



Guidance on developing a 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 or volunteer with such organisations may pose a risk to children or vulnerable adults and may wish to harm them. It is therefore the duty of every voluntary organisation working in this sector to put in place safeguards to protect the children, young people or vulnerable adults with whom they 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. Such organisations should draw up a safeguarding policy. Alongside this there should be a set of procedures to put what is intended into practice.

It is the responsibility of all such organisations to continually review and monitor their safeguarding 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 does not include a model policy nor does it give a definitive guide to writing up your child or vulnerable adult protection policy. Circumstances will vary as to the size, aims and services provided by an organisation. You are therefore advised to get additional advice such as from your Local Safeguarding Children Boards (via your local authority), umbrella body or membership organisation, or local CVS.

However this document does aim 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 your 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. This includes the POVA list (see below in *definitions of terms*).

Legislation with regard to those working with vulnerable adults is less developed and more open to interpretation.

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 has been further developed through publication of the *Children's Plan* in December 2007, which aims 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

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) is due to be phased in from October 2009 under the Safeguarding Vulnerable Groups Act.

The aim of the scheme is to provide a more effective and streamlined vetting service for potential employees and volunteers. This means that the current vetting systems using List 99 and POCA (see below in *definitions of terms*) will be 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 will be established, replacing POVA (see below in *definitions of terms*). In effect, there will just be 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. Application process will be run by the Criminal Records Bureau and 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 existing POVA scheme.

Regulated activity includes work that involves

- any activity which involves close contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, treatment or transport)
- any activity allowing contact with children or vulnerable adults and is in a specified place (e.g. schools, care homes, etc.)
- fostering and childcare
- certain defined positions of responsibility (e.g. school governor, director of social services, trustees of certain charities)

and where the activity is 'frequent' (once a month or more) or takes place on three or more days in a 30 day period ('intensive').

Controlled activity includes

- support work in general health, NHS, Further Education settings (e.g. cleaner, caretaker, shop worker, catering staff, car park attendant, receptionist)
- those working for specified organisations (e.g. a local authority) with frequent access to sensitive records about children and vulnerable adults
- support work in adult social care settings (e.g. day centre cleaners, those with access to health records)

and where the activity is 'frequent' (once a month or more) or takes place on more than three or more days in a 30 day period ('intensive').

The Act does not cover any employment which may occur in the context of private arrangements between family or friends, nor is it necessary for domestic employers (e.g. of a private tutor, nanny or care worker) to check individuals, but they will have the

opportunity to check the status of the individual if they wish. But it will be 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.

It is a criminal offence for employers to employ someone in a regulated activity if they are not registered with the Independent Safeguarding Authority.

Employers must check on potential employees before employing them in both a regulated activity and a controlled activity – they cannot take the individual's word for it nor can they allow the person to start work, even if supervised, before they know the outcome of the check.

It will also be an offence for employers/providers to permit a barred individual to work for any length of time (no matter how infrequent) in a regulated activity. However, providing sufficient safeguards are put in place, a barred person can be allowed to work in a controlled activity.

Certain organisations:

- adult/child protection teams in local authorities;
- professional bodies and supervisory authorities named in the Act;
- employers and service providers of regulated and controlled activity; and personnel suppliers

must refer relevant information to the ISA, where there is a concern relating to the harm or risk of harm to children or vulnerable adults. This would include reporting on the dismissal or resignation of any employees because they have harmed or may harm a child or vulnerable adult.

All other employers of those working with children and/or vulnerable adults may refer relevant information to the ISA.

Once individuals have joined the new scheme, subsequent employers will be able simply to check their status in the scheme on-line free of charge (unless they are under a duty to apply for an Enhanced CRB check).

All applicants to the scheme, except those who are barred, will become "subject to monitoring". This means that the the Independent Safeguarding Authority would review its barring decision if relevant new police or referral information became available. Under the new scheme, employers and providers would be notified – where they have registered an interest - if the individual's monitoring status changed. Unlike disclosures which only provide details about an individual at a specific time without any follow-up, checking will be continuous.

How will the new scheme work?

To undertake regulated activity, an individual must be registered with the Independent Safeguarding Authority.

