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Introduction

This guide and toolkit has been produced through by the HR Directors’ Group for local authorities in Wales, and the WLGA, following a multi-professional conference organised by CSSIW and concentrates on the employment aspects in supporting good practice in safeguarding.

This good practice guide supplements and builds upon the good practice that currently exists within employment processes and also takes into account concerns and issues raised by inspection bodies as part of its routine inspections looking specifically at safeguarding practice in local authorities.

This guide acknowledges that effective safeguarding is founded on an organisational commitment to a set of values, standards and behaviours that protects vulnerable individuals. This guidance concentrates on the employment aspects of safeguarding but recognises that this fits into an overall corporate approach to safeguarding across a range of functions that need to operate together to be effective.

This document is not intended to directly replace existing policies and procedures but provides a toolkit against which local authorities and particularly their HR departments can determine its practice in respect of safeguarding in employment and make improvements if necessary. There are a number of checklists and in some circumstances policies, procedures and other documents that have proved useful in other authorities that can be used as templates.

There is a range of legal guidance that underpins good practice in respect of the wider issue safeguarding of children and others who receive local authority services. This currently includes but is not exhaustive:-

- WG Circular 005/2008 “Safeguarding Children in Education” and Circular 34/2002 “Child Protection
- Staffing of Maintained Schools (Wales) Regulations 2006
- Preventing Unsuitable People from Working with Children and Young Persons in the Education Service”.

These may change from time to time and should be given prominence over the guidance in this toolkit.

This document is offered to local authority HR Departments as current best practice and in some cases may be above minimum requirements but the responsibility for safeguarding and HR practice ultimately lies with individual authorities and their establishments.

This document covers all employees, workers and volunteers used by local authorities and although the many references are related to those who work with children the advice and guidance is also applicable to those working with ‘vulnerable’ adults and any groups which might fall under the government’s description of ‘Regulated activity’ within the Disclosure and Barring Regulations
SECTION 1: Recruitment Processes

1.1 This section does not look at all the aspects of what constitutes good practice in recruitment and selection and appointment, but concentrates on those issues that contribute to the wider approach of good practice in safeguarding.

1.2 If safeguarding issues are to be given prominence then it is important to ensure prospective employees understand the significance of safeguarding and the expectations of being employed by that authority. The whole selection process needs to be clear about the processes, expectations and continuing significance the organisation pays to such issues.

1.3 The Recruitment Policy of any authority should set out the minimum requirements of a recruitment process that aims to attract and select the best possible applicants to vacancies, deter prospective applicants who are unsuitable to work with children or young people/adults and identify and reject applicants who are unsuitable to work with children and young people. A strong statement from the organisation in their recruitment policy can show their commitment to this, for example,

“This authority is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.”

Appendices 1 and 1a provide an examples of a Safer Recruitment Policy.

1.4 Below are some of the key issues that authorities will want to consider in their recruitment processes.

1.4.1 Advert/ JD/ Person Specification/ Information Pack

The drafting of the above information provides an opportunity to reinforce the authority’s commitment and values in respect of safeguarding, which can help set the tone and culture of the organisation. The information should clearly state if the role involves working with children or adults, the format of the appointment process including what pre-employment checks will be undertaken.

The person specification will be the basis upon which the selection to the post is made. It is important to have clear and specific criteria which those making selection judgements can assess suitability for working with children, particularly in the interview element of the selection process (please see section 1.4.4). For example,

Appendices 2-4 are template examples of a Job Description & Person Specification; Advert and Safeguarding Information Advice.

Instructions on completion of application forms should be explicit about the key information that is required particularly details of previous employers, previous relevant cautions/convictions, educational history,
memberships of professional bodies and clear information on reasons for any employments gaps. This should be clearly stated on the application as well as in any information pack.

Appendix 5 is a template example of an application form containing this information.

### 1.4.2 Short Listing Guidance

It is important that written shortlisting processes ideally state that the same appointment panel should be present to shortlist and to interview. There will be circumstances in schools and in wider local authority appointments where this is not practical, but the approach ensures consistency in the process.

Shortlisting considers the skills/knowledge and experience required and should be based on the agreed and appropriate criteria. The criteria should enable an assessment of each applicant’s ability to be made, based on available information in order to meet the person specification criteria. As stated in 1.4.1 above, the person specification should include specific reference to the safeguarding requirements of the post and where this is an essential element proper account should be taken and the requirements fully met by the candidate.

Other key points to consider when shortlisting:

- Allow time to properly scrutinise.
- Ideally two people short-listing.
- Identify any inconsistencies.
- Application form should be fully completed.
- Evidence provided should relate to person specification and job description.
- Highlight gaps to be explored further.
- Apply short-listing criteria equally.

### 1.4.3 Training for Selection Panel/ Interviewers

It is important that any person involved in a recruitment and selection process has received appropriate training in respect of safeguarding (and interviewing techniques). The interview provides an opportunity to re-confirm the authority’s commitment and values to safeguarding and this is best conveyed through the selection panel. Interviewers will need to be comfortable asking challenging questions and be able to rationalise responses in the context of the authority’s standards and expectations.

The Lucy Faithful Foundation provide an effective Safer Recruitment training package for schools and the wider workforce which is considered as good practice. Please use the link below to access further details.
1.4.4 Interviews

For those candidates who reach the interview stage this will provide the opportunity to test their suitability and attitude toward safeguarding along with the other requirements of the role.

It is recognised that there is no accurate test to screen candidates for their potential to abuse. However, one recommendation is the exploration of the candidate’s life experiences and personal qualities to assess their suitability to work with children and adults. Therefore, interviews should be carried out by at least one trained interviewer who has attended Safer Recruitment training.

To support the interview process it is recommended that the panel use the Warner style questions. These are included at Appendix 6 and their use should form part of the relevant training. This is also covered in the Lucy Faithful Foundation training programme.

The interview questions are intended to specifically assess the candidate’s suitability to work with children and young people to detect and deter adults who are not appropriate to work with such groups.

Local authorities are free to determine how they organise their interview process and good practice should take account of the following:-

- It is recommended that at least one of the selection panel members should have attended the Safer Recruitment Training
- The panel should ideally consist of a minimum of two members.
- The use of Warner style interview questions should be an intrinsic part of the interview process.
- Candidates should always be required to explain satisfactorily any gaps in employment, explain satisfactorily any anomalies or discrepancies in the information available to the panel, declare any information that will appear on a DBS disclosure and demonstrate their capacity to safeguard and protect the welfare of children and young people.
- Hypothetical questions should be avoided and the interviewers should seek positive examples or evidence

Involving Others in the Interview

Always consider involving children and young people or adults in the recruitment and selection process. Admittedly in some instances it is not always appropriate to do so but any decisions made will be better
for having the key stakeholders involved and that children or adults will have gained a well-deserved voice in a crucial area of decision making.

One useful rule of thumb is to involve those who the recruited member of staff will work directly with, and/or make decisions about the services those children, young people or adults receive.

**Offer of Appointment**

It is important that any offer of appointment is subject to satisfactory completion of all the pre-employment checks which have been cleared, checked and signed off by a designated person.

Please refer to Section 2 on Pre-Employment Checks.

Managers who make verbal offers of appointment should be instructed to only do so subject to these checks being satisfied by the local authority, and confirm this in writing.

Appendix 7 provides information on the phrasing of offers of appointment to assist with these situations.
Section 2: Pre-employment Screening Checks

2.1 Undertaking pre-employment screening checks is a key role for the HR department as part of the recruitment and selection process. HR departments will already have robust procedures for undertaking pre-employment screening checks which are primarily designed to ensure that the person who may be recruited is competent and suitable to undertake the role effectively.

2.2 Whilst many of these checks do not have a direct link to safeguarding issues, there are however indirect links and it is important that all checks are carried out effectively and in a timely manner. Collectively these will help to verify a candidate's identity with information from a range of different sources as well as confirming key issues such as employment history and educational background.

2.3 A checklist of those checks that should be contained in procedures together with any comments or standards that might be required from a safeguarding perspective is attached at Appendix 8. Specific advice on References and Disclosure & Barring are contained in Sections 3 & 4

2.4 It is important to stipulate in policy and procedures and ensure that managers understand that conditional offers of employment should be given dependent on satisfactory completion of the vetting procedure. It is also useful for managers to be aware that such appointments can typically take a number of weeks to complete and contingency arrangements should be in place to cover any vacancies and avoid the temptation to compromise these standards to make a quicker appointment.

2.5 **Agency and Supply Workers**

It is important that the standards operated internally are also applied by Employment/Managed Service agencies in respect of the workers they provide to local authorities. These standards should be written into contract arrangements and evidence of the various checks should be established before accepting any worker. This is particularly important when managers and Headteachers themselves ‘call’ on contract arrangements directly as the priority may focus on covering the service and not necessarily ensuring that these checks are undertaken robustly by the managing agent or checked by the manager on-site.

This issue was specifically raised by WAO in their 2013 report ‘Covering Teachers Absence’ on the use of temporary/supply teachers. See Section 8 for Specific Issues for Agency Workers and Volunteers.

2.6 **Uncompleted Checks**

It is essential that checks are made as quickly as possible to ensure continuity of business. However, there will be rare occasions when some pre-
employment checks have not been completed and the individual is available to commence duties. On these occasions it is important that a risk assessment process is undertaken to consider the type of check that is outstanding and the type of duties that will be undertaken.

Good practice should be that anyone who is employed on Regulated Activity should not take up those duties until a DBS check is returned. This may be above the minimum standard allowed in certain settings. But in all cases this should only be after the risk assessment process has been completed by the responsible manager.

Appendix 9 provides a guide for a Risk Assessment Process
Section 3: Employment References

3.1 This section covers the issue of references, both requested and provided. References are generally the key external check that employers use to check previous employment, capability and behaviour. It allows employers to balance what has been provided in the application form and offered at interview with a different perspective that allows for a judgement to be made on suitability for the post.

3.2 Therefore it is important that there should be high standards of practice maintained in respect of references, not only to ensure that the candidate is capable of performing the duties of the post but also that they present no risk from a safeguarding perspective.

3.3 The following is a checklist of those issues and challenges that references present that should be addressed in procedures together with any comments or standards that might be required from a safeguarding perspective.

Also attached at Appendix 10 is a Reference Policy

3.4 Checklist for Management of Employment References

Written reference followed by phone call for professional references
References should always be obtained in writing and should be on the organisation’s headed paper, or the employing organisations pro-forma should be completed. Testimonials or ‘open’ references should not be accepted. If there is a concern, for successful candidates, it should be good practice to follow-up the reference with a telephone conversation with the referee. This ensures that the reference has not been provided without their knowledge, clarification of any issues contained in the reference and allows for additional comment to be made.

Requirement for 2 or more References
It is important that a minimum of 2 references are obtained to ensure as wide a perspective as possible. Further references should be requested if there are any areas of concern or insufficient information is provided.

When calling references it should be the two most recent employers that are asked to provide references. However, policies should be flexible to ensure that sufficient and appropriate references are requested.

For example, where a candidate has worked for the current employer for the last 20 years there will be little value in seeking references from any other Employer. In such circumstances seeking a more appropriate second reference from elsewhere in support of the current employer’s reference will provide more up to date information and intelligence.
Equally, with a candidate who has had a number of employers over a relatively short period of time then it may be appropriate to request references from all previous employers over the past 3 years.

For school appointments, where the applicant is not currently in such a role it is best practice to seek a reference, where possible, from the last employer where the role involved working with children.

**Clarity on Professional and Personal (character) References.**

Where recent employer references are requested it is important that the referee is supplying the reference in a professional capacity on behalf of the employing organisation. In large organisations it is usual for line-managers to provide references as they should have the best knowledge and understanding of the candidates work capabilities and behaviours. Reference forms should have an opportunity for the referee to state their professional relationship to the candidate. It is important to be satisfied that the right person has provided the reference in a professional capacity. This is supported by good practice to follow-up with a telephone call for successful candidates to confirm that the appropriate individual has supplied the reference.

Personal references should only be accepted where professional/employer references are not available. By their very nature personal references have a degree of bias as the candidate is unlikely to nominate a referee who may provide an unsatisfactory reference. There are circumstances where candidates have not been employed previously or for sometime e.g. raising a family or first job - it is on such occasions that flexibility and judgement will be required to ensure the organisation has been robust in seeking as much information as possible before determining their suitability for a post.

**Format and Content of References**

Organisations should develop a standard reference request for candidates whose post involves work with children. This will differ from other standard employment reference requests and seek to gain information on their suitability to work with these groups; disciplinary issues/ sanctions, details of any allegations etc. A number of Draft templates are attached at Appendix 11.

**Designated Person for Quality Assurance sign-off**

It is important that a designated person provides a quality assurance process in respect of references. The purpose would be to ensure that a ‘named person’ has examined the references for any concerns and issues, ensures that all those requested have been received and any concerns are reported or that they are satisfied with the responses.
**Timing of calling for references**
There does seem to be some different practices in place for when authorities call for references. Some call for references at short-listing whilst others only request from the successful candidate after selection. Calling for references earlier can mean earlier responses and reduce the time to fill the vacancy. Equally just calling for the selected candidate reduces administration time and bureaucracy.

Whichever method is preferred suitable references as described above must be in place before an unconditional offer of appointment is made.

**Provision of References**
When providing references it is equally important to have similar processes to ensure that the information provided to prospective employers is fair and accurate. Again whilst line-managers may provide the main body of a reference it is important to build into the process some quality assurance to ensure that the reference is from an organisation’s perspective and cannot be classed as a personal or character reference.

**The need for Corporate/ Central Arrangements**
Many of these processes will need to be centrally organised to ensure that they are robust and have the quality assurance checks identified above. This is particularly relevant for satellite settings like schools and care homes where line managers may be relatively new and have limited first hand knowledge of staff or not have access to all the information required to make judgements in respect of safeguarding issues.
SECTION 4 – Disclosure & Barring Service (DBS) Checks

Introduction
4.1 The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) merged to become the Disclosure and Barring Service (DBS). CRB checks are now called DBS checks.

4.2 This guidance only provides an overview of the requirements and processes for DBS checks and any detailed advice and guidance should be obtained from the DBS website where there is a range of guides and factsheets available, or contact one of the DBS help-lines.

https://www.gov.uk/disclosure-barring-service-check/overview

Basic requirements
4.3 Employers are required to undertake DBS checks for all staff and volunteers who undertake a certain type of work known as ‘regulated’ activity. A full definition of regulated activity can be found on the DBS website.

A list of roles that fall in the category of regulated activity within local government workforce is contained within Appendix 12. This is a non-exhaustive list and each authority should ensure that it applies the DBS eligibility criteria to each role before determining whether a check is appropriate.

4.4 An employer can only ask for a barred list check for these specific roles. It’s a criminal offence to ask for a check for any other roles.

4.5 The DBS advise that Employers should only arrange a DBS check on a successful job applicant.

4.6 Employers can only request checks with the permission of the individual.

Policy
4.7 It is a requirement for Authorities to have in place a Statement of Policy and Practice on the use of Disclosure & Barring Service (DBS) Information in Employee Selection.
Appendix 12 is an Example Policy and Practice on the Use of DBS checks in Employee selection

4.8 This will provide clarity around the requirements and expectations of the DBS information, and support the duty to ensure the suitability those employed working with children and adults. It also demonstrates a commitment to prevent unfair discrimination against existing and prospective employees, by ensuring that a careful, balanced, and objective assessment is made of any disclosures that do not pose a risk to the safety of children. See Positive disclosures
**Commencing Duties without a DBS Certificate.**
4.9 Good practice dictates that an individual working in regulated activity should not commence duties until the employer has had sight of the individual's DBS certificate.

**Positive Disclosures**
4.10 When a positive disclosure is received from the DBS a risk assessment process should be immediately undertaken for any new or renewed disclosures.

4.11 The risk assessment should be undertaken involving the Head of Service (HoS)/Headteacher, but must include the Local Authority’s Designated Safeguarding Officer/Authorised Officer (or equivalent) if the disclosure is one of a safeguarding issue i.e. where there is a risk to children or adults. A written risk assessment confirming the issues and decision taken by the HoS/Headteacher should be held confidentially in respect of all positive disclosures received.

Appendix 13 provides a template for this purpose.

**Renewals Policy**
4.12 There is no official expiry date for a DBS Certificate.

4.13 There are no guidelines for employers set by the Disclosure and Barring Service in relation to the renewal of DBS certificates.

4.14 Where the employer chooses to implement a renewals policy this should be clearly stated in the main policy provisions.

4.15 It is up to the employer to determine whether to continue to accept a previously-issued DBS check and to decide if it continues to be recent enough and suitable for the current role being performed. See the information below on information contained in a DBS certificate to help inform authority’s decisions on renewing certificates.

**Portability**
4.16 It is again up to the employer to determine whether to accept a previously-issued DBS check and to decide if it is recent enough or suitable for the role being performed.

4.17 DBS certificates only contain information from a DBS check on a certain date and for a particular purpose and therefore the following should be considered before making a decision:

- The applicant's criminal record or other relevant information may have changed since its issue.
- The decision made by a Chief Police Officer to disclose information on a DBS certificate was made based on the position for which the criminal record check was originally applied for. You cannot assume that no other intelligence would be disclosed for a different position.
The information revealed was based on the identity of the applicant, which was validated by another registered body, at the time that the original check was requested. Therefore, you should ensure that the identity details on the certificate match those of the applicant.

**DBS Update Service**

4.18 The DBS operate an update service which individuals can subscribe to (at a cost) which will address some of the issues of renewals and portability. Further details are available on the DBS website.

https://www.gov.uk/disclosure-barring-service-check/overview
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SECTION 5: Induction and Training

5.1 It is important that all staff in any establishment have the appropriate training and induction so that they understand not just their role but their responsibilities with regard to safeguarding and that they are confident about carrying them out. Induction for some groups of staff is already a statutory requirement and nothing in this guidance should supersede that. Staff, need to feel confident that they can raise issues or concerns about the safety or welfare of children, and that they will be listened to and taken seriously. This can be achieved by maintaining an ethos of safeguarding and promoting the welfare of children and young people and protecting staff which is supported at various opportunities and stages by:

Corporate Induction

5.2 This provides the opportunity to reinforce the authority's commitment to safeguarding regardless of whether an officer's role is working directly with children or adults. Many officers in authorities will come into contact with establishments and their staff who work with children and it is important they are also aware of the standards expected in terms of behaviours and what reporting mechanisms are available to them to report and alert any concerns.

