

Safer Recruitment and Employment (Practice Guidance on Minimum Standards)

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**St George's CEP School
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Kent**



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Date: 4th November 2016

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1. Introduction

- 1.1 Messages from research show the importance of organisations that provide services to children and young people needing to operate recruitment and selection procedures that help to deter, reject or identify people who pose a risk, or are unsuitable to be part of the children's workforce.
- 1.2 Generally the vast majority of people who work with children and young people in paid or voluntary settings have their best interest, safety and welfare at heart. However, inquiries, research, child protection investigations and disciplinary proceedings have alerted us to the fact that some people seek access to children and young people in order to cause them harm. This harm includes physical, sexual and emotional abuse, including intimidation and bullying. It is also well known that abused children often do not disclose the harm they have suffered at the time it occurs.
- 1.3 Children and young people can often be abused and harmed when employees fail to act to report abusive behaviour, including serious professional misconduct. This colludes with and protects the adult rather than safeguarding the interest of children and young people and protecting them from abuse and harm. This is contrary to statutory guidance that defines safeguarding children as everyone's business.
- 1.4 KSCB is committed to raising standards and introducing consistency across the County. It is therefore essential that all organisations sign up to complying with the minimum standards laid out in this practice guidance on safe recruitment and employment of staff within the children's workforce.

2. Statutory Duties

- 2.1 Section 13 of the Children Act (2004) places the Local Authority's safeguarding duties in a wider context and onto a statutory footing. KSCB assumes responsibility for monitoring safeguarding practice in all agencies that work with children, and robust safer recruitment policy and practice is a fundamental part of this process in ensuring that people employed to work within the Children's workforce are fit to do so.

'To fulfil their commitment to safeguard and promote the welfare of children, all organisations that provide services for children, or work with children, need to have in place recruitment and human resource 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'. (DfE)

This guidance is informed by lessons learned from major enquiries including, Choosing with Care (Warner 1992), People Like Us (Utting 1997), The Bichard Enquiry (2005) and ***Keeping Children Safe in Education 2014*** which applies specifically to schools

- 2.2 District Councils, Local Authorities, Primary Care Trusts, NHS Trusts and NHS Foundation Trust, Strategic Health Authorities, the Police (including British Transport Police), Probation, YOS, Prison Services & Secure Training Centre and Connexions all have a duty under Section 11 of The Children Act 2004, to ensure that their functions are discharged with regard to the need to safeguard and promote the

welfare of children. All agencies must have a named Senior Officer (NSO) who is accountable for this as outlined in 'Working Together to Safeguard Children'.

- 2.3 CAFCASS also has a duty under Section 12 (1) of the CJCSA 2006. Whilst some organisations are not specifically named in their duty to safeguard and protect young people up to the age of 18, they do have a common law duty of care that includes safeguarding children and promoting welfare.
- 2.4 Section 175 of the Education Act 2002 also places a statutory duty on schools, Local Authorities and FE Colleges to have policies and procedures in place that safeguard children and promote their welfare. Section 157 of the same Act places a similar duty on Independent sector schools.
- 2.5 The Child Care Act 2006 and the implementation of the Early Years Foundation Stage places a specific duty on Early Years Providers to adopt safer recruitment procedures and these are monitored during Ofsted inspections.

3. Parameters of this Practice Guidance

- 3.1 This Practice Guidance is applicable to all agencies in the public, private and voluntary sector that involve services to children. Minimum Standards in safe recruitment must be considered for all appointments of staff (paid or unpaid) including volunteers, committee members, Governors etc., who have:
 - Direct access to children
 - Supervisory or management position relating to staff who have such access
 - Managerial capacity that enables them to influence the formation of services to children
 - Positions that enable access to sensitive or personal information relating to children and families.
 - Regulated activity with children and young people (e.g. Language Schools, Sport and Leisure facilities etc.)
 - Employment / Supply agencies that provide staff to work with children.
 - Those responsible for commissioning services for children from the independent and voluntary sector must ensure that organisations have appropriate Safer Recruitment and Employment Procedures in place prior to contracts being agreed.

.Developing a Safe Working Culture within Organisations

- 4.1 All agencies and organisations that work with children have a duty to set standards of safe working practice and raise awareness of safeguarding issues within the workforce. All staff need to receive formal induction training on what constitutes a safe working culture and be familiar with procedures that advise what they should do if they have a concern.
- 4.2 The Agency / Organisation should have in place:
 - **Safer Recruitment and Selection Policy and Protocols**
 - **Complaints Procedures**
 - **Whistle Blowing Procedures**
 - **Procedures for Managing Allegations Against Staff**
 - **Procedures for the Safe Use of the Internet and Digital Imagery**
 - **Procedures for managing domestic abuse as an employment issue**

Such procedures provide a strategic organisational framework that is both informed and transparent. When understood and put into practice such procedures should prevent the appointment of unsuitable people or help to identify and address the concerns posed by those who show the potential of risk to children and / or question the integrity of the organisation.