- Making an application:
Those who are working, or applying to work, with children or vulnerable adults will apply to the scheme via the Criminal Records Bureau (CRB). New employees and volunteers can apply from July 2010. (Arrangements for phasing applications from existing members of the workforce will be over a 5-year period from November 2010). There will be a one-off cost of registration of £64, free to volunteers – who pays will be up to the individual and the employer.
- How the vetting and barring decision is made:
The CRB will check whether there is any relevant information from the police or any referral information from other sources (e.g. employers, professional and regulatory bodies).
 - If there is no relevant information, the CRB will inform the applicant that he/she has become "subject to monitoring" (see below).

- If there is relevant information, the CRB will pass this to the Independent Safeguarding Authority for a barring decision. In all cases, except those involving the most serious offences, individuals will have the opportunity to make representations about why they should not be barred on the basis of this information. They will also have the right of appeal to the Care Standards Tribunal.

If the employer has also requested a CRB Enhanced Disclosure, the CRB will also confirm on the certificate any details relating to the barred status of the applicant – for instance whether the applicant is “subject to monitoring”.

- **Subject to monitoring:**
All applicants, except those who are barred, will become “subject to monitoring”. This means that the individual is not on a barred list and that the Independent Safeguarding Authority would review its barring decision if relevant new police or referral information became available. Under the new scheme, employers and providers would be notified – where they have registered an interest - if the individual’s monitoring status changed.
- **Online checking:**
Any subsequent employers or providers will be able to do an online check on an individual’s status, including parents and carers. In most cases, employers/providers will be entitled to seek an Enhanced Disclosure from the CRB, which will contain criminal records information (although parents, individuals, or their carers do not have this option). And some employers will continue to be required to obtain Enhanced Disclosures.

Further details from

<http://www.everychildmatters.gov.uk/independentsafeguardingauthority> and www.isa.gov.org

Definitions of Terms

Child

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

Vulnerable Adults

The definition of vulnerable adult as expressed in the **The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002** "a person aged 18 or over who has a condition of the following type:

- (i) a substantial learning or physical disability;
- (ii) a physical or mental illness or mental disorder, chronic or otherwise, including an addiction to alcohol or drugs; or
- (iii) a significant reduction in physical or mental capacity."

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 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.crb.gov.uk (NB The new CRB website combines the existing Disclosure

www.disclosure.gov.uk and CRB websites to offer a 'one-stop-shop' for all CRB information).

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.crb.gov.uk.

Standard Disclosure

This is the minimum level of Disclosure recommended for anyone with direct but *supervised* contact with children or vulnerable adults. **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.

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, 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.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.gov.uk 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.

In addition the following organisations can act as umbrella bodies throughout the UK:

- Nottingham Council for Voluntary Service
CRD Service, NCVS, 7 Mansfield Road, Nottingham NG1 3FB or telephone 0115 934 9590 or email: crd@nottinghamcvcs.co.uk
- Assuramed Healthcare Limited
PO Box 419, Market Drayton TF9 9DL
Telephone 01630 655255 or email: sales@assuramed.com
www.assuramed.com
- Wrighton Education Services Ltd
Contact Peter or Lorraine on 020 7564 0480
43b Mason Street, London SE17 1HF
www.wrighton-education.com

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.

List 99

A confidential list of adults who are banned from working with children or who have had restrictions placed on their employment. The list is held by the Department for Education and Skills (DfES). Schools must make sure that no-one who is on List 99 has regular contact with children.

POCA list

This is the Protection of Children Act list of people who are unsuitable for employment with children in childcare roles. The list is held by the Department of Health.

POVA list

This the Protection of Vulnerable Adults confidential list of careworkers who have harmed vulnerable adults in their care. The list is held by the Department of Health.

Please note that from October 2009, these three lists will be replaced by two barring lists administered by the Independent Safeguarding Authority (ISA) – the Children’s Barred List and the Adults’ Barred List.

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, page 5). In these cases, employees must be registered with the Independent Safeguarding Authority before starting work, and employers will need to check their status.

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 and Vetting and Barring Scheme. 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.

In addition with the new Safeguarding Vulnerable Groups Act and the new Vetting and Barring Scheme to be phased in from October 2009, checks and registration **must take place before** the individual starts working. **It is essential that employees are registered and their status checked before they start work (from November 2010 for new employees).**

All individuals barred by the Independent Safeguarding Authority must not engage in any regulated activity with children or vulnerable adults whether paid or unpaid. It will

also be a criminal offence for employers to employ someone in a regulated activity if they are not registered with the Independent Safeguarding Authority. They must check on potential employees **before** employing them – they cannot take the individual's word for it nor can they allow the person to start work, even if supervised, before they know the outcome of the check.

