a family or personal arrangement, on a frequent or intensive basis. It can include, but is not limited to, any of the following:

- Teaching, training or instruction, care or supervision of children or provided wholly or mainly to vulnerable adults
- Providing advice or guidance for children and young people
- Any form of healthcare treatment or therapy provided to children and young people
- Driving a vehicle that is being used for the specific purpose of conveying children or vulnerable adults
- Working in a specified place (see below)

Regulated activity is considered frequent if it is done once a week or more and intensive if it occurs on four days or more in a single month.

⁷ For further information on referring individuals to the ISA see <http://www.isa.gov.org.uk/PDF/Referral%20Guidance%20and%20Form%20FINAL%20v%2010-01.pdf>

What is a regulated activity provider?

A regulated activity provider is an organisation or individual that is responsible for the management or control of regulated activity, paid or unpaid, and makes arrangements for people to work in that activity. This will usually be an employer or a voluntary organisation.

However, an individual making private contracts with a self-employed worker (for example, a parent hiring a piano teacher or a babysitter) is not a regulated activity provider.

What are specified places?

Regulated activity includes anyone who works or volunteers in the following settings on a frequent or intensive basis, and whose work brings them into contact with children in:

- Schools (educational institutions exclusively or mainly for the provision of full-time education to under 18's)
- Childcare premises (including nurseries)
- Residential homes for children in care
- Children's hospitals and other children's health settings
- Children's detention centres
- Children's centres

This may include catering, cleaning, administrative and maintenance workers or contractors, and their managers or supervisors. People who work closely with children in the activities described above will be engaged in regulated activity in any setting, whether or not this is a specified place. However, only in specified places will other work which gives people the opportunity to have contact with children be included as regulated activity. This may include catering, cleaning, administrative and maintenance workers or contractors, and their managers and supervisors.

Key dates

The Home Secretary, Theresa May, issued a statement to the House of Commons on 15th June 2010, to confirm the Government would be reviewing the Vetting & Barring and criminal records regimes to ensure that they are scaled back to common sense levels. Commencement of voluntary registration with the new Vetting & Barring Scheme (VBS) in England, Wales and Northern Ireland, which was due to begin on 26th July 2010, has been halted.

The full details are still to be finalised however changes made when the Vetting & Barring Scheme was launched in October 2009 are still in place. Individuals working in regulated activity with children and vulnerable adults still require an Enhanced CRB check.

26 July 2010 – anyone working in regulated activity may apply on a voluntary basis for ISA registration from this date if they move into a new role, either paid or voluntary. The organisation in which they are working will be able to provide staff with the details of how to do so.

1 November 2010 – this is the date on which the Scheme becomes mandatory for new workers or those moving position. If anyone moves into regulated activity, paid or voluntary, with a new regulated activity provider, they **must** apply for ISA registration before starting in that role. It will be a criminal offence to work in a regulated activity role without being ISA-registered. Regulated activity providers will have a legal duty to check that potential new employees/volunteers are ISA-registered before allowing them to engage in regulated activity. Regulated activity providers that are registered bodies may facilitate ISA registration at recruitment stage, as part of their checks on potential new staff.

All other staff engaged in regulated activity will be phased into the scheme from 2011, their employer will provide them with the necessary information to do so.