

BEE ACTIVE

Safer recruitment and selection procedures for all adults who work with children and young people.

Introduction

1. All organisations which employ staff and/or volunteers to work with or provide services for children have a duty to safeguard and promote the children's welfare. This includes ensuring that safe recruitment and selection procedures are adopted which deter, reject or identify people who might abuse children or are otherwise unsuitable to work with them.
2. Staffordshire and Stoke-on-Trent Safeguarding Children Boards have a key function to establish "effective policies and procedures, based on national guidance, for checking the suitability of people applying for work with children"
3. Making safeguarding and promoting the welfare of children an integral factor in human resources management is an essential part of creating safe environments for children and young people. Safer practice in recruitment means thinking about and including issues to do with child protection at every stage of the process.
4. That those involved in recruiting and selecting staff are able to successfully test the candidates' ability and experience against a clearly defined person specification, each agency must offer them:
 - Specific training in respect of safe recruitment and selection
 - Supervised/supported experience of recruitment
 - Periodic evaluation of performance by their supervisors

5. These procedures by both Boards provide organisations with minimum good practice considerations but do not cover all issues relating to safer recruitment and selection. It is the responsibility of each agency or organisation to consult with their personnel or HR advisor, review or develop their own procedures and to ensure their practice satisfies the requirements of employment law.

Scope

6. Any organisation commissioned to provide services to children must be required as part of the commissioning process to comply with the safe recruitment, selection and supervision procedures set out in this chapter, and any service level agreement or contract must contain a safeguarding statement which clarifies the standards expected. This must include a requirement that the organisation must not sub-contract to any personnel who have not been part of a safe recruitment process.

7. Where private or voluntary organisations come into contact with or offer services to children otherwise than under contract with a statutory or public body, in recognition of their commitment to safeguard and promote the welfare of children, they should as a matter of good practice take account of this procedure and follow it as far as possible, although not under a statutory obligation to do so.

The following guidance gives key detail: www.gov.uk/vetting-barring-scheme/

Rigorous Scrutiny

8. This is the key to safe recruitment. All information gathered during the recruitment process must be rigorously checked at all stages of the process. It is important that the need to safeguard children is also considered at every stage of the recruitment process. Particular care should be given to checking dates of birth, names and identifying any gaps in employment details. Incomplete applications should not be accepted.

The Recruitment Process

9. It is important that the need to safeguard children is considered at every stage of the recruitment process. It is good practice for organisations to adopt a statement reflecting their duty to safeguard and promote the welfare of children which is incorporated in all advertisements, application forms and documents relating to recruitment and selection.

10. This statement should be included in:

- Publicity materials
- Recruitment websites
- Advertisements
- Candidate information packs
- Person specifications
- Job descriptions
- Competency frameworks
- Induction training

Preparing the Job Description and Person Specification

11. Once a post becomes vacant or a new post is created the job description and person specification need to be reviewed or agreed to ensure they comply with these procedures. Both need to reflect the applicant's responsibility to safeguard and promote the welfare of children.

12. The job description should be an accurate reflection of the job a person is expected to do although it should not be a list of every task undertaken. The job description should clearly set out the extent of the relationship with, and the degree of responsibility for, children with whom the person will have contact. Job descriptions must state:

- the main duties and responsibilities of the post; and
- the post holder's responsibility to safeguard and promote the welfare of children with whom s/he has contact or for whom s/he is responsible

13. The person specification should:

- Include the qualifications, experience and any other requirements needed to perform the role in relation to working with children
- Describe the competencies and qualities that the successful candidate should be able to demonstrate
- Explain that if the applicant is short-listed, any relevant issues arising from the references will be taken up at interview
- Explain how these requirements will be tested and assessed during the selection process including:
 - motivation to work with children;
 - ability to form and maintain appropriate relationships and personal boundaries with children;
 - emotional resilience in working with challenging behaviours; and
 - attitudes to use of authority and maintaining discipline

14. Both the job description and person specification should be completed at the same time and before the job is advertised. Under no circumstances should the person specification be completed or revised after the selection panel has had access to the applications.

Advertisements and Information for Applicants

15. Information to applicants should stress the organisations commitment to safeguarding children and should therefore include a statement to this effect (see above page 4).

