



E S S E X  
Safeguarding  
Children  
B O A R D

# Safer Recruitment Top Tips

Keeping children safe is everyone's responsibility

Version 1  
29 July 2015

## 1. DEFINITIONS

### **Definition of “child or young person”**

Under the Children Acts 1989 and 2004 respectively, a child (or young person) is anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital, in prison or in a Young Offenders Institution does not change his or her status or entitlement to services or protection under the Children Act 1989.

### **Definition of a “volunteer”**

The Disclosure and Barring Service (DBS) define a ‘volunteer’ as: “a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out of pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives”.

### **Definition of “staff”**

Employment context: A person working under the control or direction of another, under a contract of employment in return for a wage or salary.

## 2. INTRODUCTION TO THE GUIDANCE

Under the requirements of the Children Act 2004, The Essex Safeguarding Children Board (ESCB) is the key statutory mechanism for agreeing how the relevant organisations in Essex will cooperate to safeguard and promote the welfare of children in its locality. Under this statutory requirement, the ESCB is also required to ensure the effectiveness of what these organisations do.

The core objectives of the ESCB are to:

- Co-ordinate what is done by each person or body represented on the Board to safeguard and promote the welfare of children in Essex, and
- Ensure the effectiveness of what is done by each such person or body for those purposes (section 14(1) Children Act 2004).

The ESCB and its sub-committees are established in accordance with the guidance issued in “Working Together to Safeguard Children”.

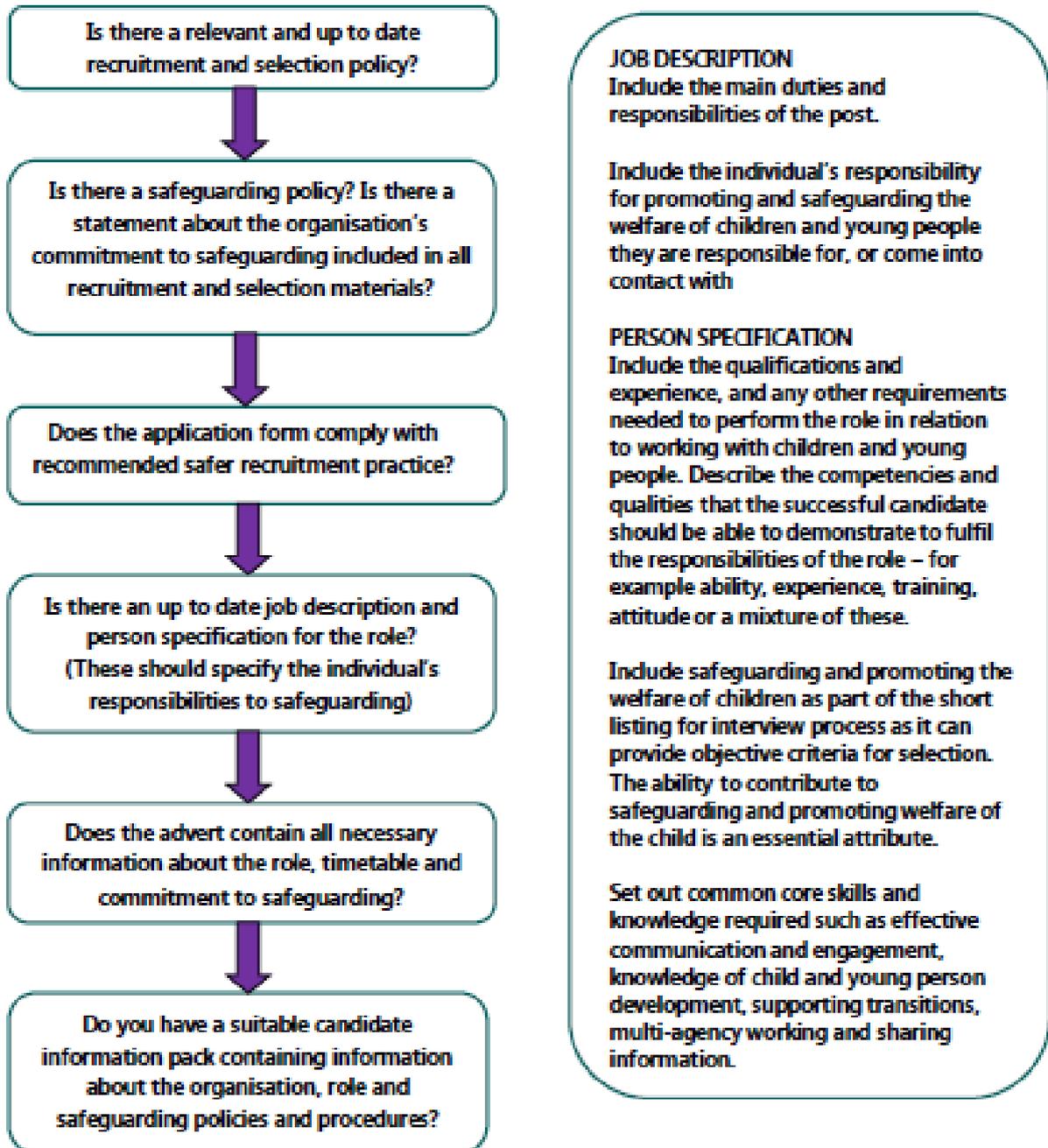
This Guidance is not designed to replicate or replace existing guidance. It is intended to provide a checklist against which, each organisation is able to audit its current recruitment and selection practice to ensure that it is compliant and adhering to the principles of safer recruitment at all stages.

