

# **National Deaf Children's Society**

## **Safer Recruitment and Vetting Policy: Employees**

## Policy Summary

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## Introduction

1. NDCS is committed to safeguarding the welfare of children and vulnerable adults. NDCS will ensure that its recruitment policies and practices are robust and contain the necessary measures to enable the organisation to employ a workforce that will fulfil its roles and responsibilities with full regard to this commitment. For clarity, “children” are defined as those under the age of 18<sup>1</sup>, and “vulnerable adults” are broadly defined as those people covered by the Community Care legislation, including adults with physical or learning disabilities or those being supported because of mental ill health and/or addiction.
2. NDCS has a formal policy and code of practice on recruitment and selection. This will ensure compliance with legislation, and encompass best practice to ensure that NDCS is effective in attracting, recruiting and retaining an appropriately skilled workforce. The process for checking and vetting potential employees is a critical part of this process, and for this reason, this aspect of the policy has been published separately. This policy should be read in conjunction with the **NDCS Recruitment Policy and Guidelines**.
3. This policy refers to the recruitment of paid employees who take part in regulated activity and staff who work with children and or vulnerable adults, including full time, part time, casual and sessional staff. It applies to staff who are recruited from the United Kingdom, and from non UK countries, including European Union countries, although the availability of information from non UK countries may vary.
4. Whilst the same care should be taken in the recruitment of volunteers (who are also regarded as “working with children”), and similar processes will apply, the recruitment of volunteers is dealt with in a separate document, the Volunteer Handbook.

## Background

5. Following a review of the arrangements for vetting prospective employees and volunteers, the arrangements in England and Wales and in Northern Ireland have been changed.
6. In December 2012, the Criminal Records Bureau and the Independent Safeguarding Authority combined to become the Disclosure and Barring Service. This means that in England and Wales the Disclosure and Barring Service (DBS) now issues Disclosures and also makes barring decisions where people are deemed unsuitable to work with children.
7. In Northern Ireland Access NI still issues Disclosures and the DBS deals with barring decisions for Northern Ireland.

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<sup>1</sup> Although in Scotland young people aged 16 and 17 are, in some circumstances, classed as vulnerable adults, they are treated as children for the purposes of this and other safeguarding activity.

8. The arrangements in Scotland remain the same, with the Protection of Vulnerable Groups Scheme (PVG) still in the process of being implemented and Disclosure Scotland issuing Disclosures.
9. In **England and Wales and Northern Ireland** the level of barring activity is likely to be scaled back. The duty on employers to refer individuals to the DBS remains.
10. Also in **England and Wales**, from 17 June 2013, there will be an online update service which will allow the employer to update disclosure information.
11. In Northern Ireland, the arrangements remain the same.
12. In **Scotland**, the Vetting and Barring Scheme will continue to be implemented, though it will not be fully in place until 2015. Those new to the workforce in Scotland, or who are moving posts, or whose circumstances have changed should apply to join the Scheme. Arrangements have begun for retrospective checking of employees and volunteers.
13. All of the jurisdictions have abandoned, or plan to abandon any address based criminal records checks, and all plan to rely on the Police National Computer system. It may then not be necessary to undertake separate checks for E&W and NI, though there is likely to still be a requirement to join the Protection of Vulnerable Groups Scheme in Scotland in order to work there. The PVG Scheme requires that individuals working with children or vulnerable adults are registered and that organisations do not employ people who are not registered.
14. In all of the jurisdictions the definition of “regulated work” has been given a more restricted definition. This means that care needs to be taken to ensure that Job Descriptions accurately reflect the nature of the work with children.

**NB In the light of the Court of Appeal decision in January 2013 and the appeal which is pending, there may be further changes to the disclosure system in England and Wales and Northern Ireland.**

### **Posts Requiring a Disclosure**

15. The HR Department maintains a central list of posts detailing who requires a disclosure. A process also exists for identifying and recording this requirement when creating new posts. Upon identification of the status of a post, an indicator must be included against that post on the NDCS post approval form.
16. Special attention needs to be paid in all four countries to job titles and job descriptions to ensure that they accurately describe the duties of the post.
17. In England and Wales the relevant sections of the DBS Disclosure Application Form (Ss61 and X61) must be completed.

18. DBS Registered Bodies must now complete this field as follows. Failure to complete the field correctly may delay the application as the DBS will need to contact NDCS for further information; it may also prevent the applicant from using their DBS Certificate for future employment or volunteering purposes:
19. X61 Line 1: Write in one of the following form of words to indicate the relevant workforce(s) i.e. Child Workforce, Adult Workforce, Child and Adult Workforce, Other Workforce
20. Note: 'Other Workforce' must be written if the person is not working with children or adults.
21. X61 Line 2: Enter a description of the 'Position Applied For' up to 30 characters. This is the job title, which should make clear what the role is in relation to children.

22. The following now also applies:

Question e55 asks the applicant: 'have you ever been convicted of a criminal offence or received a caution, reprimand or warning?'

Applicants should now ignore this question and instead treat this question as if they were being asked: 'do you have any unspent convictions, cautions, reprimands or warnings?'

23. The decision as to whether or not a post requires a disclosure requires a consistent, sensible judgement across departments. The following criteria should be used to determine whether a post requires a Disclosure:

## **Regulated Work**

### **Posts Involving Work in England and Wales and Northern Ireland**

24. The new definition of regulated activity relating to children comprises only:
  - (i) Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
  - (ii) Work for a limited range of establishments ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. Not work by supervised volunteers.
25. Work under (i) or (ii) is regulated activity only if done regularly. The DBS has provided statutory guidance about supervision of activity which would be regulated activity if unsupervised.
  - (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
  - (iv) Registered child-minding; and foster-carers.

26. Particular types of care, which apply to any child, even if done only once: (i) to (iii) below.
- (i) Relevant personal care:
    - (a) physical help in connection with eating or drinking, for reasons of illness or disability;
    - (b) physical help for reasons of age, illness, or disability, in connection with:
  - (ii) Toileting (including re menstruation);
  - (iii) Washing, bathing, or dressing;
    - (c) prompting with supervision, in relation to (a) - (b), where the child is otherwise unable to decide;
    - (d) other training or advice in relation to (a) - (b)
27. Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational well-being if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period or overnight.
28. Definition of “overnight: In relation to teaching, training or instruction; care or supervision; or advice or guidance, it is also regulated activity if carried out (even once) at any time between 2am and 6am and with an opportunity for face-to-face contact with children.
29. Moderating a public electronic interactive communication service likely to be used wholly or mainly by children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period.
30. Driving a vehicle being used only for conveying children and carers or supervisors under arrangements as prescribed, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period.
31. Regular means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight (2.00 am to 6.00 am).

