



Contents

Introduction	04
1 Summary	06
2 Recruitment and selection	10
3 Vetting and checking candidates	22
4 Safer practice	36
5 Managing allegations against staff	40



Introduction



The children and young people's workforce is extremely large and diverse. It covers a broad range of different activities, settings and organisations from small faith-based or community projects within the voluntary sector to medium-sized private childcare providers and large departments within local authorities or other public sector bodies. The Department for Children Schools and Families (DCSF) estimates that there are currently over 2.5 million children's workers excluding volunteers.

All those organisations and individuals who work with children and young people, or are involved in providing services for them, have a duty to safeguard and

promote their welfare. This is clearly stated in the publication *Working Together to Safeguard Children, 2006*. For many organisations, this will also be underpinned by inspection requirements imposed by regulators such as Ofsted and the Care Quality Commission (CQC), as a condition of grant funding, or as part of a contract with an organisation to which they provide services.

Whatever the background, making sure that we do everything we can to prevent appointing people who may pose a risk to children is an essential part of safeguarding children. As Sir Michael Bichard stated in his report into the Soham murders:

“The harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed...”





We recognise that many of these organisations, particularly the smaller community groups, projects and faith-based organisations (typically linked to places of worship), may be less familiar or less experienced in working with the wider implications of safeguarding and how this relates to recruitment. For many organisations recruitment is only one of many tasks they have to undertake with small numbers of staff, limited resources and without the support of a human resources department.

This guidance is aimed at anyone responsible for or involved in the recruitment of staff or volunteers in England, who will work with or provide services to children and young people. Our intention is to be helpful to the broadest range of organisations and support their efforts to make their recruitment practices and processes safer.

We have developed the Recruiting safely: safer recruitment guidance resource toolkit (CD-Rom resources toolkit). It contains a range of example documents, pro-formas and templates suitable for different settings. It also contains this full guidance document for reference. It can be requested from CWDC or can be downloaded from www.cwdcouncil.org.uk/safeguarding/safer-recruitment

This guidance is supported by training which is available online or, from 2010, as a face-to-face workshop. For details of the training and how to access it please see the safer recruitment training section in the CD-Rom resources toolkit.

Please note the following:

- From this point forward in the document, all references to ‘children’ should be read as all children and young people under the age of 18.
- ‘Staff’ is used in this document to describe both paid and unpaid staff (volunteers) unless specifically stated.
- This guidance does not primarily relate to schools or further education settings as DCSF has produced separate guidance for them (Safeguarding Children Safer Recruitment in Education 2007). However, these settings may wish to make themselves aware of this guidance and any implications for their own services.

Section one: summary

1.1 This guidance is not about what action an individual should take to safeguard a child they suspect may be being harmed or abused. That guidance is contained in the separate publication, *What To Do If You're Worried A Child Is Being Abused*. More information about the practice and legislation relating to safeguarding and promoting the welfare of children can be found in the CD-Rom resources toolkit.

1.2 The guidance provides a range of effective practice information about recruiting people to work with children and will be particularly helpful for:

- Staff and managers who take part in recruiting and selecting people to work in organisations working with children (see CD-Rom resources toolkit).
- People and organisations that provide personnel or human resources advice or services to those organisations.
- Employment agencies and businesses that provide temporary, interim and other staff to work in organisations working with children.
- Non child-focused organisations that contract with other organisations working with children.

1.3 This guidance applies to everyone employed in a role (paid or volunteer) within an organisation working with children who is likely to be seen by the children as a safe and trustworthy adult. These are not only people who regularly come into contact with children, or who will be responsible for children, as a result of their work. They are also people who regularly work in places such as a children's centre or youth and community project where children are present, whose role is a support function (eg administration, catering, caretaking). The latter people may not have direct contact with children as a part of their job, but they are also likely to be seen as safe and trustworthy because of their regular presence in the workplace and may have access to personal and sensitive data relating to children.

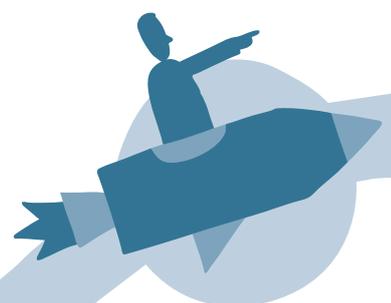


1.4 Regardless of the size or nature of your organisation, a consistently applied and robust process is always needed to ensure the safest levels of staff recruitment. The following bullet points provide a brief summary of the steps that should be taken when recruiting staff. You should:

- Plan the process and decide who will be involved in each stage of the recruitment (planning, advertising, short-listing, interview panel).
- Make sure everyone who plays a part in the process knows what they have to do and how to do it.
- Write a job description that lists what the new member of staff will be expected to do and what they will be responsible for. Make sure that all or any responsibility for contact with children is clearly stated (see examples in the CD-Rom resources toolkit).
- Write a person specification that lists the qualifications, knowledge, skills and abilities that a person will need to do the job. These should be divided into 'essential criteria' which describe what each candidate should demonstrate immediately and 'desirable criteria' that describe qualities that would enable a candidate to perform the duties better and may be gained in time. Make sure that criteria relating to safeguarding children are included (see examples in the CD-Rom resources toolkit).
- Include a safeguarding statement in your advert about the job to emphasise your organisation's commitment to safeguarding children.
- Make sure all applicants fully complete a standard application form – some candidates might need help with this (see examples in the attached CD-Rom resources toolkit).
- Include information about your organisation's policy and procedures about safeguarding children in the information you send to people who enquire about the job (see examples in the CD-Rom resources toolkit).
- Decide which applicants to interview on the basis of their ability to meet the criteria within the person specification and create a short-list.
- Where possible, obtain written references for all short-listed applicants before interviewing them. In all cases, references should be obtained before entering into a contract of employment with any candidate. The references should include information about the applicants' ability to undertake the job and their motivation for doing so (see examples in the CD-Rom resources toolkit).



- Scrutinise and compare application forms and references and ensure you have satisfactory explanations for anything that doesn't match up and any gaps in an applicant's career or personal history.
- Involve all the people who you have chosen to be on the interview panel in the process of deciding and writing the questions (including questions about applicant's attitudes to children and motives for working with children) or any other exercises as part of the interview. Questions and exercises should be designed to help the candidate demonstrate their ability to meet the person specification criteria. Information about involving children in recruitment can be found in the CD-Rom resources toolkit.
- Interview all applicants and score their answers against your agreed selection criteria using a consistent and measurable approach.
- Confirm the identity of every candidate being interviewed (see information about 'ID checking process' at www.crb.gov.uk) and check original certificates of their qualifications if appropriate.
- Make it clear to the preferred candidate that your offer of employment or voluntary work is subject to the satisfactory completion of all appropriate checks such as a Criminal Records Bureau (CRB) disclosure, Independent Safeguarding Authority (ISA) checks and any outstanding references.
- Complete the appropriate checks for each preferred candidate, including qualifications, status, right to work in the UK and criminal background before you allow them to start work.
- Make sure that any areas of the job that were not well demonstrated at interview are included within the preferred candidate's induction, probation or development plan, which should be used to support them to perform the duties of the job successfully.
- Make sure that your organisation has procedures and systems in place to ensure safe working practice (the CD-Rom resources toolkit includes examples of policies to promote safe working practice).





Note on volunteers

1.5 Volunteers make up a huge part of the children's workforce and are seen by children as safe and trustworthy adults. If an organisation is actively seeking volunteers and is considering candidates about whom it knows little, it should adopt the same recruitment measures as it would for paid staff.

1.6 Where an organisation approaches a person who is well known to them to take on a particular role, a shorter procedure can be adopted. This includes gaining references, checking to make sure others in the community have no concerns and can make a positive recommendation, conducting an informal interview to be clear about the person's suitability and obtaining a CRB disclosure. Organisations may also wish to consider the completion of a risk assessment as a matter of good practice in such cases.

1.7 Where a volunteer's role will be a one-off, such as accompanying staff and children on a day outing or helping at an event, these measures would be unnecessary provided that the person is not to be left alone and unsupervised in charge of children.

1.8 If volunteers are to be recruited by another organisation, suitable assurances should be obtained from that organisation that the person has been recruited and vetted in line with this guidance.

1.9 Volunteers from overseas should also be subject to the appropriate checks applied to all overseas candidates as detailed in paragraphs 3.47 – 3.50.



Section two: recruitment and selection

Summary

As stated in the introduction to this guidance, the effective recruitment and selection of staff is essential to safeguarding children. Recruitment and the checks that are undertaken as part of this process are the organisation's first chance to make robust efforts to prevent unsuitable individuals from working with children. This section provides more detail about what is needed for safer recruitment practice.

Recruitment and selection policy statement

2.1 It is important that your organisation has a clear written recruitment and selection policy statement and procedures that comply with this guidance.

2.2 The policy statement should detail all aspects of the process and should include a clear statement about the organisation's commitment to safeguarding and promoting the welfare of children. For example:

“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.”

2.3 The statement should be included in various documents, including:

- Publicity materials.
- Recruitment websites.
- Advertisements.
- Candidate information packs.
- Job descriptions.
- Person specifications.
- Induction training.
- Probation arrangements.





Planning and advertising

2.4 When starting the recruitment process it is important that you plan effectively. You will need to be clear about what mix of qualities, qualifications and experience a successful candidate will need to demonstrate and whether there are any particular matters that need to be mentioned in the advertisement for the post in order to prevent unwanted or too many applications.

