

Foreword

Safeguarding Young People and Vulnerable Adults in DWP provider organisations - an Ongoing Culture of Vigilance and Safer Recruitment

The Department for Work and Pensions (DWP) have commissioned the Learning and Skills Improvement Service (LSIS) to create this workshop designed specifically for use by DWP providers.

The importance of safeguarding is brought to our attention when tragic cases are reported in the media but it is essential that DWP providers do all they can to ensure that all of their participants are kept safe so that they can fully participate in the programme. Safeguarding is more than having safer recruitment policies and procedures in place. It means having a culture of vigilance where all staff know their responsibilities and act accordingly and all participants are aware of what they can expect and what to do if they have concerns. We hope this workshop will help organisations review and develop their approach to safeguarding.

We are very grateful to all the organisations and individuals who have helped with the development of this workshop and who have given their time and shared their knowledge so generously.

A handwritten signature in black ink, appearing to read 'Ann P. Ruthven'.

Ann Ruthven

Programme Lead Career Development and Safeguarding

Disclaimer and Limitation of Liability

The workshop and the materials have been designed to provide support and examples of effective practice. It is recognised that even if participants utilise all the skills and knowledge gained from the workshop and materials they will not always be able to prevent predatory or unsuitable applicants participating in recruitment programmes and being successful in gaining employment. As a result LSIS will not be liable for any loss or damage whether direct or indirect or consequential in relation to the workshop or materials and the use or any subsequent outcome thereof.

Publisher

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Introduction

Aims and Objectives of the workshop

Aim

To emphasise how a whole organisation approach is key to the effective application of safeguarding practice and to raise awareness of provider's obligations under the safeguarding legislation to be introduced from October 2009.

Objectives

- To introduce the legislation and policy that has informed the wider safeguarding agenda
- To identify the importance of creating a whole organisation approach towards safeguarding
- To raise awareness of the new Independent Safeguarding Authority (ISA) and its implications
- To raise awareness of the inspection evaluation requirements relating to safeguarding
- To raise awareness of the external inspection evaluation requirements relating to safeguarding

Context

The needs of the participant are at the centre of everything we do

The Bichard Enquiry into the Soham murders established a vetting procedure for those who work with children and vulnerable adults designed to reduce the incidence of harm to them. The vetting and barring procedure is designed to ensure that:

- those who are known to be unsuitable do not gain access to children or vulnerable adults in the first place
- those who become unsuitable are detected at the earliest stage and prevented from continuing to work with children and young adults
- and those who intend to do harm are discouraged and prevented at every possible stage from entering the workforce.

Safeguarding for the Department for Work and Pensions (DWP) providers proceeds from a deep commitment to place the participant at the centre of our concerns, and to build around the participant those policies, practices and procedures they need to succeed and enter employment.

A vulnerable adult is defined as a person who apart from having attained the age of 18 is also receiving any form of health care, or receiving a service or participating in an activity which is specifically targeted at people with age-related needs, disabilities or prescribed physical or mental health conditions or

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expectant or nursing mothers living in residential care. Age-related needs include any needs associated with frailty, illness, disability or mental capacity (Section 59 of Safeguarding Vulnerable Groups (SVG) Act).

Personal safety is fundamental for learning and development. Organisations should promote well-being and security for all participants, especially those who are vulnerable.

The law – reflecting the best and improving the rest

DWP providers are required by the *Safeguarding Vulnerable Groups Act 2006* to secure the safety of children, young people and vulnerable adults who are their participants.

To satisfy this requirement, you will need to provide evidence of complying with relevant legislation, undertaking Criminal Records Bureau (CRB) checks, combating bullying, harassment and discrimination, and ensuring all staff are appropriately trained.

The Office for Standards in Education, Children's Services and Skills (Ofsted) will be placing greater emphasis on safeguarding at future inspections which also highlights the need for organisations to review practice and ensure that robust safeguarding policies and processes are fully implemented.