Employers should not permit a barred individual to work for any length of time (no matter how infrequent) in a regulated activity.

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, 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 .
- 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 young people? 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? 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? Are all shortlisted applicants or potential volunteers registered with the Independent Safeguarding

Authority (available from July 2010 and a legal requirement from November 2010)?

- 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. Further information from the NSPCC website at www.nspcc.org.uk/helpandadvice/whoturnto/nspcchelpine/adviceonthissite/whatischildabuse_wda33292.html
 - 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, for undertaking Disclosure checks if necessary and (from November 2010) to check their status with the Independent Safeguarding Authority **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. 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*.

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

In addition from November 2010 for regulated and controlled activity (see page 5):

Due to the nature of the work you are required to be registered with the Independent Safeguarding Authority www.isa.gov.uk. Should you be offered the position, your ISA-registration status will be checked.

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 also 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.
- The new staff member **must be registered** with the Independent Safeguarding Authority **before** they are confirmed in post. Employers must check their ISA-registration status **before** they confirm the employee in post (**from November 2010**).
- 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.gov.uk/default.aspx?page=2243. Other types of references are important when a CRB check is not possible or not worthwhile, 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, particularly the requirement to check the status of the worker with Independent Safeguarding Authority.
- 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 www.crb.gov.uk/default.aspx?page=1865). 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.
- 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 and www.acas.org.uk/dgcode2009) .

Further information

GENERAL

Criminal Records Bureau

This is the Home Office agency which provides the Disclosure service to help organisations recruit more safely. Their website is at www.crb.gov.uk

CRB Customer Services

PO Box 110

Liverpool

L69 3EF

General Enquiries: 0870 90 90 811

The **Code of Practice** can be downloaded from the CRB website, along with a sample policy statement on the **recruitment of ex-offenders** and a sample policy for the **Handling and Safe Keeping of Disclosures:**

www.crb.gov.uk/default.aspx?page=311

The **Applicant's Guide to the CRB's Disclosure Service** is available to download from www.crb.gov.uk/default.aspx?page=410

The **Umbrella Bodies Search Facility** is available at

www.crb.gov.uk/Default.aspx?page=349

The Independent Safeguarding Authority

The Independent Safeguarding Authority's (ISA) role is to help prevent unsuitable people from working with children and vulnerable adults. With the phasing in of the new checking arrangements from October 2009, the ISA will assess every person who wants to work or volunteer with vulnerable people. Potential employees and volunteers will need to apply to register with the ISA and employers will need to check the status of their workers with the ISA.

www.isa.gov.org

Volunteering England

Volunteering England is the national volunteer development organisation for England.

There are details of training, free leaflets, publications, and a good practice bank of information within the section **Resources for Managing volunteers** on their website:

www.volunteering.org.uk/Resources/Resources.htm

Information available in the Good Practice Bank (within the Information Team section) under the Core Theme of Protection and Safeguarding includes information about CRB disclosure checks and example policies, statements and templates. Guides to purchase from Volunteering England include **Safe Involvement of Volunteers with Vulnerable Clients** and **Safe and Alert: A Good Practice advice on volunteers working with vulnerable clients**, both available to order from Publications.

Arts Council England

Arts Council England is the national development agency for the arts in England, distributing public money from Government and the National Lottery.

www.artscouncil.org.uk

Keeping Arts Safe

The Arts Council has produced an in-depth guide, produced in collaboration with the NSPCC, which looks at the protection of children, young people and vulnerable adults involved in arts activities. It includes a model for risk management (page 20).

It is available to download from:

www.artscouncil.org.uk/publications/publication_detail.php?browse=title&id=489&page=15

Directory of safeguarding advisers 2006

produced by the Arts Council.

This free download lists advisers who have extensive experience of training and development policy, as well as awareness of key issues concerned with the protection of children and vulnerable adults, and how these are related to artists and art organisations.

Available from:

www.artscouncil.org.uk/publications/publication_detail.php?browse=title&id=548&page=10

The Charity Commission

The Charity Commission is concerned to stress the importance of charities in having proper safeguards in place for the protection of children and has therefore produced a brief guide on Safeguarding Children, covering child protection policies, procedures and systems.