2.5 Recruitment managers within organisations should identify who is going to be involved and set aside sufficient time for the work needed at each stage so that safeguards are not overlooked. For example, it is important that you organise the timetable for the recruitment process to allow references to be obtained on short-listed candidates before interview. Where possible, it is helpful to candidates to publish the dates of the key points in the process (eg closing date for applications, short-listing and interviews).

2.6 The person specification will need careful thought and drafting as this forms the basis of your decision-making about the preferred candidate. The time and effort spent in this stage of the process should help you minimise the risk of making an unsuitable appointment.

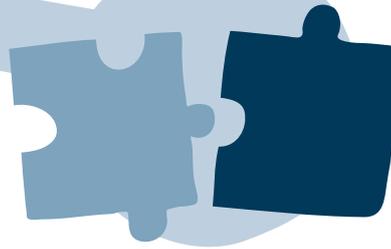
2.7 It is also good practice to make sure at the outset that all the other material that will form part of your candidate information pack is up to date. It will

need to clearly set out the extent of the relationships and contact with children and the degree of responsibility for children that the person will have in the position to be filled. All work with children involves some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post.

2.8 When you advertise a vacancy, the advertisement should include a statement about the employer's commitment to safeguarding and promoting the welfare of children. You should also highlight the need for the successful applicant to obtain an enhanced disclosure via the CRB, where appropriate, as well as the usual details of the post, for example, salary, qualifications required. From November 2010, the need for registration with the ISA will also apply (see paragraph 3.21). Making clear statements of this nature at this early stage will help you to deter unwanted applications.

The application form

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



2.10 The essential information requested on all application forms should include:

- Full identifying details of the applicant including current and former names, date of birth, current address and National Insurance number.
 - A statement of any academic and/or vocational qualifications the applicant has obtained that are relevant to the position for which s/he is applying with details of the awarding body and date of award.
 - Relevant registration information and reference numbers for posts requiring professional registration (eg General Social Care Council). From November 2010 forms must contain information about ISA registration.
 - A full career and education history in chronological order since leaving secondary education, including periods of any post-secondary education or training, part-time and voluntary work as well as full-time employment. Start and end dates, explanations for periods not in employment, education or training and reasons for leaving employment should also be provided.
 - A declaration of any family or close relationship to existing employees or employers (including councillors, company directors or trustees).
- Details of at least two referees. One referee should be the applicant's current or most recent employer and, wherever possible, at least one of them should be able to comment on the applicant's work with children. All referees should be asked about the candidate's suitability for the role in question and whether the referee knows any reason why the applicant should not work with children. Where an applicant is not currently working with children, but has done so in the past, it is good practice that a reference is also obtained from the last employer for whom the person was employed in work with children. Where an applicant has not worked in a paid capacity previously (eg school or college leaver or placement student) references from their latest or current educational establishment, any voluntary work or, in exceptional cases, someone who knows the candidate well from other activities are acceptable. The application form should make it clear that references will not be accepted from relatives.
 - A statement giving examples of how the applicant can demonstrate they meet the competences, personal qualities, skills and expertise within the person specification essential for the role and any additional qualities specified as desirable.

2.11 The application form should also include a brief explanation that the post is exempt from the Rehabilitation of Offenders Act 1974 and ask the candidate to declare whether s/he has any convictions, cautions and bind-overs, including any that would normally be regarded as 'spent'. If the declaration is positive, details must be provided on the application form.

2.12 The application form should also require a signed statement that the person is not disqualified from work with children, or subject to sanctions imposed by a regulatory or professional body, eg Ofsted, the General Social Care Council (GSCC) or General Medical Council (GMC) and that the information provided on the form is complete and accurate.

2.13 All applicants should also be informed that:

- Where appropriate the successful applicant will be required to complete an enhanced CRB disclosure application (and from 2010 demonstrate ISA registration).
- You will seek references on short-listed candidates that will include questions about past disciplinary actions or allegations in relation to behaviour with children and may approach previous employers for information to verify particular experience or qualifications, before interview (you may wish to provide applicants with a contact number so that they can discuss this if they have concerns about it).
- Providing false information is an offence and could result in the application being rejected, or summary dismissal if the applicant has been selected and possible referral to the police and/or ISA.

The job description

2.14 The job description is of great importance both in the recruitment process and your subsequent management of safe practice following appointment. All job descriptions should be completed in a recognised and consistent template (see examples in the CD-Rom resources toolkit) and clearly state:

- The title of the post.
- The location and/or department in which the post is based.
- The position to which the post reports.
- Positions (if any) or numbers of staff for which the post is responsible.
- The salary and/or grade within which the post is located.
- The length of any probationary period.
- The overall purpose of the post.
- The main duties and responsibilities of the post.



- The ISA category applied to the post and an explanation of the implications for this.
- The individual's responsibility for promoting and safeguarding the welfare of children and young people s/he is responsible for, or comes into contact with.

2.15 As noted above, all work in organisations working with children involves some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post.

The person specification

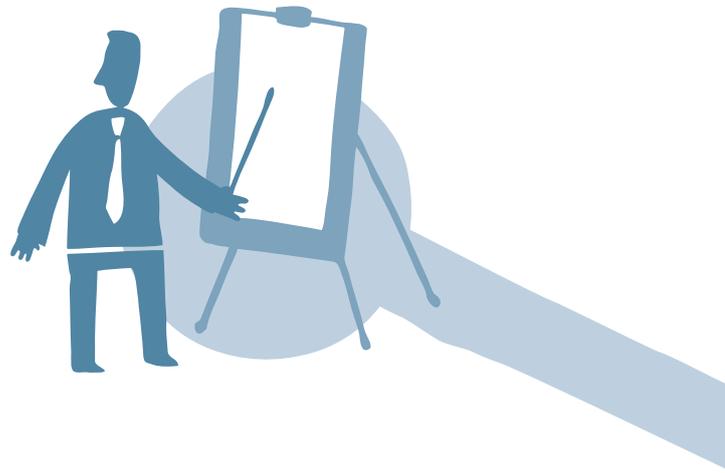
2.16 A clear and comprehensive person specification is the key tool for successful recruitment. This provides potential applicants with information about what they will need to demonstrate to show their ability to undertake a particular role and provides the basis for short-listing candidates. It also provides your interview panel with the selection criteria by which to assess the best candidate for the role. As with the job description, the person specification should be completed in a consistent template for the organisation (see examples in the CD-Rom resources toolkit) and should clearly state:

- The skills and abilities, knowledge, experience and qualifications needed to perform the role in relation to working with children.

- The essential competences and qualities that the successful candidate must be able to demonstrate (including at a minimum the ability to safeguard the welfare of children).
- Any other desirable competences and qualities that are not essential but would help someone perform the role.

• How these requirements will be tested and assessed during the selection process. For example: In addition to assessing the candidate's ability to perform the duties of the post, the interview will also explore issues relating to safeguarding and promoting the welfare of children including:

- Motivation to work with children and young people.
- Ability to form and maintain appropriate relationships and personal boundaries with children and young people.
- Emotional resilience in working with challenging behaviours.
- Attitudes to use of authority and maintaining discipline.
- Explain that if the applicant is short-listed any relevant issues arising from his or her references will be taken up at interview.



2.17 The person specification should clearly indicate which criteria are ‘essential’ for the appointment of the preferred candidate and which criteria are ‘desirable’ through which the candidate may demonstrate additional experience, skills or qualifications that may assist with the post.

2.18 The person specification should also indicate how the candidates can expect each of the criteria to be assessed (ie through the application form, at interview, with a test or exercise or an alternative form of assessment).

The candidate information pack

2.19 The candidate information pack is one of your first opportunities to present a professional impression to potential applicants. It is also the best chance to provide your applicants with all the information they may need to submit with an application that could result in them being short-listed for interview. You should consider whether you wish to standardise the information that is provided in all packs for posts working with children. At the very least, your pack should include:

- An introductory letter explaining the purpose of the post, its significance to or position within the organisation and any significant dates in relation to the recruitment process (ie closing date for applications, short-listing and interviews).

- The application form, explanatory notes about completing the form and information about how candidates with a disability, or for whom English is not their first language, can get help to complete the form.

- The job description and person specification.

- The organisation’s child protection or safeguarding policy statement.

2.20 You may also wish to consider providing the following as part of the pack:

- Any relevant information about the local authority, organisation or establishment, the recruitment process and statements of relevant policies such as the equal opportunities and the recruitment of ex-offenders.

- A statement of the terms and conditions relating to the post.

Scrutinising and short-listing

2.21 Once you have reached the advertised closing date and received all the applications, each application should be scrutinised by the appointed short-listing panel to make sure:

- They are fully and properly completed.
- The information provided is consistent, does not contain any discrepancies and any gaps in employment are identified.



2.22 The short-listing panel should consist of at least two people, preferably members of the interview panel, who should meet and undertake the task together.

2.23 Any applications that are significantly incomplete should not be accepted or short-listed. Any anomalies, discrepancies or gaps in employment identified by the scrutiny should be taken into account when considering whether to short-list the applicant. As well as reasons for obvious gaps in employment, the reasons for a history of repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to agency, freelance or temporary work, also need to be explored and confirmed.

2.24 Following the above checks, you should assess each application that is received in relation to whether the required criteria have been demonstrably met by the applicant in his/her application form. This may not be all the criteria from the person specification, but just the key criteria you identified on the person specification.