What you can expect from the workshop

- understanding and clarity about how to contribute to creating a safe and secure organisation
- understanding of safeguarding legal requirements and how to work with them
- understanding of vetting and criminal checking procedures
- respect for your views, learning styles and needs
- a confidential, respectful environment
- a full set of accurate, informative resources
- a skillful and expert facilitator
- access to the LSIS safeguarding virtual learning environment

How you can contribute to the workshop

- take full responsibility for your own learning
- contribute to discussion
- listen to others with respect
- respect the confidentiality of the group
- respect different views and learning styles within the group
- contribute to and abide by ground rules

Introduction

Please note

Some of the content within this presentation and training day is sensitive and may be difficult to discuss. If you would like to talk about any issues raised, please approach the facilitator or contact one of the support agencies whose details are contained in the back of this workbook.

The details relating to all references and sources used within this workshop can be found at the back of this workbook.

Section 1

Glossary

A glossary of acronyms and terms used throughout the workbook.

Section 2

Delegate Workbook

A detailed guide to the workshop presentation materials, including key points, facilitation and activity guidance and references.

Section 3

Appendix 1: Recruitment Proformas

A selection of recruitment proformas, which include safeguarding elements that can be adapted for use in individual organisations.

Section 4

Appendix 2: Support Resources

A comprehensive list of organisations that can offer support. Includes support for adults generally, organisations and vulnerable participants.

Section 5

Appendix 3: Safer Recruitment and Safeguarding Audit Tool

Adapted from *A Quality Framework for Protecting Vulnerable Adults from Abuse and Neglect* in 'Safer Practice, Safer Learning' by NIACE.

Section 6

References

A comprehensive list of the resources and publications referred to in this workbook.

Section 7

Handouts

ACTIVITIES:

Challenges: Slide 20

Participant Contact Activity: Slide 39

Mapping the Processes and Making them Safer: Slide 41.....

HANDOUTS:

Handout One: Legislation and Guidance

Handout Two: Equality Legislation Overview

Handout Three: ISA Factsheet.....

Handout Four: Towards Excellence

Handout Five: Vetting and Barring Scheme

Handout Six: Phasing in the Scheme.....

Handout Seven: Reviewing the Processes

Handout Eight: Designated Person Role Description.....

Handout Nine: Designated Person Flowchart

Handout Ten: 'Drawing the Line' Report Recommendations

Glossary

Access NI/ANI	The Northern Ireland equivalent of the CRB.
ACPO	Association of Chief Police Officers.
ALP	Association of Learning Providers
AOC	Association of Colleges
Bichard Inquiry Report	Report from the 2004 Bichard Inquiry arising from the Soham murders. Its recommendation 19 led to the Safeguarding Vulnerable Groups Act 2006 and the setting up of the Vetting and Barring Scheme.
CIPD	Chartered Institute of Personnel and Development
CJSA	Criminal Justice and Court Services
CRB	Criminal Records Bureau
CST	Care Standards Tribunal.
DBIS	Department of Business, Innovation and Skills
DCSF	Department for Children, Schools and Families.
DH	Department of Health.
DIUS	Department of Innovation, Universities and Skills
Disclosure:	Provides access to criminal records and other information to organisations in England and Wales through the CRB.
ECM	Every Child Matters
Grooming	A series of actions deliberately undertaken to befriend and establish a connection with a victim in order to lower the victim's inhibitions in preparation for abuse.
HO	Home Office.
HR	Human resources
HRA	Human Rights Act.
IMPACT	Intelligence Management Prioritisation Analysis Co-ordination. Programme for improving the sharing of information among police forces – part of the Bichard Implementation Programme.
ISA	Independent Safeguarding Authority
List 99	List of individuals who are barred from working with children
LSB / LSCB	Local Safeguarding Boards / Local Safeguarding Children Boards
LSIS	Learning and Skills Improvement Service
Nacro	National Association for the Care and Resettlement of Offenders
NCVO	National Council for Voluntary Organisations
NCVYS	National Council for Voluntary Youth Services
NDPB	Non-Departmental Public Body.
NIACE	The National Institute of Adult Continuing Education
NIList 99	Northern Ireland equivalent of List 99.
OfSTED	Office for Standards in Education
PLX	Police local cross-checking database.
PNC	Police National Computer.
PoCA	Protection of Children Act
PoCSA	Protection of Children (Scotland) Act
PoVA	Protection of Vulnerable Adults.
PoCVANI	Protection of Children and Vulnerable Adults (Northern Ireland) Act.
RAP	Regulated Activity Provider (taken from the ISA)
Responsible Person	A responsible person is an individual who is responsible for the management or control of controlled activity, paid or unpaid, and makes arrangements for people to work in that activity. This will usually be an employer or equivalent in a voluntary organisation (taken from the ISA Guidance 2009).
SVG	Safeguarding Vulnerable Groups Act 2006.