16.The advertisement needs to be clear and concise and include:

- Post title
- Salary
- Type of contract-Permanent, Fixed Term, Temporary etc
- Post location
- Hours of work
- Brief description of organisation
- Brief description of the post
- Closing date for application
- How and to whom to apply
- Equal opportunities process
- Contact number for further information
- Standard or Enhanced Criminal Records Check via the Disclosure and Barring Service (DBS)

17.The level of the post will influence the amount of information to be sent to applicants. All information given to the interested applicant should highlight the importance placed by the organisation on the rigorous selection processes and the duty to safeguard and promote the welfare of children. A copy of the organisation's Child Protection Policy/ Policy Statement should therefore be included in the pack. All candidates will be asked to bring proof of identity (see Short listing).

18.The information should also set out clearly 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.

19.The information should stress that the identity of the candidate, if successful, will need to be checked thoroughly, and that where a Disclosure and Barring Service (DBS) check is appropriate the person will be required to complete an application for a DBS disclosure straight away.

Application Form

20.All organisations should use a standardised application form which is used for all relevant staff vacancies and which is appropriate to the nature of the post.

21.The application form should ask for:

- Full identifying details of the applicant, including current and former names, date of birth, current address and National Insurance number
- Details of any relevant academic and/or vocational qualifications with details of the awarding body and date of the award
- A full history in chronological order since leaving secondary education, including periods of any post-secondary education or training and part-time or voluntary work as well as full-time employment with start and end dates, explanations for periods not in employment, education or training and reasons for leaving each employment
- A declaration of any family or close relationship to any existing employees or employers
- Details of referees, one of whom must be from the applicant's current or most recent employer. Referees should not be accepted from relatives or persons writing solely in the capacity of friends. Where an applicant who is not currently working with children has done so in the past, it is important that a reference is also obtained from the employer by whom the person was most recently employed in work with children.

Careful consideration needs to be given where the applicant has been working as a locum or on a series of temporary contracts. The need to request an additional reference from the last permanent employer should be considered. (See paragraph below titled References).

- A statement of the personal qualities and experiences that the applicant believes are relevant to his or her suitability for the post advertised and how s/he meets the person specification
- A signed declaration by the applicant that s/he is not disqualified from work with children, is not on the Disclosure and Barring Service Barred List nor subject to sanctions imposed by a Regulatory Authority and that s/he has no convictions, cautions and/or bind-overs, including those regarded as 'spent', or has attached details of his or her criminal record in a sealed envelope marked 'confidential'.
- **Incomplete applications must not be accepted and must be returned to the applicant for completion.**

The application form should also record that:

- Where appropriate, the successful candidate will be required to provide a Criminal Records check at the appropriate level for the post.
- The prospective employer will seek references on shortlisted candidates and may approach previous employers to verify particular experience or qualifications, before interview.
- If the applicant is working with children, either paid or unpaid, his or her current employer will be asked about disciplinary offences relating to children, including any for which the penalty is time expired, and whether the candidate has been the subject of any child protection concerns and if so, the outcome of any enquiry or disciplinary procedure.
- If the applicant is not currently working with children but has done so in the past, that previous employer will be asked about these issues; and
- Providing false information is an offence and could result in the application being rejected or in summary dismissal if the applicant has been selected and possible referral to the police.
- Word of mouth appointments and CVs should not be accepted under any circumstances.

References

22. The purpose of seeking reference is to obtain objective and factual information to support the appointment decision.

23. References must not be accepted except where they have been sought directly from a previous employer or other referee. Open "To whom it may concern" references must never be accepted.

24. A copy of the job description and the person specifications should be included with all reference requests.

25. The application form should request both professional and character references, one of which should be from the applicant's current or most recent employer. Additional references may be asked for where appropriate. For example, where the applicant is not currently working with children, but has done so in the past, a reference from that employer should be asked for in addition to that from the current or most recent employer if this is different. Careful consideration need to be given to applicants who have been working as a locum or with an agency on a series of temporary contracts. The need to ask for additional references ie last permanent employer should be considered.

26. References should always be followed up by written requests or a telephone call to the previous employer. At the very minimum, the previous employer should be asked to give assurances that they hold no information which might suggest the person is unsuitable to work with children.

