



# Chandlers

## Vulnerable Person

Chandlers recognise that they have a role in ensuring that the vulnerable and socially excluded and people in poverty are protected and that the recovery process includes procedures agreed between the agent/agency and creditor about how such situations should be dealt with. The appropriate use of discretion is essential in every case and no amount of guidance could cover every situation, therefore the agent has a duty to contact the creditor and report the circumstances in situations where there is potential cause for concern.

If necessary, the enforcement agent will advise the creditor if further action is appropriate. The exercise of appropriate discretion is needed, not only to protect the debtor, but also the enforcement agent who should avoid taking action which could lead to accusations of inappropriate behavior.

- Enforcement agents must withdraw from domestic premises if the only person present is, or appears to be, under the age of 18 but they can ask when the debtor will be home.
- Wherever possible, enforcement agents should have arrangements in place for rapidly accessing translation services when these are needed, and provide on request information in large print or in Braille for debtors with impaired sight.
- Those who might be potentially vulnerable include:
  - the elderly;
  - people with a disability;
  - the seriously ill;
  - the recently bereaved;
  - single parent families;
  - pregnant women;
  - unemployed people; and,
  - those who have obvious difficulty in understanding, speaking or reading English.

All Chandlers Employees are CRB checked and have to adhere to our CRB Policy below.

### Chandlers Criminal Records Bureau Policy

- As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Chandlers limited complies fully with the CRB 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 a conviction or other information revealed.
- Chandlers Limited 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.
- We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.
- 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 all candidates for

interview based on their skills, qualifications and experience.

- 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, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- 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 within Chandlers Limited and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Chandlers Limited to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Chandlers Limited 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.
- 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.
- We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

### Chandlers policy for safeguarding children and vulnerable adults

#### Introduction

Every child or vulnerable adult deserves to be happy and secure in their activities. And their carers or parents need to feel sure that the people in charge of these activities are trustworthy, responsible and will do everything they can to keep the vulnerable adult or child safe from harm.

Unfortunately, sometimes people who work in an industry who may encounter vulnerable people may pose a risk to children or vulnerable adults and may wish to harm them. It is therefore the duty of every employer working in this sector to put in place safeguards to protect the children, young people or vulnerable adults with whom they may come into contact during their work.

In addition, organisations will want to consider how to avoid putting their workers in positions where abuse might be alleged, and to ensure that all workers know exactly what to

do should abuse be suspected. The emphasis has widened in recent years to not only protect the vulnerable from abuse and neglect but to actively promote the welfare of children and young people - not just to protect but to safeguard.

For all organisations working with children, young people or vulnerable adults, it is essential to carefully consider safeguarding both vulnerable people and the staff who have responsibility for them.

It is the responsibility of all such organisations to continually review and monitor their policy and procedures, gaining further advice and information wherever possible. All your workers should be aware of your policy and procedures in order to understand their individual responsibilities and help promote best practice.

### What is covered in this document

This document aims to put the requirements into context, to explain some of the terms used, to give an overview of the sorts of things that should be considered in our policy and procedures, and to provide contact details of additional sources of information.

It is not intended as a comprehensive guide, rather as a starting point for organisations committed to safeguarding children or vulnerable adults.

### The Main Legislation

#### The Rehabilitation of Offenders Act (1974)

This act made any convictions 'spent' after a certain period and the convicted person would not normally have to reveal or admit the existence of a spent conviction. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, on the basis of a 'spent' conviction. However under this act all applicants for positions which give them "substantial, unsupervised access on a sustained or regular basis" to children, must declare all previous convictions whether spent or unspent, and all pending cases against them.

#### The Children Act 1989

This act provided legislation to ensure that the welfare and developmental needs of children are met, including their need to be protected from harm.

#### The Police Act 1997

This act contained the provision to set up the Criminal Records Bureau for England and Wales.

Under this act it is a criminal offence for an employer to

- not check an employee working with children or vulnerable adults
- give a job to someone who is inappropriate to work with children or vulnerable adults when they know this to be case.