2.25 All candidates should be assessed equally against the same criteria without exception or variation and agreement reached by your short-listing panel about which applicants to invite for interview. The panel should record its decision about each application, in case of queries afterwards. Using a system where applicants are scored or rated against each

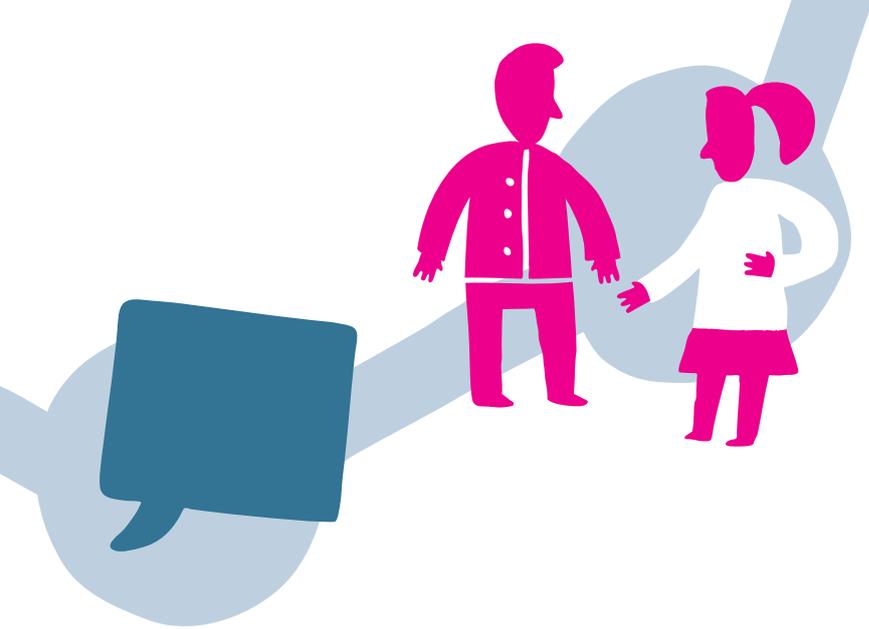
of the short-listing criteria will help you to demonstrate that decisions were objective and without prejudice if necessary.

References

2.26 The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee and not through a third party or the candidate themselves.

2.27 All posts should be subject to the taking up of references as this is an indispensable tool within the safer recruitment process. In all cases you should obtain at least two references to provide both professional and personal perspectives on the candidate and his/her ability, motivation and aptitude for the post.

2.28 Written references should be obtained directly from the referee and addressed to the chair of your interview panel. References supplied by an applicant or addressed in any other way, ie 'To whom it may concern' should not be accepted. It is acceptable to follow the receipt of a written reference with a telephone call to confirm its authenticity. Detailed guidance on references is provided in section three.



Checks before interview

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

Involving children and young people

2.30 Involving children and young people in the recruitment and selection process in some way, or observing short-listed candidates' interaction with them is common and recognised as good practice. There are different ways you could do this. For example, you may wish to ask candidates to participate in specific activities or meet some of the children and young people the post-holder is likely to have contact with and, where possible, seek their views. You may also wish children and young people to show short-listed candidates around the establishment with an appropriate member of staff.

2.31 For further information about the participation of children and young people in recruitment and workforce development see the Action for Children publication *Children and Young People in Recruitment and Selection* and the link to the CWDC participation web pages in the CD-Rom resources toolkit.

Interviews

2.32 The interview should assess each candidate against the selection criteria derived from the job description and person specification and explore their suitability to work with children. Interviews should also be seen as an opportunity for you to get the best from the candidates and provide them with the chance to demonstrate how they meet the specification for the role – it should not be seen as a test where no assistance can be provided or where candidates should feel they might be caught out by trick questions.

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



Invitation to interview

2.34 There is a range of matters to consider when undertaking interviews. The letter inviting candidates to interview should be written clearly and provide them with the following:

- Time and venue.
- Directions to the venue.
- Membership of the interview panel.
- Any specific task that has been set to assist in the selection process and the time/method allocated for this.
- The selection process (ie an objective scoring system based on the criteria within the person specification).
- Information about any specific areas of exploration, including suitability to work with children, and any issues arising from the candidate's references or disclosure of criminal background.
- Opportunity to inform you of any special requirements (eg access, large print/Braille, interpreters).

2.35 The invitation should also stress that you will need to check and confirm the identity of the successful candidate thoroughly to ensure the person is who s/he claims to be. Where a CRB disclosure

is appropriate you may wish to ask the person to complete an application for a CRB disclosure straight away. You should ask all candidates to bring with them documentary evidence of their identity that will satisfy CRB requirements (ie either a current driving licence or passport including a photograph, or a full birth certificate, plus a document such as a utility bill or financial statement that shows the candidate's current name and address), evidence of ISA registration and, where appropriate, change of name documentation. See links to CRB and ISA in the CD-Rom resources toolkit for further information.

2.36 If you have specified that candidates will need to hold specific qualifications for the post, you will need to ask them to bring any documents confirming their educational and professional qualifications that are necessary or relevant for the post, eg the original or a certified copy of a certificate, diploma or degree or a letter of confirmation from the awarding body.

Note: if the successful candidate cannot produce original documents or certified copies, written confirmation of his or her relevant qualifications must be obtained from the awarding body.

2.37 A copy of the documents used to verify the successful candidate's identity and qualifications must be kept for your personnel records.

Interview panel

2.38 It is good practice for your interview panel to have a minimum of two interviewers and in some cases (eg for senior or specialist posts) a larger panel including specialist expertise might be appropriate. A panel of at least two people allows one member to observe and assess the candidate and make notes, while the candidate is talking to the other. It also reduces the possibility of any dispute about what was said or asked during the interview.

2.39 All panel members should familiarise themselves with the candidates' application forms prior to the interviews starting. The members of the panel should:

- Have the necessary authority to make decisions about appointment.
- Be appropriately experienced or trained in safer recruitment (preferably using the CWDC online training where possible).
- Meet before the interviews to:
 - Reach agreement about the required standard (or scoring threshold if being used) for the job to which they are appointing.

- Consider the issues to be explored with each candidate and who will ask about each of those.

- Agree their selection criteria in accordance with the person specification, the method of assessment they will use and the standards they will apply.

2.40 The panel will need to agree a set of questions they will ask all candidates relating to the requirements of the post and the issues they will explore with each, based on the information provided in the applications and references (if available). If the applicant has declared any past criminal convictions the panel will also need to consider whether those are relevant and whether they raise issues that need to be explored with the candidate at interview. Guidance about assessing the relevance of criminal record information and the Rehabilitation of Offenders Act, 1974 can be found at www.crb.gov.uk

2.41 How you assess and follow-up a question or issue at interview will depend on the candidates' responses. Where possible it is best to avoid hypothetical questions because they allow theoretical answers. It is better to ask competence or value-based questions that ask a candidate to relate how they responded to or dealt with an actual situation, or questions that test their attitudes and understanding of issues.

2.42 If a scoring mechanism is to be used to assess suitability against each of the criteria, this should be clearly explained to the candidates. This could simply be:

- 1 demonstrates **no** understanding/competence
- 2 demonstrates **some** understanding/competence
- 3 demonstrates **reasonable** understanding/competence
- 4 demonstrates **good** understanding/competence
- 5 demonstrates **excellent** understanding/competence

Examples of interview assessment/scoring systems are in the CD-Rom resources toolkit.

Specific questions

2.43 In addition to assessing and evaluating the applicant's suitability for a post using the person specification criteria, your interview panel should also explore:

- The candidate's attitude towards children and young people.
- His or her ability to support the organisation's commitment to safeguarding and promoting the welfare of children.
- Gaps in the candidate's employment history.

- Concerns or discrepancies arising from the information provided by the candidate and/or a referee.

- Issues arising from any disclosure of a criminal record by the applicant.

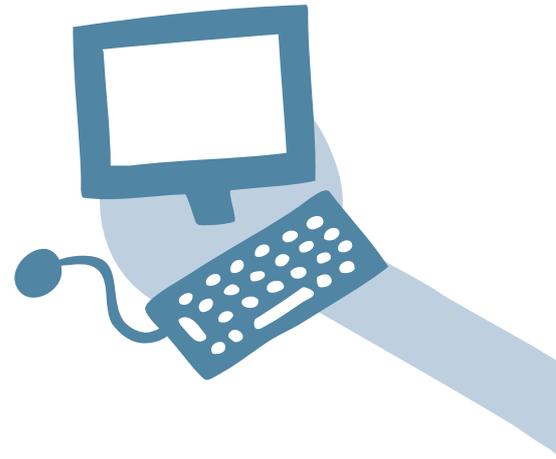
2.44 The panel should also ask the candidate if they wish to add anything to the declaration on their application form in light of the requirement for a CRB disclosure.

2.45 If, for whatever reason, you have been unable to obtain references before the interview, the candidate should also be asked at interview if there is anything s/he wishes to declare or discuss in light of the questions that have been (or will be) put to his or her referees. It is vital that you obtain and scrutinise the references and resolve any issues satisfactorily before you confirm appointment and before s/he starts work.

Conditional offer of appointment: pre-appointment checks

2.46 Once your interview panel has made its decision about the preferred candidate, an offer of appointment to the successful candidate can be made, but the offer must be conditional on the satisfactory completion of the checks set out in section three.

- The receipt of at least two satisfactory references (if these have not already been received – see paragraph 3.6 – 3.12).



- Verification of the candidate's identity (if that could not be verified straight after the interview).
- Appropriate checks and CRB disclosure.
- Checks against the ISA vetting and barring scheme (from November 2010).
- Verification of the candidate's medical fitness (through declaration made by the candidate at or before interview if not by medical assessment).
- Verification of qualifications (if not verified at the interview).
- Certification of professional status where required eg General Social Care Council (GSCC) registration (if not verified at the interview).