## **Posts Involving Work in Scotland**

32. The definition of “regulated” work is similar in England and Wales, Scotland and N. Ireland.

See Appendix 11 for detailed description of regulated work in Scotland

33. A child is any person under the age of 18 years. Young people aged 16 and 17 years may also fall into the definition of protected adults if they are in receipt of defined services.

34. In Scotland, there are 3 levels of Disclosure: Basic, Standard and Enhanced. For posts meeting the definition of “regulated” work an Enhanced Disclosure is required.
35. However (subject to the 4 year implementation plan in Scotland) individuals who intend to undertake “regulated” work in Scotland are required to join the Protection of Vulnerable Groups Scheme

### **Individuals Coming from Outside the UK**

36. None of the UK disclosure services accesses information from overseas, though the Police National Computer may contain some information about certain individuals. Therefore a CRB/PVG/Access NI Disclosure should be sought.
37. Information about criminal records and other relevant information will vary from country to country. Therefore for individuals who have lived and worked abroad for the last 5 years, a Certificate of Good Conduct or local equivalent should be sought from the relevant country. Advice is available about arrangements in different countries from the Foreign and Commonwealth Office (which has a list of Embassies and High Commissions: [www.fco.gov.uk/en/travel-and-living-abroad/](http://www.fco.gov.uk/en/travel-and-living-abroad/)) and from the Centre for the Protection of National Infrastructure (CPNI) (which has guidance: The Disclosure of Criminal Records in Overseas Jurisdictions: [www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks/](http://www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks/)).
38. A certified translation provided by someone who is a qualified translator should be obtained for any information obtained.
39. Where information about criminal records is limited, it is even more important that other sources of information eg references are sought and verified. The Self Disclosure Form (Appendix 9) should be used.

### **Individuals Seeking to Work Outside the UK**

40. Individuals who intend to work outside the UK for NDCS (or any partner organisation) in “regulated” work, should be subject to a Criminal Records Disclosure in the UK. Staff working outside the UK who are from a non-UK country should also be treated in line with paragraph 36 – 39.

### **NDCS Counter signatories**

41. The following people are authorised to act as, and registered as Counter signatories for Disclosure Applications (PVG Scheme Records in Scotland):

HR Manager  
HR Advisors  
Families Programme Manager  
Deputy Director Operations



BME Development Manager  
Event Organisers  
Youth Support Volunteer Manager  
Youth Volunteer Team Manager  
Volunteer Co-ordinators  
Volunteer Officer (Recruitment)

## **Assessment and Selection Process**

42. This Policy does not seek to replicate the NDCS recruitment and selection policy, which comprehensively outlines the legislation and best practice on this subject. It is, however, essential that the assessment and selection of candidates for posts working with, or having regular contact with, children or vulnerable adults ie posts involving “regulated activity”, or other posts which have been added to the organisational list of posts which require a Disclosure, is robust and directly addresses matters relating to the service user group in question i.e. children and or vulnerable adults.
43. The following checklist provides the minimum essential requirements when recruiting to such positions:
- (1) Applications will only be accepted if they are on the NDCS Application Form. CVs will not be accepted.
  - (2) Shortlisting should involve at least 2 members of the interview Panel and not be undertaken by one person alone.
  - (3) Any information disclosed by the applicant on the Self Disclosure form should be assessed prior to interview, in order to determine how to proceed (See Appendix 9)
  - (4) Prior to appointment, there should have been a comprehensive face to face interview. This may be undertaken via electronic means if it is not possible for the applicant to travel eg for DCW appointments. The interview Panel should consist of at least 2 people, one of whom should be the line manager of the post to be recruited to and the other, ideally, should be the “organisational grandparent” (the line manager’s line manager). At least one member of the Panel should have undertaken Safer Recruitment training.
  - (5) Applicants are asked specific questions at interview examining attitudes towards children, young people, or vulnerable adults, as applicable (see Appendix 1 for example questions. NB the questions are examples only and should be adapted to the specific post. It is not necessary to ask questions covering every aspect covered in the examples);
  - (6) There is effective scrutiny of the information provided by applicants, including identity, references, qualifications and gaps in employment (see Appendix 2 for employment gap pro-forma and Appendix 9 for the Self Disclosure Form) or educational history

- (7) Gaps in employment history should be identified *prior to interview* and discussed at interview using the pro forma contained in this policy (See Appendix 2)
- (8) NDCS pro forma should be used when seeking references for all applications. See paragraphs 60 for more information on what to do when a reference is received in a different format.
- (9) Discrepancies and qualifications are checked and followed up
- (10) With regard to overseas staff, the same checks will be made as for all other staff, but should additionally include a certificate of good conduct from their home police force or embassy, as well as from other countries where they have worked - if this is likely to be available from that/those specific country/countries. DBS/PVG disclosures do not detail offences committed abroad. Consideration should be given to using an agency to undertake additional checks. See Para 31 – 34.
- (11) Appointees receive an induction, which includes the NDCS Child Protection Policy and the NDCS Safer Working Practice Guidance for Adults Working with Children and Young People and appropriate training in child protection issues; and
- (12) Appointees' attitudes and behaviour should continue to be monitored or supervised post-appointment.

44. Other requirements exist under the NDCS recruitment and selection policy, which will be supported by comprehensive and compulsory training. Additionally, any member of staff involved in recruitment to posts with access to children or vulnerable adults will be required to participate in the on-line training provided by Educare and NDCS.

