

NORTH EAST LINCOLNSHIRE SAFEGUARDING CHILDREN BOARD
**GUIDANCE FOR SAFER RECRUITMENT, SELECTION AND RETENTION FOR STAFF AND
VOLUNTEERS**

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1. INTRODUCTION

Safer recruitment is central to the safeguarding of children and young people. All organisations which employ staff or volunteers to work with children and young people have a duty to safeguard and promote their welfare. This includes ensuring that the organisation adopts safer recruitment and selection procedures which prevent unsuitable persons from gaining access to children.

The following guidance for LSCB partner agencies is based on current legislation, guidance and best practice and aims to promote consistent practice across the county. It is the responsibility of each agency or organisation, including within the voluntary and community sector, to consider how these principles can be embedded in and applied to their organisation. Where appropriate, this will be in consultation with their personnel or human resources adviser or other advisory bodies.

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The NELSCB have produced **Minimum Standards for Safer Recruitment**. The standards compliment this guidance and are not intended to replace organisations existing recruitment process, as it is acknowledge that many have robust procedures in place. However they provide a minimum standard for safer and consistent recruitment that all organisations should meet.

For additional guidance, see Allegations Against Staff or Volunteers Procedure.

2. SCOPE

This guidance applies to all adults who have contact with children, young people and Adults at Risk through their work whether in a paid or voluntary capacity. It applies to permanent, temporary and agency staff and to those recruited from overseas. It also applies to staff who do not have direct responsibility for children, but who will have contact with children within the organisation and will be seen as safe and trustworthy and/or have access to confidential and sensitive information e.g. administrative staff, receptionists, caretakers, maintenance workers.

The principles of safer recruitment should also be included in the terms of any contract or service level agreements drawn up between the organisation and contractors or agencies that provide services for, or staff to work with, children and young people and Adults at Risk. Any service level agreement or contract should contain a safeguarding statement, which makes explicit the standards expected. The agreement should be regularly reviewed.

3. POLICY STATEMENT

SAFEGUARDING IS EVERYONE'S RESPONSIBILITY

Section 11, Children Act 2004, sets out the arrangements for safeguarding and promoting the welfare of children and applies to all key local bodies named under section 11(1) of the Act. One of the key features of these arrangements is ensuring safer recruitment procedures are in place.

Organisations should have a policy statement outlining their commitment to safeguarding and promoting the welfare of children, young people and Adults at Risk, which it is expected ALL staff and volunteers will share. It should convey that robust recruitment and selection procedures are in place to identify and deter people who might abuse children, young people and Adults at Risk or are otherwise unsuitable for employment. They are to minimise the possibility of children, young people and Adults at Risk suffering harm from those in a position of trust.

4. ELEMENTS OF SAFER PRACTICE FOR ALL PARTNER AGENCIES, INCLUDING THOSE WHO WORK PRIMARILY WITH ADULTS

Safer practice in recruitment means giving consideration to safeguarding arrangements at every step of the process.

4.1. PLANNING AND ADVERTISING

It is important to be clear about the mix of qualities, qualifications and experience a successful candidate will need to demonstrate, and whether there are any particular matters that need to be stated in the advertisement for the post, in order to prevent unwanted applications. The recruitment process needs to be planned, including who will be involved, responsibilities and timescales.

The advertisement should include a statement about the employer's commitment to safeguarding and promoting the welfare of children, young people and Adults at Risk and reference to the need for the successful applicant to undertake an enhanced criminal record check where appropriate.

4.2. JOB DESCRIPTION

Once a post becomes vacant or a new post is created the job description and person specification need to be reviewed/agreed to ensure compliance with safer recruitment guidance.