5.3 To support this, authorities should have a clear written statement of the standards of behaviour and the boundaries of appropriate behaviour expected of all staff, both in and outside of work that is understood endorsed and promoted by all.

Departmental/ Establishment Induction

5.4 More localised or departmental induction allows specific issues to be addressed. Managers of establishments will need to ensure that the all local safeguarding procedures are shared and understood by all staff including understanding of professional boundaries of their particular roles. These will include (but is not exhaustive)

- Anti-bullying
- Anti racism
- Use of physical restraint
- Internet safety
- Whistle blowing
- Any professional Codes of Conduct

At the end of induction staff should not only be aware of these specific policies and procedures but be aware of the support available so that they feel confident to raise issues and concerns with managers and colleagues.

Appendix 14 is a Good Practice Guidance for adults who work with children and Young people.
5.5 **Safeguarding Training elements**

It is important that staff have the appropriate information & training relevant to their particular role. This will obviously vary dependent upon the type of establishment, the service being provided and the role of the individual member of staff.

Refer to Appendix 15 for the key elements of safeguarding training.

**Probationary periods**

5.6 Probationary periods are extremely useful to allow managers to make judgements on staff suitability for a post. It is during this initial period that managers should ensure that new staff are comfortable working with children and can make judgements on their attitude to children and child protection issues. By robustly using probation periods to satisfy themselves of the suitability of new staff can help protect children from staff who may be unsuitable for a longer career in that environment.

**Performance Management**

5.7 Staff appraisal/ performance management processes provide the ideal mechanism to ensure good performance and to reinforce practice and procedures for safeguarding and testing the understanding of staff. These are normally undertaken on an annual cycle but should not prevent managers from dealing with poor practice at the time and taking the appropriate action in accordance with agreed procedures.
SECTION 6: Management of Allegations & Information

6.1 Authorities may receive an allegation or information from a range of sources, sometimes externally or internally such as whistleblowing processes. It is essential that any allegation of abuse made against a member of staff, agency worker or volunteer is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child or adult and at the same time supports the person who is the subject of the allegation.

6.2 The framework for managing cases of allegations of abuse against people who work with children is set out in Welsh Government Circular 12/2007: Safeguarding Children: Working Together Under the Children Act 2004 and professional concerns guidance under adult protection procedures. Local authorities will have arrangements in place to manage allegations through the Local Authority’s Designated Safeguarding Officer/ Authorised Officer (or equivalent). It is this co-ordinated approach to the management of allegations that will ensure consistency in the approach and that all relevant information is available.

6.3 Information management is key to effective safeguarding procedures. The local authority and its wider partners will need to ensure that it has in place procedures for managing corporate intelligence.

6.4 The role for HR can only be limited directly to the employment issues – mainly in the application of disciplinary procedures and the processes and issues associated with the employment. The wider issues of safeguarding require a corporate approach both within and outside the local authority, for example where police and/or other agencies are involved.

6.5 Employers should have a procedure outlining the process of recording and retaining information relating to allegations of professional abuse - refer to Appendix 16 for example procedure.

6.6 The procedure should apply to a wider range of allegations than those in which there is reasonable cause to believe a child (or adult) is suffering, or is likely to suffer significant harm. It also caters for cases of allegations that might indicate that s/he is unsuitable to continue to work with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a person who works with children has:

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

Again this is equally applicable to Adults receiving services.
6.7 The procedure should include a recording form to be held on the HR file that summarises an allegation against a professional who works with children, the actions taken, and the outcomes. It ensures that:

- within the HR function there is an accurate record of this confidential matter;
- that authority can show that appropriate action was taken; and
- that authority is able to respond suitably to any reference or other enquiry.

This record should also prevent any unnecessary re-investigation. Appendix 17 is an example of a recording form.

6.8 The form and the supporting HR record should not include:

- The name or other identifier of the child or children concerned (unless they are within the family or household of the professional);
- Confidential records of the child or children (such as strategy meeting minutes).

6.9 It would be best practice for employers to keep a written record of suspension decisions. Appendix 18 provides an example template for recording suspension decisions.

6.10 From a HR perspective, the purpose of record keeping is to enable accurate information to be given in response to any future request for a reference and manage other employment related issues such as potential Employment Tribunals.

6.11 It will also provide clarification in cases where any future DBS Disclosures reveal information from the police about an allegation that has been dealt with that did not result in a criminal conviction and it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation re-surfaces after a period of time.

6.12 In this context there will be clear parameters about the information that is recorded and held on a personnel file by Corporate HR. As a guide ...

6.12.1 The outcome from Strategy meetings will usually be recorded in the form of a letter and should be held on the personnel record.

6.12.2 It is important that clear and comprehensive support of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

6.12.3 For reasons of confidentiality there will be a need to ensure that the focus for HR is on the member of staff and not the child. Details relating to the child are not relevant for recording on the personnel file and all efforts should be made to maintain confidentiality.
6.13 There is no current definitive advice for how long information in relation to an allegation against an employee, agency worker or volunteer should be retained. This advice recommends a record of the allegation/ investigation should be retained for at least 10 years from the date of allegation. The purpose ultimately is to pass on relevant and appropriate information to statutory agencies. (There will be other timescales in relation to retention of records for the individual child/adult affected by the allegation)

6.14 The Information Commissioner has published guidance on employment records in its Employment Practices Code and Supplementary Guidance, which provides practical advice on employment retention. These guides cover the code in detail and provide answers to all the main questions

- [Employment practices code](pdf)
- [Employment practices code: supplementary guidance](pdf)

6.15 Where authorities use electronic processes to record employment information it should ensure that the appropriate protections and access is allowed and managed to enable those who require information to access it whilst protecting confidentiality. Having named/ designated senior HR staff responsible for this element of information management will assist with this matter.

6.16 There will be a duty for certain groups of staff to report information to statutory bodies such as the (current) General Teaching Council for Wales or its replacement Education Workforce Council, Care Council for Wales and the Disclosure and Barring Service (DBS). {This may extend beyond formal procedures and address wider issues of practice and not just those allegations related to safeguarding}.

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SECTION 7: Exiting the Organisation

7.1 There may be occasions when a staff member leaves the organisation either as a result of a disciplinary investigation of a safeguarding nature or whilst an investigation is being considered or underway.

7.2 If the ‘investigated’ person resigns, this should not prevent an allegation being followed up in accordance with the local authority’s child protection procedures. It may be that a police investigation will continue regardless of whether they remain in employment. However, it is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children.

7.3 Wherever possible, the member of staff should be given a full opportunity to answer the allegation and make representations about it. However, the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if the member of staff does not cooperate or leaves the organisation.

7.4 It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person leaves employment before the process is complete. However, it is important that the disciplinary process is completed because if the decision is that the member of staff would have been dismissed or a sanction imposed had they still been in employment, there is a legal duty to make a referral to the Disclosure and Barring Service (DBS) GTCW and the Care Council for Wales as appropriate.

7.5 It is also important to record decisions and conclusions to ensure that the employer complies with its obligations to advise any future prospective employer of the reasons for leaving employment by way of reference.

7.6 Coupled with this a procedure should be in place to ensure that reference requests are properly processed to ensure that all relevant information is appropriately passed to prospective employers. This should avoid reliance on individual managers who may have been involved in the event, in case they themselves have moved on. (See Section 3 Reference Management).

7.7 Settlement agreements - Should not be considered as an option for an individual to exit the local authority if there are any safeguarding concerns.
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SECTION 8: Specific Issues for Agency Workers, Volunteers and Other Service Providers

8.1 It is essential that employers have robust processes in place to deal with the engagement of volunteers and agency workers to ensure that the person who may be engaged is adequately vetted.

8.2 Agency Workers

8.2.1 Employers should ensure that agencies provide written notification to confirm that their workers have a clear DBS disclosure or, in the case of a positive disclosure, that a risk assessment has been undertaken in relation to the information disclosed.

8.2.2 Establishments should record that checks have been carried out.

8.2.3 No agency worker should be permitted to work until the agency has confirmed relevant checks are in place.

8.3 Volunteers

8.3.1 Where volunteer are engaged the same due diligence must be applied in terms of vetting standards of volunteers.

8.3.2 DBS regulations dictate what level of disclosure is required for a volunteer, making specific reference to the level of supervision. These should be relevant and current and in schools in particular the Headteacher should they have had sight of the DBS certificate.

8.3.3 It is best practice for employers to seek two written references and (where appropriate according to the type of voluntary role being undertaken) health clearance.

8.3.4 Record keeping for volunteers should be as robust as arrangements in place for employees.

8.3.5 It is best practice for employers to have a Volunteer Protocol outlining the requirements for Headteachers/managers [refer to Appendix 19 for an example protocol].

8.4 Other Service Providers

There will be other service providers who may not be direct employees of the local authority but will be involved in providing services directly to children and others. These may for example include catering staff. Authorities’ should ensure as part of contract arrangements that the companies providing these services have undertaken the appropriate checks and provide evidence as part of ongoing contract monitoring.

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SECTION 9: Monitoring & Quality Assurance Arrangements

9.1 It is essential that all policies and procedures that are put in place to support good practice in safeguarding are effectively monitored.

Pre- Employment Checks
9.2 It is considered as a minimum that HR departments develop systems to ensure that those staff who are required to have pre-employment checks before taking up post have had those necessary checks especially where DBS checks, references and professional registration are a requirement of the recruitment process.

DBS Renewals
9.3 Equally arrangements should be in place through a monitoring process to advise, encourage and ultimately warn existing staff that a DBS renewal is their responsibility and failure to produce a renewal by the expiry date could result in removal/suspension from the workplace and non-payment of salary.

9.4 Employees, workers and others should be advised no less than 3 months in advance for renewals to allow sufficient time for staff to make the necessary arrangements.

Appendix 20 provides an example of a report that is considered good practice to support this element of monitoring.

9.5 It is recommended that these reports are run on a regular basis and advisable that a monthly report is produced.

Volunteers
9.6 Volunteers should be subject to the same processes and whilst suspension and non-payment of salary cannot be used to incentivise volunteers, the same robustness of process should be applied to volunteers.

Corporate Responsibility
9.7 HR departments should also contribute to the wider corporate governance and responsibility the local authority has to safeguard children and adults.

9.8 Where there are ‘safeguarding’ situations that emerge which involve the application of HR policies and procedures (see below) it is important that the Council through its Cabinet and/or delegated powers are able to discharge their corporate responsibilities and are made aware of such situations taking account of confidentiality.

9.10 These situations will include recruitment compliance, investigations, disciplinary action, whistle blowing etc. Appendix 21 is an example of a monthly Quality Assurance Report including HR monitoring arrangements.
## SECTION 10: Appendices & Templates

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Policy Statement

As a large public sector employer, the Council recognises the importance of having open, fair, safe and ethical arrangements in place for the appointment of employees. This document sets out the Council's corporate policy framework for recruitment and selection activity.

1. All appointments to paid employment with the County Council shall be made on merit, i.e. the criteria for selecting persons for employment shall be their ability for fulfil the requirements of particular posts as defined by job descriptions and person specifications.

2. All appointments shall be consistent with the Council's obligations as an employer under current legislation, and in particular the Equality Act.

3. All appointments shall be consistent with the principles and objectives of the Council's Equal Opportunities Statement.

4. All recruitment exercises shall be conducted in accordance with the provisions and standards of the Council's Recruitment and Selection Code of Practice, and advice given to line managers.

5. The Council shall take steps to ensure that all persons authorised to participate in the recruitment and selection of people to work for the Authority are adequately and appropriately trained to fulfil their responsibilities.

6. This policy, the Code of Practice and advice which supports it, will be periodically reviewed or revised to reflect changes in recruitment practice, employment legislation, the labour market and working patterns.
SAFER RECRUITMENT AND SELECTION CODE OF PRACTICE

Contents

1. Aims
2. Scope
3. Participation in the recruitment process
4. Pre-recruitment considerations
5. Planning
6. Advertising
7. Application requests
8. Assessment of applications
9. The Selection Process
10. Verification and Vetting and Safeguarding Vulnerable Groups
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12. Induction
13. Probation
14. Confidentiality and Data Protection
15. Compliance
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Appendix 1 - Supplementary Guidance Notice

1. Aims

1.1 To provide a set of procedural guidelines and standards for the recruitment of employees for the Authority which will ensure consistent practice across all Departments.

1.2 To set minimum standards of performance, where appropriate, recognising that recruitment is also a major activity in which the Council comes into contact with the community it serves, and the wider public, and the importance of ensuring that the Council's public image is safeguarded.

1.3 To provide practical advice to line managers on conducting the recruitment process with the objective of selecting the best candidate and reducing the risk of making mistakes.

2. Scope

2.1 The Code of Practice will apply to all recruitment activity undertaken in the name of the County Council, except appointments which are the particular responsibility of a School Governing Body. In turn they should base their own practices upon the principles embodied in this corporate Code of Practice.

2.2 The provisions of the Code will apply to all recruitment that is within scope, except where precluded for valid operational reasons, such as

* redeployment:

There will be circumstances in which it is in the Council’s interests to redeploy existing employees to vacant posts. To facilitate redeployment, employees will be granted the privilege of prior consideration for vacancies when -
They are at risk of redundancy, or have been displaced following an internal re-organisation.

Disability prevents them from continuing to work in their present posts (ie where “reasonable adjustment” is not available or practicable).

Such other circumstances apply which suggest that redeployment is in the Council’s interests, as determined by the Head of Personnel.

(Note: All employees granted the privilege of prior consideration shall be treated equally).

Prior consideration means the right of an employee to have his/her application for a post considered separately from, and in advance of, all other applications, only competing against applicants who also hold the right of prior consideration. Prior consideration does not however confer an automatic entitlement to an interview. An invitation to interview will depend on an objective assessment of the extent to which an applicant has demonstrated that his/her profile and skills set matches that set out in the person specification of the post for which he/she has applied. Applicants without the privilege of prior consideration will not be assessed until the assessment of prior consideration applicants has reached a conclusion.

All employees granted the privilege of prior consideration shall be treated equally.

* organisational restructuring: existing employees may be allocated new posts directly, replacing their existing posts, as part of an internal re-organisation exercise.

* career development: existing employees who are undertaking training and where it is planned at original recruitment that they be appointed to a higher post on successfully passing examinations. Similarly, where employees are part of an agreed, structured ‘fast-track’ career development programme, they may be offered promotion directly, without recourse to normal competitive recruitment procedures in accordance with the objectives of that programme. Further discussions and consultation will take place on career development matters.

* fixed term appointments - that is, appointments which are not to exceed 6 months.

* casual appointments - time-limited appointments of less than two months duration to meet peak workloads or emergency requirements.

* a freeze on recruitment for whatever reason.

Note: It will be incumbent on managers to consult with local employee representatives when appointments outside the scope of the Code of Practice are being contemplated, because one or more of the operational reasons described above are considered to apply.
3. Participation in the recruitment process

3.1 Within an organisation of the size and diversity of the County Council, the authority to recruit new employees needs to be vested in individuals at several levels to achieve effective management of the process and decision making.

3.2 It is particularly important to focus the involvement of elected members and Directors on senior appointments and to effectively delegate authority for other appointments to line managers. (See Appendix 1 for further details).

3.3 It is imperative that there is no scope within the recruitment process for the Council’s reputation as an employer to be tarnished by accusations of bias, unfair advantage, nepotism or impropriety in the selection of new employees. To this end, an employee or elected member of the Council shall not participate in any way, either directly or indirectly, in any recruitment exercise or decision in which a relative, friend or person with whom they have a close personal association is an applicant for employment. Further, an employee or elected member shall not participate in any recruitment exercise or decision where a member of the public, knowing the facts of the situation, would reasonably think that the officer or elected member might be influenced by any such close personal association. Such relationships must be fully disclosed and recorded as soon as they become apparent, and the elected member or employee must then withdraw from the process completely.

3.4 Occasionally, representatives from outside organisations may seek to participate in recruitment exercises as selection panel members or as observers. This is particularly likely in the case of appointments linked to jointly funded projects, and it is understandable where several organisations have an interest in the appointment. Managers are advised to consider such requests on their merits, and to ensure that the role and the credentials or representatives concerned are appropriate in the circumstances. Managers shall seek guidance from the Personnel Division if uncertain of how to respond to such requests. Where the person to be appointed will have a contract of employment with the Council, it should be clearly understood by all concerned that authority and responsibility for making the final selection decision rests with the most senior Council manager involved in the exercise.

3.5 With the exception of appointments involving elected members, and the circumstances set out in paragraph 3.4 above, selection panels should, as a matter of good practice, usually comprise of no more than three people. The composition of panels should remain constant throughout the process, to ensure consistent evaluation of applicants.

3.6 It is the Council’s objective to ensure the highest possible standards of recruitment practice, particularly in the skills of interviewing and selection. It is therefore intended that training in recruitment and selection practice will become a mandatory requirement for all managers. Ultimately, only managers to whom competence in recruitment and selection has been accredited through training will be permitted to participate in recruitment and selection.

4. Pre-recruitment considerations

4.1 Before deciding to begin the recruitment process, those responsible must give careful consideration to a number of key questions such as:-

Has the post been budgeted for?

Is there a definite need for the post?
Does the vacancy create an opportunity to improve efficiency by restructuring teams or re-designing job content?

Should the post be filled on a permanent or temporary basis?

Would the duties of the post be more effectively performed by two job-sharers instead of one full-time employee?

Are any changes anticipated which will require additional or different skills?

Is the pay grade proposed consistent with the Council’s pay policy, ie validated by job evaluation?