2.47 Section three sets out detailed guidance on pre-appointment checks and the records that need to be made and retained of these checks.

2.48 You should seek advice from your HR or personnel services provider (if you have one) and follow relevant CRB guidance if a disclosure reveals information that a candidate has not disclosed in the course of the selection process. All checks should be:

- Confirmed in writing.
- Documented and retained in a secure place (subject to relevant advice contained in the CRB Code of Practice and

the Data Protection Act,1998).

- Followed up where they are unsatisfactory or there are discrepancies in the information provided.

2.49 The details of checks must be reported to the police and/or the ISA if:

- The CRB disclosure shows s/he has been disqualified from working with children.
- The ISA check (from November 2010) reveals that s/he has been barred from working with children (see ISA guidance on 'regulated' and 'controlled' activities).
- An applicant has provided false information in, or in support of, his or her application.
- There are serious concerns about an applicant's suitability to work with children, gained from other legitimate information sources (eg references).

CRB disclosures on overseas candidates

2.50 CRB disclosures must be completed on overseas staff. In addition, criminal records information (or certificates of good conduct) should be sought from countries where individuals have worked or lived. Section three provides detailed guidance on these checks.

Section three: vetting and checking candidates

Summary

This section of the guidance provides more detailed information about the recruitment and vetting checks that need to be undertaken for all people who wish to work with children, including overseas and agency staff. It also explains the roles of the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

Background

3.1 This section provides guidance on the recruitment and vetting checks to be carried out on staff, paid and unpaid, including trustees and others concerned with governance, before an offer of appointment is made. It also advises on the records that need be kept of those checks.

3.2 Some organisations are required to make checks such as CRB disclosures by law, while for others a requirement to make checks is imposed by a regulator such as Ofsted or the CQC and for some it is simply a matter of good practice. It is important that organisations find out and understand which requirements apply to them and their specific setting.

Note: from October 2009 it became a criminal offence to knowingly appoint someone to work with children who has been barred from doing so by the ISA's vetting and barring scheme (VBS). Regardless of the legal position, we strongly recommend that all organisations undertake all the checks described in this section on people they propose to appoint to work with children.



Recruitment and vetting checks

Summary

3.3 The checks you will need to undertake before confirming a person's appointment to work with children are as follows:

- Obtaining at least two satisfactory references, wherever possible before interview to aid selection, but always before appointment (see paragraphs 3.6 – 3.12).
- Verification of the candidate's identity (if that could not be verified straight after the interview).
- Where appropriate, verification of the person's right to work in the UK (see paragraph 3.51).
- A check against the VBS (from November 2010 – see paragraph 3.21).
- Enhanced CRB disclosure and where the appointee has lived outside the United Kingdom, a certificate of good conduct if available (see paragraphs 3.23 – 3.33 and 3.47 – 3.50).

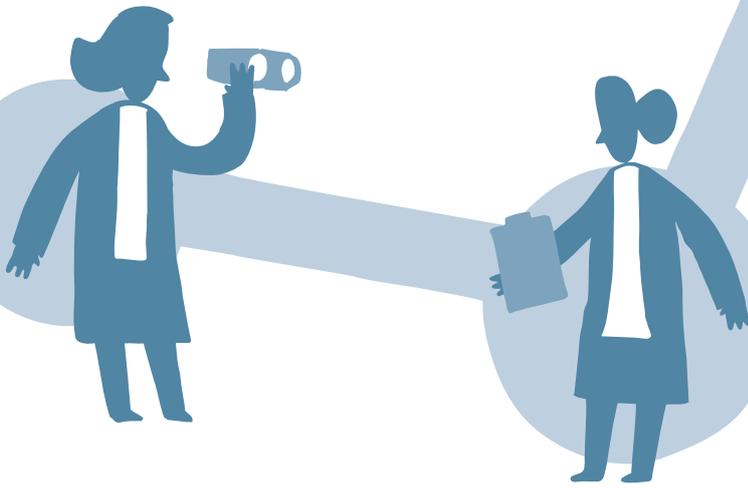
- Verification of the candidate's medical fitness (through declaration made by the candidate at or before interview if not by medical assessment).

- Verification of qualifications (if not verified at interview).

- Verification of professional status where required, eg GSCC registration (if not verified at interview).

3.4 A record should be kept to show that the above checks have been carried out for all relevant employees (see paragraphs 3.38 – 3.44).

3.5 If you are using agency staff to work with children, you should obtain confirmation from the staffing agency that the appropriate checks have been carried out and are satisfactory. You should ensure that the contract or arrangement with the staffing agency imposes an obligation on it to carry out the same checks as your organisation does for its own staff. You will also need to ask if the CRB disclosure contains information and, if so, obtain relevant information from the agency that obtained it. The same enquiries should be made of any contractor you use to provide services that give rise to their staff having contact with children.



The checks

Professional and character references

3.6 The purpose of seeking references is to enable you to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee. Employers should not rely on references or testimonials provided by the candidate, or on open references and testimonials, ie 'To whom it may concern'. There have been instances of candidates forging references. Additionally, open references or testimonials might be the result of a compromise agreement and are unlikely to include any adverse comments.

3.7 Ideally, references should be sought on all short-listed candidates, including internal ones and should be obtained before interview so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview. It may not be possible in all circumstances to obtain references for all candidates prior to interview, either because of limited resources (eg in the case of smaller private and voluntary organisations), delay on the part of the referee or because a candidate strongly objects to their current employer being approached at that stage, but it should be the aim wherever possible.

It is up to the person conducting the recruitment to decide whether to agree to a candidate's request to approach his or her current employer only if s/he is the preferred candidate after the interview, but it is not recommended as good practice.

3.8 In any case where a reference has not been obtained for the preferred candidate before interview, you should ensure that it is received, scrutinised and any concerns resolved satisfactorily, before the offer of appointment is made.

3.9 All requests for references should seek objective, verifiable information, and not subjective opinion. The use of reference pro-formas can help achieve this (see CD-Rom resources toolkit). You should also include a copy of the job description and person specification for the post for which the person is applying with all requests. Every request should:

- Ask about the referee's relationship with the candidate, eg did they have a working relationship. If so, how long has the referee known the candidate and in what capacity?
- Ask whether the referee is satisfied that the person has the ability to undertake the job in question and whether they have any specific comments about the applicant's suitability for the post and how s/he has demonstrated that s/he meets the person specification.

- Ask whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, to give specific details of their concerns and the reasons why they believe the person might be unsuitable.
- Remind the referee that:
 - They have a responsibility to ensure the reference is accurate and does not contain any material misstatement or omission.
 - Relevant factual content of the reference may be discussed with the applicant.
- Details of any disciplinary procedures the applicant has been subject to involving issues related to the safety and welfare of children or young people, including any in which the disciplinary sanction has expired, and the outcome of them.
- Details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people. Also, the outcome, eg whether the allegations or concerns were investigated, the conclusion reached and how the matter was resolved.

3.10 In addition to the above, a candidate's current or previous employer in work with children should also be asked to provide the following:

- 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 in which the disciplinary sanction is current.

3.11 On receipt, you should check all references to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered or the reference is vague or unspecific, you should contact the referee (preferably by telephone) and ask them to provide answers or clarification as appropriate. The information given should be recorded and compared with the application form to ensure consistency. Any discrepancy in the information should be taken up with the applicant.



3.12 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 was determined to be unfounded or did not require formal disciplinary sanctions and in which no further issues have been raised, may not cause you concern. More serious or recent concerns, or issues that were not resolved satisfactorily are more likely to cause you concern. A history of repeated concerns or allegations over time is also likely to give you cause for concern. You must exercise discretion and independent judgement in such cases.

Vetting and barring scheme

3.13 The ISA is a non-departmental public body which is responsible for all the barring decisions of the new VBS. From November 2010, if you are an organisation working with children you must check the ISA registration status of all new potential recruits prior to appointment (see paragraph 3.21). This will determine whether or not you can employ them (or take them on as volunteers) and may affect what activities they can undertake for your organisation.

3.14 The ISA divides work with children into two categories, known as ‘controlled’ and ‘regulated’ activities. It is only for those in regulated activities that registration will be required from November 2010; controlled activity posts will be eligible for registration from 2014.

3.15 A regulated activity is defined as, “any activity of a specified nature or which occurs in a specified place which involves frequent or intensive contact with children or vulnerable adults. This could be paid or voluntary work.” For full details, see www.isa-gov.org.uk

Such activities include:

- Any activity of a specified nature which involves contact with children or vulnerable adults frequently, intensively and/or overnight.
- Any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively.
- Fostering and childcare.
- Any activity that involves people in certain defined positions of responsibility.

3.16 Controlled activities include:

- Frequent or intensive support work in general health settings, the NHS and further education settings.
- People working for specified organisations with frequent access to sensitive records about children and vulnerable adults.
- Support work in adult social care settings.

3.17 In these definitions ‘frequently’ means the activity takes place once a month or more and ‘intensive’ means an activity that takes place on three or more days in a 30 day period. Please note that Sir Roger Singleton, Chairman of the ISA and the Government’s Chief Adviser on the Safety of Children, has been asked to check that the Government has drawn the line for ‘frequent and intensive’ in the right place. Sir Roger has been asked to report by early December 2009.