## **The Pre-Employment Checking Process**

45. Following the offer and acceptance of employment, employees should not commence working for NDCS until full disclosures have been received and checked by HR, other than in exceptional circumstances (see below). This relates not only to Disclosures, but also to qualification checks, verification of entitlement to work in the UK (Asylum & Immigration Act) and receipt of satisfactory references. This also applies to internal appointments, in that staff should not transfer to a post requiring Disclosure, until such checks have been received (see Appendix 3 for a pre-employment checklist and Appendix 4 for an identity confirmation sheet).
46. There would need to be exceptional and justifiable circumstances for employment to commence prior to Disclosure. Such a decision can only be taken by a Director/Deputy Director or equivalent in discussion with the Designated Manager (Child Protection). The decision should not be made by the direct line manager for the post, but should be made by their line

manager or the Executive Director. There must be a record of this process and decision, including “sign off” by the Director/Deputy Director or equivalent, to ensure audit and accountability of the judgement. The judgement is an assessment of the risk versus the consequences of the decision. Furthermore, the employee must never commence prior to the submission of their completed disclosure application to the DBS/Access NI/Disclosure Scotland.

## **Risk Assessment: Key Questions for Consideration**

47. The following questions should be addressed in any risk assessment where appointment is being considered prior to the receipt of all pre-employment checks:

- (1) What are the reasons for considering commencement of employment prior to receiving criminal records checks?

*This should not be a natural default position, and should be exceptional and clearly linked to the circumstances identified in response to question 2 below.*

- (2) What would be the consequences to service delivery, of waiting until checks are received?

*Again, these should be exceptional and have a demonstrable substantial impact on service users (e.g. cancellation of event). You should be able to demonstrate how you have used effective planning to avoid/minimise this disruption, and clearly show where this has been unavoidable.*

- (3) If the employee commenced in their role, what would be their normal level of access to children/vulnerable adults? NB the first two points would not be acceptable arrangements under any circumstances during this “waiting period”.

- Unsupervised access one-to-one
- Unsupervised access to a group
- Supervised access one-to-one
- Supervised access to a group
- No direct access, but based within premises

*If an employee does commence employment prior to clearance being received, their access must be supervised at all times. The level of risk declines as the list progresses, however, there continues to be a risk with each of these scenarios.*

- (4) Has the employee left employment to take up the post?
- (5) Is there previous satisfactory Disclosure available?

*If a previous Disclosure/verification is available, consider how recent it is and whether the employee has continued to work for that employer continuously since then. This **does not** offer any guarantee of current Disclosure, however, it may reduce the likelihood of convictions, complaints, investigations, etc., having occurred in the intervening period. The proposed Update Service (2013 in England and Wales, 2014 in Northern Ireland) may help to avoid such difficulties.*

- (6) Are the other checks and clearances in place?

*Again, the existence of other checks and clearances does not eliminate risk, or conclusively verify a candidate's suitability to commence employment. However, a candidate for whom we have verified qualifications, reliable references from existing employer, and who has provided a complete employment history, etc., is potentially less of a risk than someone for whom we have not yet completed any checks with regard to identity or background, or who has gaps in employment/education history.*

*The employee him/herself runs a risk if they leave existing employment to take up a post that remains subject to clearance. This should be made clear to them.*

48. A pro-forma is attached at Appendix 5, to act as an auditable record of the decision made following risk assessment, and should contain the signature of the accountable Director/Deputy Director or equivalent. This responsibility cannot be delegated to more junior staff.
49. If a decision is taken to commence an employee prior to receiving a Disclosure, their contract of employment should remain subject to this condition being met. The employee must have completed and submitted their completed disclosure application to the DBS. The application's progress within the DBS system should be checked and monitored on a regular basis.
50. As referred to above, robust and reliable supervision arrangements must be put into place during the "waiting period". The employee must be clearly notified of the supervision arrangements that are in place. The situation must be checked and monitored at least every two weeks. The Director/Deputy Director or equivalent remains accountable during this time, until the Disclosure is received, checked and suitability confirmed.

## **Portability**

51. In Scotland the PVG Scheme when fully implemented, will provide an on-going update to disclosure information.
52. In England and Wales and Northern Ireland, the Update System will, if individuals choose to use it, provide a means of checking whether the Disclosure presented by the individual is up to date.

53. In England and Wales, from 17 June 2013 the Counter signatory copy will no longer be provided. Where reliance is placed on a Disclosure presented by an employee, there will be a need for careful scrutiny of the authenticity of the document. Managers should ensure that prospective employees understand that they need to produce their Disclosure before they can commence work.

## **Checking and Re-Checking of Existing Employees**

54. There are various elements to the process of checking and re-checking existing employees. NDCS has determined that the following will apply:
- (1) All existing employees who transfer from a post that does not involve regulated activity, to one that does, will be subject to an Enhanced Disclosure check.
  - (2) Employees whose work is “regulated” will be subject to renewed disclosure every three years. Employees who work in Scotland will be required to register with the PVG Scheme.
  - (3) Employees who work in Scotland will be required to register with the PVG Scheme.
55. Where an individual has registered with the Disclosure and Barring Service for the Update Service, NDCS will use this service to check for updated disclosure information.

## **Disclosures which provide relevant information**

56. Disclosures which provide relevant information refers to a disclosure containing information relating to convictions, cautions, reprimands, etc., plus other information which police forces deem relevant. If a Disclosure providing information is received for an employee who has already commenced work, immediate consideration should be given to the need to suspend the individual on a precautionary basis pending further enquiries.
57. It is essential that NDCS departments follow a consistent process for considering such Disclosures and for making subsequent judgements regarding an applicant’s suitability for employment.
58. The following key stages must occur in the process (process map at Appendix 6):
- (1) A Disclosure which contains any information should be passed to the HR Manager or to the Finance and Administration Director in the absence of the HR Manager.
  - (2) The HR Manager will do an initial assessment of whether the offence(s) or information listed are sufficiently serious to cause

concern. This assessment will be in accordance with the following checklist:

- The seriousness and nature of the offence(s)
- The nature of the appointment
- Length of time since the offence(s) occurred
- Number and pattern of offences
- The applicant's age at the time
- Any explanation of the circumstances that may have already been given
- Concealment of offence(s) at application stage