Safer recruitment and selection supports each organisation to keep children and young people safe by recruiting the right people in the right way.

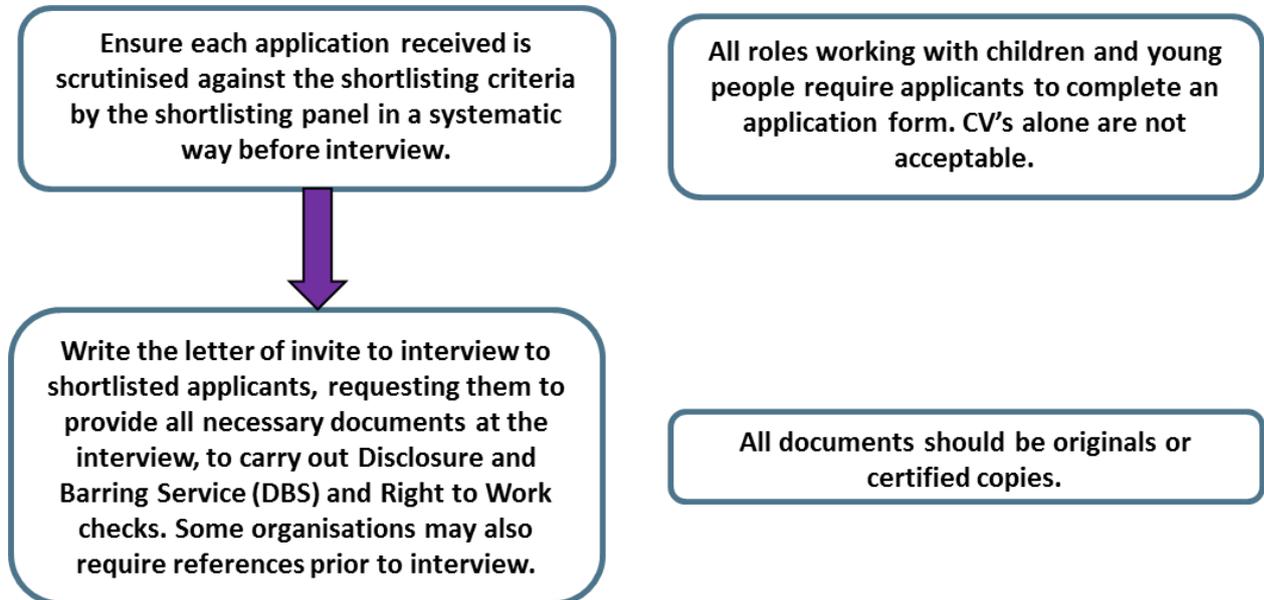
Safer recruitment practice aims to minimise the risk of appointing someone unsuitable to a post where they will be in contact with children and could cause them harm.