Safer Recruitment and Safeguarding

An Introduction

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Safeguarding and Safer Recruitment for Department for Work and Pensions Providers

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The Learning and Skills Improvement Service (LSIS) was formed in 2008 when the Centre for Excellence in Leadership (CEL) and the Quality Improvement Agency (QIA) merged to form the new sector-led organisation dedicated to supporting excellence and leadership development in the further education and skills sector.

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Please note

- Some of the content within this presentation and training day is sensitive and may be difficult to discuss
- If you would like to talk about any issues raised, please approach the facilitator or contact one of the support agencies whose details are contained in the training workbook.

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Aims and Objectives

Workshop Aim:

To emphasise how a whole organisation approach is key to the effective application of safeguarding practice and to raise awareness of provider's obligations under the safeguarding legislation and the Vetting and Barring Scheme.

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Your own notes:

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Aims and Objectives

Objectives of the workshop:

- To introduce the legislation and policy that has informed the wider safeguarding agenda
- To identify the importance of creating a whole organisation approach towards safeguarding.

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Your own notes:

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Continued....

- To raise awareness of the new Independent Safeguarding Authority (ISA) and its implications
- To raise awareness of the Vetting and Barring scheme and its impact on your organisation
- To raise awareness of the external inspection evaluation requirements relating to safeguarding.

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A Need for Ongoing Vigilance

- The need for safeguarding and safer recruitment was highlighted by the Soham case and the murders of Holly Wells and Jessica Chapman by Ian Huntley
- The findings in Sir Michael Bichard's report (2004) identified flaws and shortcomings in recruitment when working with children or vulnerable adults.

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Key points:

This is just an initial note about why Safeguarding and Safer Recruitment is important in the context of DWP Providers. This is the background reason for a lot of the changes in safeguarding in recent years, such as the change to vetting and barring procedures and the Safeguarding Vulnerable Groups Act.

References:

Safeguarding Vulnerable Adults Act. 2006

http://www.opsi.gov.uk/acts2006/pdf/ukpga_20060047_en.pdf

The Bichard Inquiry Report 2004. To see the full report, go to:

<http://police.homeoffice.gov.uk/publications/operational-policing/bichard-inquiry-report>

Following the Bichard Inquiry Report, the government is introducing a new scheme involving the new Independent Safeguarding Authority for vetting people whose jobs will bring them into contact with children and vulnerable adults.

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The Bichard Report – Recommendation 19

“New arrangements should be introduced requiring those who wish to work with children or vulnerable adults, to be registered. The register would confirm that there is no known reason why an individual should not work with these client groups.”

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Key points:

This recommendation forms the basis of the role and function of the Independent Safeguarding Authority (ISA) and the Vetting and Barring Scheme (VBS).

References:

The Bichard Inquiry Report 2004.

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Definitions – taken from the Vetting and Barring Scheme Frequently Asked Questions, Home Office, April 2009

- **What is the definition of a ‘vulnerable adult’ for England and Wales?**
 - The term is defined according to the service, setting or situation where staff or volunteers are in a position of trust and people have a right to expect that trust will not be abused
 - Does not apply to people just because they may be older or have a disability

The Safeguarding Vulnerable Groups Act 2006 defines a vulnerable adult in section 59 (please refer to the detail in your workbook).