In regards to pre-recruitment decisions where change is anticipated, it is deemed good practice for line managers to keep their local employee representatives appropriately informed.

4.2 The answers to these questions will determine the need for recruitment and the nature of the appointment.

4.3 Managers shall be required to justify the need to recruit additional or replacement employees, through the Council’s employee requisition process, duly authorised by the relevant Head of Service and also by the Head of HR.

5. Planning

5.1 Recruitment is a multi-stage process which needs to be carefully planned to produce the best results within a reasonable timescale and budget constraints.

5.2 The benchmark for planning a recruitment exercise will be to make an offer of employment within 20 working days of the published closing date.

5.3 It should be clearly established at the outset who, within the framework of Council policy, will be involved in the recruitment exercise.

5.4 Those involved should ensure that the following requirements are in place -

- The job description for the post, containing and defining the overall purpose and key duties, responsibilities and accountable areas. The job description shall be clear and concise, and presented in the prescribed format.

- All job descriptions for posts which involve direct working with children and young people must contain specific reference to safeguarding responsibilities and requirements.

- The person specification identifying the essential criteria, in terms of skills, qualifications, experience and knowledge required for the effective performance of the job. It must be clear, concise, directly related to the job description and free from any reference which may
be interpreted as discriminatory. (Note: It is a matter of critical importance that person specifications are valid and accurate since they are the benchmark for both shortlisting and selection. In recognition of this fact all person specifications will be cleared through the Personnel Division before being put into use. Where there is an irreconcilable difference of opinion on the content of a person specification between a Department and the HR Division, the matter shall be referred to the Chief Executive).

- When drafting the person specification for a vacancy, consideration must be given to the need for the ability to communicate in the Welsh language. This is especially important for posts which feature, or are likely to feature, contact with the Council’s customers. Where it is considered that the ability to communicate in Welsh is a necessary requirement, the level of linguistic skill should be clearly defined, eg basic Welsh, conversational Welsh, fluent written and spoken Welsh. Sufficient and appropriate “weighting” will be attached to linguistic skills in relation to other elements of the person specification.

- Advice and guidance on the preparation of job descriptions and person specifications will be provided by the HR Division.

- The selection methods to be used, ie the way in which applicants will be assessed against the requirements of the person specification.

- The precise timetable for the exercise including advertising, closing date, shortlisting, interviewing and testing, and making a formal offer of employment.

5.5 Once the planning stage has been completed, consideration can be given to advertising the vacancy.

6. Advertising

6.1 All vacancies will be advertised, except where precluded for valid operational reasons, eg redeployment of staff facing redundancy, organisational restructuring, casual temporary appointments, career development, or a freeze on recruitment.

6.2 The Council recognises the importance of providing career development opportunities for existing employees, and the beneficial effects of internal movement within the organisation. At the same time, it is equally important to ensure the Council has access to the widest selection of candidates for senior managerial and professional positions.

Taking account of these factors the requirement to advertise those posts within scope shall be as follows:

Primarily concurrent internal and external advertisement except for posts carrying an annual salary below spinal column point 29, ie Scale 1-Scale 6 or equivalent where posts will be advertised internally in the first instance. Trainees shall be eligible to apply.

6.3 Advertisements will be consistent with the job description and person specification for the post. Advertisements for posts working with children and young people will include the statement:
“Safeguarding and Child Protection are key priorities for the Council’s Education and Children’s Service. We aim to support vulnerable children and young people to ensure they are as safe as they can possibly be. Our schools are committed to ensuring the safety and protection of all children and will take action to safeguard their well-being, and acknowledge that children have a right to protection. This is supported in the general ethos of all schools.

This post is subject to a DBS check.”

6.4 Advertisements will be consistent with the Authority’s Equal Opportunities Statement and Welsh Language Scheme.

6.5 Advertisements will provide sufficient information to enable prospective applicants to decide whether or not to pursue a request for details, and will clearly indicate the closing date for applications, and the way in which further details may be obtained.

6.6 All external advertisements will be placed through the Council’s appointed advertising agency and will conform to the Council’s corporate style.

6.7 A carefully selective approach should be adopted to placing external advertisements to achieve cost-effective publicity. The HR Division will advise on the most appropriate media for specific vacancies and will provide a copywriting service as appropriate.

6.8 The Personnel Division shall be responsible for drafting, co-ordinating and publishing internal vacancy circulars.

6.9 All recruitment advertising on the Internet will be controlled by the HR Division.

7. **Application requests**

7.1 Application forms and job particulars will be sent out within 2 working days of receipt of request. CV will not be accepted as a substitute to an application form, although applicants may choose to send an accompanying CV.

7.2 Enquirers will be provided with the following documents as a minimum standard

* a County Council employment application form.

* a statement of the County Council’s recruitment and selection policy.

* an equalities monitoring form.

* a job description and person specification.

Supplementary information describing, for example, the County, the Council’s organisation, all relevant Department and key conditions of service may also be provided, as appropriate.

All documentation will be equally available in the English and Welsh languages, and will also be available in alternative formats, such as Braille or large print, to assist people with disabilities.

7.3 Where an advertisement or job particulars refer to the opportunity for prospective applicants to informally discuss the job, the following rules will apply:-
* requests will be responded to within 2 working days
* the facility will be for the benefit of the prospective applicant and will not be used as part of the selection process.

7.4 For all vacancies Equalities Monitoring will be carried out. This will invite applicants to complete a monitoring form, which will be kept separate from applications.

7.5 Special arrangements, such as the provision of minicom and induction loop systems, will be made to ensure that prospective applicants with impairment are not deterred from making initial or subsequent enquiries about a vacancy.

8. **Assessment of Applications**

8.1 Employment applications from people with disabilities will be accepted in alternative forms - for example, on tape, provided such applications mirror the layout and content of the Council’s standard employment application form.

8.2 Shortlists of applicants for interview shall be drawn up by the persons identified as having authority and responsibility for the recruitment exercise. For school appointments, at least one member should have attended the Safer Recruitment Training module delivered through the Authority.

8.3 Selection for inclusion on a shortlist shall be determined solely by measuring the attributes of each applicant methodically against each requirement of the agreed person specification. A detailed record will be kept of the assessment of each applicant against the criteria.

8.4 Selection for inclusion on a shortlist shall be consistent with the Council’s Equal Opportunities Statement.

8.5 Shortlists should be completed within 10 working days of the closing date.

8.6 Once a shortlist has been drawn up and agreed, all applicants will be informed of the progress of their application. Candidates can ask for feedback, where they consider this would assist.

8.7 Shortlisted applicants should be given at least 3 working days notice before the interview takes place. Should a grievance be raised by an employee following feedback, then the interviews may be re-scheduled.

9. **The Selection Process**

9.1 The selection process, and techniques used, will vary according to the vacancy being filled, but will conform to the following standards as a matter of good practice:

* All candidates will be treated with courtesy and respect throughout the process.
* All parts of the process will be designed to evaluate a candidate’s competence and suitability to fulfil the requirements of the post, as defined by the person specification.
* Any informal or preliminary interview will be identified as such.
The whole process will be carefully structured and prepared, including timetable, venue(s), reception of candidates and any special needs of disabled candidates. Disabled candidates will be given the opportunity to visit the workplace prior to interview in order to assess any potential problems the environment may present, and enable consideration to be given to means of overcoming them.

In assessing candidates with disabilities, managers will have regard to the duty imposed by the Equality Act to consider positively any ‘reasonable adjustments’ that might be necessary to the working environment and work practices. Failure to do so could expose the Council to accusations of discrimination.

All formal interviews will be carefully prepared in advance, and will be conducted by at least two people, at least one of whom shall be a trained interviewer (see also paragraphs 3.4 and 3.5).

Any tests used as part of the process, eg ability tests/work exercises or psychometric tests must be administered by a competent person. Test feedback will be made available to candidates.

Complete, clear and accurate records will be made of each candidate’s performance throughout the process, and of the final selection decision. These records will be placed on the recruitment file and kept for at least six months.

The conduct of the selection process and final selection decision shall be consistent with the Council’s Equal Opportunities Statement.

The successful candidate will be informed as soon as possible. If a decision is likely to be delayed, candidates must be advised accordingly.

The formal offer letter and Statement of Particulars will be sent within 10 working days of the verbal offer. The HR Division shall be responsible for preparing contractual documentation.

Unsuccessful candidates will be advised of the outcome of the process as quickly as possible and in any event within 5 working days of the appointment.

In some recruitment exercises, the successful candidate may be an existing employee seeking promotion or transfer. In these cases the transfer of the employee concerned to his/her post will be effected at the earliest opportunity and in any event within a period of 4 weeks from the date on which the selection decision was made.

Verification, vetting and safeguarding of vulnerable groups

References must always be taken up as a means of verifying factual information such as employment history, qualifications, sickness record, and disciplinary record. For appointments to posts involving responsibility for money, stock or accounts, references must cover the three-year period preceding appointment. For posts subject to safeguarding vetting procedures, reference requests shall include a specific question on the existence of anything in the subject’s background, employment history or character that might cast doubt on his/her suitability to work with children, young people or adults. The responsibility for taking up references will normally rest with the HR Division. Where
schools decide to manage the recruitment process independently, the responsibility for taking up references will rest with the school in question.

10.2 References can be unreliable and care is necessary when interpreting their content. Statements of opinion, rather than fact, must be treated with caution. Telephone contact with referees may help to clarify certain points.

10.3 Additional vetting will be carried out on the background of applicants selected for posts involving access to children and other vulnerable groups, including checks for criminal convictions and cautions, and barring from regulated activity, through the Disclosure and Barring Service (DBS). The HR Division will provide detailed advice and facilitate the checking process in accordance with the Council’s statement of policy and practice on the use of criminal record information in employee selection.

10.4 Candidates will be asked to produce evidence of qualifications claimed on applications. The authenticity of documentary evidence will be checked with the relevant awarding bodies as necessary.

10.5 Offers of employment should either be made conditional on the satisfactory completion of all vetting procedures, or delayed until those procedures have been satisfactorily completed. HR Officers will advise on the most appropriate option in each case. In the interests of safeguarding children and adults, no person recruited to a position requiring a DBS certificate shall be permitted to take up that appointment, until such time as vetting procedures have been satisfactorily completed.

11. **Health Checks**

11.1 All offers of employment must be conditional on the individual satisfying the Authority as to his/her state of health. This will normally be via a standard health questionnaire.

11.2 Where necessary, the questionnaire will be supplemented by an examination by the Council’s occupational health adviser, who will determine fitness for employment. Enquiries may also be made with the individual’s GP, where necessary, subject to the employee’s consent.

12. **Induction**

12.1 All new employees shall be required to undergo formal induction training as quickly as possible after joining the Authority.

12.2 Corporate induction training will be designed, co-ordinated and delivered by the HR Division, in collaboration with Departments as appropriate.

12.3 Departments will be responsible for organising and delivering ‘job-specific’ induction training.

13. **Probation**

13.1 All new employees shall be required to serve a period of probationary service of six months, during which they will be reviewed and expected to establish their ability and suitability for employment.

13.2 A new employee’s performance will be carefully monitored during the probationary period by his/her line manager.
13.3 A new employee’s performance will be reviewed by his/her line manager at regular intervals during the probationary period.

13.4 In the event of an employee failing to satisfactorily complete his/her probationary period, the employment of that person will be terminated. If a reserve candidate had been identified during the recruitment, that person may be directly approached to replace the employee dismissed.

14. Confidentiality and Data Protection

14.1 All information on applicants for employment shall be treated as strictly confidential and handled in accordance with the provisions of the Data Protection Act. It shall be restricted to individuals directly involved in the recruitment process.

14.2 It shall be the responsibility of those involved in the recruitment process to ensure that documentation on applicants is held securely whilst in their possession, and not disclosed to persons not directly involved in the process. Once a recruitment exercise has been completed, all papers must be returned to the HR Division.

15. Compliance

15.1 It shall be the responsibility of Directors and Heads of Service to ensure compliance with the provisions of the Code of Practice within their respective Departments and Divisions.

15.2 The Head of HR shall be authorised to intervene in any recruitment exercise, as appropriate, where non compliance has occurred, or appears likely to occur.

16. Complaints

16.1 Any complaint about the conduct of a particular recruitment exercise will be handled by the Head of Personnel in accordance with either the Corporate Complaints Procedure or the Internal Grievance Procedure, as appropriate.

16.2 All complaints will be carefully and thoroughly investigated and, if upheld, appropriate action will be taken.

17. Recruitment Monitoring

17.1 The Head of HR will be responsible for monitoring corporate recruitment activity, and will submit report on trends, performance, problem areas and policy issues, as required.

17.2 The HR Division will monitor compliance with the Authority’s Equal Opportunities Statement in recruitment and selection.

17.3 The HR Division will periodically review the content and operation of the Code of Practice and put forward recommendations for improvements in the light of developments in recruitment and selection practice and legal requirements and following consultation with appropriate Trade Unions.
Appendix 1

RECRUITMENT AND SELECTION CODE OF PRACTICE

SUPPLEMENTARY GUIDANCE NOTE

PARTICIPATION IN THE APPOINTMENTS PROCESS

i. All appointments to fall into one of two categories. The position of the vacant post within the organisation will determine its category and the identity of those individuals with the authority and responsibility for the recruitment process.

ii. **Category A:**

   Officers covered by the Joint Negotiating Committees for Chief Executives and Chief Officers, ie Chief Executive/Head of Paid Service, Directors of County Services and percentage related Heads of Service.

   Appointment of the Chief Executive/Head of Paid Service shall be the prerogative of the Council. The Recruitment and Selection process will be devolved to a Senior Staff Committee who will make recommendation(s) to Council.

   In regards to other vacancies, the Chief Executive will be responsible for the preliminary shortlist stage, the Senior Staff Committee having delegated power to appointment.

iii. **Category B:** Other posts.

   Appointments in this category shall be the prerogative of the Chief Executive/Head of Paid Service and through Directors and Senior Managers. Discretion is exercised to delegate appointments, and they will normally be undertaken by a line manager, with advice and involvement from HRI Division, as appropriate.

    

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**Template Job Description and Person Specification**

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<td>Children &amp; Schools</td>
<td>GRADE: Level 1</td>
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<td>DIVISION:</td>
<td>XXXX School</td>
<td>RESPONSIBLE TO:</td>
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<tr>
<td>RESPONSIBLE TO:</td>
<td>Class Teacher</td>
<td>Class Teacher</td>
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**JOB PURPOSE**

To work under the direct instruction of teaching/senior staff, usually in the classroom or any other area of the school as required, to support access to learning for all pupils including those identified as having special educational needs and provide general support to the teacher in the management of pupils and the classroom.

**RESPONSIBILITIES**

**Support for Pupils**
- Attend to the pupils’ personal needs, and implement related personal programmes, including social, health, physical, hygiene, first aid and welfare matters.
- Supervise and support pupils ensuring their safety and access to learning, including those with special educational needs.
- Establish good relationships with pupils, acting as a role model and being aware of and responding appropriately to individual needs.
- Promote the inclusion and acceptance of all pupils.
- Encourage pupils to interact with others and engage in activities led by the teacher.
- Encourage pupils to act independently and provide feedback as appropriate.
- Encourage pupils to behave in an appropriate way in line with established school policy.
- Encourage pupils to develop self discipline, self esteem and independence.
- Assist with the implementation of IEP’s/Behaviour Plans/Personal Care programmes.

**Support for the Teacher**
- Prepare classroom as directed for lessons and clear afterwards and assist with the display of pupils work.
- Be aware of pupil problems/progress/achievements and report to the teacher as agreed.
- Undertake pupil record keeping as requested.
- Support the teacher in managing pupil behaviour in line with established school policy and encourage pupils to take responsibility for their own behaviour.
- Administer routine progress tests as required by the teacher.
- Gather/report information from/to parents/carers as directed.
- Provide clerical/administrative support e.g. photocopying, typing, filing, preparing classroom displays, collecting money etc.

**Support for the curriculum**
- Support pupils to understand instructions and undertake learning activities as directed by the teacher.
teacher

- Support pupils in respect of local and national learning strategies e.g. literacy, numeracy, KS3, early years as directed by the teacher
- Support pupils in using ICT in learning activities as directed
- Prepare, maintain and use equipment/resources as directed by the teacher and assist pupils in their use

Support for the school

- Be aware of and comply with policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person.
- To be responsible for promoting and safeguarding the welfare of children and young persons you are responsible for, or come into contact with.
- To value and respect the views and needs of children and young people.
- Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop.
- Contribute to the overall ethos/work/aims of the school
- Appreciate and support the role of other professionals
- Attend relevant meetings as required
- Participate in training and other learning activities and performance development as required
- Assist with the supervision of pupils out of lesson time including before and after school and at lunchtimes
- Accompany teaching staff and pupils on visits, trips and out of schools activities as required.

PERSON SPECIFICATION

Qualifications and Experience

Essential

- Should be able to demonstrate a reasonable standard of education with proficiency in literacy and numeracy to GCSE level or equivalent
- All applicants should also have experience of working with or caring for children of a relevant age in either a paid, voluntary or domestic environment and will need to be able to show an interest in children’s development and in a wide range of issues concerning their education and welfare
- An ability to relate well to both children and adults
- The ability to conduct themselves in a professional manner at all times

Desirable

- A willingness to undertake a recognised/relevant qualification, such as the NVQ 2 for Teaching Assistants or completion of the DfES Teacher Assistant Induction Programme would be an advantage
- Appropriate knowledge of general first aid
- Basic understanding and use of technology i.e. computer, video, photocopier.
- Evidence of working constructively as part of a team, understanding classroom roles and responsibilities and your own position within these.
APPENDIX 3

Template Advertisement

Vacancy: 1414-6490: Learning Support Assistant (Temporary) (location)

Vacancy Title: Learning Support Assistant (Temporary)

Closing Date: 12/12/13

Org/Dept: Children & Schools

Location:

Required for 26 hours per week, term time only. This is a temporary post from 6th January 2014 until 31st August 2014 with the possibility of becoming permanent.