### 3. RECRUITMENT CHECKLIST

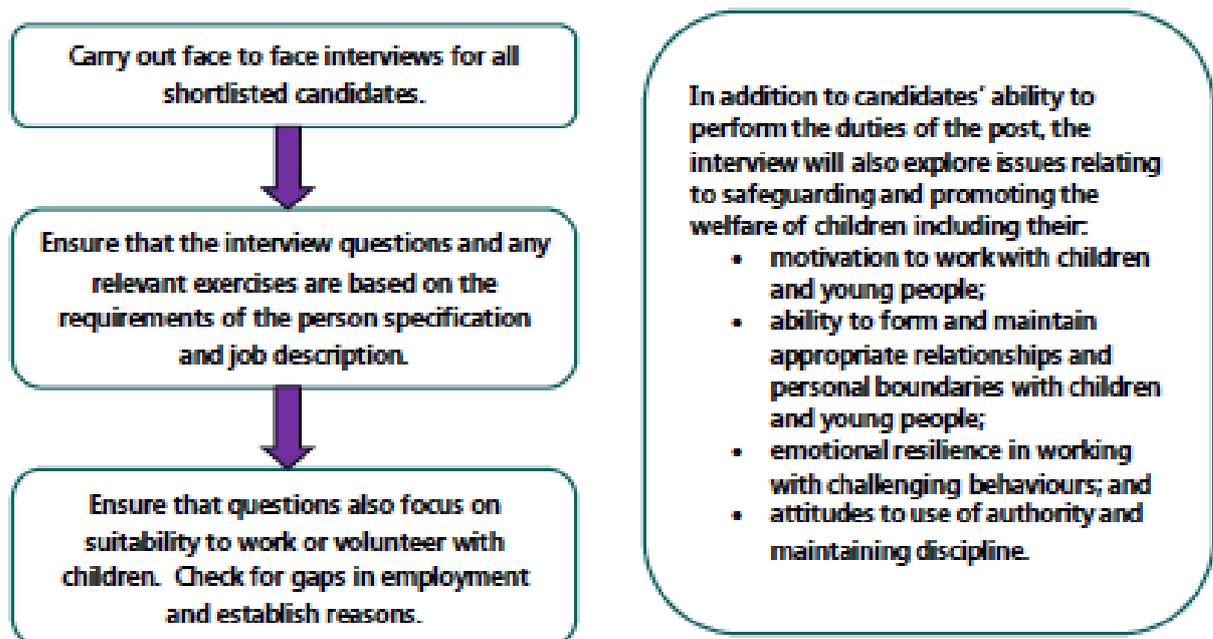
#### PRE-ADVERTISING THE POST



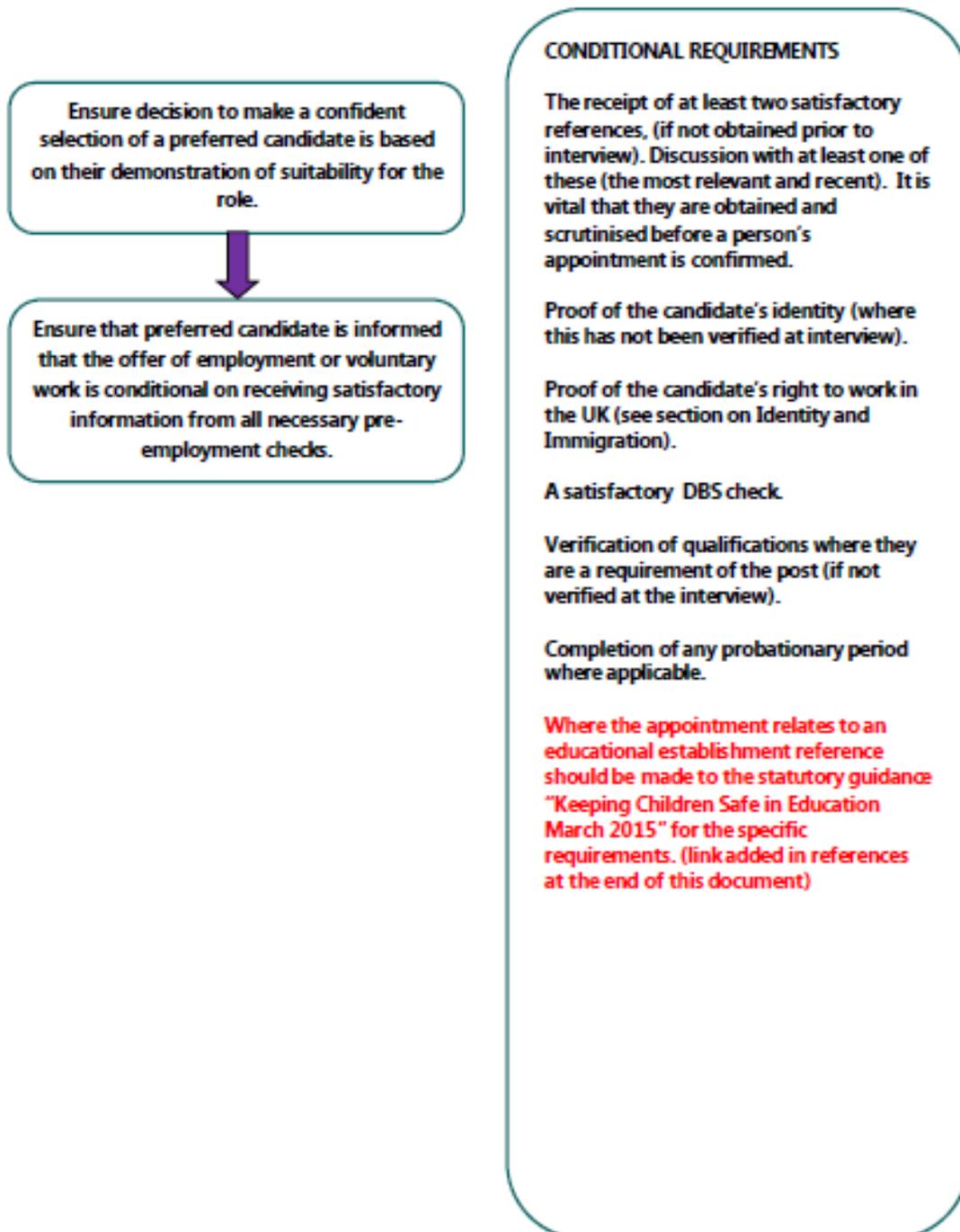
## PRE-INTERVIEWING/SHORTLISTING



## INTERVIEW PROCESS



## PRE-APPOINTMENT STAGE



## POST- APPOINTMENT STAGE

Induction for all newly appointed staff and volunteers regardless of previous experience.

**SAFEGUARDING AND PROMOTING THE WELFARE OF CHILDREN:** The Induction should include:

Any written statements of policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti-bullying, anti racism, physical intervention or restraint, intimate care, internet safety, Child Sexual Exploitation (CSE), Female Genital Mutilation (FGM), local child protection and safeguarding procedures and whistle blowing policy.

Safe practice and the standards of conduct and behaviour expected of staff in the organisation.

How and with whom any concerns about those issues should be raised; and other relevant personnel procedures e.g. disciplinary, managing performance and whistle blowing.

Opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities.

The person's line manager or mentor should recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.

Child protection training, as appropriate to the person's role.

## 4. SUPPLEMENTARY GUIDANCE

### THE APPLICATION PACK

The Application Form should contain the following and should be completed by the applicant:



## THE APPLICATION PACK

This should contain the following:

- The application form; and explanatory notes about completing the form.
- The explanatory notes will also outline that incomplete applications will be rejected.
- The job description and person specification; and explanatory notes on how the requirements of each will be tested and assessed during the selection process.