#### The Protection of Children Act 1999

Under this act, childcare organisations (defined as those that are 'concerned with the provision of accommodation, social services or health care services to children or the supervision of children') must make use of the Disclosure Service in their recruitment and reporting processes and urges other organisations working with children to also do so.

#### Criminal Justice and Court Services Act 2000

This act covers Disclosures and child protection issues. It contains the list of convictions that bar offenders from

working with children in 'regulated positions'. These types of 'regulated positions' are defined in this act and include:

- any employment in schools, children's homes, day care premises where children are present
- caring for, training, supervising, or being in sole charge of children
- unsupervised contact with children
- other positions which give the kind of access or influence which could put children at risk if held by a disqualified person (e.g. management committee members).

#### Care Standards Act 2000

A CRB disclosure is required for most roles in organisations providing care or health services regulated under this act. This act also sets out the Protection of Vulnerable Adults scheme.

**The POVA or Protection of Vulnerable Adults scheme** was launched in 2004 by the Department of Health and the National Assembly for Wales.

#### Every Child Matters and the Children Act 2004

In September 2003 the Government set out in the Green Paper 'Every Child Matters' its proposals for a radical reorganisation of children's services – from hospitals and schools, to police and voluntary groups. Subsequently 'Every Child Matters: Change for Children' was issued and the Children Act 2004 was passed. It sets out the Government's approach to the well-being of children and young people from birth to age 19.

Every local authority will lead on integrated delivery of services for children and young people through multi-agency children's trusts. Local authorities are also required to set up statutory Local Safeguarding Children Boards which are replacing the non-statutory Area Child Protection Committees.

The children's trusts are a direct response to Lord Laming's report of the inquiry into the death of Victoria Climbié, which highlighted the extent to which better working together and better communication was crucial. The Every Child Matters agenda was further developed through publication of the Children's Plan in December 2007, which aimed to improve educational outcomes for children, improve children's health, reduce offending rates among young people and eradicate child poverty by 2020. Further details from [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

Since May 2010, the new Coalition Government took office, and details of current Government policy are awaited.

#### Safeguarding Vulnerable Groups Act 2006

In response to recommendation 19 of the Bichard Inquiry Report into child protection procedures following the Soham murders, new arrangements for people whose jobs and voluntary work bring them into contact with children and vulnerable adults (previously referred to as the vetting and barring scheme) was initially phased in from October 2009 under the Safeguarding Vulnerable Groups Act, but currently halted whilst the vetting and barring scheme (VBS) is reviewed and 'remodelled' by the Coalition Government.

The aim of the scheme was to provide a more effective and streamlined vetting service for potential employees and volunteers. This means that the previous vetting systems using List 99 and POCA was integrated to create a single list of people barred from working with children.

In addition a separate, but aligned, list of people barred from working with vulnerable adults was also established, replacing POVA. In effect, there are just two lists: **the**

### **children's barred list and the adult's barred list.**

The scheme also aims to ensure that unsuitable individuals are barred from working, or seeking to work with children and vulnerable adults and the earliest opportunity. The decision on who should be placed on the barred lists will lie with the new Independent Safeguarding Authority (previously referred to as the Independent Barring Board) which is an independent statutory body.

The Act covers regulated and controlled activity providers, so widening the scope particularly in relation to vulnerable adults as opposed to the previous POVA scheme.

### **Regulated activity can include, but is not limited to, any of the following**

- teaching, training or instruction, care or supervision of children
- teaching, training or instruction for vulnerable adults
- providing advice or guidance wholly or mainly for children, which relates to their physical, emotional or educational wellbeing
- providing advice, guidance or assistance wholly or mainly for vulnerable adults
- any form of treatment or therapy provided to children or vulnerable adults
- driving a vehicle that is being used only for the purpose of conveying children or vulnerable adults and their carers
- opportunity for contact with children or vulnerable adults in some specified settings (such as catering or administrative or maintenance staff in a school setting, children's home, adult care home) and where the activity is 'frequent' (once a week or more, except in health or personal care services where frequent means once a month or more) or takes place on four or more days in a 30 day period ('intensive').