5. Safe Recruitment and Selection Policy Statement.

- 5.1 This should declare the organisations commitment to safeguarding and promoting the welfare of children and young people and how the recruitment and selection processes applied by the organisation proactively supports this commitment, i.e.
- 5.2 *“This authority/organisation/school/charity/District Council/PCT 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”*
- 5.3 It is consistent with national recommended practice for such a statement to include:-
- Publicity Material
 - Recruitment Website (where appropriate)
 - Job advertisements
 - Candidate information packs
 - Persons Specifications
 - Job description
 - Competency Frameworks
 - Induction Programmes
 - Equality Impact Assessment
- 5.4 It is also 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 is built into Codes of Practice, Contracts of employment and Disciplinary procedures

6. Adverts

- 6.1 Within adverts and information to candidates, reference should be made to the requirement of employees to obtain a Criminal Records disclosure via the Disclosure and Barring Service (DBS), including checks against the barred list. This enables candidates to make informed decisions about whether or not they wish to apply.
- 6.2 Adverts should also convey that the employer views safeguarding children as paramount within the organisation’s culture.
- 6.3 It is also essential that adverts consider the ethos of the organisation in relation to equality of opportunity and disability discrimination legislation.

7. Job Descriptions:

- 7.1 Job descriptions should clearly state the
- Main duties and responsibilities of the position
 - Clear expectations and post-holders individual responsibility for promoting and safeguarding the welfare of children.
 - Line Management accountability for supervision and performance.

8. Person Specifications

8.1 Person specifications should

- Clearly convey the selection criteria against which the applicants ability to do the job will be assessed
- Contain selection criteria which specify the experience, skills, qualifications and personal qualities required
- Explain how these requirements will be tested and assessed during the selection process. I.e. by interview, tests, presentations, observation of group exercises etc.

8.2 It is vital that candidates are aware that, in addition to their ability to perform duties of the post, selection will consider their personal suitability for the role. This includes their:

- Motivation and suitability to work with children
- Attitude towards the use of authority and control
- Integrity and ability to form and maintain appropriate professional relationships with children
- Emotional resilience when working with challenging behaviours and situations

8.3 It is recommended that the selection criteria, including those relating to personal qualities, should be defined through competencies as this provides increased opportunity to test behaviours and allows for a more objective, evidence-based approach to selection.

9. Application Form

9.1 It is **not** good practice to accept a CV in place of an application form because this will only contain the information the applicant wishes to present. Application Form allows for a common set of core data from all applications that can then be used as a part of full vetting and verification of short-listed candidates.

9.2 *Employers should be aware that any fraudulent behaviour by a person or by them in relation to application forms for employment / supporting documents may amount to a criminal offence. The nature of the fraud determines whether the police or another agency initially investigates the matter. Action Fraud is the national fraud reporting service. It will refer calls to the police and where they consider the victim to be vulnerable. Action Fraud can be contacted either by telephone on 0300123 2040 or via their website www.actionfraud.police.uk. Opening hours are 0800 – 2000 hours weekdays and 0900 – 17000 weekends. Any case involving false declarations on an application form should be reported to the Police and the Disclosure and Barring Service and could lead to summary dismissal.*

9.3 Essential information requested as part of the application should include:-

- Full identifying details including current and former names, date of birth, current address and National Insurance Number (verification of identity and DBS disclosure request can be completed on the day of interview for successful candidate). Confirmation of permission to work in the UK is also essential for applicants from overseas.
- Academic and Vocational qualifications, including awarding body, name of institution and date (original certificates should be evidenced).
- Full employment chronology (any gaps in service or anomalies to be pursued)

- All training post education including dates and awarding bodies.
- Declaration of any family or close relationships to existing employees or employers including councillors, governors, trustees
- Details of at least two referees. One from current or from most recent employers must be pursued (see Section 11 References)
- Explanation that the post is exempt from the Rehabilitation of Offenders Act 1974 and therefore all convictions, cautions and reprimands including those regarded as 'spent' and 'pending' must be declared. It should require a signed statement that the person is not on DBS barred list or is not disqualified from work with children or subject to any sanctions imposed by a regulating body or professional association
- A question about any outstanding complaints or investigations against the candidate that could bring the organisation into disrepute at a later stage.