- (3) If offences were not declared, this will automatically warrant an interview with the applicant.
- (4) Judgements at this stage will often err on the side of caution.
- (5) If the HR Manager and the recruiting manager agree that the offence(s) is not sufficiently serious to warrant an interview, the decision to employ will be signed off by the relevant Director/Deputy Director or equivalent. The prospective employee will be informed. (see appendix 7)
- (6) If it is judged that an interview is necessary, this should be undertaken between the relevant Director/Deputy Director or equivalent and the prospective employee. Another officer should be present, such as an appropriate senior manager or an HR representative or the CP Advisor. The prospective employee should be informed that they can be accompanied during the interview also.
- (7) The meeting is an essential part of the process, as it is necessary to verify that the information contained on the Disclosure does indeed relate to the individual concerned. This verification must be sought prior to any judgements being made. There have been occasions where disclosure system errors have occurred and information supplied has been wrongly attributed to individuals.
- (8) The Disclosure should be discussed with the prospective employee. The discussion will aid the decision-making process, and should again broadly focus around the following:
  - The seriousness and nature of the offence(s)
  - The nature of the appointment
  - Length of time since the offence(s) occurred
  - Number and pattern of offences
  - The applicant's age at the time, circumstances/explanation
  - Concealment of offence(s) at application stage
- (9) It may be necessary to seek additional information (from the Police or other organisations or individuals) as part of the risk assessment.

- (10) Based upon the findings of the interview, the Director/Deputy Director or equivalent will undertake a risk assessment with regard to the suitability of the employee. Judgements regarding suitability are not wholly confined to the Disclosure revealing offences against children or vulnerable adults. Other types of offences or information may render a prospective employee unsuitable. In addition to convictions or cautions, this may also include having harmed or placed children or vulnerable adults at risk of harm; or having exhibited behaviour, which leads to the belief that there may be a child or vulnerable adult at risk of harm in the future.
- (11) The Director/Deputy Director or equivalent should not take the decision in isolation, but will be accountable for it. There should be a clear record made of the decision, bearing the judgement and signature of the accountable Director/Deputy Director or equivalent (see “Record Keeping”, paragraphs 48-50, and Appendix 8).

## References

59. References are a key part of the safer recruitment process. References of the required standard must be received *before* an appointment is confirmed.
60. NDCS pro forma should be used when seeking references for all applications. When a reference is received in a different format a judgement should be made as to whether the reference provides enough detail to proceed with the appointment. A third reference may need to be sort or follow up phone call may need to take place if this is not the case.
61. Open or “to whom it may concern” references will not be accepted, as they may be part of a compromise agreement following a disciplinary procedure.
62. References should be considered carefully and information followed up with referees where
  - There is information which suggests that there has been a concern about the employee’s conduct
  - A reference is bland and uninformative
  - Questions on the pro forma are not answered

## Record Keeping

63. HR will maintain a central record (in HR files and on the database) collating when and by whom checks on the identity, qualifications and outcomes of disclosure applications on staff were made. The appendices to this policy provide guidance and pro-forma for this purpose.
64. Information provided as part of a Disclosure must be treated as confidential. The Disclosure must be kept in secure conditions and must be destroyed, by secure means, as soon as it is no longer needed. It should not normally be kept more than six months after the decision is taken.

65. HR will record the receipt of a Disclosure on the database and destroy the Disclosure. The Director/Deputy Director or equivalent will also record the information that was used to assess suitability, which will include sufficient information about any offences disclosed to demonstrate that any judgement is properly informed, together with a record of the judgement and decision reached. See appendices for guidance and pro-forma.
66. It is essential that all documentation is returned to Human Resources following the recruitment process. This is to ensure that a fair and safe process can be evidenced.

### **Third Party Organisations**

67. NDCS takes measures to ensure that third party organisations are aware of their obligations under the Code of Practice and that they adhere to this policy and associated practices when working, as partners or providers, with NDCS.

### **Training for Recruiting Managers and Staff**

68. All members of staff and managers who recruit staff and volunteers for a regulated role or who work with children and or vulnerable adults are expected to undertake training in safer recruitment which covers:
  - Information about unsuitable people
  - Assessing applications
  - Assessing references
  - Assessing Disclosures
  - Interviewing
  - Dealing with allegations
  - Promoting a positive organisational culture
69. At least one person on each interview panel must have undertaken safer recruitment training.

### **NDCS Policy Statement (summary)**

70. As an organisation using the Disclosure and Barring Service /Disclosure Scotland/Access NI service to assess applicants' suitability for positions of trust, NDCS complies fully with the relevant Codes of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed. See also **NDCS policy Recruitment of Ex-Offenders**
71. NDCS actively promotes equality of opportunity for all with the right mix of talent, skills, and potential and welcomes applications from a wide range of candidates, including those with criminal records. NDCS selects all candidates for interview based on their skills, qualifications, and experience.



72. Where a Disclosure is to form part of the recruitment process, NDCS encourages all applicants to provide details of their criminal record at the application stage of the recruitment process.

## **Other Sources of Information**

Disclosure and Barring Service:

Disclosures	0870 9090 811
Barring	01325 953795
Disclosure Scotland	0870 609 6006
Access NI	0300 200 7888

Useful websites:

<http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/>

<http://www.dojni.gov.uk/accessni>

<https://www.disclosurescotland.co.uk/>

<http://www.education.gov.uk/>

<https://www.gov.uk/government/organisations/foreign-commonwealth-office>

<http://www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks/>

## **Policy on Safer Recruitment and Vetting List of Appendices**

Appendix 1 – Values Based Interview Questions

Appendix 2 - Employment Gap History

Appendix 3 - Pre-Employment Check List

Appendix 4 - Identity Confirmation Sheet

Appendix 5 - Risk Assessment

Appendix 6 - Disclosures with information Flow Chart

Appendix 7 - Disclosures with information

Appendix 8 - Guidance on Record Keeping

Appendix 9 - NDCS Self Disclosure Form

## Values based interview questions

### Summary

Warner or values based interviews came about as a result of 'Choosing with care' (The Warner report, 1992) which was established to review selection, development and management of staff in children's homes. This report highlighted recruitment as a particular concern. Warner and values based interviews have since been developed for use within all settings working with children and young people.

### Introduction

This resource has been developed as a guide for recruiting managers to support them with the safer recruitment process. When used it will enable them to explore the candidate's motives for working for an organisation that delivers services to children and young people, as well as exploring their values and behaviours, emotional resilience, ability to cope with stress, deal with anger and to form appropriate professional relationships and maintain boundaries.