Implementation of the VBS

3.18 The ISA has outlined the following timetable for the introduction of the scheme.

3.19 **October 2009** increased safeguards are introduced:

- The three barring lists (POCA, POVA and List 99) have been replaced by two new barred lists administered by the ISA rather than several government departments.
- These lists apply to the full range of regulated and controlled activities, further enhancing protection of children and vulnerable adults.
- The eligibility criteria for enhanced CRB checks have been extended to include anyone working in a regulated position. A check of the relevant list is included in any enhanced disclosure for work with children or vulnerable adults.
- Employers, children’s services and professional regulators have a duty to refer to the ISA any information about individuals who have been dismissed or would have been dismissed had they not left of their own volition. In addition, employers, social services and professional regulators should report any individual they believe may pose a risk, ensuring potential threats to vulnerable groups can be identified and dealt with.



- There are criminal penalties for barred individuals who seek or undertake work with vulnerable groups and for employers who knowingly take them on.

3.20 July 2010, the following applies:

- Newly appointed staff and volunteers and those who currently work with children and are changing jobs will be able to become ISA registered. So as not to disrupt normal recruitment over the traditionally busy summer period the requirement will not become compulsory until November 2010. Those who currently work with vulnerable groups but are staying in their current role will not have to become registered until later in the five year transitional period.
- Individuals will be able to apply for ISA registration and a CRB check (including an ISA check) on one new application form.
- When a person becomes ISA registered they will be continuously monitored and their status reassessed against any new information which may come to light.

3.21 November 2010, the following applies:

- Newly appointed staff and volunteers and those who currently work with children and are changing jobs, must register with the ISA before they can start work.
- Employers and voluntary organisations working with children and vulnerable adults cannot recruit workers who are not ISA registered.
- There will be criminal penalties for people who undertake work in a regulated activity without being registered and for employers that allow people to undertake regulated or controlled activity without checking their registration status.

3.22 April 2011, the following applies:

- Existing employees and volunteers with no CRB check must apply for ISA registration.
- All existing employees and volunteers with CRB checks will also need to have registered with the VBS by July 2015, starting with staff whose CRB checks are the oldest.

For further information visit www.isa-gov.org.uk or call the VBS contact centre on 0300 123 1111.

CRB disclosures

3.23 From October 2009 all organisations working with children should obtain an enhanced CRB disclosure for anyone appointed to a post within the definition of ‘regulated activity’ (see 3.15) including people from overseas. (For some organisations this will already be a legal requirement or needed to comply with regulatory requirements). This also applies to existing employees/volunteers who move from a post that is not regulated activity to one that is. Standard level CRB disclosures will continue to be available from this date but will not give detail as to whether an individual is listed on either the children’s or adults’ barred lists. From June 2010 the enhanced CRB disclosure and ISA registration processes will be accessed through a single application process.

3.24 Where staff provided by an agency or a contractor undertake regulated activity with children for whom the organisation is responsible, it should obtain written confirmation from the agency or contractor that all appropriate checks (including the CRB disclosure) have been undertaken and were satisfactory.

3.25 It is not necessary for you to obtain a CRB disclosure for visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time provided they do not fall within the

definition of regulated activity because of the frequency or intensity of their activity (see 3.14 – 3.17). However, it is good practice to ensure that your visitors sign in and out and are escorted whilst on the premises by a member of staff or appropriately vetted volunteer. Examples of people who do not need to apply for a CRB disclosure include:

- Visitors who have business with the management, trustees or other staff or who have brief contact with children with a member of staff present.
- Visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on premises.
- Volunteers or parents who only accompany staff and children on one-off outings or trips that do not involve overnight stays, or who only help at specific one-off events eg sports days, fêtes, open days.
- People who are on site before or after operating hours and when children are not present, eg local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home, or before they arrive.

Checks for specific individuals

Students on placement

3.26 If you are a training organisation or workplace offering student placements for professional or vocational training where there is a practice placement element, you should ensure that an enhanced CRB disclosure is applied for when a place on the programme has been accepted, so that disclosures are received prior to the trainee commencing the work-based elements of their training. However, organisations working with children have discretion to allow an individual to begin the work-based elements pending receipt of the disclosure, subject to the same considerations in paragraphs 3.49 and 3.50. Where this is necessary, you will need to make sure that the trainee is appropriately supervised in the placement location.

Trustees, directors and others in governance roles

3.27 If your organisation comes within the definition of regulated activity and has people appointed as trustees, directors or others in governance and management positions you should ask them to obtain an enhanced disclosure from the CRB. In addition, anyone already in such a post whose behaviour is giving cause for concern should be asked to obtain an enhanced disclosure. All others should be asked to sign a declaration confirming their suitability to fulfil the role.

3.28 Applications for CRB disclosures should be submitted as soon as the successful candidate is identified. It is good practice to ensure that you receive the enhanced disclosure before an individual begins work. For some organisations that will be a legal or regulatory requirement. Other organisations will have discretion to let a person start work before the enhanced disclosure is received, provided that they first check that the person is not on the ISA Barred List (and from November 2010 that the person is registered with the ISA).

3.29 Where your organisation has discretion it should not become common practice to allow an individual to begin work pending receipt of the new CRB disclosure. If that is allowed exceptionally, you should ensure that the individual is not allowed direct unsupervised contact with children and/or young people until the checks is completed satisfactorily. In such cases, it is also good practice to do a risk assessment to assess the level of risk that the arrangement may pose to children.

3.30 The level of supervision for individuals who start work prior to the result of a CRB disclosure being known must reflect what you know about the person concerned, their experience, the nature of their duties and the level of responsibility they will carry. For those with limited experience and where references have provided limited information the level of supervision required may be high. For those with more experience and where the references are detailed and provide strong evidence of good conduct in previous relevant work a lower level of supervision may be appropriate.

3.31 Where a CRB disclosure includes non-conviction information or information that the person did not disclose with their application ('soft information'), you will need to consider whether to withdraw the conditional offer of appointment. Where the individual has already started work pending receipt of the disclosure you will also need to consider suspending the person until the matter is resolved.

3.32 Information that is part of a CRB disclosure must be treated as confidential. It is an offence for CRB disclosure information to be passed to anyone who does not need it in the course of their duties.

3.33 The disclosure information must be kept in a secure place and must be destroyed, by secure means, as soon as it is no longer needed (for regulated services this is often the date of the next inspection). This is usually six months after receipt.

Note: if in doubt about the use of or process for CRB disclosures, visit the CRB website at www.crb.gov.uk for information about the CRB code of practice.

Other checks

Qualification requirements

3.34 You must always verify that the candidate has actually obtained any qualifications claimed in their application that are legally required for the job or that the employer regards as essential. Often, sight of original documents, the relevant certificate or diploma, will be sufficient. However, spurious and false qualifications can be purchased quite easily via the internet and if there is any doubt about the validity of the qualification, or the awarding body, you should make further checks by seeking written confirmation directly from the awarding body.

3.35 For those applying for professional posts, the qualifications and any professional registrations legally required for the job must be confirmed in the same manner.





Previous employment history

3.36 You should always ask for information about previous employment and obtain satisfactory explanations for any gaps in employment. If a candidate for a post is not currently employed in work with children and/or young people, it is also advisable for you to check with the previous employer to confirm details of their employment and their reasons for leaving.

Health checks

3.37 You should satisfy yourself that individuals have the appropriate level of physical and mental fitness before an appointment offer is confirmed. Preferred candidates should be asked to complete a health questionnaire or declaration in accordance with disability legislation (see CD-Rom resources toolkit for examples). If you are disabled, your disability should not be used as a reason for singling you out for a health test without good reason. It's unlawful to treat disabled people less favourably because of their disability. This doesn't mean that it will always be unlawful for an employer to ask a disabled person to have a health check, even if other candidates are not asked. It will depend on the nature of your disability and the needs of the job.

Single central record of recruitment and vetting checks

3.38 In addition to the various staff records which are kept as part of normal business, it is good practice for you to keep and maintain a single central record (see CD-Rom resources toolkit for examples) of recruitment and vetting checks undertaken. This should include dates and whether results were positive or satisfactory, but cannot record specific details of any offences.

Note: this is legally required for regulated services eg day care, foster care, adoption, children's homes and domiciliary care services. Therefore any reference to the record is mandatory for such organisations.

3.39 Your organisation should have a record of the following people:

- All staff who are employed to work at the establishment or organisation.
- All volunteers.
- All staff who are employed through an agency.
- Where possible any staff who are employed by a contractor working on site.

3.40 The record should also include all others who have been chosen to work in regular contact with children. This will cover volunteers, trustees who also work as volunteers within the establishment and people brought in to provide additional care or support for children and young people but who are not staff members, eg activities coordinators, coaches or theatrical workers.

3.41 For the purposes of creating the record of checks for staff provided through an agency or employed by a contractor, you will need written confirmation from the agency or contractor that satisfactory checks have been completed. You do not need to carry out or see the check itself except where there is information contained in the CRB disclosure. However, identity checks must be carried out to confirm that the individual arriving is the individual that the agency or contractor intends to refer to them.

Note: if the CRB disclosure refers to the existence of information additional to that on the face of the disclosure (soft information), an agency or contractor cannot pass this information on to an establishment and the organisation will need to get a fresh disclosure.

3.42 Before a disclosure is destroyed, you will need to add a record to the central record detailing the date the disclosure was obtained, who obtained it, the level of the disclosure and its unique reference number.

3.43 The central record must indicate whether or not the following have been completed:

- Identity checks.
- Qualification checks for any qualifications legally required for the job.
- Checks of right to work in the United Kingdom.
- CRB enhanced disclosure.
- ISA VBS checks.
- Further overseas records checks where appropriate (see paragraphs 3.47 – 3.50 for advice on staff who have lived outside the United Kingdom).