Working under the direction of the class teacher, you will assist through participation in class/group individual lessons. You will also be expected to assist in the preparation of materials and displays, clear away resources as required, and contribute to the delivery of individual education plans (IEPs). A good standard of education and an understanding of children/young people’s needs and rights, together with experience of working with children and excellent communication skills are essential for this role.

Safeguarding and Child Protection are key priorities for The Authority’s Education and Children’s Service. We aim to support vulnerable children and young people to ensure they are as safe as they can possibly be. Our schools are committed to ensuring the safety and protection of all children and will take action to safeguard their well-being, and acknowledge that children have a right to protection. This is supported in the general ethos of all schools.

This post is subject to a DBS check.

Closing date for applications - Thursday 12th December.

Back to Contents
Safeguarding and Child Protection are key priorities for the Local Authority. We aim to support vulnerable children and young people to ensure they are as safe as they can possibly be.

Protecting children and young people from abuse is a shared responsibility for all staff. It should never be assumed that somebody else will recognise and report when children or young people are at risk.

To safeguard children and young people, it is essential that all agencies work effectively together. Our Child Protection Policy for schools is governed by the All Wales Child Protection Procedures (2008) and has been endorsed locally by the Pembrokeshire Local Safeguarding Children’s Board. It applies to all schools and service units within the Education Service.

The Local Authority is committed to ensuring the safety and protection of all children and will take action to safeguard their well-being, and acknowledge that children have a right to protection.

The Local Authority makes it a priority to work to ensure that all staff and volunteers working with children maintain appropriate and professional boundaries in their relationships with pupils and parents and all staff undergo training in the guidance ‘Safer Working Practice for Adults who Work with Children and Young People in Education Settings’.

Safer recruitment is an important strand of safeguarding and promoting the welfare of children and as such there is a requirement within the Guidance for Schools on Safer Recruitment that at least one panel member of any selection committee has been trained in “Safer Recruitment”.

If you are invited for interview, we shall assess issues in relation to safeguarding and promoting the welfare of children and young people.

*HR Division*
*April 2013*
APPLICATION FOR EMPLOYMENT AS:

PERSONAL DETAILS

Surname: ___________________________ First Name(s): ___________________________
(Mr/Mrs/Miss/Ms) ___________________________

Home Address: ____________________________________________________________________

Postcode: ___________________________

Telephone Nos: ___________________________
Home: ___________________________
Work: ___________________________

Email Address: ____________________________________________________________________

National Insurance No: ____________________________________________________________________

Next of Kin: ___________________________ Relationship: ___________________________
Address: ____________________________________________________________________

EDUCATION AND TRAINING

<table>
<thead>
<tr>
<th>School/College/University</th>
<th>Dates</th>
<th>Qualifications Obtained (inc. grades)</th>
</tr>
</thead>
<tbody>
<tr>
<td>_________________________</td>
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</tbody>
</table>

APPENDIX 5
Membership of Professional Institutes, Associations etc:

Training & Development activity in last 2 years:

<table>
<thead>
<tr>
<th>Registered with</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Care Council</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Care Council Wales</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Registration Number</td>
<td></td>
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</table>

**PRESENT EMPLOYMENT**

<table>
<thead>
<tr>
<th>Post held/Job title:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Names and address of employer:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date commenced:</th>
<th>Period of notice:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Current annual basic salary:</th>
<th>£</th>
</tr>
</thead>
</table>

Other benefits and approximate value (eg car, fees etc)

**EMPLOYMENT HISTORY**

<table>
<thead>
<tr>
<th>From/To</th>
<th>Name of Employer</th>
<th>Post Held</th>
<th>Reason for Leaving</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

51
SKILLS AND EXPERIENCE

You are invited to describe your skills and abilities, and your work experience to date, and to explain how they match the requirements of the post you are applying for. Please state the reason(s) for your application.
OUTSIDE INTERESTS

REFERENCES
Please give details of two people we could approach for references (one of these should include your present employer)

Name: ___________________________ Name: ___________________________
Job Title: ___________________________ Job Title: ___________________________
Company name: ___________________________ Company name: ___________________________
Address: ___________________________ Address: ___________________________
Telephone: ___________________________ Telephone: ___________________________
Email: ___________________________ Email: ___________________________

Note: Unless you state here to the contrary, it will be assumed that you have no objection to the Council taking up references immediately. One reference should be from your present employer, or last employer if unemployed.

ABILITY TO DRIVE

Do you hold a full driving licence? YES/NO
Do you own or have access to a vehicle YES/NO

LANGUAGES

Please indicate your ability in languages other than English
**Language**

<table>
<thead>
<tr>
<th>Spoken</th>
<th>Written</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Do you have the legal right to live and work in the U.K.?</td>
</tr>
<tr>
<td>2. If yes, is this subject to you having a valid visa and work permit?</td>
</tr>
<tr>
<td><em>(If you have answered yes to question 2, you will be asked to produce evidence of your nationality and identity if you are invited for an interview)</em></td>
</tr>
</tbody>
</table>

**CRIMINAL OFFENCES**

Because of the nature of the work involved, the post you are applying for is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and (Exceptions) Amendment Order 1986. This means that you are **NOT** entitled to withhold information about convictions, cautions or bind over orders which might otherwise be treated as ‘spent’.

**Do you have any convictions, cautions, reprimands or final warnings that are not “protected” as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended in 2013 by SI 2013 1198)?**

YES | NO

*If you have answered YES, please provide full details in a covering letter.*

Note: If your application is successful, you will be required to apply for a check from the Disclosure and Baring Service (DBS). Having a criminal record will not necessarily be a bar to employment.

**RELATIONSHIPS**

Are you related to a Councillor or employee of the Council? | YES | NO

If YES, please give the name of the Councillor/employee: .................................................................

Where did you see this post advertised?

I declare that to the best of my knowledge the information in this application is correct. I have not canvassed, either directly or indirectly a Member or officer of the Council in connection with this application. I understand that withholding relevant information or providing false or misleading information renders me liable to dismissal, if employed. I hereby give my consent for the information contained in this application to be processed by the Council, as required, in accordance with the principles of the Data Protection Act 1998.

Signed: ___________________________ Date: ___________________________

Please return to: Back to Contents
## Warner Competency interview questions to address suitable personal behaviours for school based staff (including safeguarding children and young people)

### 1. Motivations for working with children

<table>
<thead>
<tr>
<th>Positive indicators</th>
<th>Personal competencies</th>
<th>Negative indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convincing responses based on balanced understanding of self and circumstance.</td>
<td>Self-awareness/knowledge and understanding of self, interconnection between self and professional role.</td>
<td>Unconvincing responses based on whimsical examples. Not self aware, don't see themselves as others do.</td>
</tr>
<tr>
<td>Has a realistic knowledge of personal strengths and weaknesses.</td>
<td>Example questions: • What do you feel are the main drivers which led you to want to work with children?</td>
<td>Driven by personal needs not needs of others.</td>
</tr>
<tr>
<td>Examples of having considered/ tried other options and alternatives.</td>
<td>• How do you motivate young people?</td>
<td>Not realistic impression of what working with children is really like.</td>
</tr>
<tr>
<td>A realistic appreciation of the challenges involved in working with children.</td>
<td>• What has working with young people, to date, taught you about yourself?</td>
<td>Failure to consider other alternatives.</td>
</tr>
<tr>
<td>Evidence of others having supported and encouraged based on observation of personal talent.</td>
<td></td>
<td>Pushed by others, or forced by circumstance, to do something they don't appear to have personally thought through.</td>
</tr>
</tbody>
</table>

| Example questions:                                                                 |                                                                                       |                                                                                      |
| Tell me about a time when you have been working with children when your authority was seriously challenged. How did |                                                                                       |                                                                                      |

### 2. Emotional maturity and resilience

<table>
<thead>
<tr>
<th>Positive indicators</th>
<th>Personal competencies</th>
<th>Negative indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Behaves consistently and appropriately under pressure or in a position of authority.</td>
<td>Consistency under pressure, ability to use authority and respond appropriately, ability to seek assistance/support where necessary.</td>
<td>Inappropriate responses when under pressure or when in a position of power.</td>
</tr>
<tr>
<td>Has control over emotions with adults and children.</td>
<td>Example questions: • Tell me about a time when you have been working with children when your authority was seriously challenged. How did</td>
<td>Inconsistent responses.</td>
</tr>
<tr>
<td>Understands power of position and how to seek help in difficult circumstances.</td>
<td></td>
<td>Handles conflict badly.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fails to control temper/emotions with children and or adults.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Doesn't seek help when</td>
</tr>
</tbody>
</table>
you react? What strategies did you employ to bring things back on course? How did you manage the situation?

- Tell me about a person you have had particular difficulty dealing with. What made it difficult? How did you manage the situation?

### 3. Values and ethics

<table>
<thead>
<tr>
<th>Positive indicators</th>
<th>Personal competencies</th>
<th>Negative indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demonstrates a balanced understanding of rights and wrongs.</td>
<td>Ability to build and sustain professional standards and relationships, ability to understand and respect other people's opinions, ability to contribute towards creating a safe and protective environment.</td>
<td>Extreme opinions which don't account for the views/feelings of others.</td>
</tr>
<tr>
<td>Puts the child first.</td>
<td></td>
<td>Doesn't show balance in opinion.</td>
</tr>
<tr>
<td>Alive to the realities of abuse.</td>
<td></td>
<td>Doesn't build on new information or understanding.</td>
</tr>
<tr>
<td>Prepared to believe.</td>
<td></td>
<td>Opinions harden/become dogged.</td>
</tr>
<tr>
<td>Shows a contemplative approach, drawing on personal experiences and lessons from others.</td>
<td></td>
<td>Doesn't show a full or rounded appreciation of safeguarding issues.</td>
</tr>
<tr>
<td>Builds values and judgements based on new information.</td>
<td></td>
<td>Dismissive of, or underplays, the risks.</td>
</tr>
<tr>
<td>Shows an appreciation of safeguarding issues and an ability to contribute towards a protective environment.</td>
<td></td>
<td>Consistently puts the blame and responsibility for child protection elsewhere.</td>
</tr>
<tr>
<td>Shows respect for the feelings, views and circumstances of others.</td>
<td></td>
<td>Fails to believe in suspicions/reports of abuse.</td>
</tr>
</tbody>
</table>

Example questions:

- What are your attitudes to child protection? How have these developed over time?
- What are your feelings about children who make allegations against teachers or staff?
- How do you feel when someone holds an opinion which differs from your own? How do you behave in this situation?
- Have you ever had concerns about a...
colleague? How did you deal with this?

4. Safeguarding knowledge and understanding

<table>
<thead>
<tr>
<th>Positive indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proactive and has personally taken actions to improve safeguarding culture.</td>
</tr>
<tr>
<td>Has personal experience of having appropriately dealt with a challenging safeguarding issue.</td>
</tr>
<tr>
<td>Personally committed towards making improvements. Sees it as part of their job.</td>
</tr>
<tr>
<td>Personally committed towards making improvements. Sees it as part of their job.</td>
</tr>
<tr>
<td>Prepared to challenge others in the workplace to make tangible improvements to safeguarding.</td>
</tr>
<tr>
<td>Prepared to tackle difficult issues and confront individuals if necessary in order to promote best practice.</td>
</tr>
<tr>
<td>Shows a good understanding of the issues. Up to date with events and legislation. Knows about test cases.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sample questions to test for safeguarding knowledge and understanding (pick one or two - not all)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Tell us about what you have done in the last 12 months to actually improve child protection in the workplace. How did this action arise?</td>
</tr>
<tr>
<td>• Follow up with: who did you talk to? What were the results?</td>
</tr>
<tr>
<td>• What is the safeguarding policy in your workplace?</td>
</tr>
<tr>
<td>• Follow up with: how is it monitored? What steps have you taken to improve things?</td>
</tr>
<tr>
<td>• Give me an example of when you have had safeguarding concerns about a child.</td>
</tr>
<tr>
<td>• Follow up with: how did it arise? Who did you speak to? What actions did you take?</td>
</tr>
<tr>
<td>• Tell us about a situation where you felt you fell short of safeguarding standards.</td>
</tr>
<tr>
<td>• Follow up with: how did it arise? Who did you speak to? What actions did you take?</td>
</tr>
<tr>
<td>• Have you ever had to challenge the views of someone more senior than yourself in relation to safeguarding concerns?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Negative indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>No evidence of having taken steps in own right to make improvements.</td>
</tr>
<tr>
<td>Passive approach to safeguarding issues.</td>
</tr>
<tr>
<td>Reluctance to challenge people/systems/processes to make things better.</td>
</tr>
<tr>
<td>No real experience of handling safeguarding issues. Naive approach.</td>
</tr>
<tr>
<td>Sees it as someone else’s job and/or responsibility.</td>
</tr>
<tr>
<td>Not well versed or clear in understanding of the issues/sensitivities.</td>
</tr>
<tr>
<td>Intolerant of the bureaucracy around safeguarding.</td>
</tr>
<tr>
<td>Shows a tendency to take inappropriate chances/risks in area of safeguarding.</td>
</tr>
<tr>
<td><strong>Follow up with:</strong> what were the circumstances? How did you go about it? What was the outcome?</td>
</tr>
</tbody>
</table>
Guidance on Warner Questions

Summary
Warner interviews are 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 highlighted recruitment as a particular concern. Warner has since been developed for use within all settings working with children and young people.

Section
Warner interviews have been developed to explore the candidate’s motives for working in early years and childcare, their values and behaviours, emotional resilience, ability to cope with stress, deal with anger and to form appropriate professional relationships and maintain boundaries. This guidance has been developed to promote the Warner ethos in early years and childcare staff selection and recruitment in Norfolk.
The four key areas 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 approximately four Warner questions for the first part of the interview, before moving on to the competency based questions.

Sample Warner questions you could 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 Warner based questions it is important to consider whether you have heard or observed a positive or negative response (see table 1).

**Table 1**

<table>
<thead>
<tr>
<th>Positive indicators</th>
<th>Negative indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Remains consistent under pressure</td>
<td>1. Inappropriate responses under pressure or when in charge of others</td>
</tr>
<tr>
<td>2. Has control over emotions</td>
<td>2. Handles conflict badly</td>
</tr>
<tr>
<td>3. Knows when to seek help</td>
<td>3. Does not seek help when needed</td>
</tr>
</tbody>
</table>

Here are some further sample questions you may wish to use:

**Table 2**

<table>
<thead>
<tr>
<th>Emotional resilience and maturity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Can you give an example of when your authority was challenged?</td>
</tr>
<tr>
<td>– How did you respond?</td>
</tr>
<tr>
<td>– What did you do to rectify the situation?</td>
</tr>
<tr>
<td>2. Have you been in a position where you witnessed the behaviour of a colleague towards a child that made you feel uncomfortable?</td>
</tr>
<tr>
<td>– Why were you concerned?</td>
</tr>
<tr>
<td>– What action did you take?</td>
</tr>
<tr>
<td>– How was the issue resolved?</td>
</tr>
<tr>
<td>3. Safeguarding children is essential</td>
</tr>
<tr>
<td>– What examples can you give of your work that supports in keeping a safe environment for children?</td>
</tr>
<tr>
<td>– Has there been a time when a child’s behaviour caused you concern?</td>
</tr>
<tr>
<td>– What did you do?</td>
</tr>
<tr>
<td>– Who else was involved?</td>
</tr>
<tr>
<td>4. Why have you chosen to work with children?</td>
</tr>
<tr>
<td>– What can you bring to the role?</td>
</tr>
<tr>
<td>– Can you give an example of how children have benefitted from working with you?</td>
</tr>
</tbody>
</table>
If during the Warner 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. They may need to be advised to contact their GP or the Samaritans (08457 90 90 90).
Dear

Appointment as

Further to your recent interview, we write to confirm the decision to offer you the Open Ended position of xx with.

The appointment is offered at a salary of £xx per annum of the advertised grade of NJCxx.

Your terms and conditions will be in accordance with the Scheme of Conditions of Service laid down by the National Joint Council for Local Government Services/Joint Negotiating Committee for Local Authority Craft and Associated Employees, as supplemented or amended by any local collective agreements or rules which may be introduced by the Council. The principal terms of your contract are contained in the attached Statement of Particulars of employment.

We also attach a job description, which indicates, in broad terms, the duties and responsibilities that you will be required to undertake.

This offer is conditional on receipt of a satisfactory Disclosure from the Disclosure and Barring Service (the attached guidance notes explain the procedure for applying for a Disclosure), references that the Council considers to be satisfactory and a satisfactory medical report from the Council's Occupational Health Adviser. To enable her to assess your fitness for employment please complete the attached Health Questionnaire and return it to her as soon as possible. If you are requested to attend for a medical it is imperative that you do so. Failure to attend might call your offer of employment into question.

We would be grateful therefore if you could indicate, in writing, whether or not you wish to accept this offer of employment on the terms described. Should you decide to accept, it would be helpful if you could confirm the date on which you propose to take up the post. Ideally, we would like you to start on 01/04/2012. If there is any aspect of the offer which you would like to discuss or clarify before responding, please do not hesitate to contact Human Resources.

We would like to congratulate you on the success of your application, and look forward to hearing from you in the near future.

Yours sincerely

HR Adviser
APPENDIX 8

A checklist for Pre-Employment Checks

**Application Forms**
Completed application forms should be submitted for all posts on the authority’s standard employment application. CVs should not be accepted as a substitute although they can be accepted in addition.

**Written References.**
It is good practice to have at least 2 written references before employing an individual. However, it is also important that those references provide the necessary information to enable judgements to be made as to the individual’s suitability for the role. There is a fuller description of good practice on reference management in the next section.

**Disclosure and Barring Service (DBS)/ CRB check**
In accordance with its duty to protect children and vulnerable adults from those who may pose a risk of harm to them, authorities will apply for a DBS disclosure certificate in order to identify such people and to prevent them from being recruited to work in sensitive occupations. Further guidance can be found in Section 4.