This should clearly state:

- The main duties of the post;
- The extent of contact/responsibility for children, young people and Adults at Risk;
- The individual's responsibility for promoting and safeguarding the welfare of the children/ young people/Adults at Risk s/he is responsible for, or comes into contact with.*

***This includes where the post holder will work mainly or exclusively with adults. Some of these adults will be parents, grandparents or carers and will have contact with children and young people.**

4.3. PERSON SPECIFICATION

This should include:

- The essential and desirable qualifications and experience;
- Other requirements needed to perform the role in relation to working with children and young people;
- The competencies and qualities that the successful candidate should be able to demonstrate.

4.4. INFORMATION PACK TO CANDIDATES

All information given to interested applicants should highlight the importance of the rigorous selection processes and the duty to safeguard and promote the welfare of children, young people and Adults at Risk. It should be clear that proof of identity will be required, as well as a Disclosure and Barring Service check where appropriate.

The pack should include a copy of:

- The application form, and explanatory notes about completing the form;
- The job description and person specification;
- Relevant information about the organisation and the recruitment process;
- The agency's Child Protection Policy Statement;
- A statement of the terms and conditions relating to the post.

4.5. APPLICATION FORM

Employers should use an application form to obtain a common set of core data. It is not good practice to accept curriculum vitae in place of an application form because this will only contain the information the applicant wishes to present and may omit relevant details. The applicant form/information pack should refer to the organisation's commitment to safeguarding children. It should obtain:

- Identifying details of the applicant including current and former names, current address and National Insurance Number;
- NB: To comply with the Equality Act 2010, recruiting bodies may wish to adopt a practice that the **date of birth** should not be included on the main application form, but added to a diversity monitoring form, which can be retained by HR/Personnel and not made available to those involved in the short-listing process;
- A statement of any academic and/ or vocational qualifications with details of awarding body and date of award;

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- A full history in chronological order since leaving secondary education, including periods of any post-secondary education/training and part-time and voluntary work as well as full time employment, with start dates, explanations for periods not in employment or education/training and reasons for leaving employment;
- Details of referees. One referee should be the applicant's current or most recent employer/line manager, not a colleague. Normally two referees should be sufficient;
 - Where an applicant is not currently working with children, but has done so in the past, it is important that a reference is also obtained from the employer by whom the person was most recently employed in work with children in addition to the current or most recent employer;
 - References should not be accepted from relatives or friends.
- A statement of the skills and abilities, and competencies/experience that the applicant believes are relevant to his/her suitability for the post and how s/he meets the person specification;
- There should be an explanation if the post is exempt from the Rehabilitation of Offenders Act 1974;
- Information should be requested about any previous - including spent - convictions, cautions, reprimands, warnings or bind-overs.

4.6. SCRUTINISING AND SHORT LISTING

The same selection panel should both short list and interview the candidate. At least one member of the panel should have undertaken safer recruitment and selection training.

- All application forms should be scrutinised to ensure:
 - They are fully and properly completed;
 - The information is consistent and does not contain any discrepancies;
 - Gaps in employment/training or a history of repeated changes of employment are identified;
- Incomplete applications should not be accepted;
- Any anomalies, discrepancies or gaps in employment and the reasons for this should be noted, so that they can be taken up as part of the consideration of whether to short list the applicant, as well as a history of repeated changes of employment without any clear career or salary progression or a mid-career move from a permanent to temporary post;
- All candidates should be assessed equally against the criteria contained in the person specification.

4.7. REFERENCES

- The purpose of seeking references is to obtain objective and factual information to support appointment decisions;
- One reference should be from the current or most recent employer/line manager or HR (not from a colleague within the organisation);
- They should always be sought and obtained directly from the referee;
- A copy of the job description and person specification should be included with all requests;
- References or testimonials provided by the candidate, or open references, i.e. To Whom It May Concern should not be accepted. Open references/testimonials may be forged or the result of a 'compromise agreement';
- References should be sought on all short listed candidates, including internal ones. If possible these should be obtained prior to interview so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview. (This may be particularly helpful for posts where a safeguarding interview is planned). Note that the Equality Act 2010 places strict limitations on the making of enquiries about a person's health before an offer of employment is made. For further information see **'The Equality Act**

2010: What do I need to know? A Quick Start Guide to the Ban on Questions about Health and Disability during Recruitment';

- Where a reference has not been obtained on the preferred candidate before the interview, once received it should be scrutinised and any concerns resolved satisfactorily before the person's appointment is confirmed;
- References should seek objective verifiable information and not subjective opinion. The use of reference proforma can help achieve this.