For example: In addition to candidates' ability to perform the duties of the post, the interview will also explore issues relating to safeguarding and promoting the welfare of children including their:

1. Motivation to work with children and young people;
  2. Ability to form and maintain appropriate relationships and personal boundaries with children and young people;
  3. Emotional resilience in working with challenging behaviours; and
  4. Attitudes to use of authority and maintaining discipline.
- Any relevant information about the organisation and the recruitment process, and other relevant policies such as a Child Protection Policy Statement / DBS Policy / Recruitment of Ex-Offenders Policy.
  - Any specific terms and conditions relating to the post.
  - General policy and practice in relation to safeguarding and promoting welfare.
  - A DBS check will be required for the post.
  - If the applicant is shortlisted any relevant issues arising from his or her references will be taken up at interview.
  - The employer will seek references on short-listed/successful candidates, and may approach previous employers for information to verify particular experience or qualifications, before interview.
  - If the applicant is currently working with children, on either a paid or voluntary basis, his or her current employer will be asked about previous or current disciplinary offences relating to children, including any in which the penalty is "time expired", (e.g. where a warning could no longer be taken into account in any new disciplinary hearing)

- Whether the applicant 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, then contact will be made with that employer who will be asked about these issues.
- Providing false information or an omission of 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.

## **SHORTLISTING**

- At least two people must be involved in the process of scrutinising applications and shortlisting candidates.
- At least one member of the Panel must also have undertaken Safer Recruitment Training.
- All applications should be checked to ensure that they are fully and properly completed, that the information provided is consistent, does not contain any discrepancies and to ensure that any gaps in employment are identified.
- Incomplete applications should not be accepted and should be screened out as part of the shortlisting process.
- Any anomalies or discrepancies or gaps in employment identified should be noted so that they can be taken up as part of the consideration of whether to shortlist the applicant.
- As well as obtaining reasons for gaps in employment, the reasons for any repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to supply teaching or temporary work should also be explored and verified.
- All candidates should be assessed equally against the criteria contained in the person specification without exception or variation.

## REFERENCES

- 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.
- References may be taken up prior to, or after interviews, depending upon organisational guidelines.
- A reference must be obtained from the person's current employer and in most circumstances this will be a role in which the applicant has worked with children. Where an applicant does not have current experience of working with children but has done so in the past, a reference should also be sought from the relevant previous organisation.
- Any offer of employment should always be conditional on the receipt of satisfactory references. References should always be obtained in writing and telephone contact may be made with at least one referee (the most recent or relevant) in order to verify the reference. Referees should be asked to comment on work and professional competence and personal qualities, although it should be borne in mind that comments on "personal qualities" can be highly subjective.
- References should also specifically request information on the applicant's suitability to work with children, details of any disciplinary procedures the applicant has been subject to including those where the sanction has expired – a template reference is contained later in this toolkit. All reference requests should contain a copy of the job description and person specification.
- Employers should not rely on references or testimonials provided by the candidate, or on open references and testimonials, i.e. "To Whom It May Concern". There are cases of candidates forging references and open references/testimonials can be the result of a "compromise agreement" and are, therefore, unlikely to include any adverse comments. Consideration should be given to whether the referee has been very cautious in the information they have given and whether it appears to be an agreed reference. Verbal references are also not acceptable. If an employer says it is not their policy to provide references, the applicant must be asked to nominate another referee.
- References must be thoroughly screened to ensure the referee has answered all the questions. Explanations must be sought in relation to any gaps in employment. Any vague or ambiguous statements must be noted and explored at interview. Information provided by the referee should be compared with the information provided by the applicant in his or her application and any discrepancies checked.

- Where references reveal any inconsistencies or doubts about the person's suitability, the issues should be followed up and explored with the referee. It is important to keep written records of any telephone conversations and where the issues are significant, more detailed information sought in writing from the referee. This is particularly important where a decision is made not to consider the person further, or where issues need to be explored further with the applicant.
- Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

## **DISCLOSURE AND BARRING SERVICE**

- All those appointed to work with children must have a DBS check.
- Where there is a delay in receiving clearance the individual must not work unsupervised with children. In addition to being supervised - a Risk Assessment must be undertaken and approved by an appropriate senior manager / lead officer together with a barring list check (DBS Children's Barred List)
- Where an individual has worked or lived overseas in the past 5 years there is a need to complete an overseas conviction assessment. This is obtained via the DBS website.
- In cases where the DBS contains prosecutions, cautions or similar information it is the responsibility of the organisation to carry out a risk assessment to determine whether the person is suitable to work with children.