### **Controlled activity will include**

- frequent or intensive activity that is ancillary to healthcare in hospitals or primary care
- frequent or intensive ancillary activity in adult social care settings and further education settings, and
- people working for specified organisations with access to health, education or social service records.

The requirement for controlled activity has been put to public consultation, further information from the Department for Education, [www.education.gov.uk](http://www.education.gov.uk)

The Act does not cover any employment which may occur in the context of private arrangements between family or friends, or for domestic employers (e.g. of a private tutor, nanny or care worker). But it is an offence for a barred person to undertake regulated activity in a domestic circumstance.

All barred individuals must not engage in any regulated activity whether paid or unpaid.

### **Duty to refer**

If an employer removes an employee or volunteer from regulated activity or controlled activity, or if they leave while under investigations for allegedly causing harm or posing a risk of harm, the employer is required by law to refer this information to the Independent Safeguarding Authority.

It will also be a serious offence for employers/providers to permit a barred individual to work for any length of time (no matter how infrequent) in a regulated activity.

Further details from the Independent Safeguarding Authority at [www.isa.homeoffice.gov.uk](http://www.isa.homeoffice.gov.uk)

**Whilst the Vetting and Barring Scheme is under review**, organisations working with children and vulnerable adults should continue to use Criminal Records Bureau (CRB) disclosure checks for staff and volunteers (see below).

New forms have already been produced by the CRB, and these will continue to be used, although details relating to ISA registration will be ignored when processed.

### **Definitions of Terms**

#### **Child**

A child is legally defined as anyone under the age of 18.

#### **Vulnerable Adults**

The definition of vulnerable adult is a person aged 18 or over and who:

18 years or over and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in their own home
- is receiving any form of healthcare
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- is under the supervision of the probation services
- is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- is an expectant or nursing mother living in residential care
- is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- requires assistance in the conduct of their own affairs.

#### **Abuse**

Abuse is the violation of an individual's human rights. It can be a single act or repeated acts. It can be physical, sexual, or emotional. It also includes acts of neglect or an omission to act. In all forms of abuse there are elements of emotional abuse. Vulnerable adults may also suffer additional types of abuse such as being manipulated financially or being discriminated against. Other examples of abuse include inflicting physical harm such as hitting or misuse of medication, rape and sexual assault or exposure to sexual acts without informed consent, emotional abuse such as threats, humiliation and harassment, exploitation, ignoring medical or physical needs, withholding of necessities of life such as food or heating. This list is not definitive.

### **Spent Convictions**

Under the Rehabilitation of Offenders act 1974, if a person convicted of an offence is not convicted again during a specified 'rehabilitation period', the conviction is 'spent' (this would not include serious criminal offences). Usually the person does not have to reveal or admit the conviction, nor can an employer refuse to employ someone because of

the spent conviction. However there are some exceptions, particularly to protect children and other vulnerable groups (see further details above in 'Legislation'). An employer should not ask for a CRB Disclosure or for details of spent criminal convictions unless the post is one covered under the Rehabilitation of Offenders Act exceptions order or there is statutory obligation to do so.

### Social Services Department

If there is a concern about the possible abuse of a child, young person or vulnerable adult, the local authority social services department should be contacted. It is their legal responsibility to find out if abuse has taken place. It is not the role of your organisation to decide whether abuse has taken place, only to report allegations to Social Services or the Police. If your organisation investigates the suspected abuse, it could actively damage chances of the case reaching resolution.