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Key points:

Definition below – taken from the Safeguarding Vulnerable Adults (SVG) Act, section 59

http://www.opsi.gov.uk/acts2006/pdf/ukpga_20060047_en.pdf

Vulnerable adult - a person who has attained the age of 18, and:

- they are in residential accommodation
- they are in sheltered housing
- they receive domiciliary care
- they receive any form of health care
- they are detained in lawful custody
- they are by virtue of an order of a court under supervision by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000 (c.43)
- they receive welfare service of prescribed description
- they receive any service or participate in any activity provided specifically for persons who fall within sub section (9)
- payments are made to them (or to another on their behalf) in pursuance of arrangements under section 57 of the Health and Social Care Act 2001 (c.15) or
- they require assistance in the conduct of their own affairs

References:

Safeguarding Vulnerable Adults Act. 2006

http://www.opsi.gov.uk/acts2006/pdf/ukpga_20060047_en.pdf

Safer Recruitment and Safeguarding

The Concept of Safeguarding

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What is Safeguarding?
Why is it important?
What does this mean for providers?

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Your own notes:

Safer Recruitment and Safeguarding

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Safeguarding Definition

- “The term ‘**safeguarding**’ describes the **broader preventative** and **precautionary** approach to **planning** and **procedures** that are necessary to be in place to **protect** children and young people from **any** potential harm or damage.”
Keeping it Safe, National Council for Voluntary Youth Services, 2002
- Protection of children and vulnerable adults alongside safer recruitment are important aspects of safeguarding.

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Key points:

Safeguarding looks at all types of harm and prevention of these types of harm.

References:


Keeping it Safe from National Council for Voluntary Youth Services is a manual which enables voluntary youth organisations to look at their safeguarding practices and ensure they are doing everything possible to keep young people they work with safe. Whilst it is not written specifically for DWP providers, much of the content is entirely relevant. (For further detail, see the references section at the end of your workbook.)

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External Requirements

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So why is this important?

<i>External and internal drivers</i>	<i>Doing what is best</i>
<ul style="list-style-type: none">• Legislation• Inspection• Policies and procedures• Contractual responsibilities• Protecting the organisation and its workforce	<ul style="list-style-type: none">• Commitment to providing the best and safest environment possible to ensure participants can succeed and staff can feel secure

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Key points:

Please note Ofsted will be placing greater emphasis on safeguarding at future inspections.

Your own notes:

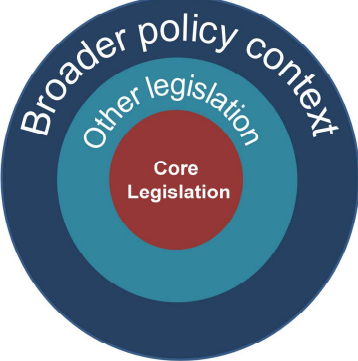
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External Requirements

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Safeguarding legislation



Core legislation:	SVG Act, ISA and Children Acts
Other legislation:	Employment law, Equality & Diversity law, health and safety
Broader policy context:	Government policy and DWP contracts

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Key points:

This is a brief overview of the basic legislation underpinning safeguarding. More details are included in handouts one and two.



References:

All references can be found at the back of this workbook.

Your own notes:

Safer Recruitment and Safeguarding

External Requirements



Key Legislation and Guidance

- Safeguarding Vulnerable Groups Act 2006
- Safeguarding Children and Safer Recruitment in Education 2007
- Rehabilitation of Offenders Act 1974
- Children Act 1989 / 2004
- United Nations Convention on the Rights of the Child
- Human Rights Act 1998
- Education Act 2002
- Sexual Offences Act 2003

For further details please refer to handout one.

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Key points:

Listed here are the key legislation and guidance documents that have informed the safeguarding and safer recruitment agenda.

In addition the DWP are developing guidance which will be available in the Provider Guidance on the DWP website www.dwp.gov.uk



Generic safeguarding guidance is being developed by the Home Office and will be available on the ISA website www.isa-gov.org.uk

In addition further information and guidance can be found on the Criminal Records Bureau (CRB) website www.crb.gov.uk

Your own notes:

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What does this mean for providers?



Key changes that will impact on staff and volunteers

- Establishment of the Independent Safeguarding Authority (ISA)
- New scheme for Vetting and Barring

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Key Points:

Details of the ISA are included in handout three. Further details relating to the Vetting and Barring Scheme can be found in handout five.