## **PROOF OF IDENTITY**

- Identity checks should be undertaken at the interview stage. The organisation must establish that the person is who they say they are. This should be verified by formal photographic identity such as a passport or driving licence together with confirmation of current address.

## **IDENTITY & IMMIGRATION**

- In accordance with the Asylum and Immigration Act 1996, employers have a duty to check whether job applicants are entitled to live and work in the UK. When applicants are invited to interview they should be asked to bring with them evidence of their right to work in the UK. It is important to be sure that the person is who he or she claims to be. The employer must ask to see documentary evidence of identity and British or European Economic Area citizenship, e.g. a British birth certificate, British or EEA passport together with National Insurance Number.
- It is a criminal offence to employ a person who does not have permission to live and work within the UK. The employer or other person(s) making the appointment could be liable for prosecution. The UK Border Agency also requires that employers, check, copy and keep the evidence that they have verified. This should be held securely on the personnel file.

## **COMMITMENT TO SAFEGUARDING PRINCIPLES**

- A commitment to safeguarding and promoting the welfare of children should be implicit in all organisational policies. It is recommended that the following statement should be included in any model recruitment and selection policy.

“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.”

- The safeguarding message should be made clear in all advertisements, recruitment campaigns and application packs.
- Refer to how as an organisation you provide a safe and secure environment for children.
- State your commitment to the wellbeing of children.
- When talking to interested groups, always mention safeguarding and explain why there are safeguards in place.

## **CREATING A SAFER CULTURE**

To support safer recruitment processes, organisations also need to build a safe culture of continual vigilance through:

- regular staff training on safeguarding
- clear policy and procedure defining appropriate behaviour
- clear procedure for raising concerns
- open culture where safeguarding issues can be raised and discussed

## **5. ALLEGATIONS AGAINST STAFF / VOLUNTEERS**

Whenever it is alleged that an adult working with children in paid or unpaid capacity:

- has or may have harmed a child
- may have committed a criminal offence related to a child
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

The person receiving the allegation must take it seriously and immediately inform the Designated Senior Manager or his / her deputy in their absence (or if the subject of the allegation).

The Designated Senior Manager must **not** investigate the allegation itself, take written or detailed statements and / or ask leading questions to clarify the allegation, but he/she will contact the Local Authority Designated Officer (LADO) immediately, and always within 1 working day, to assess how the allegation should be dealt with. The Essex LADO Duty number is: **03330 139 797**.

The person who is the subject of the disclosure should not be informed of the allegation until advice has been taken from the LADO.

Regardless of the nature of allegations and who receives the allegation, it must be reported to the Duty LADO. This must include situations where the worker resigns. Compromise agreements are not acceptable in such circumstances and may put others at risk in the future.

The LADO will give advice on the conclusion of a case about whether a referral to the Disclosure and Barring Service is required – this is an employer’s legal responsibility.

## **WHISTLEBLOWING**

Organisations must ensure that they have an effective allegations policy and procedure which is understood by staff, parents and children, for raising concerns about the behaviours of employees/volunteers who are in a position of trust, working with children. In addition, there should also be a safeguarding ‘whistleblowing’ policy so that staff can always raise concerns of this nature, even if they are unable, for some reason, to follow the organisation’s allegations against staff policy. If an organisation is situated in Essex, their Whistleblowing Policy must state the LADO service contact details as a referral route for staff to follow in these circumstances.

## **6. DUTY TO REFER TO THE DBS**

If you dismiss or remove a person from regulated activity (or may have done so had they not left) because they have harmed or posed a risk of harm to a child (or vulnerable adult), then you have a **LEGAL** duty to refer the person to the DBS.

The DBS’ role is to make barring decisions about people who are referred to it (usually following an employer’s disciplinary process), with the possible consequence of the person being barred from working or volunteering with children and/or vulnerable adults. The DBS uses a fair, thorough and consistent process that ensures that the decision it reaches is both proportionate and appropriate to the risk the person poses to children or vulnerable adults.

The DBS website is [www.homeoffice.gov.uk/DBS](http://www.homeoffice.gov.uk/DBS) and provides a range of materials to help you to consider or make a referral. This includes a Referral Form, Referral Guidance, FAQ’s and a series of Fact Sheets.