3.44 The record must show the date on which each check was completed or the relevant certificate obtained and should show who carried out the check. It also needs to show whether or not the person's position involves regularly caring for, training, supervising, or being in sole charge of persons aged under 18.

Volunteers

3.45 The rules for ISA registration and obtaining enhanced CRB disclosures are the same for volunteers as for paid staff (see 3.38 – 3.44) and it is assumed that there is no difference between them except where stated.

Agency staff

3.46 The rules for ISA registration and obtaining enhanced CRB disclosures are the same for agency staff as for staff directly employed (see 3.38 – 3.44).

Applicants from overseas or who have lived outside the United Kingdom

3.47 Overseas candidates and people who have lived outside the United Kingdom must undergo the same checks as for all other staff. This includes a CRB disclosure and ISA check (from November 2010).

3.48 In addition, you should make further checks in respect of the candidates because CRB disclosures will not generally show offences committed by individuals whilst living abroad.

3.49 For overseas candidates who have not previously lived in the UK and UK candidates who have lived abroad for significant periods, you should make an additional check by obtaining a certificate of good conduct from the relevant embassy or police force, where that is available, as well as obtaining

an enhanced CRB disclosure. The CRB website gives information about the availability and coverage of these certificates. The level of information they contain varies from country to country. Some are complete extracts from the criminal record; others are partial.

3.50 Where an applicant is from or has lived in a country where criminal record checks cannot be made for child protection purposes, or is a refugee with leave to remain in the UK and has no means of obtaining relevant information, you must take extra care in taking up references and carrying out other background checks. For example, additional references should be sought and references followed up by phone as well as letter.

Right to work in the UK

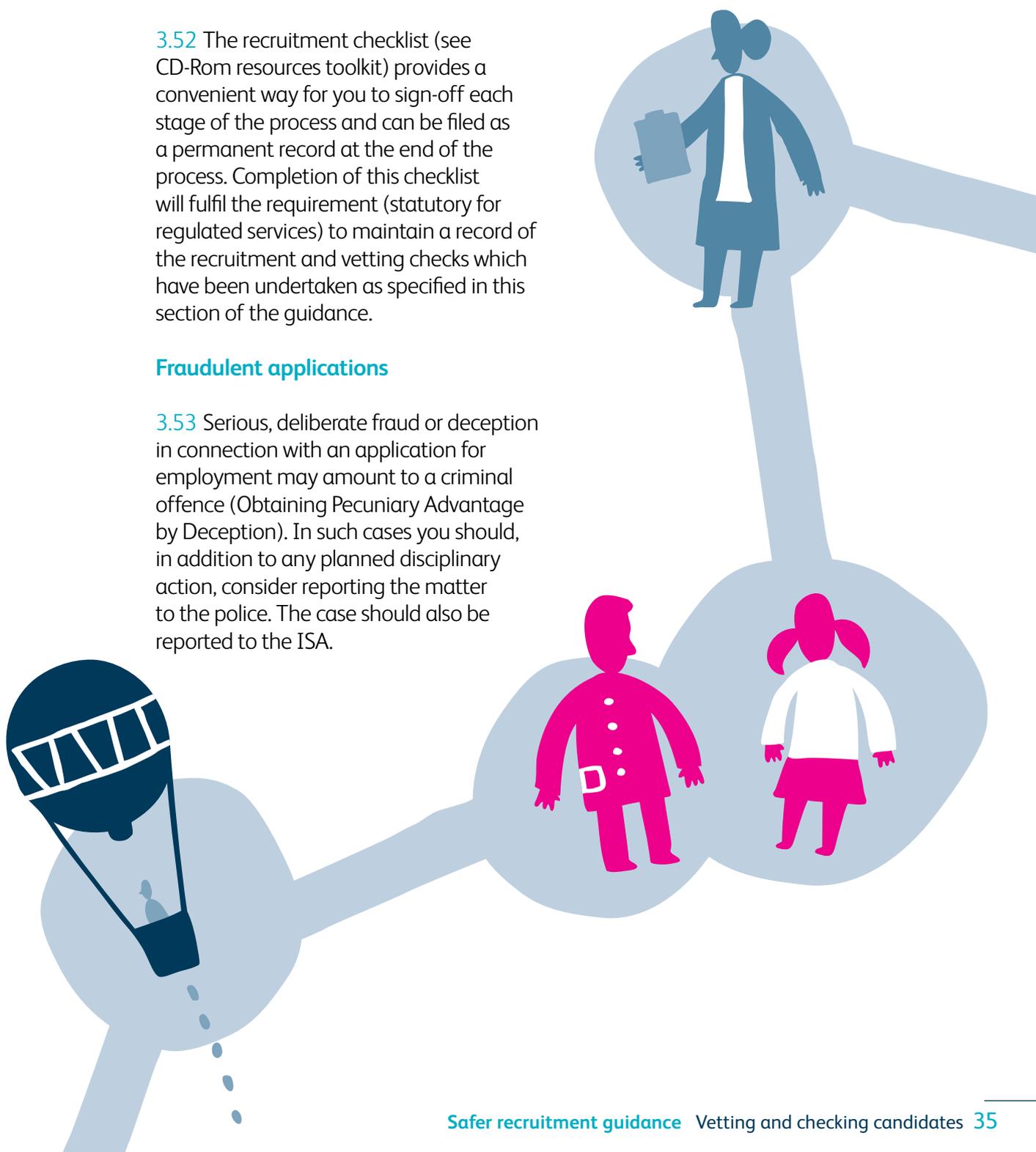
3.51 You must confirm the right of those you employ to work in the UK. Further information and details on permission to work in the UK can be found at the Direct Gov website www.direct.gov.uk/en/Employment/Understandingyourworkstatus/ (see CD-Rom resources toolkit).

Recruitment checklist

3.52 The recruitment checklist (see CD-Rom resources toolkit) provides a convenient way for you to sign-off each stage of the process and can be filed as a permanent record at the end of the process. Completion of this checklist will fulfil the requirement (statutory for regulated services) to maintain a record of the recruitment and vetting checks which have been undertaken as specified in this section of the guidance.

Fraudulent applications

3.53 Serious, deliberate fraud or deception in connection with an application for employment may amount to a criminal offence (Obtaining Pecuniary Advantage by Deception). In such cases you should, in addition to any planned disciplinary action, consider reporting the matter to the police. The case should also be reported to the ISA.



Section four: safer practice



Summary

Safer practice in recruitment means thinking about and including issues to do with child protection, safeguarding and promoting the welfare of children at every stage of the recruitment process and in staff management development and training. Throughout your organisation's processes of recruitment and selection, it is therefore important that applicants for positions working with children are aware of your commitment to safer recruitment and safeguarding children in general.

Making sure that safeguarding features highly in all your processes, policies, procedures and practice sends a clear message to applicants and existing staff and volunteers and helps to deter unsuitable individuals and inappropriate behaviour.

Post appointment – continued vigilance

4.1 It is important that you thoroughly apply the measures described in this guidance whenever you recruit someone to work with children, but that must not be the end of the matter. Childcare settings are safe environments for the great majority of children and the vast majority of people who work with children have their safety and welfare at heart.

We must not be complacent however. We know that some people seek access to children in order to abuse and that abused children very often do not disclose the abuse at the time. We also know that some of the allegations of abuse made against staff are substantiated and we continue to see a number of cases year on year in which staff and volunteers across the children and young people's workforce are convicted of criminal offences involving the abuse of children.





Post appointment – induction and probation

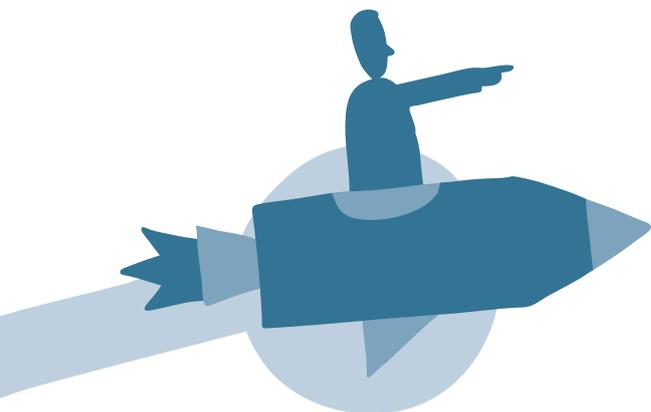
4.2 Regardless of role or previous experience of working with children, you should plan an induction (and probation) programme for all staff and volunteers newly appointed to your organisation. The purpose of induction and probation is to:

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

4.3 The content and nature of the induction and probation process will vary according to the role and previous experience of the new member of staff or volunteer, but as far as safeguarding and promoting the welfare of children is concerned the induction and probation programme should include information about and written statements of:

- Policies and procedures in relation to safeguarding and promoting welfare eg child protection, anti-bullying, anti-racism, physical intervention or restraint, intimate care, health and safety, internet safety and any local child protection and safeguarding procedures.
- Safe practice and the standards of conduct and behaviour expected of staff, children and other service users in the establishment.
- How and with whom any concerns about those issues should be raised.
- Other relevant personnel procedures eg disciplinary, capability and whistle blowing (see CD-Rom resources toolkit).

4.4 Child protection training appropriate to the role should also be provided to all new staff as a mandatory element of the induction and probation programme for those working with children.