If an applicant is not currently employed in working with children, but has previously done so, then it is advisable to check with the last relevant employer to confirm details of their employment and reason(s) for leaving.

Requests for references should ask:

- The referee's relationship with the candidate, e.g. did they have a working relationship and how long has the referee known the candidate;
- How s/he has demonstrated that s/he meets the person specification;
- Whether the referee is satisfied that the person has the ability and is suitable to undertake the job;
- Whether the applicant has been the subject of any disciplinary sanctions and whether the application has had any allegations made against him/her or concerns raised, which relate either to the safety and welfare of, or the applicants behaviour towards, children and young people. Details about the outcome of any such concern should be sought;
- Whether the referee is satisfied that the candidate is suitable to work with children/young people/Adults at Risk. If not, for details of the referee's concerns and the reason why the person might be unsuitable.

Requests should remind the referee that they have a responsibility to ensure that the reference is accurate and that relevant factual content of the reference may be discussed with the applicant.

- Requests addressed to a candidate's current employer or a previous employer should also seek:
- Confirmation of details of the applicant's current post, salary and sickness record;
- Specific verifiable comments about the applicant's performance history and conduct;
- Details of any disciplinary procedures the applicant has been subject to which relate to the safety and welfare of children or to the applicant's behaviour towards children, young people or Adults at Risk and the outcome;
- Details of any allegations or concerns about the applicant that relate to the safety and welfare of children or behaviour towards children, young people or Adults at Risk and the outcome of these concerns.

On receipt of references:

- They should be checked to ensure all questions have been answered satisfactorily;
- Prior to the confirmation of an appointment, referees should be telephoned to confirm their views on the candidate and to ensure information provided by the candidate is accurate;
- Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago or an allegation determined to be unfounded or did not require formal disciplinary sanctions, and in which no further issues have been raised, are less likely to cause concern than more serious or recent concerns, or issues that were not resolved satisfactorily. A history of repeated concerns or allegations over time should give cause for concern.

4.8. INTERVIEWS

- The interview should assess the merits of each candidate against the job description and person specification, and explore their suitability to work with children/young people/Adults at Risk;

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- The interview should stress that the identity of the successful candidate will be checked thoroughly and, that where a Disclosure and Barring Service check is appropriate, prior to appointment there will be a requirement to complete an application for a Disclosure and Barring Service disclosure;
- All candidates should bring with them documentary evidence of their right to work in the UK and their identity. Evidence should be as prescribed by UK Visas and Immigration and the Disclosure and Barring Service, and can include a current driving licence or passport including a photograph, or a full birth certificate, and a document such as a utility bill or financial statement that shows the candidate's current name and address (please note that these latter two are time-limited and must be no more than 3 months old), and where appropriate change of name documentation. Some form of photographic ID must be seen;
- Candidates should bring documents confirming any educational and professional qualification(s). If this is not possible, written confirmation must be obtained from the awarding body. Also documentation of registration with appropriate professional body;
- A copy of the documents used to verify the successful candidate's identity and qualifications must be kept for the personnel file.

4.9. INTERVIEW PANEL

A panel of at least two people is recommended, allowing one member to observe and assess the candidate and make notes, while the candidate is talking to the other. One member of the panel should be trained in safer recruitment practice.

The members of the panel should:

- Have the necessary authority to make decisions about the appointment;
- Meet before the interview to agree their assessment criteria in accordance with the person specification and to prepare a list of questions they will ask all candidates relating to the requirements of the post;
- Identify any issues they wish to explore with each candidate based on the information provided in their application form and in the references;
- Notes of the applicant's interview answers should be collated by chair of the panel and stored (by HR).