**Identity checks**
It is important to ensure that the person is who they say they are. ID checks are required as part of the DBS checks. Potential employees looking to conceal their identity may use aliases. Having and confirming as many different sources of identification as possible by using these pre-employment checks will reduce the risk of concealment of a true identity.

**Overseas Checks**
For some foreign nationals it may also be more difficult to conduct all the pre-employment checks because of language barriers or contacting relevant employers and individuals in other countries and time zones. Nevertheless it is important that checks continue to be conducted robustly and that all the ‘right to work’ documentation is in place.
A certificate of Good Conduct will also be required if where there are no details contained through the DBS process.

**Driving licenses**
Important to ensure that the person has the right license for any vehicle they may be required to drive but also as a separate identity check.

**Professional Registration with relevant Bodies**
Certain professional groups are required to be registered with certain Bodies. For example, Social workers and Teachers need to be held on a register to be able to practice. These checks will ensure that they are not only registered but any issues that may have affected their ability and competence to practice.
also come to light. These can usually be done on websites but if this is not possible it is important to undertake a telephone check.

**Qualifications**
Qualifications linked to roles are important to establish competence for certain roles. They are also relevant to seeking registration to some professional bodies. Ensuring that the qualifications are genuine and fit with the employment/ educational history will contribute to satisfying prospective employers that the person is who they say they are and they have the right skills and competence for the role. Processes normally require sight of the originals with copies retained on personnel files.

**Internal/ Previous Records of Employment**
It may be a matter of existing process for internal appointments that internal records/ personnel files are used to inform decisions. However, the checking of previous records should also be incorporated into processes for all external appointments as well.

It is possible that a candidate who may have previously worked for the local authority may not provide details of this employment. Processes may be relying solely on other individual employees to recall if they worked for the authority.

This is particularly relevant in schools setting where there could be less reliance on corporate records to determine whether the candidate previously worked for the authority at another school. Therefore this should be routinely built into procedures for all appointments.

**Employment gaps**
There are often employment gaps that might appear in a candidate's employment history. It is important that these are robustly challenged and checked as far as the employer is able, to mitigate any attempts to disguise or deceive periods of employment that may call into question their suitability for the role.

**Health**
Health checks are a normal part of the appointment process for selected candidates. Whilst these do not impact directly on safeguarding issues they do provide an opportunity to confirm name, DOB, identity, and address from a third party in circumstances where GP/medical practitioners may be asked to provide information on the appointee.
Safeguarding Risk Assessment Form
To be used in exceptional circumstances only

This form is to be completed by the recruiting line manager to make an assessment about an individual's suitability to commence employment or carry out any work prior to receipt of outstanding pre-employment safeguarding checks, which are appropriate for the post as outlined in the safer recruitment policy. It should not be used to support a decision to commence employment without receiving other pre-employment checks which are required as part of the appointment process.

The form must be used for all employees, volunteers, agency workers, contractors and college/student placements where the work will allow the individual to have access to children and/or adults who require specific services due to their age, illness or disability. It must not be used where the position is governed by the Care Council as the appropriate pre-employment checks must be in place prior to arranging a start date.

You will need to read the safer recruitment policy and guidelines prior to completing the form. Reference is to calendar weeks.

The risk assessment must be carried out by the recruiting manager and signed by the relevant Head Teacher / Head of Service before the individual commences employment. The form must be completed in discussion with the applicant, following decision to offer employment/engagement. In all cases, the recruiting manager is responsible for collation of the information contained in the form along with instigating interim safeguarding measures to eliminate/mitigate risk (for examples see below). Any interim safeguarding measures will only be valid for up to 12 weeks from the start date in post. If all outstanding checks are not received during this time, the employee's salary will be suspended and they will need to be removed from the workplace. If checks remain outstanding by the 16th week, the offer of employment will be rescinded. In the case of agency workers and contractors the contract will be terminated with immediate effect and the worker will not be permitted to carry out any further work with the council/school. Volunteers must be removed from the workplace immediately.

Individuals should only be allowed to commence employment/work without appropriate safeguarding checks in place, in exceptional circumstances where the delay in starting the applicant/worker will result in a risk to a child and/or adult who requires specific support or will result in significant detriment to essential service delivery. In such cases the recruiting manager and the Head of Service / Head Teacher must ensure appropriate safeguards are in place and communicated to the individual. This may include restricted duties, supervision at all times by a person in regulated activity and/or attendance at training/induction courses which will be required for the role.

For employees, including relief and supply staff, a copy of this completed form should be retained confidentially at the school/location and a copy sent to Transact. For all other workers a copy of this completed form should be retained by the line manager/school.
PLEASE REMEMBER THAT IT IS A CRIMINAL OFFENCE TO EMPLOY ANYONE WHO IS ON THE RELEVANT BARRED LIST (CHILDREN OR ADULTS)

<table>
<thead>
<tr>
<th>Recruiting line manager and job title</th>
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<tr>
<td>Directorate/ service/ school</td>
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<tr>
<td>Candidate’s name</td>
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<td>Post applied for</td>
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<tr>
<td>Level of DBS disclosure required</td>
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<td>(including barring category where necessary)</td>
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<tr>
<td>Provisional start date (if known)</td>
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<tr>
<td>What checks are currently outstanding? Tick as appropriate</td>
<td>Reference from current/ latest Employer/ Tutor</td>
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<tr>
<td>Second Reference</td>
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<tr>
<td>Verification of written reference with referee (CSSIW and Social Services posts only)</td>
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<tr>
<td>DBS disclosure</td>
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<tr>
<td>Registration with appropriate professional body e.g. General Teaching Council for Wales, Care Council</td>
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<tr>
<td>Right to work in the United Kingdom</td>
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<tr>
<td>Date DBS disclosure check requested for post (if known)</td>
<td></td>
</tr>
<tr>
<td>Date References requested for post (if known)</td>
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<tr>
<td>Why is it essential to start the applicant without the outstanding safeguarding checks in place? Please include details of the consequences of not allowing the applicant to begin employment</td>
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</tr>
<tr>
<td>Have you considered alternative cover arrangements for example, temporary additional hours for current staff, volunteers, agency and/ or supply/ relief cover where evidence can be provided that appropriate checks have been carried out and verified? If so please explain why these arrangements are not appropriate</td>
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**Part 1 – Disclosure and Barring Service Check (DBS)**

1. Did the applicant declare any criminal convictions, bindovers, cautions, police investigations which might lead to a conviction, orders binding them over or cautions in the UK or any other country?
   
   Yes   No

2. If yes, are these convictions relevant to the work that they are being employed to undertake?
   
   Yes   No

3. If yes are these convictions of a serious nature i.e. offences against children / vulnerable adults / violent or sexual offences etc?
   
   Yes   No
   
   If yes, please provide details

4. Does the individual have an existing DBS disclosure which is appropriate for the post they have applied for with the Council?
   
   Yes   No

   If yes, has the original document been seen?

   **Note: DBS checks are currently not portable from outside the Council. A new disclosure must be obtained.**
   
   Yes   No

   If no, has a DBS check been applied for?
   
   Yes   No

   Disclosure number / level
   
   Date the document was verified

   Please check any information recorded on the DBS document, to that provided in questions 1-3.
Part 2 – References

5. Does the employee have current references on file which have been requested by the Council for a similar role?

   Yes   No

   If you have answered no, please go to question 6.

   If you have answered yes, please go to question 7.

6. As part of the recruitment paperwork, have you asked for Transact to obtain appropriate references in line with the council/school policy and reference matrix? Please ensure that at least one reference is from the current/last employer/school where possible.

   (This is only applicable to employees. References for agency workers should be taken up by the agency as outlined in the safer recruitment policy/guidelines. References for volunteers should be taken up by the recruiting manager.)

   Yes   No

   For school appointments, if you answer no to question 7, please outline what arrangements you have made to obtain references

   

7. If you have already received appropriate written references using the Council’s standard form, did the content give any cause for concern?

   Yes   No

   If yes, please provide details

   

Part 3 – Additional Safeguarding Checks

8. At interview, did the individual say or do anything which gave cause for concern, in relation to allowing them to commence work before the checks are fully received?

   (Please take into consideration the outcome of your checks for gaps in employment and reason for leaving with previous employers.)
9. Where the applicant/worker will be working in a post which requires registration with a professional body, has contact been made with the relevant organisation for example, the GTCW, Care Council, etc, to verify the registration?

Yes   No

If yes, please provide details and outline any actions taken

Additional comments

Part 4 - Safeguarding Arrangements

10. Does the role involve regular unsupervised contact with children and/or adults?

Yes   No

If yes, what arrangements are in place to ensure, as far as reasonably practical, the individual has minimal opportunity to harm a child/vulnerable person?

If no, what arrangements are in place to ensure there is no unsupervised contact / access?

11. What supervision and safeguarding arrangements will be put in place until receipt of the outstanding checks to the required level? (The supervisor must be a person working in regulated activity. Supervision must be regular and day-to-day and reasonable in all the circumstances to ensure the protection of children / adults.)
12. Are you satisfied that all available measures are/will be in place to minimise any risk of causing harm to a child/adult?

Yes   No

13. Has the individual received and understood the policies/procedures connected with safeguarding arrangements and their employment (for example, Appropriate Use of Restraint, Child Protection, Manual Handling guidelines, Provision of Medication Guidance, etc)?

Yes   No

If no, please provide an explanation

DECLARATION BY THE RECRUITING MANAGER

(In cases where the recruiting manager is the Head Teacher or the Head of Service, please ensure you sign this section and the one headed ‘Approval by Head of Service/Head Teacher.’)

I have considered the questions outlined above and confirm that I am satisfied, as far as reasonably possible, that it is safe to allow the above named individual to commence work before the outstanding safeguarding checks are received, subject to the safeguarding measures detailed above being in place at all times.

I can confirm that I have notified all relevant work colleagues that the individual is still subject to outstanding checks and of the need to ensure the above measures are implemented at all times.

I can confirm that I have explained to the individual concerned the implications of them commencing work prior to clearance being received and the requirement that they declare all cautions, convictions (spent or pending). Failure to do so will result in disciplinary action including summary dismissal if it is subsequently discovered that the individual did not disclose such information. I also confirm that I have informed the individual that the agreement is valid for up to 12 weeks from the commencement of employment/work and that if the appropriate checks remain outstanding at the 12th week and the individual has made no attempt to attend necessary appointments or obtain references, salary will be suspended and they will be removed from the workplace immediately. I can also confirm that I have informed the individual that the offer of employment may be rescinded if the full checks are not received by the 16th week.

Signed by Recruiting Manager

Print name

Date
**ACCEPTANCE BY APPLICANT / WORKER**

I agree to the conditions outlined in this risk assessment and agree to abide by the safeguarding and supervision arrangements which have been implemented.

I declare that I have provided the council/school with accurate and relevant information regarding my suitability to work with children and/or adults including informing the council/school of any on-going contact with the police which I may currently have. I agree that the contents of this form are accurate and a true reflection of the information I have provided to the council/school.

I understand that should my safeguarding checks be returned and be found to be unacceptable to the council/school, then my offer of employment may be rescinded. As an employee, I also understand that if the council/school does not receive all outstanding safeguarding checks within 12 weeks following my start date in post and I fail to assist the council accordingly to receive the checks that my salary will be suspended and I will be asked to leave the workplace with immediate effect. I also accept that if checks remain outstanding by the 16th week following my start date, the council/school retains the right to rescind my offer of employment.

For agency workers/contracts and college placements, I understand that the arrangements will be terminated without notice with immediate effect at the 12th week if checks remain outstanding. In this regard I accept that I will make every effort to ensure the process to obtain appropriate checks is adhered to and to attend any relevant meetings/interviews as appropriate to assist the process.

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<tr>
<th>Signed by applicant</th>
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<tr>
<td>Print name</td>
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<td>Date</td>
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**APPROVAL BY HEAD OF SERVICE / HEAD TEACHER**

I can confirm that I agree with the decision made by the recruiting manager, subject to the appropriate supervision and safeguarding arrangements as outlined above being implemented. If any of the required outstanding safeguarding checks are not received by the end of the 12th week of employment for this post I herewith give approval for the recruiting manager to instruct Transact to stop payment of salary immediately by instruction through email.

Head of Service/ Head Teacher approval is essential for all appointments within the Council/ School.

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<th>Signed by Head of Service / Head Teacher</th>
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<tbody>
<tr>
<td>Print name</td>
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<tr>
<td>Date</td>
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Back to Contents
1. Purpose and scope

1.1. The purpose of this document is to provide advice and guidance on the provision of references in respect of former or serving employees of the County Council. It is aimed primarily at line managers, including those working in schools, but is equally applicable to others who are asked to act as referees for Council employees.

1.2. The guidance generally relates to the provision of references for employment purposes, but it also applies to references sought by third parties for other purposes, for example in support of education, training or social services applications.

1.3. The guidance also covers the question of obtaining references for prospective employees, set out in the Council’s recruitment policy, for the sake of completeness.

2. General policy

2.1. Whilst there is no legal obligation on an employer to provide references for current or past employees, the Council’s policy is that it shall endeavour to do so, wherever possible.

2.2. In providing such references, managers shall at all times observe the standards and procedures prescribed in this guidance, and in particular shall fulfil their duty of care.

3. The duty of care

3.1. Any person providing a reference has a legal duty of care, to both the subject of that reference and its recipient not to make negligent mis-statements. The duty of care has been defined by case law as an obligation to ensure that, through skilful and careful preparation, a reference is accurate, true and fair.

3.2. Accuracy and truth go to the facts which form the basis of the reference, whilst fairness goes to the overall balance of the reference. It is well established in law that a reference must not give an unfair or misleading picture overall, even if its discrete components are factually correct. The duty of care does not however impose a requirement for a reference to be comprehensive in its content, but the selective provision of information must not give rise to a false or mistaken inference in the mind of a reasonable recipient.
3.3 The duty of care implies that reference providers shall take reasonable steps to research, gather and check information. It also means that a cautious approach must be taken to providing any subjective information, which should only be included if capable of independent verification. This is especially important in respect of references that may be used to inform judgements on the safeguarding of children, young people or vulnerable adults.

4. Risks and liabilities

4.1 A failure to properly fulfil the duty of care can expose the Council to the risk of financial liability for damages caused by negligence, should it result in loss to either the reference subject or to the person or organisation to which it was provided.

4.2 A refusal to provide a reference, or doing so in a detrimental way, because an employee, or former employee, had complained of discrimination related to one or more ‘protected characteristics’, might also give grounds for a claim of victimisation under the provisions of the Equality Act.

5. Standards and controls

5.1 The authority to provide references in an official capacity shall be restricted to the line managers of reference subjects. Employees who are not line managers will not be authorised to provide references in their capacity as employees of the Council. The Head of HR will adjudicate in cases of doubt.

5.2 In the event that a member of staff, who is not a line manager, is asked to provide a reference for a current or former employee, it shall be made clear in any reference provided that it is not being provided in that person’s official capacity as a employee of the County Council, but rather is a character reference provided in the capacity of a private individual only. The Council’s headed paper must never be used in these circumstances. The Council can accept no liability for references provided in personal capacity.

5.3 Managers will in all cases abide by the legal duty of care described in section 3 above when preparing references. At their discretion, managers may choose to limit the content of a reference to the following factual information -

- Start and finish dates of employment
- Employee’s job title / position in the organisation
- A brief description of the employee’s key duties and responsibilities
- Details of any other positions held in the Council and dates
- A statement confirming the circumstances in which employment ended
- on condition that to do so would not result in an unfair, misleading impression overall through the omission of significant information, whether positive or negative. Particular sensitivity to the need for appropriate disclosure of additional information will be required when references are being provided to organisations operating in sectors where safeguarding concerns are uppermost (for example education, health, social care), and also in the financial services sector. Relevant information must not be concealed. Managers shall exercise caution in expressing any opinions on, for example, performance and suitability, which may prove difficult to evidence. Only information that is known to the employee should be included in a reference. The HR Division will provide advice on reference content where any doubt exists.

5.4 In all cases managers shall consult the individual’s corporate personnel file in order to be fully aware of the reference subject’s employment history, and in particular the existence of any disciplinary issues and / or safeguarding concerns.

5.5 In preparing references, managers are recommended to consult the HR Division for advice and particularly in cases where any doubt may exist on appropriate content and overall balance. The final responsibility for reference content will however rest with the author of the reference.

5.6 References shall generally be provided in writing. In all cases, the author of a reference will ensure that a copy of it is provided to HR for retention on the reference subject’s personnel file.

5.7 A failure to comply with the duty of care may be regarded as a disciplinary offence (i.e. negligence) and dealt with as such under the terms of the Council’s disciplinary procedure.

6. Obtaining references

6.1 The Council’s policy on obtaining references for prospective employees is set out in Section 10 of its Recruitment and Selection Code of Practice, entitled Verification, vetting and safeguarding of vulnerable groups, which states, inter alia:

10.1 References must always be taken up as a means of verifying factual information such as employment history, qualifications, sickness record, and disciplinary record. For appointments to posts involving responsibility for money, stock or accounts, references must cover the three-year period preceding appointment. For posts subject to safeguarding vetting procedures, reference requests shall include a specific question on the existence of anything in the subject’s background, employment history or character that might cast doubt on his/ her suitability to work with children, young people or vulnerable adults. The responsibility for taking up references will normally rest with the HR Division. Where schools decide to manage the recruitment
process independently, the responsibility for taking up references will rest with the school in question.

10.2 References can be unreliable and care is necessary when interpreting their content. Statements of opinion, rather than fact, must be treated with caution. Telephone contact with referees may help to clarify certain points.

7. Confidentiality and data protection

7.1. There is no obligation to provide the subject of reference with a copy of a reference that relates to employment, because it is exempt from the provisions of the Data Protection Act. Managers may decide to provide a copy at their discretion. However, when employees move to another employer, they may be able to gain access to references, from the new employer.