Maintaining a safer culture

4.5 Paragraph 4.1 describes the need for continued vigilance with safeguarding issues. It is important that all staff in your organisation have appropriate training, induction, probation and appraisal so that they understand their roles and responsibilities and are confident about carrying them out. Staff, children and young people and their parents also need to feel confident that they can raise issues or concerns about the safety or welfare of children and that they will be listened to and taken seriously. This can be achieved by you maintaining an ethos of safeguarding and promoting the welfare of children and young people and protecting staff, which is supported by:

- A clear written statement of the standards of behaviour and the boundaries of appropriate behaviour expected of staff and children that is understood and endorsed by all.
- Appropriate provision of induction, probationary support, appraisal and training.
- Clear procedures for information sharing and record keeping.
- Clear procedures for managing allegations against staff.
- Regular briefing and discussion of relevant issues.
- Including relevant material from appropriate sources, eg DCSF Staying Safe initiative, Churches Child Protection Advisory Service, Safe Network and other material (see CD-Rom resources toolkit).
- Ensuring all those working with children are familiar with the good practice guidance within this guidance.
- A clear reporting system if a child, young person, member of staff or other person has concerns about the safety of children.

Monitoring

4.6 Monitoring of both the recruitment process and induction and probationary arrangements will enable your future recruitment practices to be better informed. Feedback from new appointees and other employees may assist you in understanding how improvements can be achieved. It could include:

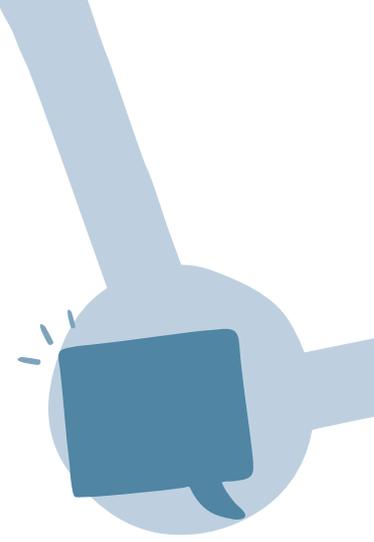
- Feedback on the recruitment process as part of any probationary period (where this can be achieved confidentially).
- Staff turnover levels.
- Staff exit interviews that explore reasons for leaving.
- Feedback from attendance of new recruits at child protection training.

Training

4.7 Ongoing training is essential to maintaining a safe workforce. Information about the training programme that complements this guidance can be found in the CD-Rom resources toolkit.



Section five: managing allegations against staff



Introduction

It is crucial that everyone working in any organisation providing services or activities for children is aware of these issues and the need to adopt ways of working and appropriate practice to help reduce allegations. It is equally important that everyone is able to raise concerns about what seems to be poor or unsafe practice by colleagues and that those concerns, along with concerns expressed by children, parents or others are listened to and taken seriously.

5.1 The framework for managing cases set out in this section of the guidance is taken from Working Together to Safeguard Children, HM Government, 2006. It applies to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer, significant harm.

5.2 It also caters for cases of allegations which might indicate that the alleged perpetrator is unsuitable to continue to work with children in his or her present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a person who works with children has:

- Behaved in a way that has harmed, or may have harmed a child.
- Possibly committed a criminal offence against, or related to a child.
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

5.3 There may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence.
- Enquiries and assessment by children's social care about whether a child is in need of protection or services.
- Consideration by an employer of disciplinary action in respect of the individual.



5.4 For convenience, the term ‘employer’ is used throughout this guidance to refer to organisations that have a working relationship with the individual against whom the allegation is made. This includes organisations that use the services of volunteers or people who are self-employed, as well as service providers, voluntary organisations, employment agencies or businesses, contractors, fostering services, regulatory bodies such as Ofsted in the case of childminders and others that may not have a direct employment relationship with the individual but will need to consider whether to continue using the person’s services, to provide them for work with children in future, or to deregister them.

Note: in some circumstances, the term ‘employer’ for these purposes encompasses more than one organisation eg where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. In those circumstances, both the contractor or agency and the organisation in which the accused individual worked need to be involved in dealing with the allegation.

Supporting those involved

5.5 Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it (subject to paragraph 5.16). They should also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution. That includes the outcome of any disciplinary process.

Note: the deliberations of a disciplinary hearing and the information taken into account in reaching a decision, cannot normally be disclosed, but those concerned should be told the outcome. In deciding what information to disclose, careful consideration should be given to duties under the Data Protection Act 1998, the law of confidence and, where relevant, the Human Rights Act 1998.

5.6 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children’s social care or the police, as appropriate, should consider what support the child or children involved may need.



5.7 The employer should also keep the person who is the subject of the allegations informed of the progress of the case and arrange to provide appropriate support to the individual while the case is ongoing. That support may be provided via occupational health or employee welfare arrangements where those exist. If the person is suspended, the employer should also make arrangements to keep the individual informed about developments in the workplace. As noted in paragraph 5.17, if the person is a member of a union or professional association, they should be advised to contact that body at the outset.

Confidentiality

5.8 Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. In accordance with Association of Chief Police Officers guidance, the police do not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. In exceptional cases, where the police might depart from that rule, eg an appeal to trace a suspect, the reasons should be documented and partner agencies consulted beforehand. The system of self-regulation, overseen by the Press Complaints Commission, also provides safeguards against the publication of inaccurate or misleading information.

Resignations and 'compromise agreements'

5.9 The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to co-operate with the process. Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available, should continue, even if that cannot be done or the person does not co-operate. It may be difficult to reach a conclusion in those circumstances and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

5.10 By the same token, so-called ‘compromise agreements’ – by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both parties agree a form of words to be used in any future reference – must not be used in these cases. In any event, such an agreement will not prevent a thorough police investigation where appropriate, nor can it override an employer’s statutory duty to make a referral to the ISA if circumstances require it.

Record-keeping

5.11 It is important that employers keep a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved and of any action taken and decisions reached. These should be kept in a person’s confidential personnel file and a copy should be given to the individual. Such information should be retained on file, including for people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that is longer. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future CRB disclosure reveals information from the police that an allegation was made but did not result in a prosecution or conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

Timescales

5.12 It is in everyone’s interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay. Indicative target timescales are shown for different actions in the summary description of the process. These are not performance indicators: the time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness and complexity of the allegations, but they provide useful targets to aim for that are achievable in many cases.

Oversight and monitoring

5.13 Local Safeguarding Children Board (LSCB) member organisations, county-level and unitary local authorities and police forces should each have officers who fulfill the roles described below:

- Ensuring that the organisation operates procedures for dealing with allegations in accordance with this guidance.
- Resolving any inter-agency issues.
- Liaising with the LSCB on the subject.



5.14 Other employers' procedures should identify a senior manager within the organisation to whom allegations or concerns that a member of staff or volunteer may have abused a child should be reported. Procedures should make sure that all staff and volunteers know who that person is. The procedures should also identify an alternative person to whom reports should be made in the absence of the named senior manager, or in cases where that person is the subject of the allegation or concern. The procedures should include contact details for the Local Authority Designated Officer (LADO) responsible for providing advice and liaison and monitoring the progress of cases, to ensure that cases are dealt with as quickly as possible, consistent with a fair and thorough process.

Initial considerations

5.15 Procedures need to be applied with common sense and judgement. Some allegations are so serious as to require immediate referral to social care and the police for investigation. Others are much less serious and at first sight may not seem to warrant consideration of a police investigation or enquiries by children's social care. However, it is important to ensure that even apparently less serious allegations are seen to be followed up and that they are examined objectively by someone independent of the organisation concerned. Consequently, the LADO should be informed of all allegations that come to the employer's attention and appear to meet the criteria in paragraph 5.2, so that s/he can consult police and social care colleagues as appropriate.

The LADO should also be informed of any allegations that are made directly to the police (which should be communicated via the police force's designated officer) or to children's social care.

5.16 The LADO should first establish, in discussion with the employer, that the allegation is within the scope of these procedures (see paragraph 5.2) and may have some foundation. If the parents/carers of the child concerned are not already aware of the allegation, the LADO will also discuss how and by whom they should be informed. In circumstances in which the police or social care may need to be involved, the LADO should consult those colleagues about how best to inform parents. However, in some circumstances an employer may need to advise parents of an incident involving their child straight away eg if the child has been injured while in the organisation's care and requires medical treatment.

5.17 The employer should inform the accused person about the allegation as soon as possible after consulting the LADO. However, where a strategy discussion is needed, or it is clear that police or children's social care may need to be involved, that should not be done until those agencies have been consulted and have agreed what information can be disclosed to the person. If the person is a member of a union or professional association, s/he should be advised to seek support from that organisation.



5.18 If there is cause to suspect a child is suffering, or is likely to suffer, significant harm, a strategy discussion should be convened (see Working Together to Safeguard Children).

Note: in these cases the strategy discussion should include a representative of the employer (unless there are good reasons not to do that) and should take account of any information the employer can provide about the circumstances or context of the allegation.

5.19 In cases where a formal strategy discussion is not considered appropriate – because the threshold of ‘significant harm’ is not reached – but a police investigation might be needed, the LADO should nevertheless conduct a similar discussion with the police, the employer and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. Note: the police must be consulted about any case in which a criminal offence may have been committed. Like a strategy discussion, that initial evaluation may not need to be a face-to-face meeting. It should share available information about the allegation, the child and the person against whom the allegation has been made, consider whether a police investigation is needed and, if so, agree the timing and conduct of that. In cases where a police investigation is necessary, the joint evaluation should

also consider whether there are matters that can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the police enquiries and/or prosecution.

