

Safer Recruitment Training - (non - education settings)

The Government has stated that all organisations seeking to employ someone to work with children whether as a paid employee, member of staff or a volunteer must go through a recruitment and selection procedure prior to allowing them to have access to children or adults at risk. At least one person involved in each recruitment and selection process should be accredited to do this. This stance is endorsed by the Charity Commission.

“You must make sure trustees, volunteers and staff are suitable to act in their roles through carrying out relevant checks. These include checking gaps in people’s work history, references and carrying out Disclosure and Barring Service (DBS) checks.” Charity Commission Guidance

In order to assist with this an approved training package was been agreed in co-operation with the Wolvercote Foundation, the NSPCC, the DfE and CAPE. The NSPCC offer an on-line package and the Wolvercote Foundation and CAPE have trained a number of professionals to deliver this work. All such packages take a full day and are assessed. Any delegate falling below the agreed level of assessment is not accredited. Some other agencies, eg Solicitors etc, offer training but these are not endorsed by the DfE.

It is not possible to draft a document which will take the place of this training, but the Pony Club should consider a group of staff who could be accredited and could take this forward. e.g. Area Representatives, BODs, Safeguarding trainers etc. There are already a few people who have completed this training within the Pony Club, and there are likely to be others in the branches that already hold the qualification from their workplace. This paper outlines the main areas which are covered for information.

Objectives of the training

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 practice that minimise opportunities for abuse or ensure its prompt reporting
- Help participants begin to review their policies and practice in recruitment with a view to creating a safer culture

NB this is not intended to be a comprehensive workshop on staff recruitment and selection

Setting the context for safer recruitment

The wider context

Statistics –

- LADO referrals
- DBS

Reasons victims don’t report abuse

Who are the sex offenders?

Application of Finkelhor's Four Preconditions to Recruitment

- Deter Application stage
- Reject Interview stage
- Prevent Appointment and induction
- Prevent & Detect Developing and maintaining a culture of vigilance

"For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed..."

Bichard Inquiry Report, 2004

'Professional perpetrators'

A culture of vigilance - learning lessons

- Safer recruitment procedures not in place
- Lack of safe working practice guidance - staff unclear on boundaries
- Poor management oversight / issues identified not actioned
- Voice of staff / whistleblowing – raising concerns / exit interviews
- Human / professional / personal relationships

Other behaviours often displayed include:

- Poor boundary keeping
- Breaching policy or procedures 'in the best interests' of the child, client or organisation
- Lack of awareness of their behaviour on others

A safer recruitment process

- Features of a safer recruitment process for employees, contractors, agencies & volunteers
- Sending the right message
- The application form
- The selection criteria
- References

Defining the role

- Produce a job description and person specification or volunteer role profile
- Include skills, abilities, experience, behaviours and attitude/motivation and values towards children and young people
- Boundaries of role and expectations
- Responsibilities and opportunity for contact with vulnerable groups

Advertising: Sending the right message

Four deterrents to deter unsuitable people

- State the organisation's commitment to safeguarding and / or the need for DBS certificate / barred list check in adverts
- Include statements about the safeguarding responsibilities of the post in the job description and person specification
- Send information about the organisation's safeguarding policy and practices to candidates
- Provide clear information about the need to disclose relevant criminal history

Key information on application forms

- Personal details
- Present employment
- Full history since leaving school (education and employment or voluntary work)
- Qualifications
- Referees
- Personal statement to meet person specification
- Information for applicants about the legal basis and process for disclosing relevant criminal record
- Signed declaration by candidate that all information is true

Criminal background: Self-disclosures

- To give candidates an opportunity to share relevant information at an early stage
- To allow information to be discussed and considered before the DBS check comes back
- To secure information about unspent cautions and convictions that may not be disclosed on the DBS certificate
- To deter unsuitable people

Agreeing selection criteria and process

- Base criteria for selection process on person specification and job description
- Specific to work with children and adults at risk

Scrutinising applications

- Take time for at least two people to properly scrutinise application
- Identify any inconsistencies
- Application form must be fully completed
- Evidence provided relating to person specification and job description
- Scrutinise for gaps

References

Important part of process of gathering information:

- Must have a reference from current employer
- If not currently working with children but has done so in the past, at least one reference should be from that employment
- Ask referee whether s/he is aware of any behaviour that might give rise to concern, including any disciplinary action
- Ask specifically about allegations about their behaviour towards children
- Specific confirmation of the details and responsibilities of previous post given by applicant

Open references and testimonials

Candidates may sometimes bring 'open' references or letters of recommendation. These:

- May be the product of a settlement agreement (previously known as compromise agreements) to avoid disciplinary action
- Should never be accepted at face value

Always contact the author of the open reference to verify the content in addition to the reference requested

Scrutinising references

- Importance of reading references – active consideration
- Equally, importance of comparing information provided by referee with information provided by applicant
- If any inconsistencies, or doubts about suitability, follow up and explore with referee