27. If the applicant claims to have specific qualifications or experience relevant to working with children which may not be verified by a reference, the facts should be verified by making contact with the relevant body or previous employer and any discrepancy explored during the interview.

References and Checks with Respect to Agency Staff

Where members of staff are engaged via specialist employment agencies, it is important that there are systems in place to ensure that only employment agencies which can offer safe selection processes are used. It is expected that agency staff provide verification of their identity prior to starting work in the same way as any directly employed member of staff – see below.

References from any previous substantive employers must be sought as described above and requests to employment agencies must seek confirmation:

- That the individual was registered with the agency in the period/s claimed
- Of all assignments including dates, roles and name and address of all work places
- Of the quantity and pattern of any absences from their assignments
- Of any cause for concern within the agency including any request by a client for the person to be withdrawn from an assignment which upon investigation was found to be justified

The employment agency must also be asked to confirm in writing that the required checks have been undertaken and the results received, including the date of the last Criminal Records check and whether it included any disclosed information. Where there is disclosed information, the employer must obtain a copy. If the Criminal Records check has not yet been received from the agency, the employer must require the agency to inform them of the content as soon as it is received. In the meantime the requirements set out below must be adhered to.

If the Criminal Records check refers to the existence of information additional to what is on the face of it, the agency cannot provide the employer with a copy of that information. If the employer still wants to engage the person, the employer should carry out a repeat Criminal Records check and not employ the person until they receive the evidence.

The Selection Process Selection Panel

28. It is essential that the same selection panel should both short list and interview candidates. Members of the panel should not stand to gain from the appointment or have a personal relationship with any of the applicants. At least one member of the panel should have undertaken safe R&S training.

Shortlisting

29. There are standard procedures for short listing to ensure that the best candidates are selected fairly. In drawing up a shortlist of applicants for interview there should be a systematic and consistent approach.

30. All applicants should be assessed equally against the criteria contained in the person specification without exception or variation.

31. All candidates should be instructed to bring with them documentary evidence of their identity, either a full birth certificate, passport or photo card, driving licence (some form of photograph identification) and additionally, a document such as a utility bill that verifies the candidate's name and address. Where appropriate, change of name documentation must also be brought to the interview.

32. Candidates should also be asked to bring original or certified copies of documents confirming any necessary or relevant educational and professional qualifications. If the successful candidate cannot produce original documents or certified copies written confirmation of his/her relevant qualifications should be obtained from the awarding body.

Interviewing Short-Listed Candidates

33. Candidates must be asked to bring documentary evidence of their identity that will satisfy DBS requirements – i.e. a full birth certificate or a passport/photo driving licence or some form of photograph identification, together with an additional document such as a utility bill that verifies the candidate's name and address. Where appropriate, change of name documentation should also be brought to the interview.

34. Candidates should also be asked to bring original or certified copies of documents confirming any necessary or relevant educational and professional qualifications. If the successful candidate cannot produce original documents or certified copies, written confirmation of his/her relevant qualifications must be obtained from the awarding body.

35. The selection interview is a matching process: the apparent attributes of the candidate against the declared requirements of the job as listed on the person specification. All questions must be prepared in advance and must not be discriminatory with regards to gender, marital status, race or ethnic origin, disability, religion, age, sexual orientation or political belief.

36. Where staff will have direct and unsupervised contact with children, the candidate's attitude toward children and young people in general should be tested and also their commitment to safeguarding and promoting the welfare of children in particular. The following areas should be explored where possible with applicants in the interview:

- Their motivation and reasons for working with children.
- Their attitudes and behaviour about control and punishment.
- Their perceptions about the boundaries of acceptable behaviour towards children.
- Their ability to form and maintain professional relationships.
- Their understanding of safeguarding children.

37. At least one member of the interview panel should be trained in how best this can be done. Interview panels should avoid using hypothetical questions. Questions should be competency based, asking for examples from previous experience.

38. Both Boards acknowledge that for some agencies it will not be appropriate or possible, due to the nature of the post, for these issues to be addressed at interview stage. (For example, where the post is not primarily to work with children, or where recruitment is via assessment centre) Where this is the case, agencies must ensure that these issues are covered during the probationary period.