The four key areas to focus on are:

- 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 towards the use of authority and maintaining discipline

You will need to select **at least four questions** for the values part of the interview, before moving on to the competency based questions. Consider which of the four areas mentioned above it is appropriate to focus on during the interview process and when selecting interview questions from the lists below. You should make clear to the candidate at the start of the interview how the interview will be structured and indicate which questions will be value based and which will focus on competencies for the role you are recruiting for.

### Values based questions (Table 1)

Suggested questions	Things to consider
1. Tell us about yourself, what made you who you are today?	This is an effective opening question that allows the applicant to tell you about themselves and is also a good ice breaking question
2. What experiences either in your childhood or adult life led you to want to work with children/young people and their families?	This will help applicants to reflect on why they have chosen to work with children negatively or positively

3. Can you tell us how your childhood has informed your approach to life and work with children/young people?	This will help applicants to reflect on why they have chosen to work with children negatively or positively
4. We all have influences in our lives, can you tell us who or what influenced your life and why?	This will help applicants to reflect on why they have chosen to work with children negatively or positively
5. Can you tell us about a situation (either within your personal or work life) where you have responded in a way you are now not proud of?	This enables the applicant to reflect on and analyse their own actions
6. Can you tell us about a time when you or someone you know has been discriminated against (how did it make you feel)?	This allows the applicant to show their understanding of equal opportunities and anti-discriminatory issues
7. Can you identify a time when you were made to feel you were not in control of a situation by another person and how did you respond?	This explores the applicant's ability to manage feelings and attitudes to authority and take appropriate action
8. How do you deal with someone asking you to do something you totally disagree with (young person, manager, peer, friend)? Describe a situation where this has happened. (Supplementary questions - How did you deal with it and, on reflection, what did you learn from it?)	This encourages the applicant to demonstrate emotional resilience and capacity to challenge in appropriate ways (see table 2)
9. What do you do in your spare time?	Tells you more about the person and leads into the competency based questions

When asking the values based questions it is important to consider whether you have heard or observed a positive or negative response (see table 1).

**Table 1**

<b>Positive indicators</b>	<b>Negative indicators</b>
<ul style="list-style-type: none"> <li>• Remains consistent under pressure</li> <li>• Has control over emotions</li> <li>• Knows when to seek help</li> </ul>	<ul style="list-style-type: none"> <li>• Inappropriate responses under pressure or when in charge of others</li> <li>• Handles conflict badly</li> <li>• Does not seek help when needed</li> </ul>

Below are some further sample questions you may wish to use, they will be particularly useful in exploring values relating to child protection:

**Table 2**

<b>Emotional resilience and maturity</b>		
<p>Can you give an example of when your authority was challenged?</p> <ul style="list-style-type: none"> <li>• How did you respond?</li> <li>• What did you do to rectify the situation?</li> </ul>	<p>Has there been a time when a child's behaviour caused you concern?</p> <ul style="list-style-type: none"> <li>• What did you do?</li> <li>• Who else was involved?</li> </ul>	<p>Safeguarding children is essential</p> <ul style="list-style-type: none"> <li>• What examples can you give of your work that supports in keeping a safe environment for children?</li> </ul>
<p>Have you been in a position where you witnessed the behaviour of a colleague towards a child that made you feel uncomfortable?</p> <ul style="list-style-type: none"> <li>• Why were you concerned?</li> <li>• What action did you take?</li> <li>• How was the issue resolved?</li> </ul>	<p>Why have you chosen to work with children?</p> <ul style="list-style-type: none"> <li>• What can you bring to the role?</li> <li>• Can you give an example of how children have benefitted from working with you?</li> </ul>	

If during the values based part of the process an applicant becomes upset in any way, you may need to terminate the interview and direct them to where they can obtain further support ie their GP or the Samaritans.

**Employment Gap History – Pro-forma**

Please attach completed form to the applicant’s original application form

**Title (candidate):** \_\_\_\_\_

**First Name/s (candidate):** \_\_\_\_\_

**Surname (candidate):** \_\_\_\_\_

**Post to be interviewed for:** \_\_\_\_\_

**Date of interview** \_\_\_\_\_

**Date gap discussed with candidate if different:** \_\_\_\_\_

**Panel chair:** \_\_\_\_\_

<b>Gap In Employment</b>		
<b>Date from:</b>	<b>Date to:</b>	<b>Reason Given</b>

Signed by Chair of Panel: \_\_\_\_\_ Date: \_\_\_\_\_

Signed by Candidate: \_\_\_\_\_ Date: \_\_\_\_\_

NB Gaps in employment history should be identified using the application form. It should be clear from the form where an applicant has spent their time since leaving school. Any gaps or discrepancies should be explained by the applicant, recorded on this form, which should be signed by the applicant.

## Pre-Employment Checklist

**Title (candidate):** \_\_\_\_\_

**First name/s (candidate):** \_\_\_\_\_

**Surname (candidate):** \_\_\_\_\_

**Department:** \_\_\_\_\_

**Post title:** \_\_\_\_\_

<b>Clearances Required – Prior To Commencement</b>	<b>Signature</b>	<b>Date</b>
<p><b>1. APPLICATION FORM</b></p> <p>A copy of the application form is attached and gaps in employment history have been explored and signed.</p>		
<p><b>2. IDENTITY</b></p> <p>A copy of a completed <i>Identity Confirmation Sheet</i> is attached.</p>		
<p><b>3. REFERENCES</b></p> <p>At least 2 references have been requested and received and copies are attached.</p>		
<p><b>4. QUALIFICATIONS</b></p> <p>Copies of all essential qualifications have been taken and retained.</p>		
<p><b>5. RIGHT TO WORK IN THE UK</b> (Asylum &amp; Immigration)</p> <p>Appropriate documents witnessed and copied. Pro-forma filled out and signed and a copy attached.</p>		
<p><b>6. ENHANCED DISCLOSURE</b></p> <p>Application No: _____ Application Form is attached. (HR will process &amp; email once Disclosure is returned from DBS/AccessNI/Disclosure Scotland)</p>		
<p><b>7. OVERSEAS CRIMINAL RECORDS CHECK</b> (If applicable)</p> <p><b>Country Record needed from:</b> _____</p>		
<p><b>8. PVG Registration</b> (where applicable) <b>9. DBS/Access NI Update Registration</b> (where applicable)</p> <p>Registration number: _____</p>		