Your own notes:

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What is the Independent Safeguarding Authority (ISA)?

- Non-Departmental Public Body set up in response to The Bichard Report – Recommendation 19
- The ISA will decide and register who is 'barred' from working with children and vulnerable adults
- Responsible for a new, improved checking and monitoring scheme aiming to prevent unsuitable people from working or volunteering with children and vulnerable adults
- 10 Publicly appointed board members with expertise in safeguarding and risk assessment
- In excess of 200 caseworkers / decision makers.

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Key points:

The work of the ISA is still evolving and therefore it will be essential that you frequently visit the website for developments. It is also recommended that via their website you register as part of an email updating group.



References:

The ISA www.isa.gov.org.uk

Your own notes:

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Safeguarding Participants



What are providers safeguarding participants from?

- Anyone (potentially)
- Victimisation due to race, sexuality, faith, gender, disability ...
- Exploitation including financial abuse, sexual exploitation
- Crime – fear of crime
- Accidents
- Potential unsafe environments
- This list is not exhaustive

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Key points:

Taking safeguarding in its widest context we can also include these lists of potential risks and dangers. We are asking you to be vigilant and spot any signs of harm potentially coming to participants and for you to know what to do about any concerns. This is not about eliminating all risk from the lives of participants, as learning how to deal with and avoid risks is part of learning to cope with the world. This is about protecting them from significant harm and avoidable danger.

References:

'Safe from bullying in further education colleges'

<http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00445-2009&>

Your notes:

Safer Recruitment and Safeguarding

Who are the potential abusers?

Within the organisation

- Your own workforce
- Peripatetic staff e.g. assessors and agency staff
- Other participants
- Participants themselves
- Volunteers
- Trustees/ board members
- Anyone (potentially)

External to the organisation

- Externally contracted staff e.g. security staff, transport staff
- Strangers
- Family members
- Friends and acquaintances
- Anyone (potentially)

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Key points:

Anyone has the potential to be an abuser. Providers have a responsibility to be vigilant at all times.

Your own notes:

Safer Recruitment and Safeguarding

The Concept of Safeguarding

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‘This could never happen in my organisation, so why is this important?’

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Key points:

Are you thinking this, or have you in the past? Have you heard this as a sentiment from others when you have had conversations about safeguarding?

References:

“Research suggested that as many as 61% of women and 25% of men with learning difficulties had been sexually abused”.
Source: *Silent Victims. The Continuing Failure to Protect Society's Most Vulnerable and the Longcare Scandal*, John Pring.

Your own notes:

Safer Recruitment and Safeguarding

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Activity

What challenges might you face when taking this back to your workplace/ team?

- Are some colleagues likely to be resistant?
- If so, how and why?

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Key points:

Consider these questions and be prepared to share your own views and concerns.

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The affect on your Organisation and Participants

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How do we safeguard participants?

- Safer recruitment of staff, including volunteers
- Leadership and management of existing staff
- The development and implementation of effective policies and procedures
- Raising awareness of workforce, and involving them in reviewing and developing approaches.

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Your own notes:

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The affect on your Organisation and Participants

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Continued...

- Ongoing training and development for staff in key roles
- Involving participants – educating and empowering them, and learning from them
- A culture of vigilance – ensuring everyone is aware that it could happen here
- Health and safety and risk assessment of job roles, places, activities, trips etc and corporate risk assessment.



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Your own notes:

Safer Recruitment and Safeguarding

Creating a Safer Environment



Developing a Culture of Vigilance

Whose responsibility?	How ?
<ul style="list-style-type: none">• Senior management• A specialist Designated Person for safeguarding• Board members/ trustees• Partnerships• All staff and volunteers• Any participant	<ul style="list-style-type: none">• Through robust application of safeguarding policy and procedures• Through safer recruitment• Through Designated Person, line management, appraisal, etc

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Key points:

These people are the key players with the responsibility for ensuring safeguarding is in place and effective in the organisation; but it is everyone's responsibility to keep participants safe.

They need to be supported by safeguarding being a golden thread through all policies and procedures, and it has to be acted on by the organisation as a whole.