5.20 If the complaint or allegation is such that it is clear that investigations by police and/or enquiries by social care are not necessary, or the strategy discussion or initial evaluation decides that this is the case, the LADO should discuss next steps with the employer. In such circumstances, options open to the employer range from taking no further action, to summary dismissal or a decision not to use the person’s services in future. The nature and circumstances of the allegation and the evidence and information available determine which of the range of possible options is most appropriate.

5.21 In some cases, further investigation is needed to enable a decision about how to proceed. If so, the LADO should discuss with the person’s employer how and by whom the investigation will be undertaken. The investigation should normally be undertaken by the employer. However, in some circumstances appropriate resources may not be available in the employer’s organisation, or the nature and complexity of the allegation might point to the employer commissioning an independent investigation.



Suspension

5.22 The possible risk of harm to children posed by an accused person needs to be evaluated and managed effectively – in respect of the child(ren) involved in the allegations and any other child(ren) in the individual’s home, work or community life. In some cases this requires the employer to consider suspending the person.

Suspension should be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. People must not be suspended automatically or without careful thought. Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved.

Note: neither the local authority, nor the police, nor children’s social care can require an employer to suspend a member of staff or a volunteer. The power to suspend is vested in the employer alone. However, where a strategy discussion or initial evaluation discussion concludes that there should be enquiries by social care and/or an investigation by the police, the LADO should canvass police/social care views about whether the accused member of staff needs to be suspended from contact with children, to inform the employer’s consideration of suspension.

Monitoring progress

5.23 The LADO should regularly monitor the progress of cases, either via review, strategy discussions, or by liaising with the police, children’s social care colleagues or employer, as appropriate. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

5.24 If the strategy discussion or initial evaluation decides that a police investigation is required, the police should set a target date for reviewing the progress of the investigation and consulting the Crown Prosecution Service (CPS) to consider whether to charge the individual, continue to investigate, or close the investigation. Wherever possible, that review should take place no later than four weeks after the initial action meeting. Dates for subsequent reviews, at fortnightly or monthly intervals, should be set at the meeting if the investigation continues.

Information sharing

5.25 In the initial consideration at a strategy discussion or joint evaluation, the agencies concerned – including the employer – should share all relevant information they have about the person who is the subject of the allegation and about the alleged victim.

5.26 Wherever possible, the police should obtain consent from the individuals concerned to share the statements and evidence they obtain with the employer and/or regulatory body, for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded, to enable the police and CPS to share relevant information without delay at the conclusion of their investigation or any court case.

5.27 Children's social care should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services. This will enable any information obtained in the course of those enquiries, which is relevant to a disciplinary case, to be passed to the employer or regulatory body without delay.

Action following a criminal investigation or a prosecution

5.28 The police or CPS should inform the employer and LADO straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after the person has been charged. In those circumstances, the LADO should discuss with the employer whether

any further action is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care should inform that decision. Action by the employer, including dismissal, is not ruled out in any of those circumstances. The range of options open depends on the circumstances of the case. Consideration should be given to the result of the police investigation or trial, and the different standards of proof required in disciplinary and criminal proceedings.

Action on conclusion of a case

5.29 If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the LADO should discuss with the employer whether a referral to the ISA is required or advisable, along with the form and content of that referral. Also, if the person is subject to registration or regulation by a professional body or regulator – eg by GSCC, GMC or Ofsted – the LADO should advise on whether a referral to that body is appropriate.

5.30 If it is decided on conclusion of the case that a person who has been suspended can return to work, the employer should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The employer should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still in the workplace.

Learning lessons

5.31 At the conclusion of a case in which an allegation is substantiated, the employer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future.

Action in respect of false or unfounded allegations

5.32 If an allegation is determined to be unfounded, the employer should refer the matter to children's social care to determine whether the child concerned is in need of services, or may have been abused by someone else. In the rare event that an allegation is shown to have been deliberately invented or malicious, the police should be asked to consider whether any action might be appropriate against the person responsible.

Summary of process

Allegation made to employer

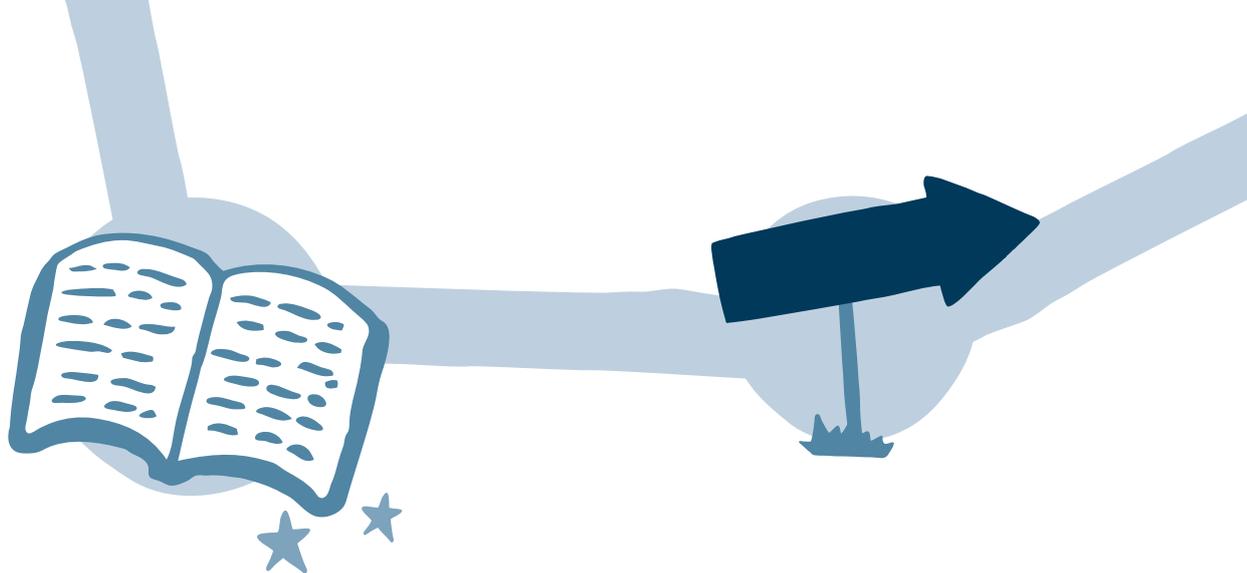
5.33 The allegation should be reported immediately to the senior manager identified in the employer's procedure, unless that person is the subject of the allegation, in which case it should be reported to the designated alternative.

5.34 If the allegation meets any of the criteria set out in paragraph 5.2 the employer should report it to the LADO within one working day.

Allegation made to the police or children's social care

5.35 If an allegation is made to the police, the officer who receives it should report it to the force's designated liaison officer without delay and the designated liaison officer should, in turn, inform the LADO straight away. Similarly, if the allegation is made to children's social care, the person who receives it should report it to the LADO without delay.





Initial consideration

5.36 The LADO will discuss the matter with the employer and, where necessary, obtain further details of the allegation and the circumstances in which it was made. The discussion should consider whether there is evidence/information that establishes the allegation as false or unfounded.

5.37 If the allegation is not patently false and there is cause to suspect that a child is suffering, or is likely to suffer, significant harm, the LADO should immediately refer to children's social care and ask for a strategy discussion to be convened straight away. In those circumstances, the strategy discussion should include the LADO and a representative of the employer.

5.38 If there is no cause to suspect that significant harm is an issue, but a criminal offence might have been committed, the LADO should immediately inform the police and convene a similar discussion to decide whether a police investigation is needed. That discussion should also involve the employer.

Action following initial consideration

5.39 Where the initial evaluation decides that the allegation does not involve a possible criminal offence, it is dealt with by the employer. In such cases, if the nature of the allegation does not require formal disciplinary action, appropriate action should be instituted within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

5.40 Where further investigation is required to inform consideration of disciplinary action, the employer should discuss who will undertake that with the LADO. In some settings and circumstances, it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the employer or the person's line management to ensure objectivity. In any case, the investigating officer should aim to provide a report to the employer within 10 working days.

5.41 On receipt of the report of the disciplinary investigation, the employer should decide within two working days whether a disciplinary hearing is needed. If a hearing is needed it should be held within 15 working days.



5.42 In any case in which children’s social care has undertaken enquiries to determine whether the child or children are in need of protection, the employer should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action.

5.43 The LADO should continue to liaise with the employer to monitor progress of the case and provide advice/support when required or requested.

Case subject to police investigation

5.44 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation and will keep the progress of the case under review. They should, at the outset, set a target date for reviewing progress of the investigation and consulting the CPS about whether to proceed with the investigation, charge the individual with an offence, or close the case. Wherever possible that review should take place no later than four weeks after the initial evaluation and if the decision is to continue to investigate the allegation, dates for subsequent reviews should be set at that point. It is open to the police to consult the CPS about the evidence that will need to be obtained in order to charge a person with an offence at any stage.

5.45 If the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a court, the police should pass all information they have which may be relevant to a disciplinary case to the employer without delay. In those circumstances the employer and the LADO should proceed as described in paragraphs 5.39 – 5.43.

5.46 If the person is convicted of an offence, the police should also inform the employer straight away so that appropriate action can be taken.

Referral to VBS or regulatory body

5.47 If the allegation is substantiated and on conclusion of the case the employer dismisses the person or ceases to use the person’s services, or the person ceases to provide his/her services, the employer should consult the LADO about the process for referral to the ISA (see CD-Rom resources toolkit for ISA referral guide) and/or to a professional or regulatory body. Any referrals should take place within a month.



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