## Identity Confirmation Sheet

To be used for all members of staff and volunteers **(To be completed by HR)**

Post applied for: \_\_\_\_\_

Applicant's title: \_\_\_\_\_

Applicant's first name/s: \_\_\_\_\_

Applicant's surname: \_\_\_\_\_

Department: \_\_\_\_\_

As the HR assistant you are required to verify the applicant's identity from original documents. **Photocopies provided by the applicant are not acceptable**

**The number of documents required depends on whether the applicant can provide any document from Group 1. In addition the employee will still be required to provide 1 item of address evidence.**

**The options are:**

1 document from Group 1 plus any two from Groups 1 or 2 OR 5 documents from Group 2

### Group 1

Valid Passport                      Passport Number \_\_\_\_\_  
 Nationality \_\_\_\_\_              Date of Birth \_\_\_\_\_  
 Date of Issue \_\_\_\_\_

UK Driving Licence                      Licence Number \_\_\_\_\_  
 Date of Birth \_\_\_\_\_              Licence Valid From \_\_\_\_\_

Licence Type:  Paper     \*Photo-card (\*only valid if presented with the counterpart licence)

Original UK Birth Certificate (***Issued within 12 months of Birth***)  
 Date of Birth \_\_\_\_\_              Issue Date \_\_\_\_\_

Valid Photo National Identity Card (EU Countries only)

UK National Firearms Licence

HM Forces ID card



**Group 2**

- Marriage Certificate      Issue Date \_\_\_\_\_
- Non-original UK Birth Certificate (*Issued after 12 months of date of Birth*)

Date of Birth \_\_\_\_\_      Issue Date \_\_\_\_\_

- Benefit Book – Child Allowance or Pension
- Valid Vehicle Registration document
- UK Valid NHS Card
- NI Number Card      NI number \_\_\_\_\_
- Exam Certificate (eg GCSE, NVQ)       Connexions Card
- Asylum Registration Card       Certificate of British Nationality

Following documents should be issued within last 12 months:

- P45/P60      NI number \_\_\_\_\_
- Mortgage Statement       Court Summons
- Financial Statement e.g. pension, ISA, endowment
- Insurance Certificate       Work permit/visa
- TV Licence       CRB Disclosure Certificate
- Council Tax Statement

Following documentation should be less than 3 months old:

- Bank/Building Society Statement       Utility Bill (including mobile phone)
- Credit Card Statement       Store Card Statement
- Letter/Document from Benefits Agency, Employment Service, Inland Revenue or Local Authority
- Mail Order Statement       Addressed Payslip

I confirm that I have seen and checked the original documents as detailed above.

Signature: \_\_\_\_\_      Date: \_\_\_\_\_  
(HR Assistant)

Print Name: \_\_\_\_\_

Contact No: \_\_\_\_\_

**Risk Assessment - Consideration of Commencement of Employment Prior to Disclosure being received**

**Title of prospective employee:** \_\_\_\_\_

**First name/s of prospective employee:** \_\_\_\_\_

**Surname of prospective employee:** \_\_\_\_\_

**Proposed Post Title:** \_\_\_\_\_

**Department/Team:** \_\_\_\_\_

**Name of Director/Deputy Director:** \_\_\_\_\_

**Date of Risk Assessment:** \_\_\_\_\_

RECORD OF FINDINGS – Should be completed in conjunction with the risk assessment key questions contained within the Policy on Safer Recruitment & Vetting

<p>Reasons for considering commencement of employment prior to receiving clearance:</p>	<p>Consequences, to service delivery, of waiting for clearance:</p>
<p>Level of access during “waiting period”:</p>	<p>Supervision arrangements during “waiting period” and any other control measures:</p>

**Pre-employment checklist:**

Has the employee left employment?	Y / N
Medical clearance received?	Y / N
Asylum & Immigration check completed?	Y / N
Qualifications verified?	Y / N
List 99 check completed (if applicable)?	Y / N
References?	Y / N
Satisfied with general background & Employment history checks?	Y / N