It is available to download free from

www.charitycommission.gov.uk/supportingcharities/protection.asp

Registering as a Charity: evidence of CRB disclosures

This guidance produced by the Charity Commission is for those organisations seeking to register as a charity that works with children and/or vulnerable adults. It sets out when the Charity Commission needs to have a signed declaration that Criminal Records Bureau checks have been carried out for proposed trustees.

It is available from www.charitycommission.gov.uk/registration/crb.asp

Chartered Institute of Personnel and Development (CIPD)

The CIPD has a factsheet on the recruitment of people working with children or vulnerable adults available at

www.cipd.co.uk/subjects/recruitment/general/recruitypw.htm?IsSrchRes=1

CHILDREN

National Safeguarding Unit for the Third Sector

The **NSPCC** (www.nspcc.org.uk) and **Children England** (formerly NCVCCO www.thecpsu.org.uk) have been commissioned by the Government to set up and jointly manage the National Safeguarding Unit for the Third Sector. They are working closely with and through a number of delivery partners, umbrella groups and existing national, regional and local networks and infrastructures.

The new Unit will establish an agreed framework of safeguarding standards support, enable, resource and challenge the sector to meet these standards. They aim to act as a one-stop-shop for information and authoritative safeguarding advice via the website and a telephone helpline, provide resources.

The new Unit will not offer case advice in relation to individual children and young people but have clear referral processes and protocols in place to deal with any such inquiries.

Safe Network

The Safe Network, jointly managed by NSPCC and Children England is the focus of the work delivered by the National Safeguarding Unit for the Third Sector is being delivered. With six delivery partners - ParentLine Plus, National Association for Voluntary and Community Action (NAVCA), National Children's Bureau,

Community Service Volunteers, Women's Resource Centre, British Youth Council – the website provides resources (including **the free 'Are they safe?' pack for community groups and clubs** www.safenetwork.org.uk/resources/are_they_safe/Pages/default.aspx), information and details of relevant news, training and event.

The Safe Network
NSPCC National Training Centre
3 Gilmour Close
Beaumont Leys
Leicester
LE4 1EZ
Helpline 0116 234 7217
Email: info@safenetwork.org.uk
www.safenetwork.org.uk

Children's Workforce Development Council (CWDC)

CWDC was set up in 2005 to support the implementation of Every Child Matters, a new approach to the well-being of children and young people from birth to age 19. It is an employer-led organisation representing the main children's workforce employers across the public, private, voluntary and independent sectors.

CWDC's work supports over half a million people in the children's workforce across England, including those in childcare provision, learning mentors, education welfare, foster care and social care. It is part of the Skills for Care and Development and the Children's Workforce Network.
www.cwdcouncil.org.uk

The London Safeguarding Children Board (LSCB)

LSCB aims to support and add value at a strategic level, to the safeguarding children work and responsibilities of the London boroughs, the police, health, probation and fire services; and London independent, voluntary and community agencies.

They publish the **London Child Protection procedures**, available to download from www.londonscb.gov.uk/procedures/

There are also contact details for all the **Local Safeguarding Children Boards in London** as well as social services available at www.londonscb.gov.uk/contacts/london_local_safeguarding_children_boards.html

NSPCC (National Society for the Prevention of Cruelty to Children)

NSPCC Inform (www.nspcc.org.uk/inform) is the UK's only free, online, specialised child protection resource for practitioners, researchers, trainers, policy-makers and other professionals working to protect children providing information on child abuse, child protection and safeguarding in the UK.

Publications can be ordered from:

NSPCC Publications
Weston House
42 Curtain Road
London.
EC2A 3NH.
Email: publications@nspcc.org.uk
Telephone: 020 7825 7422
Fax: 020 7825 2763

In addition to publications, NSPCC Inform undertake research, provide training and consultancy and have a library and information service.

NSPCC Library and Information Service
Weston House
42 Curtain Road
London EC2A 3NH
Tel: 020 7825 2706
Email: library@nspcc.org.uk

NSPCC Child Protection Helpline (if you are concerned about a child's safety or welfare) 0808 800 5000

Children England (previously known as NCVCCO or the National Council of Voluntary Child Care Organisations)

Children England is the leading membership organisation for the children, young people and families voluntary sector. It aims to champion the work done by the voluntary sector for young people and their families. It provides members with resources, training, events, and lobby on behalf of the sector.