10. Vetting Arrangements if Appointed

- 10.1 All organisations should carry out the mandatory check of DBS list for the previously defined posts. (It is an offence to employ an individual who is the subject of a Barring Order). These can be carried out in conjunction with the Mandatory enhanced disclosure via the Disclosure and Barring Service
- 10.2 Research tells us that many individuals who pose a risk to children will not have any convictions or barring orders, so it is essential that robust checks of employment history and references from previous employers are obtained. **Testimonials presented by the candidate should not be accepted.** Any breaks in employment or anomalies should be actively pursued with the individual.
- 10.3 Soft information that may be disclosed as part of the **DBS disclosure** (e.g. no conviction but individual was subject of Section 47 investigation) must be discussed with the candidate before an informed decision can be taken on their suitability to work with children. In such circumstances organisations should consult with the LADO and / or their HR provider.
- 10.4 **Overseas Candidates:** Employers need to ensure that overseas candidates have the legal right to work within the UK and verification of identity is essential. Once this has been established applicants from overseas should be subject to checks other than DBS which would not generally show offences committed by individuals whilst living abroad (other than Service Personnel and their families). In these circumstances employers should seek to obtain a certificate of good conduct from the relevant Police force or Embassy in their country of origin and candidates can request such disclosure themselves which should be followed up by employers. Further information regarding the overseas information service can be obtained from the Disclosure and Barring service web site.

11. References

- 11.1 Specific questions regarding conduct and sickness record etc. can be put to previous employers in the form of a questionnaire. It is also good practice to follow up any anomalies by telephone with referees directly where appropriate.
- 11.2 Employers also need to consider how they respond to reference request for individuals who have been the cause for concern. DfE Guidance (2014) is very clear that unsubstantiated or false allegations cannot be mentioned in an employee's work reference. References should provide objective verifiable information that is factually accurate and not subjective opinion. *Unconditional offers of employment should not*

be considered. Any job offer should be subject to satisfactory DBS check and references being received.

12. Health

- 12.1 'Working Together to Safeguard Children' emphasises the importance of anyone appointed to a post involving regular contact with children or young people must be medically fit to do so. It is a statutory duty for employers to satisfy themselves that candidates have the appropriate level of physical and mental fitness before appointment. Any job offer should be made subject to satisfactory checks. Assessment of physical fitness must also be considered within a context of disability discrimination legislation that allows for reasonable adjustments.

13. Face to Face Interview

- 13.1 All interview panels involved in the appointment of staff to the Children's Workforce should have at least one panel member who is knowledgeable and experienced in safeguarding issues and has received training in this area. This has been mandatory for schools since 2010.
- 13.2 A specific question or scenario relating to child protection should be part of the standard selection procedure to assess the candidate's awareness and responses to safeguarding concerns. Responses should be based on practical experience and not a hypothetical response to a hypothetical question.

14. Involving Children and Young People

- 14.1 It is good practice to empower service users and involve them in the selection process once relevant risk factors have been considered and overcome.
- 14.2 Agencies should develop a culture of listening to and engaging in dialogue with children – seeking their views in a manner that is appropriate to their age and understanding.

15. Conditional Offer of Employment

- 15.1 Any conditional offer of employment to the successful candidate should be made subject to all satisfactory checks being undertaken **before** they take up the post.
- 15.2 Diligent planning of the recruitment process should prevent individuals taking up their post prior to all vetting checks having been completed. Only in exceptional circumstances should this not be adhered to after risk factors have been considered and no substantial unsupervised access to children has been ensured. Such action should require the written consent of the Organisation's Senior Officer for Child Protection.

16. Single Central Records

- 16.1 All employers should maintain a single centrally held record of staff employed, dates of appointment, qualifications held and evidence of identity checks and vetting undertaken.
- 16.2 Information disclosed as part of a DBS Disclosure must be treated as confidential, however before the disclosure is destroyed in line with DBS 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. Apart from this being good safeguarding practice, it is also a source of primary evidence for regulatory body inspectors who will be looking closely at Safe Recruitment Practice (Appendices).

16.3 Exemplar Single Central Record of Vetting (Appendices).

17. Arrangement for Multi-Usage Settings

17.1 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 agencies 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.

17.2 Registered early years settings for children under 8 years will apply via Ofsted for DBS Enhanced Disclosures in the case of the registered person and the manager. Ofsted will also request Local Authority checks as part of the 'fit person' process. It is the responsibility of the childcare provider to make sure that any new member 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 DBS for an Enhanced Disclosure.

17.3 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, for areas such as health and safety, recruitment, vetting checks and insurance arrangements.

18. Complaints Procedures

18.1 All Agencies will have Complaints Procedures in place for customers / service users who feel aggrieved about a particular aspect of provision. These generally relate to Service Standards or the conduct of staff. It is inappropriate for the Complaints Procedure to be used whenever an allegation is made against a member of staff when child welfare is the concern. In these circumstances specific KSCB procedures informed by 'Working Together to Safeguard Children' and related guidance should be adopted to ensure effective multi-agency working and transparency.

19. Whistle blowing Procedures

19.1 All Agencies should have appropriate Whistleblowing procedures as legislated for in the Public Disclosure Act 1998 and encourage an organisational culture that enables concerns about staff conduct in relation to child welfare to be reported without fear of reprisal.