39. Any gaps and changes in employment history should be fully explored during the interview, as should any discrepancies arising from information supplied by the candidate or by the referee or prior to the offer of employment where this is not possible.

40. In appropriate cases, for example interviews for residential social care settings, there may be pre-interviews and interviews may usefully be underpinned by practical exercises, which simulate the working environment e.g. anonymised real-life situation (with precautions taken to ensure no unfair advantage to internal candidates).

41. Notes of questions asked and answers given at the interview must be made and retained, usually by the human resources officer in attendance.
Children's Participation in Selection

42. Where staff will have substantial direct contact with children, agencies may wish to consider the involvement of children and young people in the selection process. Such involvement needs to be well planned and supported in order to be effective and meaningful. The Safeguarding Boards support the involvement of children in the selection process, when appropriate, as good practice.

After the Interview

43. After the interview, panel members should separately score the candidates. They should then share their scores and discuss their reasons for reaching the scores. This discussion should result in a joint agreed score for each candidate.

44. A decision as to whether to appoint an individual to a role working with children must be based upon an evaluation of the information obtained from all of the above stages. Appointments must be made on the basis of a person's experiences, ability and suitability to perform the role rather than on the urgency of the need or the availability of the applicant.

Offer of Appointment to Successful Candidate

45. An offer of appointment should be conditional upon pre-employment checks being satisfactorily completed, including:

- A DBS check appropriate to the role and to ensure an individual is not the subject of Barring
- A check of the Teaching Agency's list of Barred Teachers (where appropriate).
- Verification of the candidate's medical fitness.
- Verification of any relevant professional status and whether any restrictions have been imposed by a regulatory body such as the General Teaching Council (GTC) and the General Medical Council (GMC).
- Evidence of permission to work for those who are not nationals of a European Economic

Area country.

- Receipt of two satisfactory written references, if references were not obtained prior to the interview

46. It is recommended that staff should not commence work with children until the DBS check has been returned. In specific circumstances where the service will be at risk without the required staffing levels (e.g. schools/day care) senior managers may undertake a full risk assessment to enable staff to work until such checks have been returned. This should always include ensuring the worker does not have any unsupervised contact with children.

Criminal Records Checks

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

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

The employer should have a written policy relating to the employment of ex-offenders and the risk assessment/judgment process in the light of positive DBS disclosures – ie. offence or intelligence disclosure.

48. Anyone who is barred from work with children in a regulated position, as set out in Section 36 Criminal Justice and Court Act 2000, is committing an offence if they apply for, offers to do so or accept any work in any of the regulated positions as set out in the Act. It is also an offence for an employer knowingly to offer work in a regulated position, or to produce work in a regulated position for an individual who is disqualified from working with children, or fail to remove such an individual from such work.

49. The Disclosure and Barring Service (DBS) now provides two levels of disclosures which are of relevance to employers (standard and enhanced disclosures), and one or other must be sought with respect to all candidates who seek to work with children.

50. There are 3 types of check. The employer or organisation running the check should provide the applicant with more information about the level of check required.

Standard - £26

This will check for spent and unspent convictions, cautions, reprimands and final warnings, and will take about 2 weeks.

Enhanced Disclosures

Enhanced - £44

This includes the same as the standard check plus any additional information held by local police that's reasonably considered relevant to the workforce being applied for (adult, child or 'other' workforce). It takes about 4 weeks. 'Other' workforce means those who don't work with children or adults specifically, but potentially both, eg taxi drivers. In this case, the police will only release information that's relevant to the post being applied for.

Enhanced with list checks - £44

This is like the enhanced check, but includes a check of the DBS barred lists, and takes about 4 weeks.

Persons Prohibited from Working/Seeking Work with Children

51.If a disclosure reveals that an applicant is prohibited from seeking or working with children, as set out in Section 36 of the Criminal Justice and Court Act 2000 and/or the Protection of Freedoms Act 2012, it is an offence for a person to apply for or accept any work in any of the regulated positions as set out in the Act and the Police must be informed without delay of the individual's attempt to seek employment. It is also an offence for an organisation knowingly to offer work in a regulated position to an individual who is disqualified from working with children or fail to remove such a person from work.