### Local Safeguarding Children Boards (LSCBs)

The LSCBs are statutory bodies set up by local authorities. They have replaced the Area Child Protection Committees which were non-statutory. Every local area now needs to have an LSCB. The aim is to ensure that key agencies work together effectively to ensure that children are safeguarded properly. The core membership of LSCBs is set out in the Children Act 2004, and includes local authorities, health bodies, the police and others. When working out your organisation's protection procedures you are advised to contact your local LSCB. They also may be able to provide training. Go to [www.londoncpc.gov.uk/contacts/london\\_local\\_safeguarding\\_children\\_boards.html](http://www.londoncpc.gov.uk/contacts/london_local_safeguarding_children_boards.html) for contact details of all LSCBs and for local borough social services department.

### Criminal Records Bureau

This Home Office agency was set up in 2002 to replace the old system of police checks. It provides the Disclosure service to help organisations recruit more safely, with checks on information held by the police and government departments. Their website is at [www.homeoffice.crb.gov.uk](http://www.homeoffice.crb.gov.uk)

CRB Customer Services  
PO Box 110  
Liverpool  
L69 3EF  
General Enquiries: 0870 90 90 811

### Disclosure document

This is a document containing information held by the police and the Department of Health and the Department for Education and Skills, which can help organisations make safer recruitment decisions. Details of the Disclosure service can be found on the CRB website [www.homeoffice.crb.gov.uk](http://www.homeoffice.crb.gov.uk).

### Standard Disclosure

From 12 October 2009, all volunteers or employees who work with children or vulnerable adults must apply for an enhanced disclosure and not a standard one. The standard disclosure is for other types of work or licences.

### Enhanced Disclosure

This is the level of Disclosure for anyone whose work regularly involves caring for, training, supervising or being in sole charge of young people under 18 or vulnerable adults. In addition to the information provided for a Standard Disclosure of spent convictions, unspent convictions and cautions, it

may also contain information held by the police which is thought relevant but which may not have led to a conviction. The current CRB fee for an Enhanced Disclosure is £36.00 and the application process will take at least 3 weeks. Users (applicant, the employer, the Registered or Umbrella Body) can check the progress of their application online at [www.homeoffice.crb.gov.uk/tracking](http://www.homeoffice.crb.gov.uk/tracking). Disclosures are free of charge for volunteers (but not people on work experience or placements. The CRB's definition of volunteers is **"a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative."** They consider that volunteers are not individuals who expect to receive a benefit for the activity such as an expected credit towards a qualification gained by someone on a placement.)

### Umbrella Registered Bodies

Organisations who need over 100 checks per year can register with the CRB in order to process applications to the Disclosure service for their own employees. The current registration fee is £300 plus £5 for each additional countersignatory.

Umbrella Registered Bodies can countersign applications for Disclosure checks on behalf of other organisations and their employees. The CRB website [www.crb.homeoffice.gov.uk/umbrella\\_body\\_search.aspx](http://www.crb.homeoffice.gov.uk/umbrella_body_search.aspx) has a database of umbrella organisations in England, Scotland and Wales. Alternatively your local CVS or safeguarding board may be able to advise on your nearest umbrella body.

Umbrella bodies normally charge a small administration fee on top of the CRB fee for the Disclosure. However there is no CRB fee for Disclosures for Volunteers.

### Good practice

Organisations who fall under the remit of the Care Standards Act or are 'Childcare organisations' as defined in the Protection of Children Act must screen their staff and volunteers.

(It is worth noting that organisations who provide activities for children under the age of 8 for more than 2 hours a day may need to be registered with National Care Standards Commission as a daycare provider).

Other organisations have a 'duty of care' towards the people they work with, i.e. to do everything reasonable within your power to protect others from harm, which may include checking if someone has a criminal record, dependent on what is decided as appropriate following a risk assessment.

Under the new Vetting and Barring Scheme, organisations will also have additional responsibilities if the work comes under the Regulated or Controlled Activity (see above).

But safeguarding children and vulnerable adults is not just a matter of checking potential recruits off against the lists mentioned above, and going through the Disclosure service. Offenders may not have a relevant criminal record nor have come to the notice of the authorities, or they may give a false name.