19.2 Safeguarding children is everyone's business and all professionals have a duty to share concerns. It is a potential disciplinary offence not to share concerns that subsequently are discovered to have been known, but not reported.

19.3 It is recognised that whistle blowing is a sensitive and potentially divisive issue and staff are fearful of getting it wrong. It is therefore essential that all agencies build this into their recruitment and selection policies and include detail and expectations in induction training for new staff.

20. Managing Allegations Against Staff

- 20.1 The framework for managing allegations of abuse against people who work with children is set out in 'Working Together to Safeguard Children (2013)' and this guidance has helped to inform how KSCB is implementing these procedures through the *Operational Guidelines (LADO function)*. All agencies must have a Named Senior Officer who is accountable for ensuring such processes are in place.
- 20.2 Children can be subjected to abuse by those who work or have contact with them in any and every setting. All allegations of abuse and maltreatment of children by a professional, staff member, foster carer or volunteer must therefore be taken seriously and treated in accordance with consistent procedures. KSCB has responsibility for ensuring that there are effective inter-agency procedures in place for dealing with allegations against people who work or have contact with children, and for monitoring and evaluating the effectiveness of those procedures.
- 20.3 All staff working with children need to understand how their conduct in their private life can impact on their suitability within the workplace. Police involvement due to abuse or domestic violence for example can lead to undermining trust and confidence or bring the agency or employer into disrepute. More information on such considerations can be found in the KSCB Operational Guidelines (LADO).
- 20.4 Detailed guidance can be found in Chapter 11 of the Kent and Medway Safeguarding Children Procedures. Any agency / organisation that has a concern and is not sure how to respond can access advice from the Local Authority Designated Officer (LADO).

21 Referral to Registering / Regulatory Bodies

- 21.1 In addition to employers checking an individual's registration with professional bodies and the relevant barring lists at the time of appointment, referrals also need to be considered following criminal prosecution or serious disciplinary action taken against a member of staff.
- 21.2 Protocols are in place within the statutory agencies (Police and Social Services) for the release of evidence, when appropriate, to help inform agency disciplinary investigations. On the conclusion of the case following an allegation against a member of staff, a view will need to be taken by the employer (after consulting with the statutory agencies and HR advisors) whether a referral will need to be made to the registering professional body and / or the Secretary of State for consideration for inclusion on the DBS list. ***Employers need to be aware that it is an offence to appoint a member of staff who is on the barred list. It is also a mandatory requirement to refer to the DBS if a member of staff has been dismissed for a safeguarding concern or has resigned pending a disciplinary investigation.***
- 21.3 Referrals also need to be made directly to the respective professional registering bodies for consideration in line with their standards and procedures.

Appendix 2

**Safe Recruitment and Employment
Self Assessment Audit Tool for Posts Involving Contact with Children and Their Families**

Agency:.....

Lead Officer:.....

Date:.....

Expectation of Minimum Standards	Yes	No	Comment	Action Required	Who	When
1 Does your organisation have a current Policy Statement on Safe Recruitment?						
2 Which of the following checks are undertaken prior to appointment?						
a Identity and National Insurance No.						
b DBS disclosure						
c DBS barred list						
d Check registration with Professional Body						
e Check qualifications (original certificates						
f Undertake references with current / previous employers						
g Do reference requests ask specific questions on pro forma?						
h Do you accept testimonials						
l Do you employ staff from overseas?						
j If yes what checks do you undertake? Statement of good conduct from Embassy / Police in country of origin?						

Expectation of Minimum Standards	Yes	No	Comment	Action Required	Who	When
3 When placing adverts does your organisation:						
a Convey safe culture?						
b Convey Equality issues?						
c State vetting requirements for the post?						
4 Do job descriptions emphasise the individual responsibility for safeguarding children and promoting welfare?						
5 Does your agency provide child protection training as part of induction and safe working practice?						
6 Is CP training provided on a regular basis, at least bi-annually for Designated Person and 3 years for other staff						
7 Have managers involved in selection process received CP training?						
8 Does CP feature in the interview questions as a matter of course?						
9 Are service users involved in the selection process?						
10 Does your agency seek medical evidence that applicants are fit to do the job?						

Expectation of Minimum Standards	Yes	No	Comment	Action Required	Who	When
11 Does your agency adopt a single central record for easy reference on staff vetting and qualifications?						
12 Does your agency have a complaints procedure in place specifically for children?						
13 Does your agency have a Whistleblowing Policy in place?						
- Is this understood and put into practice?						
14 Does your agency have specific procedures in place for managing allegations of a child welfare nature?						
15 Does your agency maintain a single central record of misconduct cases referred to regulatory bodies?						
16 Is your agency accepting in principle to sign up to the KSCB Safe Recruitment and Employment Standards?						
Any other comments						