**Previous Disclosure:**

Is a previous disclosure available?	Y / N
Has it been seen by you?	Y / N

What is its date? \_\_\_\_\_

**Assessment of Risk following control measures:**

**Options:**

HIGH

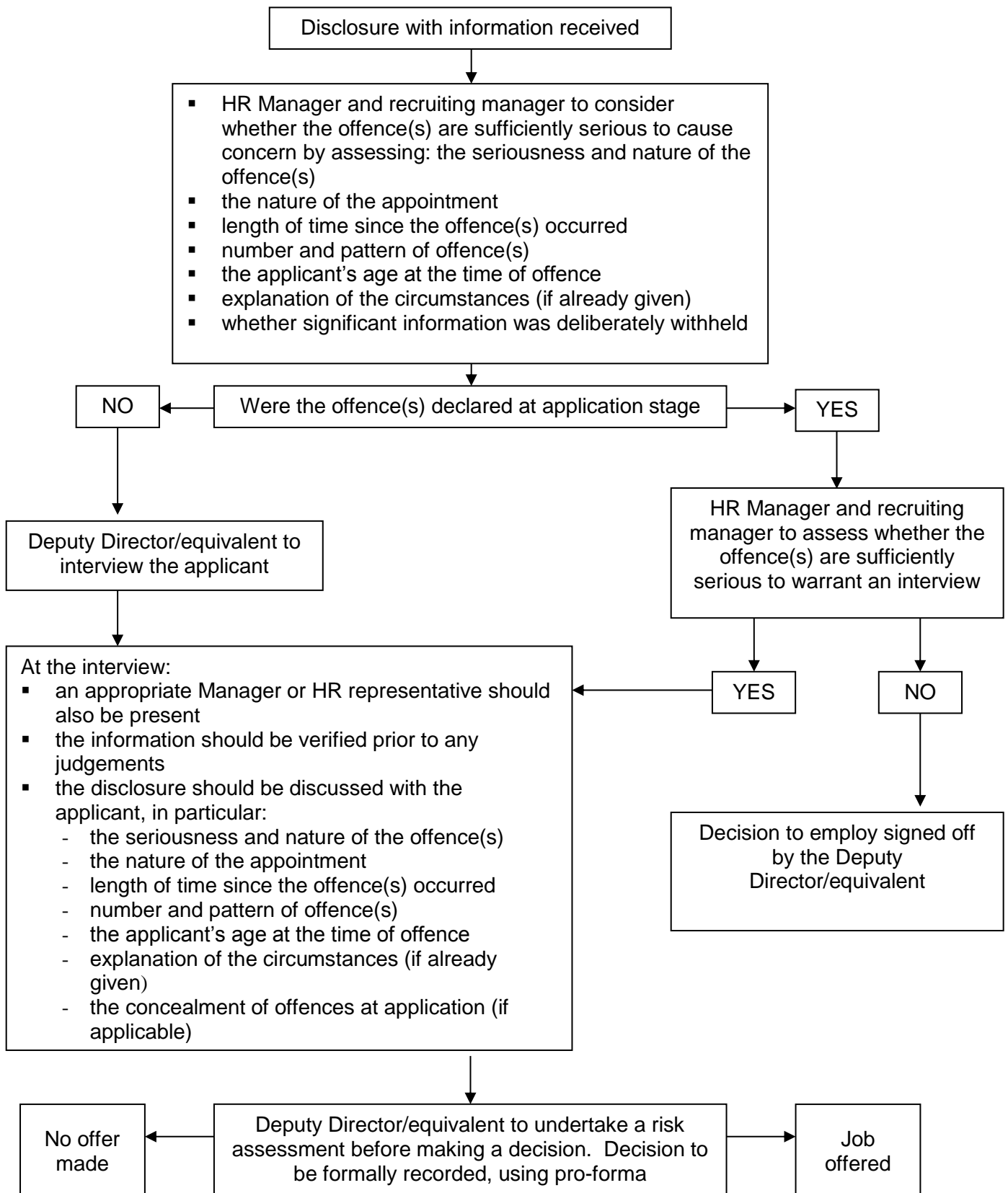
MEDIUM

LOW

- 1) This prospective employee will not commence work prior to satisfactory clearances.
- 2) Following risk assessment, I have determined that the above named may commence employment with the identified control measures. I undertake to personally review this situation at intervals of no less than every two weeks.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Review Dates:** \_\_\_\_\_

**Disclosures Containing Information**  
**(This must be read in conjunction with paragraph 58 of the policy)**



**Disclosures with information**

The attached Disclosure has been returned with information.

<b>Disclosure No:</b>	<b>Date obtained:</b>
<b>Obtained by (HR, Events):</b>	
<b>Title:</b>	<b>First name/s:</b>
<b>Surname:</b>	<b>DOB:</b>
<b>Proposed position:</b>	
<b>Status (employed, self-employed, voluntary, etc):</b>	
<b>Department:</b>	

**Interview date:**

**Interviewed by:**

*Brief details of interview - focus upon applicant's response, and the judgements you made (see checklist in paragraph 51 of policy)*

**Please confirm whether the above named person is approved to be employed in the position stated above. It is crucial to note that this approval to proceed is isolated to this position and the circumstances as judged by the above-named Director/Deputy Director or equivalent. This judgement is therefore not transferable to other recruitment decisions.**

**Proceed**

**Not Proceed**

Signed ..... Date .....

**Documents relating to convictions should be returned to the named human resources officer for confidential storage pending any appeal and for secure disposal thereafter.**

**This trace must be kept safe and not disclosed to a third party.**

### **Guidance on Record Keeping For Safe Recruitment and Vetting**

In addition to the various staff records, which are kept as part of normal business, NDCS must also keep and maintain a single central record of recruitment and vetting checks.

NDCS must have a record of the following people:

- All staff who are employed to work directly with children;
- All volunteers who work directly with children;
- The record should include all others who have been contracted by NDCS to work in regular contact with children. This will cover third party organisations including a specialist sports coach or artist contracted for an event.

#### **Central Record**

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

- Identity checks;
- Qualifications
- Checks of permission to work in the United Kingdom;
- Enhanced Disclosure;
- Further overseas criminal records checks where appropriate.

## NDCS Self Disclosure Form

The principle that the welfare of children and young people must be the paramount consideration is at the core of child protection work in the United Kingdom. NDCS and Local groups fully support this principle. Therefore, everyone connected with NDCS or any related local groups, who will come into contact with children or their personal details, must complete and sign this declaration.

**1. Have you ever been convicted of ANY criminal offence (include motoring offences)? Please include cautions and bind-overs as well as convictions.**

Yes  No  Don't know

**2. Does your name appear on the Disclosure and Barring Service list of individuals who are barred from working with children or PVG list (Scotland)?**

Yes  No  Don't know

**3. Have you ever been the subject of a disciplinary hearing by any professional body?**

Yes  No  Don't know

**4. Have you ever been the subject of any allegation, concern or disciplinary process in relation to your contact or care of children by any official body?**

Yes  No  Don't know

**5. Have you ever been dismissed or been asked to leave employment or voluntary activity due to allegations of inappropriate behaviour towards a child?**

Yes  No  Don't know

**6. Have you ever been disqualified from working with children or young people?**

Yes  No  Don't know

If you have answered 'yes' or "don't know" to any of these questions please include a statement setting out the details and context of the situation in a separate envelope addressed to the Chair of your Recruitment and Selection Panel.

This declaration must be signed and returned to the Designated Manager prior to commencing any direct work with children and young people.

I confirm that the above information given by me is correct and that I consent to my personal data being processed and kept for the purpose of safeguarding and promoting the welfare of children and young people in accordance with the Data Protection Act 1998.

**Title:** \_\_\_\_\_ **First name/s:** \_\_\_\_\_

**Surname:** \_\_\_\_\_

**Role:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **Definition of Regulated Work Scotland: Protection of Vulnerable Groups (Scotland) Act 2007**

### **SCHEDULE 2 Regulated work with children**

(Introduced by section 91)

#### **Part 1 Preliminary**

##### **Regulated work with children**

1. Regulated work with children is work in –
  - a) a position whose normal duties include carrying out an activity mentioned in Part 2,
  - b) a position (other than a position mentioned in sub-paragraph (a)) whose normal duties include work in an establishment mentioned in Part 3,
  - c) a position mentioned in Part 4, or
  - d) a position whose normal duties include the day to day supervision or management of an individual doing regulated work with children by virtue of sub-paragraph (a) or (b).