They have a number of useful free resources for small voluntary organisations including **Positively Safe -- a guide to developing safeguarding policies**. It can be downloaded at www.childrenengland.org.uk/resources/425

The Child Protection in Sport Unit

The Child Protection in Sport Unit (CPSU) is a partnership between the NSPCC, Sport England, sportscotland, Sport Northern Ireland and the Sports Council for Wales. The Unit was founded in 2001 to co-ordinate and support sports organisations' implementation of the 2000 National Action Plan for Child Protection in Sport.

It works with UK Sports Councils, governing bodies and other organisations to help them minimise the risk of child abuse during sporting activities. This includes providing resources, research, training and information and advice on safeguarding to sports organisations and clubs.

Child Protection in Sport Unit
NSPCC National Training Centre, 3 Gilmour Close, Beaumont Leys, Leicester LE4 1EZ.
Tel: 0116 234 7278
Email: cpsu@nspcc.org.uk
www.thecpsu.org.uk

Ofsted (the Office for Standards in Education)

The new Ofsted – the Office for Standards in Education, Children's Services and Skills – came into being on 1 April 2007, bringing together four formerly separate inspectorates. Ofsted is a non-ministerial government department accountable to Parliament. It contributes to the provision of better education and care through inspection and regulation covering childcare, schools, colleges, children's services, teacher training and youth work.

Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA

08456 404045 about education, adult skills, or local authority children's services

08456 404040 about any other aspect of Ofsted's work

enquiries@ofsted.gov.uk

www.ofsted.gov.uk

Ofsted has a sub-site at www.safeguardingchildren.org.uk where you can access the latest report from the joint chief inspectors on arrangements to safeguard children.

National Childminding Association

The National Childminding Association (NCMA) works with registered childminders, nannies as well as other individuals and organisations, such as local and national government, to ensure families in every community in England and Wales have access to high quality home-based childcare, play, learning and family support.

It has details of training on safeguarding and free guidance documents on safeguarding issues including a sample policy for use by registered childminders available to download from

www.ncma.org.uk/MainWebSite/ContentPagef94ceaf4.aspx?Map=7646EFA0E098E38DC4E31F880F08109A

NCMA
Royal Court
81 Tweedy Road
Bromley
Kent BR1 1TG
Tel 0845 880 0044 (switchboard)
www.ncma.org.uk

Keeping Children Safe Coalition

The coalition includes a number of aid and development agencies based in the UK and Switzerland, including NSPCC. Their aim is to share experience and knowledge and to identify a common approach to child protection. They provide regional training and support networks as well as resources and tools to devise and implement child protection policies to help organisations working in developing countries.

The Keeping Children Safe Coalition (KCS) toolkit is a complete package for people working in child protection across the world. The KCS Toolkit aims to support agencies at international, national and local levels to put child protection into practice.

Some information including training material is available to download from the website along with a CD Rom and DVD which can be ordered. The toolkit has also been translated into French, Spanish, Portuguese, Kiswahili and Russian.

www.keepingchildrensafe.org.uk

Fair Play for Children

The Fair Play For Children Association is a membership organisation that campaigns for the Child's Right to Play. It lobbies for change in Government Policy and practice, advises e.g. parents and local communities on play-related issues, publishes a journal, and brings playworkers, organisations and activists together to share information, experiences and resources etc.

They provide free resources to download including child protection guidance and a model child protection policy at

www.fairplayforchildren.org/index.php?page=Playaction_Guides§ion=Publications

It is also an Umbrella Body under the Criminal Records Bureau and can undertake criminal records checks on prospective workers and volunteers of their member organisations. There is a section on child protection on their website at www.fairplayforchildren.org/index.php?page=Child_Protection_In_Play§ion=What_We_Do

Fair Play for Children
32 Longford Road
Bognor Regis
PO21 1AG
United Kingdom
Child Protection: 0845 478 6365
Email: child.protection@fairplayforchildren.org
www.fairplayforchildren.org

The Churches' Child Protection Advisory Service (CCPAS)

This independent Christian-based charity provides professional training, resources, advice and support in all areas of safeguarding children and for those affected by abuse. Their services are used not only by churches across the denominational spectrum, but increasingly by other faith groups and non-faith based organisations keen to utilise the resources and expertise CCPAS is able to offer. CCPAS is also registered as an Umbrella Body for the processing of disclosure applications for members.