Making the right decisions

Safer selection

- Range of selection tools – not just “a chat”
- Explore motives/attitudes as well as skills and experience
- Assess interaction with others
- Appropriate involvement of children

Selecting the right people

- At least two people to interview candidate
- Probe gaps, frequent changes in employment, vagueness or areas of concern
- Ask about attitudes towards child protection / safeguarding and where appropriate motives for working with vulnerable groups
- Clearly document your decisions

Making decisions using selection criteria and indicators

- Based on the Person Specification
- Indicators – what would you expect a good candidate to say?
- Use to make decisions and clarify why someone is suitable or unsuitable for appointment

Areas of potential concern

- No understanding or appreciation of children's needs
- Wanting role to meet own needs at the expense of children
- Inappropriate language when talking about children
- Expression of views that are extreme or do not support safeguarding
- Unclear boundaries with children
- Vagueness about experiences and gaps or unable to provide any examples to support what they tell you
- Non rule-following, unwilling to work with others

Positive Indicators

- Consistent under pressure
- Has control over emotions
- Knows when to seek help

Emotional Resilience & Maturity

- What happened when your authority was challenged?

Negative Indicators

- Inappropriate responses under pressure or when in charge of others.
- Handles conflict badly.
- Doesn't seek help when needed.

- **Pre-appointment checks**

A *conditional* offer of employment can be made pending the following checks:

- Identity - including DOB
- Eligibility to work in the UK
- DBS Barred List
- Qualifications if appropriate
- Disqualification from childcare (early years / later years childcare only applies to daytime childcare for children up to age 5 / wraparound care / holiday care for children up to age 8, out of school sporting activities etc.)
- Disqualification from caring for children (eg in children's homes, child minder, youth worker, sport coach etc)
- Overseas checks (e.g. police check / certificate of good conduct / overseas reference)

DBS, PVG, Access NI checks etc

- It is a legal requirement to check people working with children or adults at risk are not barred from that work before they commence in post
- Employer must see the original certificate and may not retain a copy

DBS, PVG, AccessNI Barred list

At present people are barred by law from working with children if they are:

- on the children's barred list
- banned by a court on conviction of a specified offence

A DBS (or similar) certificate obtained in regard to work with children will show whether the person is barred from working with children.

People barred from working with adults at risk are not automatically barred from working with children or vice versa

Relevance of criminal records

When assessing an applicant's criminal history, consider the offence in terms of

- Nature, seriousness and relevance
- How long ago it occurred
- Whether it was a one-off or part of a history
- Circumstances of it being committed
- Changes in applicant's personal circumstances
- Country of conviction
- Decriminalisation

It is unlawful to take offences that are 'protected' into account

Protected offences – some minor offences are now filtered and will not appear on an enhanced DBS certificate if:

- The offence was more than 11 years ago
- The penalty was light (less than 6 months imprisonment etc)
- There has been no more than 1 conviction

If under 18 at time of offence, there are differences (5.5 years etc)

- The Rehabilitation of Offenders Act 1974 was amended in 2013 and again in 2020
- Legislation now refers to 'filtered' or 'protected' offences which do not need to be disclosed
- N.B. An offence of harming a child will not be protected.

Features of a safer culture

- Open, no secrets
- Belief that 'it could happen here'
- Setting acceptable standards of behaviour
- Clear procedures for reporting concerns and whistleblowing
- Support in raising concerns and commitment to take action
- Commitment to safeguarding and an ongoing culture of vigilance
- Policies and procedures put into practice
- Induction and probationary periods

Creating an open culture

Empowering and encouraging members of staff and volunteers to report concerns or allegations about the behaviour of others is essential to tackle inappropriate or abusive behaviour.

Dealing with allegations against staff and volunteers

Working Together 2018 (updated Dec 2020) outlines the framework that should be followed in all cases in which it is alleged that a member of staff, whether paid or unpaid, or volunteer has:

- Behaved in a way that has harmed a child or may have harmed a child / adult at risk
- Possibly committed a criminal offence against or related to a child / adult at risk
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children / adults at risk
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children / adults at risk

Breach of Trust

A breach of trust occurs when the boundaries of the relationship between a professional and a child or young person is broken due to inappropriate behaviour by the professional, which involves an abuse of power.

The behaviour itself does not necessarily have to be illegal to breach this trust – even if the child is over the age of consent e.g: in Equestrian settings a coach, instructor, DC, Centre proprietor, trainer, Committee member, rally organiser, camp supervisor etc.

Remaining vigilant

- Never think you have done enough in terms of creating a safer culture
- Always believe it could happen here
- Keep safeguarding high on everyone's agenda
- Never rely on any one process to keep children safe

“Safer organisations”

“....it seems clear that the optimal approach to maximise the protection of children from harm by staff and volunteers is a thorough and consistently implemented recruitment and selection process and an organisation with clear values and expected behaviours which consciously integrates a situational prevention approach into practice.” *Erooga, Allnock & Telford 2012*

All types of people could be abusers

They CAN be people we know ... care about etc.