4.10. SCOPE OF THE INTERVIEW

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

- The candidate's attitude towards children/young people/Adults at Risk;
- His/her ability to support the organisation's agenda for safeguarding and promoting welfare;
- Any gaps in the candidate's employment history;
- Concerns or discrepancies arising from the information provided by the candidate and/or referee;
- Whether the candidate wishes to declare anything relating to the requirement for a Disclosure and Barring Service check.

The interview should also explore issues relating to safeguarding, including:

- Motivation to work with children/ young people/Adults at Risk;
- Ability to form and maintain appropriate relationships and personal boundaries;
- Emotional resilience in working with challenging behaviours;
- Attitudes to use of authority.

4.11. PARTICIPATION OF CHILDREN AND YOUNG PEOPLE

Children and young people can make a valuable contribution to the recruitment process and their participation should be considered for key strategic and managerial posts as well as posts where staff will have a high level of responsibility for children's day to day care e.g. residential staff.

The following considerations should be taken into account in planning children's involvement:

- Clarification of the role children will take in the process, how their views will be taken into account in selection and what weighting these will be given;
- Preparation and/or training;
- Process for debriefing/feedback.

4.12. SAFEGUARDING (WARNER) INTERVIEWS

For posts requiring the post holder to work with highly vulnerable children, e.g. Looked After children, children with disabilities, or posts where staff will have sole care of responsibility for a child/group of children, e.g. staff taking children on residential trips, consideration should be given to the need for an additional safeguarding (Warner) interview. Such interviews were a recommendation of The Report of the Committee of Inquiry into Selection, Development and Management of Staff in Children's Homes (Warner, 1992). The aim is to address areas that are more difficult to assess in the formal interview setting.

As set out in regulations 33-33 of Chapter 4 of the Children's homes regulations and Quality Standards, the registered person must ensure that recruitment of staff safeguards children and minimises potential risk to them. The Bichard Report recommended the assessment of personal qualities during the selection process.

Areas of assessment include:

- Motivation;
- Integrity and values;
- Authority;
- Accountability;
- Ethical standards;
- Emotional resilience;
- Team work.

Elements include:

- Identification of support for candidate if necessary;
- Careful recording to evidence findings;
- Feedback to candidate.

Training is essential for staff prior to undertaking these interviews.

4.13. CONDITIONAL OFFER OF APPOINTMENT

PRE-APPOINTMENT CHECKS AND REFERENCES

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

- Receipt of at least two satisfactory written references, where possible confirmed by telephone;
- Verification of the candidate's identity;

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- A satisfactory or enhanced Disclosure and Barring Service Disclosure, which includes a check of the Barred Lists, including an overseas 'Certificate of Good Conduct' or equivalent (unless the Disclosure and Barring Service Update Service applies);
- Evidence of permission to work for those who are not nationals of a European Economic Area country;
- Verification of the candidate's medical fitness;
- Verification of qualifications;
- Verification of professional status/registration where required, i.e. Health and Care Professions Council for social workers, National College for Teaching and Leadership for teachers. Nursing and Midwifery Council;
- Verification of successful completion of statutory induction / probationary period where appropriate.

All checks should be:

- Confirmed in writing;
- Documented and retained on the personnel file (subject to restrictions on the retention of information imposed by Disclosure and Barring Service regulations);
- Followed up where they are unsatisfactory or where there are discrepancies in the information provided.

Where:

- The candidate is found to be on the Barred Lists, or the Disclosure and Barring Service Disclosure shows s/he has been disqualified from working with children by a Court;
- The applicant has provided false information in, or in support of, his/her application;
- There are serious concerns about an applicant's suitability to work with children.