Wherever possible, you are advised to get a CRB check (if appropriate) before a new member of staff starts work. However if this is not possible, such as when waiting for the disclosure delays the whole project, you are advised to only employ a person if you are satisfied, on the basis of other checks you make (such as following up references), that it is safe to do so. Also make sure that the new member of staff's contact with children or vulnerable adults is not unsupervised until the CRB check is complete. Clear recruitment and supervision procedures can work as a contingency plan in such cases and reduce the potential risk.

What is important to both complement any CRB and Independent Safeguarding Authority checks and to ensure good practice in this area of safeguarding, is to review all aspects of your organisation's policies and procedures including service delivery and health and safety.

You will need to carefully consider the planning of a project involving children and young people, including undertaking a risk assessment. You will need to promote good practice within your organisation for example, informing staff about how children and young people should be treated and what type of physical contact is appropriate (if any), how photographs and images are used and stored, how staff and the Management Committee are kept up to date on legislation and policies. You will need to make sure that there is effective recruitment, training and supervision in place, as well as a system for people to raise concerns.

This guide particularly covers the internal personnel issues of a voluntary organisation. It does not cover service delivery in any detail and you are recommended to get further advice and guidance such as from your Local Safeguarding Children Board, CVS or umbrella body or membership organisation when drafting a policy, statement or action plan for this area of your organisation's activity.

### What your safeguarding policy should consider

The extent of how much detail and guidance your policy will provide will depend on the size of organisation and the type of contact you have with children or vulnerable adults. The policy statement itself may be brief, perhaps only 1 side of A4 paper.

The details to be found in your procedures or action plan are particularly important. They should clearly state what measures have been taken and what measures are to be developed or improved, in other words how the policy will be put into practice. It should be made known to the vulnerable adults or children themselves and available in an accessible format, as well as to parents, carers, volunteers and staff.

Consider the following areas when drawing up your policy:

- Why is the safeguarding policy important?
- Clarify that the policy refers to all children or vulnerable adults regardless of gender, age, ethnicity, disability, sexuality or religion. Stress that it is the duty of all employed by the organisation to follow it.
- What is abuse? And how might abuse take place in the work carried out by your organisation? How do you recognise abuse?
- What to do if there are signs or there is a suspicion of abuse? Consider what to do if a vulnerable person reports abuse happening at home or elsewhere, and how to get in touch with local authority social services, in case a concern needs to be reported. As well as considering who should be told, include information of how to respond to the vulnerable person.
- What to do if there are allegations of abuse against a worker or volunteer? Who to tell and how to respond to the person making the allegation.
- What safeguards are or will be put in place to protect children or vulnerable adults? Consider areas such as the level and type of supervision, providing clear guidelines and procedures, involving parents and carers.
- How will the children or vulnerable adults be informed about their rights and what to do if they have any concerns?
- How will workers be supported in their understanding and awareness of safeguarding children or vulnerable adults' issues e.g. what sort of training will be provided?

- How will the policy be put into practice within all levels of your organisation and within all policies and procedures?
- How will the policy be monitored and reviewed?
- How will confidentiality be kept should an allegation be made e.g. how will records be kept and who will have access to them? However the welfare of the vulnerable person is paramount and this may mean that you must breach your organisation's rules of confidentiality.
- How will other sensitive or potentially sensitive information be handled e.g. web-based materials and activities.

Decide on who within your organisation, will deal with allegations or suspicions of abuse and make sure they get proper safeguarding children or vulnerable adults training. Everyone should be clear about who this person is. They should be the first person staff, volunteers, children or vulnerable adults approach with concerns. This person will appropriately record an allegation or reported incident. They will be responsible for contacting the statutory child protection agency such as the Local Safeguarding Children Board or the police if necessary. This person can also ensure that the policy and procedures are implemented.

The policy statement should be simple, clear and relevant. Sources of examples of model policies are listed in the section 'Other Resources' on page 20.