##### **Exceptions relating to children's employment and work**

2. Work which would be regulated work with children by virtue of any of paragraphs 3 to 7 is not, despite those provisions, regulated work with children if –
  - a) the activity concerned is carried out in relation to children aged 16 or 17 in the course of the children's work, or
  - b) in the case of the activities referred to in paragraphs 5 and 6, the activity is carried out in relation to children under the age of 16 in the course of the children's employment.

#### **Part 2 Activities**

##### **Caring for children**

3. Caring for children (except caring for children which is merely incidental to caring for individuals who are not children).

##### **Teaching, instructing, training or supervising children**

4. Teaching, instructing, training or supervising children (except teaching, instructing, or training children which is merely incidental to teaching, instructing, or training individuals who are not children).

##### **Being in sole charge of children**

5. Being in sole charge of children.

##### **Unsupervised contact with children**

6. Contact with children –
  - a) under arrangements made by a responsible person, but
  - b) in the absence of –



- i. a responsible person,
- ii. a person carrying out an activity mentioned in paragraph 3, 4 or 5, or
- iii. an individual who, in relation to a child, has agreed to supervise the contact under arrangements made by the child's parent or guardian or any person aged 18 or over with whom the child lives in the course of a family or personal relationship.

“Responsible person” means, in relation to a child, any of the following persons –

- a) the child's parent or guardian,
- b) any person aged 18 or over with whom the child lives,
- c) the person in charge of any establishment mentioned in Part 3 in which the child is accommodated, is a patient or receives education (and any person acting on behalf of such a person),
- d) a person who provides day care of children, within the meaning of section 2 of the 2001 Act,
- e) any person holding a position mentioned in Part 4, and
- f) any person holding a position in a children's charity, within the meaning of paragraph 27.

“Family relationship” and “personal relationship” have the meanings given in section 95.

### **Providing advice or guidance to children**

7. Providing advice or guidance to a child or to particular children which relates to physical or emotional well-being, education or training (except providing advice or guidance to a child or to particular children which is merely incidental to providing advice or guidance to individuals who are not children).

### **Moderating certain interactive communication services**

8. Moderating a public electronic interactive communication service which is intended for use wholly or mainly by children. A person moderates such a service if, for the purpose of protecting children, the person has any function relating to –
- a) monitoring the content of matter which forms any part of the service,
  - b) removing matter from, or preventing the addition of matter to, the service, or
  - c) controlling access to, or use of, the service.

But a person only moderates such a service as mentioned in sub-paragraph (b) or (c) if the person has -

- i. access to the content of the matter, or
- ii. contact with users of the service.

### **Provision of care home services**

9. Providing, or working for an organisation which provides, a care home service which is provided exclusively or mainly for children (but only if doing anything permitted or required in connection with the position gives the holder of the position the opportunity to have contact with children). “Care home service” has the same meaning as in the 2001 Act.

### **Provision of independent health care services**

10. Providing, or working for an organisation which provides, an independent health care service which is provided exclusively or mainly for children (but only if doing anything

permitted or required in connection with the position gives the holder of the position the opportunity to have contact with children).“Independent health care service” has the same meaning as in the 2001 Act.

### **Work on day care premises**

11. Work on any part of day care premises at times when children are being looked after in that part.“Day care premises” means premises at which day care of children, within the meaning of section 2 of the 2001 Act, is provided.

## **Part 3 Establishments**

### **Children's detention institution**

12. An institution which is exclusively or mainly for the detention of children. “Detention” means detention by virtue of an order of a court or under an enactment.

### **Children's hospital**

13. A hospital which is exclusively or mainly for the reception and treatment of children. “Hospital” has the meaning given by section 108(1) (interpretation) of the National Health Service (Scotland) Act 1978 (c. 29).

### **Educational institutions etc.**

14. A school.
15. A further education institution.“Further education institution” means a body listed under the heading “Institutions formerly eligible for funding by the Scottish Further Education Funding Council” in schedule 2 to the Further and Higher Education (Scotland) Act 2005 (asp 6).

Ministers may by order amend the definition of “further education institution” so as to include or exclude bodies listed in that schedule.

16. A hostel used mainly by pupils attending a school or institution mentioned in paragraph 14 or 15 respectively.

### **Children's home**

17. A home which is exclusively or mainly for children and is provided by a council under –
  - a) section 59 (provision by councils of residential and other establishments) of the Social Work (Scotland) Act 1968 (c. 49), or
  - b) section 25 (provision of care and support services by local authority) of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).

## **Part 4 Positions**

### **Manager of educational institutions etc.**

18. Manager, or member of a governing body, body of trustees or other body responsible for the management, of a school, further education institution or hostel mentioned in paragraphs 14 to 16 (but not a member of a council).

### **Member of council committee**

19. Member of –
  - a) a committee (including joint committee) of a council which is concerned with the provision of education, accommodation, social services or health care services to children,
  - b) a sub-committee which discharges any functions of any such committee.

**Member of children's panel etc.**

20. Member of –

- a) a children's panel established by section 39(1) of the Children (Scotland) Act 1995 (c. 36),
- b) a Children's Panel Advisory Committee,
- c) a joint advisory committee established under paragraph 8(1) of Schedule 1 to that Act,
- d) a sub-committee which discharges any functions of any committee mentioned in sub-paragraph (b) or (c).

**Chief social work officer**

21. Chief social work officer of a council.

**Chief education officer**

22. Chief education officer (however called) of a council.

**Commissioner for Children and Young People in Scotland**

23. Commissioner for Children and Young People in Scotland.

24. Member of that Commissioner's staff.

**Registrar of Independent Schools in Scotland**

25. Registrar of Independent Schools in Scotland.

**Fostering**

26. Foster carer.

**Charity trustee**

27. Charity trustee of a children's charity "Children's charity" means a charity whose

- a) workers normally include individuals doing regulated work with children (other than work which is regulated work with children by virtue only of this paragraph), or
- b) main purpose is to provide benefits for children.

28. An individual works for a charity if the individual works under any arrangements made by the charity (other than arrangements made for purposes which are incidental to the purposes for which the charity is established).