Limitations of Disclosures

52.The same checks must be made on all overseas staff, including Criminal Records checks, but disclosures may not provide information on people convicted abroad and with respect to individuals who have little residence in the UK. Therefore, caution must be exercised. For further information visit the following link; <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

53.Occasionally, an enhanced disclosure check may result in the local police disclosing non-conviction information to the registered body only and not to the applicant e.g. a current investigation about the individual. Such information must not be passed on to her/him.

Evaluation and Management of Disclosure Information

54.Any concerns raised as a result of Criminal Records checks must be followed up. Where information is disclosed, employers must carry out an initial evaluation and make a judgment about the person's suitability to work with children taking into account only those offences that may be relevant to the post in question. Where further information is required, the applicant's consent must be sought and the information should be obtained by a person with an understanding of child protection matters.

55.In deciding the relevance of disclosure information, the following should be considered:

- The nature of the appointment
- The nature and circumstances of the offence
- The age at which the offence took place
- The frequency of the offence

Checks on Overseas Staff

56.The same checks should be made on overseas staff as for all other staff, including DBS checks.

57.Where an applicant has worked or been resident overseas in the previous 5 years, the employer should where possible obtain a check of the applicant's criminal record from the relevant authority in that country. Not all countries provide this service and advice can be sought from the DBS Overseas Information Service.

Recording

58.All documentation relating to the recruitment of staff must be retained on file. Any check completed should be confirmed in writing and retained on the candidate's personnel file, together with photocopies of and documents used to verify his/her identity and qualifications. Under DBS regulations, DBS disclosures can usually only be kept for 6 months, but a record should be kept of the date the disclosure was obtained and who by, the level of the disclosure and the unique reference number.

59.A record should be kept of evidence to show that such checks have been carried out in respect of supply staff and volunteers whether recruited directly or through an agency.

60.Satisfactory references must be kept on the candidates personnel file or, in the case of supply staff or volunteers not recruited through an agency, on a central record within the organisation.

Contracts

61.All new employees should receive a written contract of employment which should be signed and returned by the employee. This should include codes of practice regarding standards of professional behaviour.

Induction and Supervision of Newly Appointed Staff

62.For all new staff working with children, including locum and agency staff, their induction must cover safeguarding and promoting children's welfare as outlined in the Training Strategies of both Safeguarding Children Boards. This must include an introduction to the organisation's child protection policy and procedures. They must also be made aware of the identity and specific responsibilities of those staff with designated safeguarding responsibilities

63.New staff members should be provided with information about safe practice and given a full explanation of their role and responsibilities and the standard of conduct and behaviour expected.

64.They should also be made aware of the organisation's personnel procedures relating to disciplinary issues and the relevant whistle blowing policy.

65.The programme of induction should also include attendance at child protection training at a level appropriate to the member of staff's work with children.

66.Senior managers should ensure that their staffs are adequately and appropriately supervised/ supported and that they have ready access to advice, expertise and management support in all matters relating to safeguarding and child protection.

67.Both Boards advise that it is good practice for agencies to have a written policy which details the nature and frequency of the supervision of staff, whereby issues in relation suitability to work with children can be promptly identified and addressed.

Monitoring

68. All agencies and organisations should monitor both the recruitment process and induction arrangements to ensure compliance with the procedures and any new legislation in order to review and improve future practice.

69. Any concerns that arise through the process of continued supervision which calls into the question the persons suitability to work with children should be managed according to the procedures for the management of allegations against staff.

70. See Section 7 of SSCB and section D of Stoke-on-Trent Safeguarding Procedures for specific guidance relating to the Management of Allegations against Adults who work with Children, which includes referral information and obligations relating to the LADO.
Confidential Reporting (Whistle-blowing)

72. Each agency must ensure the provision of a well-publicised 'whistle blowing' or 'speak out' procedure that provides alternative methods of reporting concerns relating to conduct which is in breach of the law, compromises health and safety provisions or falls below established standards of childcare practice. Such issues must be dealt with in accordance with the Managing Allegations Against Staff and Volunteers Working With Children and Young People (LADO) and the Organisational Whistle Blowing Policy to Safeguard and Promote the Welfare of Children

71. Staff, through fears about repercussions, may find it difficult to raise child protection concerns about colleagues or managers. (joint with Stoke and Staffordshire LSCB) 2D (Staffordshire) or B05 (Stoke- on-Trent).