The policy will be implemented through your actual procedures. Safeguarding children or vulnerable adults should particularly be considered when writing up procedures for:

- **Recruitment, induction and training**
  - See details below and also the PEACe document 'Using the Criminal Records Bureau Disclosure Service – Checklist for Recruitment' available to download from [www.lvsc.org.uk/safeguarding](http://www.lvsc.org.uk/safeguarding).
- **Project planning and implementation including:**
  - Allow enough time prior to the start of projects to **safely recruit** the right people, and to undertake the necessary checks.
  - During projects what **training** will be provided? How will staff be supervised?
  - Do you have a **code of behaviour** for staff and volunteers in place which will include the appropriate conduct and relationships with children and vulnerable adults? In drawing up your code you might want to consider areas such as:
    - appropriate touch and language
    - taking children or vulnerable adults to toilets
    - sleeping arrangements
    - supervision
    - physical activities such as sports
    - when parents/carers should be notified such as when staff/volunteers have had to change a child or vulnerable adult's clothes
    - positive statements about valuing, respecting and encouraging vulnerable people and involving them in decision-making as appropriate.
  - Do you have a **whistle blowing policy**, which will stress how your organisation protects whistleblowers such as those with a concern about a colleague's behaviour? An example can be found on the LVSC website at [www.lvsc.org.uk/whistleblowing](http://www.lvsc.org.uk/whistleblowing). If you don't have a separate policy, you could consider these issues within your safeguarding policy.
  - Do you have an **anti-bullying procedure** in place?

- How will **children, vulnerable adults, parents and carers** be informed of your safeguarding policy and where they can go for help?
- Do you have a **complaints procedure**? This can encourage children and adults to voice any concerns about behaviour in a safe and easy way.
- What **additional costs** (such as for training and checks) will need to be included in your budget?
- **Risk assessment and risk management including:**
  - The consideration of any risks relating to the protection of children or vulnerable adults – are CRB Disclosures proportionate and relevant to staff and volunteers providing the service?
  - Consider what could go wrong both for the vulnerable person and the organisation, the likelihood of it going wrong, and the impact should this happen.
  - Identify measures to reduce the risk. Decide on what to do if things do go wrong.
  - Can the children or vulnerable adults be involved in the risk assessment?
  - Areas to consider will include (but not be restricted to) proportion of children or vulnerable adults to staff; physical setting; equipment used; first aid provisions and other safety procedures such as evacuation; how special needs are addressed; recording accidents and incidents; insurance cover.
  - Risk management will be an ongoing activity and risk assessments should be regularly reviewed.
- **What to do if there is a problem** – a suspicion of abuse, an accident or injury, if the child or vulnerable adult confides in or 'discloses' to you.
  - Clarify what the definitions of abuse are, and also list possible signs of abuse. For example:  
information on child abuse can be found on from the Safe Network website at [www.safenetwork.org.uk/help\\_and\\_advice/pages/what\\_is\\_child\\_abuse.aspx](http://www.safenetwork.org.uk/help_and_advice/pages/what_is_child_abuse.aspx) and information on elder abuse can be found on the Action on Elder Abuse at One source of training is from Safe Network which has details of training for voluntary sector organisations working with children [www.elderabuse.org.uk/About%20Abuse/What\\_is\\_abuse%20define.htm](http://www.elderabuse.org.uk/About%20Abuse/What_is_abuse%20define.htm)
  - Consider who should be notified (such as the Social Services).
  - How will records be made, complying with the Data Protection Act 1998.
  - How will the child or vulnerable adult who is disclosing to you be treated e.g. reassuring them, not asking leading questions.
  - How will the alleged abuser (if a staff member) be informed of their rights under the disciplinary procedure.
  - How will confidentiality be kept e.g. limiting access to records to those with a specific interest in the issue, storing them securely and destroying them within a reasonable amount of time unless there is a good reason for keeping them.
  - Remember it is the responsibility of the authorities to determine whether abuse has occurred.