7.2. References received from other organisations are treated differently. An employee can have access to information which is about them, but may not necessarily have access to information about other people, including their opinion, provided in confidence. Information that is already known to the reference subject cannot be reasonably withheld. Where there is any doubt about what is known to the reference subject, the referee should be contacted to find out whether they object to the information being provided and why. The interests of the referee’s wish for the information to be treated as confidential will need to be weighed against the reference subject’s interest in seeing what has been said about them. The HR and IT Divisions will advise on the appropriate response in individual cases.
## Reference Request

*If you are, or were, an employer of the applicant, please complete this form.*

<table>
<thead>
<tr>
<th>Name of applicant:</th>
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<tbody>
<tr>
<td>Applicant’s Job Title within your Company</td>
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<tr>
<td>Post applied for with the County Council:</td>
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<tr>
<td>Date employment started:</td>
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<tr>
<td>Date employment ended (if applicable):</td>
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<tr>
<td>What are/were the applicant’s main duties/responsibilities in your organisation:</td>
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If the applicant has left your organisation, please confirm:

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<tr>
<th>Reason for leaving</th>
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<tbody>
<tr>
<td>Would you re-employ this person?</td>
<td>Yes</td>
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<tr>
<td>If no, please explain</td>
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<tr>
<td>Did the applicant have responsibility for money/stock whilst in your employment?</td>
<td>Yes</td>
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Please rate the applicant in the following categories (please tick appropriate box):
<table>
<thead>
<tr>
<th>Excellent</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
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<tbody>
<tr>
<td>Quality of Work</td>
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<td>Productivity</td>
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<td>Relationship with others</td>
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<td>Attendance/Punctuality</td>
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<td>Honesty/Integrity</td>
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<td>Future Potential</td>
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<td>Flexibility</td>
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<tr>
<td>Initiative</td>
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If you have selected “Fair” or “Poor” for any category, please comment further:


Did you have cause to take disciplinary action against him/her? Yes/No*
If yes, please briefly explain nature of problem:


What is your opinion of the applicant’s abilities in relation to the duties of the post he/she has applied for, including any particular strengths or weaknesses you may have noticed?


**SAFEGUARDING VULNERABLE GROUPS**

The Council has extensive legal responsibilities to safeguard children, young people and vulnerable adults to whom it provides services. Please answer the following question - even its relevance to the position applied for is not immediately apparent.

Do you know of anything in this person’s employment history, background or character that might cast doubt on his / her suitability to work with children, young people or vulnerable adults? Tick the box that signifies your answer.

YES ☐ NO ☐
If you have answered ‘yes’ please describe your reservations in a separate covering letter.

Would you have any reservations in recommending the candidate for this post?

Signature: 

Full Name (please print): 

Date: 

Please authenticate with your organisation’s / company’s official stamp and / or return under cover its headed paper.

THIS DOCUMENT IS ALSO AVAILABLE IN WELSH, ON REQUEST.
Private and Confidential

Character Reference

To be completed if you are not a current or previous employer, but are providing a character reference.

Name of Applicant:

Post Applied for:

How long have you known the applicant, and in what capacity?

What is your opinion of the applicant’s character and personal attributes, including any particular strength or weaknesses you may have noticed?

What is your assessment of the applicant’s abilities in relation to the duties in the job which he/she has applied for?
SAFEGUARDING VULNERABLE GROUPS

The Council has extensive legal responsibilities to safeguard children, young people and vulnerable adults to whom it provides services. Please answer the following question - even its relevance to the position applied for is not immediately apparent.

Do you know of anything in this person’s employment history, background or character that might cast doubt on his / her suitability to work with children, young people or vulnerable adults? Tick the box that signifies your answer.

YES ☐ ☐ NO ☐ ☐

If you have answered ‘yes’ please describe your reservations in a separate covering letter.

Any other observation you wish to make on the applicant:

__________________________________________________________________________

Signature: ____________________________

Full Name: __________________________

Date: _______________________________

THIS DOCUMENT IS ALSO AVAILABLE IN WELSH, ON REQUEST.

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Safe Recruitment

Statement of Policy and Practice on the use of Criminal Record Information in Employee Selection

1. Policy Statement

1.1. The County Council has a duty to ensure the suitability of everyone it employs, in whatever capacity. It also has a duty of care to children and vulnerable adults to whom it provides services. The safe recruitment of people to work with children or vulnerable adults is of the utmost importance and demands due diligence.

1.2. As part of its employee vetting procedure, the Council has, by virtue of its status as a Registered Body, access, where appropriate, to criminal record information through the Disclosure and Barring Service (DBS). The DBS exists to enable organisations to make safe recruitment decisions.

1.3. In accordance with its duty to protect children and vulnerable adults from those who may pose a risk of harm to them, the Council will apply for a DBS disclosure certificate in order to identify such people and to prevent them from being recruited to work in sensitive occupations.

1.4. The Council is also committed to preventing unfair discrimination against existing and prospective employees on the grounds of offending behaviour that does not, on the basis of a careful and objective assessment, pose unacceptable risks to the safety of children or vulnerable adults.

1.5. In accordance with its obligations as a DBS Registered Body, the Council has adopted a policy on the recruitment of ex-offenders (Appendix A) and also on the secure storage, handling, use, retention and disposal of disclosure information (Appendix B).

1.6. This policy statement is prepared in the context of the requirements of relevant legislation, notably the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012), the Rehabilitation of Offenders Act 1974 (and associated Exemption...
Orders), the Data Protection Act 1998, and also in the context of the DBS Code of Practice which is binding on all Registered Bodies.

### 2. Scope

2.1. This policy shall apply to:-

- Job Applicants for employment with the County Council;
- All employees of the Council in schools, including those employed in ancillary services such as catering and building cleaning;
- All other county council employees;
- Those who seek to work for the Council on a voluntary basis, including school-based volunteers.

### 3. Application of the Policy

3.1. The Council shall, as part of its employee vetting procedure, require an Enhanced Disclosure in respect of any person to whom it is considering offering employment (including a person sourced through an employment agency) at the point that an offer is made, in an occupation that is eligible for such a disclosure. Generally, this will mean a position that is covered by the exemption orders to the Rehabilitation of Offenders Act and/or by the Safeguarding Vulnerable Groups Act 2006.

3.2. In particular, an Enhanced Disclosure will be required in relation to any position that meets the original definition of ‘regulated activity’ relating to children and regulated activity relating to vulnerable adults, within the meaning of Schedule 4 of the Safeguarding Vulnerable Groups Act, 2006.

‘Regulated activity’ was originally defined as:-

- Activity involving contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, medical treatment or in certain circumstances transport) on a frequent, intensive and/or overnight basis;
- Activity involving contact with children or vulnerable adults in a specified place (e.g. schools, care homes etc), frequently or intensively;
- Fostering and childcare;
- Certain specified positions of responsibility (e.g. school governor, director of children's services, director of adult social services);
- ‘Frequently’ means once a month or more. ‘Intensively’ means on three or more days in a 30 day period.
Furthermore, an Enhanced Disclosure with a check against either the Children Barred List or the Adults Barred List, or both Barred Lists, shall be required for any person being considered for employment in a position covered by the revised definitions of ‘regulated activity’ introduced by the Protection of Freedoms Act 2012 (amending the Safeguarding Vulnerable Groups Act). A summary of the revised definition of regulated activity is shown at Appendix C.

3.3 The positions listed below are examples of typical jobs which are eligible for a disclosure, and for which a disclosure will be always be required as part of the Council’s employee vetting process:

- Social Worker
- Home Carer
- Residential care worker
- Support worker
- Registered Home Manager
- Community Support Manager
- Family Placement Officer
- Day Centre Assistant
- Head Teacher
- Teacher
- Supply Teacher
- Learning Support Assistant
- Lunch Time Supervisor
- Youth Worker
- Leisure Attendant
- Summer Play Scheme worker
- Driver of transport for children or vulnerable adults
- Escort / passenger assistant for children or vulnerable adults
- Ancillary service staff working at premises wholly or mainly used by children or vulnerable adults, including caretakers, cleaners, certain maintenance workers, administrators, catering operatives.
- Voluntary workers employed at premises wholly or mainly used by children or vulnerable adults.

(Note: this list is indicative, not exhaustive).

3.4 The decision as to whether or not a DBS disclosure application is appropriate, and at what level, shall generally be based on the criteria set out in Section 3.2 above, and informed by an assessment of risk produced by the recruiting manager. Where doubt exists on the eligibility of a position for a DBS disclosure, and whether barred list checks are required, managers shall contact the HR Division for advice. HR Advisers, as registered body counter-signatories, must satisfy themselves that a position is eligible for a disclosure based on
all available information on the nature of the duties it entails and the setting in which those duties are performed.

4. Administrative process

4.1. In the case of recruitment of new employees it shall be made clear in recruitment advertising and in other recruitment literature that a DBS disclosure will be required of the person selected to fill the position.

4.2. An offer of employment for a position that requires a DBS disclosure certificate shall be made conditional upon a disclosure being provided and its content being considered satisfactory by the Council.

4.3. Generally, no person selected for a position that requires a satisfactory disclosure certificate will be permitted to take up that employment before the disclosure has been received and its content considered satisfactory by the recruiting manager.

4.4. Disclosure application forms will be issued to prospective applicants by the HR Division, with appropriate guidance on its completion and return to the Council for counter-signature.

4.5. Applicants will be required to provide acceptable evidence of their identity, in accordance with DBS standards, as part of the application process. Documentary evidence of identity will be scrutinised for authenticity by appropriately trained staff. Where identity checking is carried out locally, e.g. at a school or at a leisure centre, managers or Head Teachers shall be responsible for ensuring that it is carried out efficiently and that disclosure applications are submitted promptly to the HR Division for processing.

4.6. Applicants will be given a maximum of 7 calendar days to complete and return their disclosure applications to the Council. A single reminder will be issued at the end of that period. If the application has not been returned within 7 days of the reminder, the appointment process will be suspended, and the offer of employment may, at the discretion of the recruiting manager, be withdrawn. In the case of renewal for existing employees, the employee concerned shall be suspended from duty pending renewal of their disclosure. The Disciplinary Procedure may be invoked in cases of suspected wilful non compliance, including suspension from duty without pay unless there is a good reason for the failure to comply within the specified period.

4.7. The recruiting manager will be informed of the outcome of the disclosure application by HR Division, within the constraints imposed by the DBS. HR Advisers will be authorised to share detailed information on disclosure content only with those that need to know it
to enable managers to assess its relevance and to make informed decisions on suitability.

4.8. In evaluating disclosure information, managers shall have due regard to the Council’s document Supplementary guidance for managers on the employment of people who have a criminal record, which is designed to assist in the interpretation of criminal conviction information, and to enable fair and consistent decisions to be made on suitability. Managers and their HR Advisers shall apply the Council’s policy on the employment of ex-offenders. In particular, managers shall observe the requirement to discuss the content of a disclosure certificate with the individual concerned (i.e. the disclosure subject), prior to making a decision on its implications for an offer of employment.

4.9. Where a disclosure reveals any information that suggests that a person may pose a risk to, or otherwise be unsuitable for work with, children or vulnerable adults, the case shall be referred immediately by the relevant HR Adviser to the Head for HR for determination, in consultation with the Head of Child Care (in respect of the protection of children) or the Head of Community Care (in respect of the protection of vulnerable adults) and also the relevant Head of Service or Head Teacher. In cases where it is decided, following an interview with the disclosure subject, to abort recruitment, the decision of the Head of HR shall be final. There shall be no right of appeal.

4.10. In all cases where a disclosure has revealed criminal conviction information, the assessment outcome will recorded and a copy placed either on the recruitment file (if the person is not subsequently employed) or the individual’s personnel file (if the person is subsequently employed).

5. **Portability of disclosures**

5.1 The Council will not accept disclosure certificates obtained by other employers/through other Registered Bodies, however recently they may have been issued. Consequently, a new disclosure certificate will be required of all new appointees, irrespective of whether they already possess one by virtue of a recent application at the instigation of another employer/body.

5.2 In the case of internal transfers, those responsible for the appointment must take care to determine whether or not the employee concerned has already been vetted to the correct standard before that person is permitted to transfer into his/her new post. In some cases, the employee may already be vetted to the correct standard, whereas in other cases further vetting may be necessary
e.g. a barred list check if the transfer entails a move into regulated activity for the first time.

6. **Frequency of disclosure certificate renewal**

6.1 Disclosure certificates for existing employees shall be renewed every three years, from the date of their current certificate. It will be a requirement for all employees to fully co-operate with the process of disclosure certificate renewal (see also paragraph 4.6 above). The cost of the renewal process will be met by the Council.

6.2 It is a requirement that disclosure certificates in respect of agency personnel shall be renewed on exactly the same basis as if they were employees of the County Council, through their employer.

7. **Monitoring and control**

7.1 A central database of disclosure certificates and their renewal dates will be maintained by HR Division, within the limits set by the DBS on data retention.

7.2 The Corporate HR Manager will fulfil the role of ‘Lead Counter-signatory’ and take managerial responsibility for compliance with the DBS Code of Practice.

7.3 Monthly monitoring reports will be produced in order to audit compliance and to ensure adequate management control over the process and its outcomes.

7.4 This policy statement, and the operating systems it describes, will be kept under review and revised as required to reflect developments in relevant legislation, HR Management and safeguarding best practice.
Appendix A

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

1. As an organisation using the Disclosure and Barring Service (DBS) to assess applicants’ suitability for positions of trust, the County Council complies fully with the DBS Code 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.

2. The County Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

3. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select candidates for interview based on their skills, qualifications and experience.

4. A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

5. Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person with the County Council and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.

6. We ensure that all those in the County Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

7. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

8. We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

9. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us

This will depend on the nature of the position and the circumstances and background of your offences.
POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION SUPPLIED BY THE CRIMINAL RECORDS BUREAU

1. General Principles

As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants for positions of trust, the County Council complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

2. Storage and Access

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

3. Handling

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

4. Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

5. Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

6. Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, ie by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (eg waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure...
was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.
Appendix C

SUMMARY OF THE DEFINITION OF REGULATED ACTIVITY


Regulated Activity in relation to children

(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: e.g. schools, children’s homes, childcare premises. Not work by supervised volunteers.

(iii) Relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional;

(iv) Registered childminding and foster carers.

Work under (i) and (ii) is regulated activity only if done ‘regularly’ (once a week or more often, or 4 or more days in a 30-day period, or overnight).

Exceptions to the categories listed above are:

(i) Activities: supervised activity- under reasonable day to day supervision by another person engaging in regulated activity.

(ii) Establishments: activity by a person contracted (or volunteering) to provide occasional temporary services (not teaching, training or supervision of children) e.g. maintenance work. Volunteering, under day to day supervision of another person engaging in regulated activity.

(iii) Health care: health care not by, or directed or supervised by, a health care professional( e.g. first aid).

The Government has published advice on supervision.

Regulated Activity in relation to adults

There are six categories of people who fall within the new definition of regulated activity, as will anyone who provides day to day management or supervision of those people.

(i) Providing healthcare – provision by a healthcare professional or under the direction or supervision of one
(ii) Providing personal care – provision of physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of the adult’s age, illness or disability;
Prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without prompting or supervision.
Trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.

(iii) Providing social work: the provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.

(iv) Assisting with general household matters – assistance with managing a person’s cash, paying a person’s bills or shopping on their behalf because of the adult’s age, illness or disability.

(v) Assisting in the conduct of people’s own affairs: anyone who provides various forms of assistance in the conduct of an adult’s own affairs, for example by virtue of an enduring power of attorney (see the Safeguarding Vulnerable Groups Act, as amended by the Protection of Freedoms Act 2012, for further categories covered by this clause).

(vi) Conveying adults to, from, or between places, where they receive healthcare, relevant personal care or social work because of their age, illness or disability (excludes family, friends and taxi drivers).

Note: the frequency test has been removed and an individual only needs to engage in a defined activity once to be carrying out Regulated Activity and the new definition removes the word ‘vulnerable’ when describing Regulated Activity relating to adults.

An adult is a person aged 18 years or over.

A person whose role includes the day to day management or supervision of any person engaging in Regulated Activity, is also in Regulated Activity.

Regulated Activity for adults excludes activity carried out in the course of family relationships and personal, non-commercial relationships.

* * *

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APPENDIX 13

XXXX County Council
Safeguarding Children and Vulnerable Adults

Risk Assessment of information revealed by CRB disclosures for positions that entail working with children or vulnerable adults

Risk Assessment record

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Post Held:</th>
<th>Date of Assessment:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Risk Rating</th>
<th>Tick</th>
<th>Measures to mitigate risk</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Low</strong></td>
<td></td>
<td>Disclosure information not relevant to position and does not affect suitability for the position. Proceed with continued employment.</td>
</tr>
<tr>
<td><strong>Intermediate</strong></td>
<td></td>
<td>Disclosure information is relevant to the position but is not considered sufficiently serious to render the applicant unsuitable for employment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Risks can be safely managed through sensible measures (specify what they are and who will be responsible for implementing them).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Discussion to take place with individual to explain decision.</td>
</tr>
<tr>
<td><strong>High</strong></td>
<td></td>
<td>Disclosure information is sufficiently serious and relevant to render the applicant unsuitable for the position. Recruitment to be aborted and offer of employment withdrawn, subject to outcome of interview with the individual</td>
</tr>
</tbody>
</table>

**Decision:**

*Disclosure information not relevant position and does not affect suitability for employment.*

Head of HR Signature: ..........................  Date: ..........................
Good practice guidance for adults who work with children and young people.
ACKNOWLEDGEMENTS
SECTION 1: OVERVIEW

All adults who come into contact with children and young people in their work have a duty of care to safeguard and promote their welfare.

The vast majority of adults who work with children and act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children and young people in their care. However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of adults can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children. It is therefore essential that all possible steps are taken to safeguard children and young people and ensure that the adults working with them are safe to do so.

This document seeks to ensure that the duty to promote and safeguard children’s wellbeing is achieved in part by raising awareness of illegal, unsafe and inappropriate behaviours.

Recognising that one document cannot cover all eventualities, individuals should, when in doubt seek the advise of their managers or the Safeguarding Unit.