Safe and Secure: Ensuring the well-being of children and young people within the church community published by CCPAS and developed in partnership with the Metropolitan Police's Project Violet. It is available to download free from the CCPAS website:

www.ccpas.co.uk/What%20We%20Provide.htm

A number of other CCPAS publications are also available in versions suitable for non-faith based organisations and groups, including **Facing the Unthinkable** child protection training DVD and **Safeguarding Children & Young People** specifically for non-faith-based groups, which includes good working practice, model policies and forms.

Available to order from:

CCPAS
PO Box 133
Swanley
Kent BR8 7UQ
E-mail: info@ccpas.co.uk
Telephone: 0845 120 45 50
www.ccpas.co.uk/shop/index1.html

National Council for Voluntary Youth Services

NCVYS, the National Council for Voluntary Youth Services is a network of over 170 national organisations and regional and local networks that work with and for young people.

Their website has a section on safeguarding at www.ncvys.org.uk/index.php?page=262&PHPSESSID=67fb3deca1ebba92aa6c1706d806a12e with information on **Sound Systems**, an accreditation scheme for voluntary and community organisations to develop and use safeguarding policies and procedures when working with young people

Publications from NCVYS include **Keeping it Safe**, a resource developed by NCVYS providing a young person-centred approach to safety and child protection. This comprehensive guide covers all aspects of youth work policy and practice including:

- organisational policies and procedures
- reporting concerns, suspicions and allegations
- safe recruitment and selection
- managing paid and volunteer staff
- providing education training and support
- providing safe activities.

It can be ordered from NCVYS Publications at:
www.ncvys.org.uk/index.php?page=368 or contact Mariam Sheikh, email mariam@ncvys.org.uk, telephone 020 7278 1041.

Capital Community Foundation

Capital Community Foundation is an independent charitable foundation supporting good causes in London. They provide free training for community groups and have produced a training resource pack which includes a sample policy and procedures as well as sample recording sheets and declaration form.

For further information and to download the pack for free go to:
www.capitalcf.org.uk/grants/training.php#childprotection

Capital Community Foundation
357-359 Kennington Lane, London SE11 5QY
www.capitalcf.org.uk
Tel: 020 7582 5117
Email: enquiries@capitalcf.org.uk

VULNERABLE PEOPLE

The Ann Craft Trust

The Ann Craft Trust is a UK based membership organisation working with staff in the statutory, independent and voluntary sectors to protect people with learning disabilities who may be at risk from abuse. They also provide advice and information to parents and carers who may have concerns about someone that they are supporting, and advise members on issues relating to the protection of vulnerable adults and children.

They also undertake research, produce publications and provide training. Training courses include **Safer Services** and **Abuse and Protection of Vulnerable Adults and Children**.

Further details from their website www.anncrafttrust.org

Ann Craft Trust
Centre for Social Work
University of Nottingham
University Park, Nottingham NG7 2RD
Email: ann-craft-trust@nottingham.ac.uk
Telephone: 0115 9515400

The Churches' Child Protection Advisory Service (CCPAS)

This independent Christian-based charity provides professional training, resources, advice and support in all areas of safeguarding children and for those affected by abuse. Their publications now also covers safeguarding vulnerable adults.

'Safeguarding Adults: a Manual for working with Vulnerable Adults and Developing Safe Practice' is available to order from:

CCPAS
PO Box 133
Swanley
Kent BR8 7UQ
E-mail: info@ccpas.co.uk
Telephone: 0845 120 45 50
www.ccpas.co.uk/shop/index1.html

Voluntary and Community Action South Bedfordshire

Voluntary and Community Action South Bedfordshire has produced **'Better Care'**, a resource pack for voluntary organisations and community groups on

working with vulnerable adults. It includes sections on selecting staff and volunteers, support and training and health and safety.

It is available to download or order from:

www.voluntaryworks.org.uk/action-southbeds/bettercare.asp

Voluntary and Community Action South Bedfordshire

Bossard House

West Street

Leighton Buzzard

Bedfordshire LU7 1DA

Tel: 01525 850559

Fax:01525 376281

Email: mail@action-southbeds.org.uk

PEACe, June 2009

LVSC's Personnel, Employment Advice and Conciliation Service

The material in this document does not give a full statement of the law, nor does it reflect changes after June 2009. 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.