## Recruiting Safely

It is worthwhile to prepare a **recruitment procedure** for your organisation to ensure that the process is always effective, safe and fair. Safe recruitment applies to both staff and volunteers.

Details to consider include:

- The **job description and person specification** – clearly define the role, the tasks and skills needed and the type of person most suited to the post. Is an Enhanced Disclosure check appropriate for the post?
- The **length of time** for recruitment to allow for advertisements to be placed, for taking up references and for undertaking Disclosure checks if necessary **before** work is started and **before** confirming in post.
- All potential paid staff and volunteers should complete an **application form**. The applicant can be particularly asked about any relevant experience of working with children/vulnerable adults. Send out a copy of your safeguarding policy in the application pack.
- Include a **declaration** within your application forms that all applicants must sign, stating that there is no reason why they should be considered unsuitable to work with children/vulnerable adults, including if they are barred from carrying out regulated activity. Stress that all information will be treated confidentially and fairly. Suggested wording is:

I declare that I have no past convictions, cautions or bind-overs and no pending cases affecting why I might be considered unsuitable to work with children/vulnerable adults nor am I barred from working in regulated activity.

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

And it may also be appropriate to add:

You are also required to reveal details of all spent and unspent convictions under the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

A Criminal Records Bureau Enhanced Disclosure will be requested should you be offered the position. If called for interview, we encourage all applicants to provide details of their criminal record as part of the recruitment process. This information should be sent under separate, confidential cover. 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. This information will be treated in the strictest confidence, and is purely for the purpose of protecting children/vulnerable adults with whom we work, and will not be used unfairly. The Association complies with the CRB Code of Practice, a copy of which is available from the office on request.

- Ask for 2 **written references** from applicants and specifically ask referees about the suitability of the applicant for working with children or vulnerable adults. If possible take these up before the interview and get them verified by a follow-up phone call.
- Ask for **photo ID** from the applicant (such as a passport or driving licence) to verify the person's identity.
- Make sure you have the **full employment/volunteering history** on the application form, requesting explanations for any gaps in employment.
- If employing someone through an **agency**, your organisation must still make sure that the employing organisation has carried out the necessary safe recruitment.
- **Shortlist** against a list of essential and desirable qualifications, skills and experience.
- **Interview** all applicants using a panel of at least 2 representatives from the organisation. The interview provides an opportunity to discuss attitudes to working with children or vulnerable adults and your safeguarding policy.

- Make sure all staff who are involved in the recruitment process receive appropriate **guidance and training** in the relevant legislation including the Rehabilitation of Offenders Act 1974.

- If appropriate the successful applicant must apply for an **Enhanced Criminal Record Disclosure** from the Criminal Records Bureau via your organisation and its umbrella body. They must show this disclosure to you before you can confirm them in post. However do not ask them to apply for a Disclosure until the interview process is over and the appointment decision has been made.

- Some organisations are passing the **cost** of the disclosure application and umbrella body administration fee on to the employee. Consider what signal this might give to workers about how high a priority the safeguarding procedure is within your organisation. Organisations are encouraged to include in their budgets the cost of any disclosure checks, including in any funding applications. Expecting any potential employees or volunteers to cover any charges may also discourage applicants.

- The Criminal Records Bureau no longer endorses the use of **portability** whereby a disclosure obtained for a position in one organisation is used for another position in a different organisation. They feel that there are too many inherent risks associated with this practice. Organisations that choose to accept a previously issued Disclosure do so at their own risk. It is essential that your organisation is satisfied that Disclosure checks are relevant and up to date and supported by other safe recruiting procedures. Disclosure checks do not tell you about anything the applicant may have done since the date of the Disclosure.