Your own notes:

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Taking Action

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**A review of your current practice:
discussion and reference to the
Towards Excellence guidance
document**

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Key points:

It is recommended that you complete this guidance document and use it to inform future development and improvement.

Your own notes:

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The Vetting and Barring Scheme (VBS)



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Safer Recruitment



Key features of the Vetting and Barring scheme

- The development of a Register of those able to work with vulnerable groups
- Regulated Activity – safeguarding scope is widened
- Controlled Activity introduced
- New barred lists
- Continuous monitoring of registration status
- Free online checking
- ISA referrals process
- ISA Decision Making process

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Key points:

This new on line system will replace the following:

PoCA: Protection of Children Act

PoVA: Protection of Vulnerable Adults Scheme

List 99: this is a register of men and women who are barred from working with children

It will be necessary for individual employees and volunteers to be registered with the ISA .There is an individual cost for this, details of which are included within this workshop and further details can be found on the ISA website.

Employers are required to inform the ISA of any changes to an employees status.

Further details are included in handout five.

References:

The ISA www.isa.gov.org.uk

Your own notes:

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Safer Recruitment

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Employing Volunteers and Staff

Types of activity:

- When making an appointment the **Safeguarding Vulnerable Groups (SVG) Act** defines the post as either:

Regulated

or

Controlled

- This covers both paid and unpaid/voluntary work with vulnerable groups



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Your own notes:

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Safer Recruitment

 	
Definition of Regulated Activity	
Covers anyone working closely with children and vulnerable adults, either paid or unpaid, not part of a family or personal arrangement and a frequent of intensive basis	
Specified activities <ul style="list-style-type: none">•Such as teaching, instructing, supervising, caring for or providing children / vulnerable adults with guidance or treatment•Fostering and childcare•Specified positions such as school governor or director of children's or adult social services•All activity undertaken within a specified setting where there is opportunity for contact with children or vulnerable adults OR in a specified place e.g. schools, children's homes & hospitals, juvenile detention facilities, adult care homes	'frequently, intensively and/or overnight' Frequently: once a week or more Intensively: on four days or more in a single 30 day period Overnight
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Key points

Safeguarding Vulnerable Groups (SVG) Act 2006 Chapter 47

Independent Safeguarding Authority factsheets: www.isa.gov.org.uk

Please note that this has recently been updated following the publication of the 'Drawing the Line' report December 2009. For further details of all the recommendations made within this report please refer to the handout 10 in particular pages 2 and 3

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Continued...

It will be a criminal offence for an employer:

- to allow a barred person OR a person not registered with the ISA scheme to work for any length of time in any regulated activity
- to take on a person in a regulated activity if they fail to check that persons status.

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Key points:

Employers who knowingly permit a barred individual to engage in regulated activity face a maximum penalty of up to six months in prison plus a fine.

Please note: in addition there will be criminal penalties for barred individuals who seek or undertake work with vulnerable groups. This could be punishable with a sentence of up to five years imprisonment plus a fine.

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Safer Recruitment

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Controlled Activity

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

In each case there must be an opportunity for contact with children or vulnerable adults, or the opportunity to have access to health or social services records for children or vulnerable adults, or educational records for children.

Employers will be able to employ someone barred from regulated activity to carry out controlled activity, provided they put in place specific safeguards. Note that this exception does not apply in every circumstance in Wales, where it is proposed that automatically barred people cannot be employed in controlled activity.

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References:

Safeguarding Vulnerable Groups (SVG) Act 2006 Chapter 47

Independent Safeguarding Authority factsheets: www.isa.gov.org.uk

Your own notes:

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LSIS LEARNING AND SKILLS IMPROVEMENT SERVICE

Continued...

It will be a criminal offence for an employer:

- **to take on a person in a controlled activity if they fail to check that person's status**

An employer can permit a barred person to work in a controlled activity **only if a risk assessment is completed and sufficient safeguards are in place e.g. stringent supervision.**

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References:

Safeguarding Vulnerable Groups (SVG) Act 2006 Chapter 47

Independent Safeguarding Authority factsheets: www.isa.gov.org.uk

Vetting and Barring Scheme: Frequently Asked Questions, Home Office, April 2009

Your own notes:

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Who does the scheme extend to?