These facts should be reported to the police and/or Disclosure and Barring Service (if they are not already aware). Anyone who is barred from work with children is committing an offence if they apply for, offer to do, accept or do any work which constitutes Regulated Activity. It is also an offence for an employer knowingly to offer work in a regulated position, or to procure work in a regulated position for an individual who is disqualified from working with children, or fail to remove such an individual from such work.

4.14 DISCLOSURE AND BARRING SERVICE CHECKS

See also Section 4.15, Disclosure and Barring Service Update Service

The level of disclosure requested, i.e. Standard or Enhanced, should reflect the nature of the duties of the post and degree of contact with children or young people or with sensitive, confidential information. For partner agencies of NELSCB it is recommended that Enhanced Disclosure and Barring Service checks should be undertaken on staff and volunteers, unless there are specific reasons that this is not necessary for the specific post. A record should be kept of the date when the disclosure was obtained, by whom, level of disclosure and unique reference number. Disclosure and Barring Service checks should be:

- Treated as confidential;
- Kept secure;
- Destroyed as soon as no longer required (not normally longer than 6 months after decision to appoint; however, note that it may be necessary to retain them for longer for inspection regimes).

CRIMINAL RECORD

Employers must make a judgement about suitability, taking into account only those offences which may be relevant to the post in question. In deciding the relevance the following should be considered:

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- The nature of the appointment;
- The nature of the offence;
- The age at which the offence took place;
- The frequency of the offence.

Anyone who is barred from work with children is committing an offence if they apply for, offer to do, accept or do any work constituting Regulated Activity. It is also an offence for an employer knowingly to offer work in a regulated position, or to procure work in a regulated position for an individual who is disqualified from working with children, or fail to remove such an individual from such work.

4.15 DISCLOSURE AND BARRING SERVICE UPDATE SERVICE

With effect from 17 June 2013, an optional online Update Service is operated by the Disclosure and Barring Service (DBS), designed to reduce the number of DBS checks requested.

Instead of a new criminal records/Barred Lists check being necessary whenever an individual applies for a new paid or voluntary role working with children/Adults at Risk, individuals can opt to subscribe to the online Update Service. This will allow them to keep their criminal record certificate up to date, so that they can take it with them from role to role, within the same workforce.

Employers do not need to register, but can carry out free, instant, online status checks of a registered individual's status. A new DBS check will only be necessary if the status check indicates a change in the individual's status (because new information has been added).

4.16 DISCLOSURE AND BARRING SERVICE UPDATE SERVICE

The same checks should be made on overseas staff as for all other staff, (although it is not possible to conduct overseas Disclosure and Barring Service checks). A 'Certificate of Good Conduct' or equivalent should be obtained.

Where an applicant has worked or been resident overseas in the previous 5 years, the employer should obtain a check of the applicant's criminal record from the relevant authority in that country and seek additional information about an applicant's conduct. Not all countries provide this service and advice can be sought from the Disclosure and Barring Service.

Applicants from non EEA countries must have a Sponsorship Licence under the UK Visas and Immigration points-based system, and the employer must be registered UK Visas and Immigration to be able to issue such a Licence. For further information, see the **UK Visas and Immigration website**.

4.17 EMPLOYMENT AGENCY STAFF

Where staff are recruited through an agency, written confirmation should be obtained that the appropriate checks have been undertaken. Similarly, safer recruitment practices need to be observed with sessional staff.

4.18 STAFF RECORDS

In relation to each member of staff appointed a record should be kept to show:

- Written references obtained and confirmed by telephone;
- Gaps in employment history checked;

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- A satisfactory Disclosure and Barring Service /Enhanced Disclosure and Barring Service certificate obtained, with unique reference number and date;
- Reasons/decision to appoint despite criminal convictions (i.e. a Risk Assessment);
- Evidence of proof of identity (this will have been provided for the Disclosure and Barring Service check);
- Evidence of qualifications;
- Details of registration with appropriate professional body;
- Confirmation of right to work in UK;
- Record of interview questions and answers.

Records should be signed and dated by appointing manager/chair of the interview panel.