- The Criminal Records Bureau warns that it cannot currently access overseas criminal records or other relevant information as part of its Disclosure service. It can be difficult, often impossible to check overseas criminal records if you are **recruiting people from overseas**. A CRB Check may not provide a complete picture of their criminal record (if any). The CRB do suggest how you might be able to get information from some individual countries. More details from [www.crb.homeoffice.gov.uk/faqs/overseas.aspx](http://www.crb.homeoffice.gov.uk/faqs/overseas.aspx)

- Other types of references are important when a CRB check is not possible, as well as supervision of individuals and robust safeguarding policies.

- There is no specified period for how long disclosure checks last. As disclosure checks only give a 'snapshot' of an individual's criminal record history on the day that they are issued, consider how frequently staff will need to be **rechecked**. Umbrella bodies may give guidance on how often rechecks should be implemented, **usually every 12 months to 3 years**.

- Remember to consider all these aspects for **any workers** who come into contact with children and vulnerable adults including volunteers, temporary staff, consultants and trainers, not just permanent employees.

- Make sure **confidentiality** is kept to protect the rights of employees, Management Committee members and volunteers, including the safe handling, storage and disposal of any information provided as part of the recruitment process.

- Ensure that your **equal opportunities policy** is implemented and that you have a **policy for the recruitment of ex-offenders**. (A sample policy statement on the recruitment of ex-offenders is available from the CRB website at [Error! Hyperlink reference not valid.](#))

- It is estimated that at least 20% of the population has a criminal record and it would be a huge waste of potential to rule out all individuals with any kind of criminal record. There are no set guidelines on the offences that make an individual unsuitable to work with vulnerable people, other than specified crimes

against children including murder, manslaughter, rape, GBH and a number of sexual offences. Careful consideration is required as to what is truly relevant to the post when considering past offences, and to ensure that ability is not missed and that ex-offenders are not discriminated against. The CRB has a list of considerations to take into account with regard to offences:

- Whether the conviction is relevant to the position
- The seriousness of the offence
- The length of time since the offence occurred
- Whether the applicant has a pattern of offending behaviour
- Whether the applicant's circumstances have changed
- The circumstances surrounding the offence and explanation offered by the applicant.
- You may want to include a clause in your contract of employment stating that employees who carry out regulated activity (see page 5) should inform the organisation immediately if they are barred, and must not undertake the work.
- Make sure that you have a thorough **induction process** in place that will include information on all the organisation's policies and procedures, and training on child/vulnerable adult protection awareness for all new staff and volunteers.
- Include a supervised **probationary period** for all new people to your organisation with mid and end-term reviews. Any new appointment should be conditional on the completion of a successful probationary period, normally six months.
- Provide regular **supervision** for all staff and volunteers and their progress reviewed on a regular basis.
- Encourage a culture of mutual respect throughout your organisation and develop an anti-bullying and **anti-harassment policy** for your organisation.
- In addition aim to have a **whistle-blowing policy** in place, so that staff know that they can disclose confidential information relating to unacceptable behaviour by another member of staff.
- Ensure that **disciplinary and grievance procedures** are in place and that they comply with the Acas Code of Practice (see [www.lvsc.org.uk/disciplinary](http://www.lvsc.org.uk/disciplinary) and [www.acas.org.uk/dgcode2009](http://www.acas.org.uk/dgcode2009)).

The material in this document does not give a full statement of the law, nor does it reflect changes after June 2010. It is intended for guidance only and is not a substitute for professional advice. No responsibility for loss occasioned as a result of any person acting or refraining from acting on the basis of this material can be accepted by the author or by LVSC.

Whilst full details are being finalised, registration with the Independent Safeguarding Authority (ISA) is halted. This was due to start in July with compulsory registration for all new employees and volunteers in November 2010.

Organisations working with children and vulnerable adults should continue to use Criminal Records Bureau (CRB) disclosure checks for staff and volunteers.

New forms have already been produced by the CRB, and these will continue to be used, although details relating to ISA registration will be ignored when processed.

Organisations should note that they continue to have a duty to refer to the ISA any information about individuals who may pose a risk. The ISA also continue to administer the new two new barred lists for those barred from working with children and with vulnerable adults.