The guidance applies to paid employees or volunteers and should be followed by all adults whose work for the department brings them into contact with children. It is intended to supplement, not replace, other codes of conduct produced by this organisation or professional bodies. It should form part of new employees’ induction process.
SECTION 2: Aims and Principles

Aims of the guidance

- To keep children safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- To assist adults working with children to work safely and responsibly and to monitor their own standards and practice;
- To support managers in setting clear expectations and/or codes of practice relevant to the services being provided;
- To support safer recruitment practice;
- To minimise the risk of misplaced or malicious allegations made against adults who work with children and young people;
- To reduce the incidence of positions of trust being abused or misused;

Context

All adults who work with children and young people have a crucial role to play in shaping their lives. They have a unique opportunity to interact with children and young people in ways that are both affirming and inspiring. This guidance has been produced to help adults working in all settings to establish safe and responsive environments which safeguard young people and reduce the risk of adults being unjustly accused of improper or unprofessional conduct.

The guidance contained in this document is an attempt to identify what behaviours are expected of adults who work with children and young people. Adults whose practice deviates from this guidance and/or their professional or employment-related code of conduct may bring into question their suitability to work with children and young people.

Duty of Care

All adults who work with, and on behalf of children are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard children and young people.

Whether working in a paid or voluntary capacity, these adults have a duty to keep children and young people safe and to protect them from sexual, physical and emotional harm. Children and young people have a right to be treated with respect and dignity. It follows that trusted adults are expected to take reasonable steps to ensure the safety and well-being of children and young people. Failure to do so may be regarded as neglect.

The duty of care is in part, exercised through the development of respectful and caring relationships between adults and children and young people. It is also exercised through the behaviour of the adult, which at all times should demonstrate integrity, maturity and good judgement.
Everyone expects high standards of behaviour from adults who work with children and young people. When individuals accept such work, they need to understand and acknowledge the responsibilities and trust inherent in that role.

Employers also have duty of care towards their employees both paid and unpaid, under the Health and Safety at Work Act 1974. This requires them to provide a safe working environment for adults and provide guidance about safe working practices. Employers also have a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. The Human Rights Act 1998 sets out important principles regarding protection of individuals from abuse by state organisations or people working for those institutions. Adults who are subject to an allegation should therefore be supported and the principles of natural justice applied.

The Health and Safety Act 1974 also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the adults duty of care towards children should not conflict. This ‘duty’ can be demonstrated through the use and implementation of these guidelines.

Confidentiality

Adults may have access to confidential information about children and young people in order to undertake their responsibilities. In some circumstances they may have access to or be given highly sensitive or private information. These details must be kept confidential at all times and only shared when it is in the interests of the child to do so. Such information must not be used to intimidate, humiliate, or embarrass the child or young person concerned.

**NB** If an adult who works with children is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior member of staff or nominated child protection person.

Whilst adults need to be aware of the need to listen to and support children and young people, they must also understand the importance of not promising to keep secrets. Neither should they request this of a child young person under any circumstances.

Additionally, concerns and allegations about adults should be treated as confidential and passed to a senior manager without delay.
The Exercise of Professional Judgement

Adults should always consider whether their actions are warranted, proportionate and safe and applied equitably.

Individuals are expected to make judgements about their behaviour in order to secure the best interests and welfare of the children in their charge. Such judgements, in these circumstances, should always be recorded and shared with a senior manager.

In undertaking these actions individuals will be seen to be acting reasonably.

Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all adults working with children and young people are in positions of trust in relation to the young people in their care. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.

A relationship between an adult and a child or young person cannot be a relationship between equals. There is potential for exploitation and harm or vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Adults should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

Where a person aged 18 or over is in a specific position of trust with a child under 18, it is an offence for that person to engage in sexual activity with or in the presence of that child, or to cause or incite that child to engage in or watch sexual activity.
**Propriety and Behaviour**

All adults working with children and young people have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children and young people. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

There may be times, for example, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could because their behaviour is considered to compromise their position in their workplace or indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Adults in contact with children and young people should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour of an adult's partner or other family members may raise similar concerns and require careful consideration by an employer as to whether there may be a potential risk to children and young people in the workplace.

**Dress and Appearance**

A person’s dress and appearance are matters of personal choice and self-expression. However adults should dress in ways which are appropriate to their role and this may need to be different to how they dress when not at work.

This means adults should wear clothing which:

- Is appropriate to their role
- Is not likely to be viewed as offensive, revealing or sexually provocative
- Does not distract, cause embarrassment or give rise to misunderstanding
- Is absent of any political or otherwise contentious slogans
- Is not considered to be discriminatory and is culturally sensitive
**Personal Living Space**

No child or young person should be in or invited into, the home of an adult who works with them, unless the home has been designated by the organisation or regulatory body as a work place e.g. childminders, foster carers.

This means that adults should:

- Be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations.
- Challenge any request for their accommodation to be used as an additional resource for the organisation – irrespective of the source of that request
- Refrain from asking children and young people to undertake personal jobs or errands

**Gifts, Rewards and Favouritism**

The giving of gifts or rewards to children or young people should be part of an agreed policy for supporting positive behaviour or recognising particular achievements.

It is acknowledged that there are specific occasions when adults may wish to give a child or young person a personal gift. This is only acceptable practice where, in line with the agreed policy, the adult has first discussed the giving of the gift and the reason for it, with the senior manager and/or parent or carer and the action is recorded.

Adults should exercise care when selecting children and/or young people for specific activities or privileges to avoid perceptions of favouritism or unfairness. Methods and criteria for selection should always be transparent and subject to scrutiny.

Care should also be taken to ensure that adults do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when children, young people or parents wish to pass small tokens of appreciation to adults e.g. on special occasions or as a thank you and this is acceptable. It is unacceptable to receive gifts on a regular basis or of any significant value and all such gifts should be recorded.

**Infatuations**

Occasionally, a child or young person may develop an infatuation with an adult who works with them. These adults should deal with these situations sensitively and should discuss this at the earliest opportunity with their manager in order that the issues are properly recorded and planning for any future contact discussed and agreed.
Communication with Child and Young People  
*(including the Use of Technology)*

Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs.

Adults should also be circumspect in their communications with children so as to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming. They should not give their personal contact details to children and young people including e-mail, home or personal mobile telephone numbers. E-mail or text communications between an adult and a child young person outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based websites.

Internal e-mail systems should only be used in accordance with the organisation’s policy.

**NB**  
*It should be recognised that…..*

> Text messaging is rarely an appropriate response to a child in a crisis situation or at risk of harm. It should only be used as a last resort when other forms of communication are not possible.*

---

**Social Contact**

Adults who work with children and young people should not seek to have a social contact them or their families.

If a child or parents seeks to establish social contact, or if this occurs coincidently, the adult should exercise her/his professional judgement in making a response but should always discuss the situation with their manager.

**Sexual Contact**

All adults should clearly understand the need to maintain appropriate boundaries in their contacts with children and young people. Intimate or sexual relationships between children/young people and the adults who work with them will be regarded as a grave breach of trust.

This includes the following -
• Have any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact
• Make sexual remarks to, or about a child/young person
• Discuss their own sexual relationships with or in the presence of children or young people

Any sexual activity between an adult and the child or young person with whom they work with may be regarded as a criminal offence and will always be a matter for disciplinary action.

Physical Contact

Many jobs within the children’s workforce require physical contact with children as part of their role. There are also occasions when it is entirely appropriate for other adults to have some physical contact with the child or young person with whom they are working. However, it is crucial that in all circumstances, adults should only touch children in ways which are appropriate to their professional or agreed role and responsibilities.

REMEMBER!

* Not all children and young people feel comfortable about physical contact, and adults should not make the assumption that is acceptable practice to use touch as a means of communication.
* Be aware of cultural or religious views and be sensitive to issues of gender
* Physical contact should be in response to their needs at the time, of limited duration and appropriate to their age and gender.
* If an action is observed by another as being inappropriate or potentially abusive this should be reported to a senior manager or a member of the Safeguarding Unit for advice.
* Children who have experienced abuse may seek inappropriate physical contact. In all circumstances where a child or young person initiates inappropriate physical contact, it is the responsibility of the adult to sensitively deter the child and help them to understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a senior manager.
* For all adults working with children there will be occasions when a distressed child needs comfort and reassurance and this may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. Adults should use their professional judgement to comfort or reassure a child in an age-appropriate way whilst maintaining clear professional boundaries.
One to one situations

One to one situations have the potential to make a child/young person more vulnerable to harm by those who seek to exploit their position of trust. Adults working in one to one settings with children and young people may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure the safety and security of children and young people and the adults who work with them.

There are occasions where managers will need to undertake a risk assessment in relation to the specific nature and implications of one to one work. These assessments should take into account the individual needs of the child/young person and the individual worker and any arrangements should be reviewed on a regular basis.

| NB | Meetings with children and young people outside agreed working arrangements should not take place without the agreement of senior managers and parents or carers |

For most staff within Social Services for Children home visits are an integral part of their work. In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard children and young people and the adults who work with them.

A risk assessment should include an evaluation of any known factors regarding the child/young person, parents and others living in the household. Risk factors such as hostility, child protection concerns, complaints or grievances can make adults more vulnerable to an allegation. Specific consideration should be given to visits outside of ‘office hours’ or in remote or secluded locations. Following an assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no information is available, visits should not be made alone. There will be occasions where risk assessments are not possible or not available, e.g. when emergency services are used. In these circumstances, a record must always be made of the circumstances and outcome of the home visit. Such records must always be available for scrutiny.

Transporting Children and Young People

Within Social Services for Children this is an integral part of most employees’ day to day work.

Adults, who are expected to use their own vehicles for transporting children should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded.
It is a legal requirement that all passengers should wear seat belts and it is the responsibility of the staff member to ensure that this requirement is met. Adults should also be aware of current legislation and adhere to the use of car seats and booster seats for younger children.

**Photography and Videos**

Working with children and young people may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and wellbeing of children and young people. Informed written consent from parents or carers and agreement, where possible, from the child or young person, should always be sought before an image is taken for any purpose.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the internet. For children who are subject to care orders the specific permission of the Head of Service or the Director is required for the use of images in media. There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

Adults need to remain sensitive to any children who appear uncomfortable, for whatever reason, and should recognise the potential for such activities to raise concern or lead to misunderstandings.

**NB**

It is not appropriate for adults to take photographs of children for their personal use.

Adults should ensure that children and young people are not exposed to any inappropriate images or web links. Adults need to ensure that internet equipment used by children have the appropriate controls with regard to access. E.g. personal passwords should be kept confidential.

Where indecent images of children or other unsuitable material are found, the police, the Head of Service and the Safeguarding Unit should be immediately informed. Adults should not attempt to investigate the matter or evaluate the material themselves, as this may lead to evidence being contaminated which in itself can lead to a criminal prosecution.
Access to Inappropriate Images and Internet Usage

There are no circumstances that will justify adults possessing indecent images of children. Adults who access and possess links to such websites will be viewed as a significant and potential threat to children. Accessing making and storing indecent images of children on the internet is illegal. This will lead to criminal investigation and the individual being barred from working with children and young people, if proven.

Adults should not use equipment belonging to their organisation to access adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the adult to continue to work with children.

Whistle blowing

This is the mechanism by which employees can voice concerns about the actions of others which they have observed or suspect to be inappropriate. Employees have a responsibility to bring such issues to the attention of senior managers. Please refer to the full procedure which is available on the INFONET.

Sharing Concerns and Recording Incidents

Individuals should be aware of the child protection procedures, including procedures for dealing with allegations against adults. All allegations must be taken seriously and properly investigated in accordance with local procedures and statutory guidance. Adults who are the subject of allegations are advised to contact their professional association.

In the event of any allegation being made to someone other than a manager, information should be clearly and promptly recorded and reported to a senior manager without delay.

The Authority’s Safeguarding Unit can be contacted on xxxxxxxxx or Email xxxx.gov.uk to discuss any concerns.

GOOD PRACTICE GUIDANCE FOR ADULTS WHO WORK WITH CHILDREN AND YOUNG PEOPLE
STATEMENT BY RECIPIENT

I (NAME) __________________________ currently employed as a (INSERT JOB ROLE) __________________________ have read and understood the contents of the above document.
I undertake to incorporate this guidance into my everyday practice and I understand that my endorsement may be submitted in any future disciplinary issues which may arise in connection with my employment with XXXX County Council.

SIGNED:

__________________________________________________

DATE:

________________________________________________________________________

WITNESS:

________________________________________________________________________
Lucy Faithfull Foundation – Safer Recruitment Training Overview

Based on an understanding of offender behaviour to:

• Identify the key features of staff recruitment that help deter or prevent the appointment of unsuitable people.
• Consider policies and practices that minimise opportunities for abuse or ensure its prompt reporting.
• Use tools in line with the organisations’ policies and practices regarding recruitment with a view to considering safer recruitment strategies.
• NB this is not a comprehensive workshop on staff recruitment and selection.
HUMAN RESOURCES RECORDING OF CHILD PROTECTION ALLEGATION OR CONCERN AGAINST A PROFESSIONAL PROCEDURE
1. **Purpose**

This procedure provides detailed instructions to the Council’s Human Resources staff on the requirements for completion of the “Human Resources Record of Child Protection Allegation or Concern against a Professional Subject to Investigation under Part 4 of the All Wales Child Protection Procedures 2008” form. It also establishes the standard for information to be provided to Human Resources by the Children’s Services.

2. **Context**

2.1 “It is important that employers keep a record of any allegations made on a person’s confidential file and also record details of how the allegation was followed up and resolved including details of any action taken and decisions reached. A clear and comprehensive record will enable accurate information to be given in response to any future request for a reference. It will also provide clarification in cases where a future CRB Disclosure reveals “soft” information from the police that an allegation was made that did not result in a prosecution, and it will prevent unnecessary re-investigation if, as sometimes happens, allegations re-surface after a period of time.”


2.2 The framework for managing cases set out in this guidance applies to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering, or is likely to suffer, significant harm. It also caters for cases of allegations that might indicate that s/he is unsuitable to continue to work with children in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a person who works with children has:

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

“Safeguarding Children...” paragraph 12.8.

2.3 The form summarises an allegation against a professional who works with children, the actions taken, and the outcomes. It ensures that:

- within the HR function there is an accurate record of this confidential matter;
- that the Council can show that appropriate action was taken; and
- that the Council is able to respond suitably to any reference or other enquiry.

This record should also prevent any unnecessary re-investigation.

2.4 The completion of the form is the responsibility of the designated Human Resources manager, who consults as needed with
management of the service department employing the person, and with the Principal Manager (for Safeguarding).

2.5 This form and the supporting HR record should not include:
   - The name or other identifier of the child or children concerned (unless they are within the family or household of the professional);
   - Confidential records of the child or children (such as strategy meeting minutes).

2.6 During the safeguarding enquiry, the responsible person in HR maintains a current file on that enquiry only. This current file does not form part of the HR file on the employee as the data subject. Some documents from it may appropriately be transferred to the HR file. The current file should be shredded when the investigation is complete and the outcomes are in progress.

3. **Completion of the Form**

3.1 Section One will be completed by designated HR Manager immediately she is informed of a child protection allegation or concern against a professional subject to investigation under Part 4 of the All Wales Child Protection Procedures 2008.

3.2 The P Number [Section One] will be provided to the designated HR Manager by the Chair of the Strategy Group at the first strategy meeting.

3.3 Date(s) of strategy meetings [Section One] will be recorded as and when they occur.

3.4 Section Two – the Chair of the Strategy Group will send to designated HR Manager the form “Strategy Meeting Recommendations Summary [Redacted Version for HR] Form 2” after each strategy meeting.

3.5 The “Strategy Meeting Recommendations Summary” received after the first strategy meeting will provide the summary of allegation to be inserted into the Human Resources Record form [Section Two] by the designated HR Manager.

3.6 The Chair of the Strategy Group will provide the final outcome decision by category to the designated HR Manager on form “Strategy Meeting Recommendations Summary [Redacted Version for HR] Form 2” following the final/outcome meeting. The designated HR Manager will then complete Section Three of the Human Resources Record Form.

3.7 Section Four will be completed sequentially and as appropriate by the designated HR Manager.

3.7.1 Designated HR Manager to record the date a decision was made regarding suspension and ensure that the Manager/Headteacher has forwarded the required suspension
risk assessment template for inclusion on the HR file. The responsibility for completion of this risk assessment rests with the Manager/Headteacher. Refer to Section 4.1 for further guidance.

3.7.2 Suspension review templates to be recorded on form and included on HR file. The responsibility for completion of this risk assessment review rests with the Manager/Headteacher. Refer to Section 4.1 for further guidance.

3.7.3 It is the responsibility of the Chair of the Strategy Group to send an outcome letter to the professional and send a copy to the designated HR Manager for inclusion on HR file. Designated HR Manager to record receipt of this letter on the form.

3.7.4 The Designated HR Manager will ensure that all details regarding subsequent investigation (including referral to independent investigation service) are recorded on the form. Refer to Section 4.2 for further guidance.

3.7.5 The Designated HR Manager will ensure that all details regarding subsequent disciplinary action are recorded on the form.

3.7.6 The Designated HR Manager will liaise with the Manager/Headteacher throughout the process regarding referral to the appropriate professional body/agency. Refer to Section 4.3 for further guidance. All referral details will be recorded on the form.

3.7.7 Where allegations are unsubstantiated but it has been deemed necessary to implement alternative risk management strategies, it is the responsibility of the Manager/Headteacher to inform HR of such strategies. The designated HR Manager will be responsible for recording these on the form.

3.7.8 On return to work following a suspension the designated HR Manager will be sent a copy of the letter confirming the lifting of the suspension by the Manager/Headteacher for inclusion in the HR file. This information will be recorded on the form by the designated HR Manager.

3.8 The completed form will be signed off by the designated HR manager and a copy will be held on the electronic HR file under secure access.

4. Additional Guidance for HR Staff

4.1 Staff under direction of Governing Body. The Government of Maintained Schools (Wales) Staffing Regulations 2006 state that suspension can be undertaken by a Headteacher or the Governing Body.
Refer to Section 3 Annex 1 to Disciplinary Procedure for further guidance regarding suspension risk assessment and process.