5. POST APPOINTMENT INDUCTION

There should be an induction programme for all staff and volunteers. The purpose of the induction is to:

- Provide training and information about the organisation's safeguarding and child protection policies and procedures. This training should be at a level appropriate to the member of staff role and responsibilities with regard to children;
- Support individuals in a way that is appropriate for their role;
- Confirm the conduct expected of staff;
- Provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities;
- Enable the line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately;
- Ensure that the person receives written statements of:
 - Policies and procedures in relation to safeguarding;
 - The identity and responsibilities of staff with designated safeguarding responsibilities;
 - Safer practice and the standards of conduct and behaviour expected;
 - Other relevant personnel procedures e.g. whistle blowing, disciplinary procedures.

6. MAINTAINING A SAFER CULTURE

6.1 Maintaining an ethos of safeguarding and promoting the welfare of children/young people/Adults at Risk can be achieved by:

- A clear written statement of the standards of behaviour and the boundaries of appropriate behaviour expected of staff and volunteers;
- Appropriate induction and safeguarding training;
- Regular briefing and discussion of relevant issues;
- Effective supervision and staff appraisal processes;
- Clear reporting system is a user, member of staff or other person has concerns about the safety of children.

6.2 Monitoring

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

- Staff turnover and reasons for leaving;
- Exit interviews;

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- Attendance of new personnel at safeguarding training.

6.3 Supervision and Staff Review and Development

Annual staff reviews are important elements in ensuring safe practice. They should:

- Ensure staff are up to date with current safe practices;
- Identify areas for development;
- Openly address any concerns about behaviour and attitudes;
- Put in place action plan and arrangements for review.

6.4 Disclosure and Barring Service Re-checking

See also Section 4.15, Disclosure and Barring Service Update Service

Further Disclosure and Barring Service checks on staff should always be considered when:

- There has been a break from employment of 3 months or more;
- There are grounds for concern about the person's suitability to work with children (note that the employee can decline).

And in addition when:

- A staff member, who has not previously had a Disclosure and Barring Service check, applies for and is successful in obtaining a post which requires a Disclosure and Barring Service check within the same organisation;
- A member of staff transfers to a multi-agency team, e.g. Youth Offending Service (YOS), e.g. secondments of employees from different employers such as Police, Probation or Health. If the seconded employee is undertaking Regulated Activity under the Vetting and Barring Scheme or is in an exempt post and is not a direct employee of YOS, then a Disclosure and Barring Service check should be undertaken before the person commences work.

7. WHISTLE BLOWING

A mechanism should be established for confidential reporting or Whistleblowing of any behaviour towards children or young people which is abusive, inappropriate or unprofessional. This includes:

- Conduct which is a breach of the law;
- Conduct which compromises health and safety;
- Conduct which falls below established standards of practice with children and young people.

This mechanism should:

- Discourage anonymous reporting;
- Provide for the reporter identity to be revealed only with consent;
- Provide support for the reporter, e.g. in giving evidence.

8. TRAINING

- All those involved in recruitment and selection of staff, including key managers and HR professionals, should have regular comprehensive safer recruitment and selection training, and appropriate updates,

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- e.g. National College of School Leadership;
- Each interview panel should include a person suitably trained;
- LSCB should monitor the take up of training to ensure that all organisations have appropriately trained staff involved in their recruitment processes.

9. DEFINITIONS

9.1 Children: Refers to any child under the age of 18 years.

9.2 Staff or Volunteers: Refers to any adult who is employed, commissioned or contacted to work with or on behalf of children, in either a paid or unpaid capacity.

10. FURTHER INFORMATION

Equality Act 2010

Keeping children safe in education

Disclosure and Barring Service website

Statutory guidance: Regulated Activity (children) - supervision of activity with children which is regulated activity when unsupervised.

Care Quality Commission - Disclosure and Barring Service Checks

AMA Guidance for Safe Working Practices for Adults Working with Children and Young People