4.2 The law requires that all child protection allegations are independently investigated prior to any disciplinary hearing in respect of employees under the direction of School Governing Body. WG has engaged Servoca (WAGGIS) to carry out investigations into these sorts of issues for governing bodies and the service is free of charge to the school. However schools are not obliged to use Servoca. If they wish to use other independent investigators they may do so but the school (or the LA) will have to fund the cost of the investigation. The law also sets out who is not considered to be independent. Those persons are - someone who is a governor of the school in question; a parent of a current or former pupil; a current or former member of staff, a person employed by the LA that maintains the school.

4.3 Consideration as to whether a referral to DBS (ISA), CCFW or GTCW is required should be made at each stage and every stage of the inquiry process and should be an Agenda Item at the preliminary assessment of facts, Section 4 of the Disciplinary Procedure, the Strategy Meeting and the Investigations Outcome Meeting, in consideration of guidance from the relevant regulatory body.

HR designated officer/manager has a joint responsibility with the designated line manager/Governing Body for referral to regulatory body.

**DBS** – the Safeguarding Vulnerable Groups Act (SVGA) 2006 place a legal duty on employers of people working with children or vulnerable adults to make a referral to the DBS in certain circumstances. This is when an employer has dismissed or removed a person from working with children or vulnerable adults (or would or may have if the person had not left or resigned etc.) because the person has been cautioned or convicted of a relevant offence, or engaged in relevant conduct, or satisfied the harm test.

**GTCW (teachers only)** - Where a case involves a potential risk of harm to children, then a referral should be made to the DBS. The DBS will subsequently refer the case on to GTCW if they do not bar the teacher. However, if a case does not involve a potential risk of harm to children, then it should be referred to GTCW. Such referrals should cover allegations of misconduct and incompetence and must be made in circumstances where the Authority dismisses a teacher or ceases to use his / her services when there was any possibility of dismissal. In respect of the latter, you need to be particularly careful if compromise agreement is made as in such instances a referral will usually still be required.

**CCfW (social care workers)** – for information to amount to a complaint under the Conduct Rules 2005 it must raise a question on whether the person is suitable to stay on the CCfW register. This means the information should relate to an identifiable registered social
care worker and make a specific allegation of misconduct against the worker or relate to a disciplinary investigation or criminal conviction.

A referral should be made when a worker is suspended, when a disciplinary investigation commences on a matter which may affect registration, when the employer becomes aware of a criminal conviction.

4.4 In case of staff under the direction of school governing body, it is the responsibility of the Governing Body to lift the suspension.

5. **Categories of Outcome**

**Substantiated** – a substantiated allegation is one which is established by evidence or proof

**Unsubstantiated** – an unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

**Unfounded** – this indicates that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.

**Deliberately invented or malicious** – this means there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.

6. **REFERENCES**

- Annex 1 Disciplinary Procedure: Managing Allegations of Professional Abuse
- All Wales Child Protection Procedures 2008
- Safeguarding Children: Working Together under the Children’s Act 2004, the Children’s Act 1989
- Care Standards Act 2000: Protection of Vulnerable Adults (POVA) Scheme
- Independent Safeguarding Authority: [http://www dbs homeoffice gov uk](http://www dbs homeoffice gov uk)
- General Teaching Council for Wales: [www gtcw org uk](http://www gtcw org uk)
Human Resources Record of Child Protection Allegation or Concern against a Professional Subject to Investigation Under Part 4 of the All Wales Child Protection Procedures 2008.

**Section One**

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full name of staff</td>
<td></td>
</tr>
<tr>
<td>Date of birth</td>
<td></td>
</tr>
<tr>
<td>P Number</td>
<td></td>
</tr>
<tr>
<td>Details of employment at time of investigation (job title location etc)</td>
<td></td>
</tr>
<tr>
<td>Details of any later employment</td>
<td></td>
</tr>
<tr>
<td>Date of allegation</td>
<td></td>
</tr>
<tr>
<td>Date(s) of Strategy meetings</td>
<td></td>
</tr>
</tbody>
</table>

**Section Two**

Summary of allegation (including date, context, location, source, witnesses)

*Supplied by the Chair of Strategy Group on the recommendations made at the first strategy meeting on the form “Strategy Meeting Recommendations Summary (Redacted Version for HR) Form 2”.*
**Section Three**

**Final Outcome Decision by category** *(Please refer to Procedure - Section 5)*  
Supplied by the Chair of the Strategy Group on the recommendations made at final/outcome strategy meeting on the form “Strategy Meeting Recommendations Summary (Redacted Version for HR) Form 2”.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantiated</td>
<td></td>
</tr>
<tr>
<td>Unsubstantiated</td>
<td></td>
</tr>
<tr>
<td>Unfounded</td>
<td></td>
</tr>
<tr>
<td>Deliberately invented or malicious</td>
<td></td>
</tr>
</tbody>
</table>

**NB:** It should not be assumed that, if the s.47 outcome or the HR outcome is other than substantiated, no further action is needed in respect of the staff member. As emphasised by Working Together paragraph 12.8, s.47 investigations of this type do not only consider possible harm and criminal offences, they also consider whether the person “behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.” Sometimes information gleaned in the course of investigations may give an employer reason to consider some other action.

**Section Four**

**HR Checklist**

<table>
<thead>
<tr>
<th>Suspension 4.1</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of decision regarding whether or not to suspend</td>
<td></td>
</tr>
<tr>
<td>Outcome of suspension risk assessment</td>
<td></td>
</tr>
<tr>
<td>Written risk assessment received and on HR file</td>
<td></td>
</tr>
</tbody>
</table>

**Suspension risk assessment to be reviewed, where appropriate, during the course of a Section 47 and/or Disciplinary investigation.**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of suspension review</td>
<td></td>
</tr>
<tr>
<td>Outcome of suspension review</td>
<td></td>
</tr>
<tr>
<td>Written risk assessment (reviewed) received and on HR file</td>
<td></td>
</tr>
</tbody>
</table>
# HR Checklist

**Outcome of Part 4 (All Wales Child Protection Procedures 2008) in relation to the Professional as agreed at Final/Outcome Strategy Meeting**

Outcome letter from Chair received and on HR file

**Referral to Independent Investigator**

<table>
<thead>
<tr>
<th>Is there requirement to refer to independent investigator</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, name of investigating officer/service</td>
</tr>
<tr>
<td>For WAGGIS referrals copy of written referral received and on HR file</td>
</tr>
<tr>
<td>Date of referral</td>
</tr>
<tr>
<td>Date of investigation report</td>
</tr>
<tr>
<td>Outcome of investigation</td>
</tr>
</tbody>
</table>

**Disciplinary Action**

<table>
<thead>
<tr>
<th>Is there a case to answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>If yes, date of disciplinary hearing</td>
</tr>
<tr>
<td>Outcome of disciplinary hearing</td>
</tr>
<tr>
<td>Has professional lodged an appeal</td>
</tr>
<tr>
<td>If yes, date of appeal hearing</td>
</tr>
<tr>
<td>Outcome of appeal hearing</td>
</tr>
</tbody>
</table>

**Referral to Professional Body/Agencies**

<table>
<thead>
<tr>
<th>Referral required to GTCW (teaching staff)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of referral</td>
</tr>
<tr>
<td>Outcome of referral</td>
</tr>
<tr>
<td><strong>HR Checklist</strong></td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Referral form on HR file</td>
</tr>
<tr>
<td>Referral required to DBS (previously ISA)</td>
</tr>
<tr>
<td>Date of referral</td>
</tr>
<tr>
<td>Outcome of referral</td>
</tr>
<tr>
<td>Referral form on file</td>
</tr>
<tr>
<td>Referral to CCfW</td>
</tr>
<tr>
<td>Date of referral</td>
</tr>
<tr>
<td>Outcome of referral</td>
</tr>
<tr>
<td>Referral form on HR file</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Other Action</strong> (In cases of unsubstantiated allegations it should not be assumed that no further action is needed in respect of the professional)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Consideration given to alternative risk management strategies (where appropriate and required)</td>
<td></td>
</tr>
<tr>
<td>Detail of strategies deployed e.g. awareness-raising of Safer Working Practices, counselling in acceptable conduct etc.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Return to Work Following Suspension (where appropriate)</strong> 4.4</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspension lifted</td>
<td></td>
</tr>
<tr>
<td>If yes, letter to employee received and on HR file</td>
<td></td>
</tr>
<tr>
<td>Risk management assessment/plan required</td>
<td></td>
</tr>
<tr>
<td>Written assessment/plan received and on HR file</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Outcome of Criminal Action (where relevant)</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Was criminal action taken against professional</td>
<td></td>
</tr>
<tr>
<td><strong>HR Checklist</strong></td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Outcome of this action:</td>
<td></td>
</tr>
</tbody>
</table>

- Designated HR manager responsible for this form
  
- Signature

- Date of completion of form

[Back to Contents]
Education managers should consider, with the Police and the Designated Child Protection Officer for Social Care, whether immediate suspension of the individual employee may be required in order to safeguard any child/ren.

Suspension should only be considered if one or more of the following apply:

- It appears to be necessary to exclude the member of staff from the school for the protection of pupils, other staff or property or the orderly conduct of the school; of
- The continued presence at work of the member of staff would be an obstacle to proper investigation of the allegations made against that member of staff; and
- There is no other suitable option available – e.g.: restricting the duties of the member of staff.

Name of Employee:

Designation:

School/ Department:

The following factors need to be considered:

<table>
<thead>
<tr>
<th>Incident:</th>
<th>Information regarding staff member:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration and frequency of alleged abuse</td>
<td>Previous concerns</td>
</tr>
<tr>
<td>Degree of threat or cohesion</td>
<td>Previous allegations</td>
</tr>
<tr>
<td>Extent of premeditation</td>
<td>Attitude to allegation</td>
</tr>
<tr>
<td>Degree and nature of harm</td>
<td>Contact with pupil</td>
</tr>
</tbody>
</table>

Teaching duties
Experience
Training
<table>
<thead>
<tr>
<th>Information regarding the child:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Age and level of understanding</td>
<td>Special needs and vulnerability</td>
</tr>
<tr>
<td>Impact on health and development</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Information regarding the parent/ carer:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Attitude to allegation</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>School policy and procedures:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy/procedure in place?</td>
<td>Child Protection Policy in place. Updated and adopted on xx</td>
</tr>
<tr>
<td>Degree of compliance Training</td>
<td>Child Protection for Training for staff and governors delivered on xx</td>
</tr>
</tbody>
</table>

Decision to suspend: **SUSPEND / NOT SUSPEND**

Date of decision:

Name and designation of responsible manager:
Vetting of volunteers: Guidelines for Headteachers and other managers

Introduction

From time to time, individuals will approach the Council, to volunteer to work in its organisation, including schools. This will sometimes be to acquire work experience and on other occasions will be motivated by a desire to support a particular service or school. Generally, such approaches will be welcome, but they also require due diligence in terms of applying normal vetting standards – especially for placements that will constitute ‘regulated activity’ (see the Council’s policy on ‘Safe Recruitment’ for the definition of regulated activity).

In practice this means requiring volunteers to supply two written references, to complete a health questionnaire (where relevant to the voluntary work being sought), and also, in respect of placements that meet the definition of ‘regulated activity’, to provide an up to date disclosure certificate from the Disclosure and Barring Service. By applying this standard of vetting, the Council and individual schools will be following safe recruitment good practice and ensure that unsuitable people are not allowed to come into contact with children, young people and vulnerable adults.

As with paid employees of the Council, prospective voluntary workers will not be permitted to undertake any voluntary work that meets the definition of ‘regulated activity’ until this vetting procedure has been satisfactorily completed.

Standard procedure

1. The person seeking to undertake voluntary work should initially discuss their proposal with the relevant Headteacher or service manager to determine if, in principle, it is feasible. If the proposal is not feasible, for example because there is insufficient available supervision, or the timing is not convenient, the offer will be politely declined.

2. If the proposal is feasible, the Head Teacher or service manager will provide the person offering to volunteer with a volunteer pack.

3. The person seeking to do voluntary work will complete the necessary forms and return them to the relevant Headteacher or service manager, who will forward them to HR. The person seeking to do voluntary work will forward their completed health questionnaire (where this is a necessary part of the vetting process) directly to the Occupational Health Unit.
4. It will be the responsibility of Headteachers and Service Managers to take up references unless agreed otherwise with the relevant link HR Adviser and they must then be forwarded to HR.

5. HR will process and submit the DBS disclosure application (in cases where the voluntary work meets the definition of regulated activity, thus making it eligible for a disclosure)

6. When the disclosure certificate has been received from the DBS, HR will forward written notification to the Headteacher or service manager that the vetting process has been completed i.e. that the CRB disclosure certificate is clear, that health clearance has been received, that references have been received and are satisfactory and that the person may start to undertake voluntary work.

7. Alternatively, where a disclosure certificate has yielded information on the prospective volunteer, a risk assessment will be carried out to determine its relevance to the particular placement and the prospective volunteer’s suitability. In undertaking such a risk assessment, the Head Teacher or service manager shall have regard to the requirement to discuss the disclosure content with the individual concerned and also to the Council’s guidance to managers on the interpretation of CRB information. The outcome of the risk assessment will be recorded, and the person seeking voluntary work will be told its conclusion. The Panel will comprise of the Head of HR, relevant HR Adviser and Headteacher or Service Manager.

8. HR will be responsible for recording details of the vetting process on the Council’s central HR database.
Volunteer Pack: this form, DBS disclosure application form & Health Questionnaire (if appropriate).

Vetting Procedure for Volunteers

Information for Volunteers
To ensure the continued safeguarding of children and vulnerable adults the County Council undertakes vetting procedures for volunteers in the same manner as employees. You are required to provide the following information and only when we have received two written satisfactory references and a valid CRB Disclosure Certificate can you carry out the volunteer role.

Name of the School/Department in which you wish to work as a volunteer

1. Personal Details

Name: .................................................................

Address: ........................................................................................................................................
........................................................................................................................................

Post Code:................................................. Telephone Number: ..............................................

Email Address: ........................................................

NI Number: ............................................................

Next of Kin:

Name ........................................................................

Telephone Number (if different from above): ..........................................................

2. Referees

Please supply details of two people we could approach for a reference.

Name: .................................................................
Address: .................................................................
Post Code: .................................................................
Telephone Number .................................................................
NB We cannot accept references from someone to whom you are related.

3. Disclosure & Barring Service- Disclosure Application

Please complete the attached DBS Disclosure Application Form, and bring this along with the necessary identity documentation to: xxxx

Because of the nature of the work involved, the voluntary work you are interested in is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and (Exceptions) Amendment Order 1986. This means that you are not entitled to withhold information about convictions, cautions or bind over orders which might otherwise be treated as spent.

Have you ever received a conviction, caution or bind over in respect of a criminal offence: YES/NO

If you have answered yes, please full details in a covering letter.
<table>
<thead>
<tr>
<th>Division</th>
<th>Per Ref</th>
<th>Name</th>
<th>Occupancy start date</th>
<th>Position</th>
<th>references</th>
<th>reference 1 received date</th>
<th>reference 2 received date</th>
<th>DBS Check date</th>
<th>DBS renewal date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Services</td>
<td>13/05/2014</td>
<td>Catering Assistant -</td>
<td>13/05/2014</td>
<td>2</td>
<td>07/04/2014</td>
<td>02/04/2014</td>
<td>23/04/2014</td>
<td>23/04/2017</td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>06/05/2014</td>
<td>Caretaker - 2267</td>
<td>06/05/2014</td>
<td>2</td>
<td>03/03/2014</td>
<td>03/04/2014</td>
<td>14/04/2014</td>
<td>14/04/2017</td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>01/05/2014</td>
<td>Numeracy Assistant - 4064</td>
<td>01/05/2014</td>
<td>2</td>
<td>02/05/2014</td>
<td>20/02/2014</td>
<td>05/03/2014</td>
<td>05/03/2017</td>
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<td>Schools</td>
<td>13/05/2014</td>
<td>LSA - Level 1 - 7001</td>
<td>13/05/2014</td>
<td>2</td>
<td>06/04/2014</td>
<td>10/04/2014</td>
<td>01/05/2014</td>
<td>01/05/2017</td>
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<td>Schools</td>
<td>23/05/2014</td>
<td>LSA - 3057</td>
<td>23/05/2014</td>
<td>2</td>
<td>08/05/2014</td>
<td>22/05/2014</td>
<td>23/04/2014</td>
<td>23/04/2017</td>
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Monthly Safeguarding Quality Assurance Report

<table>
<thead>
<tr>
<th>Ensuring a Safe Workforce</th>
<th>P 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Management of Professional Abuse Allegations</td>
<td>P 3-4</td>
</tr>
<tr>
<td>Supporting Vulnerable Children</td>
<td>P 5-7</td>
</tr>
<tr>
<td>Safe Schools</td>
<td>P 8-11</td>
</tr>
</tbody>
</table>

Presented to: Date  Approved - Corrective Actions agreed
Performance Management Group
CMT

1. Ensuring a Safe Workforce: Report from Head of HR – xxxxx 2014 data

<table>
<thead>
<tr>
<th>HR Data</th>
<th>Children’s Service</th>
<th>Schools</th>
<th>Education Services</th>
<th>Other Directorates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safe Recruitment (100% Compliance required)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CRB in place</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Two references</td>
<td>N/A</td>
<td>In place</td>
<td>In place</td>
<td>N/A</td>
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<tr>
<td>Professional Registration Checked</td>
<td>N/A</td>
<td>In place</td>
<td>In place</td>
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<tr>
<td>All positive CRB checks have a risk assessment prior to employment</td>
<td>N/A</td>
<td>No positive disclosures</td>
<td>No positive disclosures</td>
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</tbody>
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Maintaining a Safe Workforce *

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All CRB up to date</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>All Professional Registrations up to date</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Positive Disclosures on existing staff</td>
<td>None</td>
<td>None</td>
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