- Paid workers – including full and part time staff
- Volunteers
- Including workers from overseas.

Please note this applies to your current and future workforce

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Key points:

This scheme applies to this range of staff. Important to note this includes volunteers as well as the paid workforce.

References:

The ISA www.isa.gov.org.uk

Your own notes:

Safer Recruitment and Safeguarding

Safer Recruitment

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Some further definitions from the ISA Guidance

- **Regulated Activity Provider (RAP)**
Employers and voluntary organisations are known as regulated activity providers (RAPs) for the purpose of the Scheme, and will be referred to as such. A RAP is an organisation or individual responsible for the management or control of regulated activity, paid or unpaid, and makes arrangements for people to work in that activity.

- **A Responsible Person**
In the content of controlled activity, Employers and voluntary organisations are known as 'responsible persons'.

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Key points:

These are some new descriptors as used within the ISA Guidance

Your own notes:

Safer Recruitment and Safeguarding

Safer Recruitment



A timeline for implementation: key dates

12 October 2009
This is the scheme's launch date, definitions of regulated and controlled activity come into operation. Additionally, the offence of working in regulated activity while barred comes into effect as does the offence of knowingly allowing someone to work in regulated activity while barred.

April 2010
In England and Wales, responsible persons who do not know whether a new entrant or mover into controlled activity is barred from regulated activity will have to apply to the CRB for an enhanced disclosure with a barred list check.

26 July 2010
New employees or volunteers and movers **may** apply for ISA registration

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Key points:

The Managed Phases (Taken directly from the ISA Guidance)

12 October 2009

This is the Scheme's launch date, when the definitions of regulated activity and controlled activity come into operation. Additionally, the offence of working in regulated activity while barred comes into effect as does the offence of knowingly allowing someone to work in regulated activity while barred.

From this date, RAPs will be eligible to ask for enhanced disclosures with barred list checks on anyone they are taking on in regulated activity. In Northern Ireland this eligibility will also extend to controlled activity. However a RAP or responsible person is not required to ask for an enhanced disclosure if they have no reason to believe that an existing employee is barred.

The new duties on referrals came into operation on 12 October 2009.

This means that RAPs that remove anyone from regulated activity will have a duty to refer information to the ISA in certain circumstances. A similar duty will apply to the responsible person see definition on slide 61 in relation to controlled activity. (Details of the duty to refer can be found on the ISA website)

April 2010

In England and Wales, responsible persons who do not know whether a new entrant or mover into controlled activity is barred from regulated activity will have to apply to the CRB for an enhanced disclosure with a barred list check on that individual

26 July 2010

You **may** apply for ISA registration from this date if you move into a new role, either paid or voluntary.

Safer Recruitment and Safeguarding

Safer Recruitment

DWP Department for Work and Pensions

Key dates continued


1 November 2010
The Scheme's ISA registration becomes mandatory for new workers or those moving positions into Regulated Activity.

1 April 2011
People who are already working in regulated activity and have not moved into a new role with a new RAP may apply for ISA registration. This will happen in phases.

1 January 2014
People working in controlled activity should apply for ISA registration

31 July 2015
This is the final cut-off date by which everyone working in both regulated and controlled activity must be ISA registered.

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Key points:

The Managed Phases (Taken directly from the ISA Guidance)

1 November 2010

This is the date on which the Scheme becomes mandatory for new workers or those moving position. If you move into regulated activity, paid or voluntary, with a new RAP, you **must** apply for ISA registration before starting in that role. It will be a criminal offence to work in a regulated activity role without being ISA-registered. RAPs will have a legal duty to check that potential new employees/volunteers are ISA-registered before allowing them to engage in regulated activity. RAPs that are registered bodies may facilitate ISA registration at recruitment stage, as part of their checks on potential new staff.

1 April 2011

This is the date from which people who are already working in regulated activity and have not moved into a new role with a new RAP may apply for ISA registration. This will happen in phases, usually organised by RAPs, and they will tell people when they should join.

1 January 2014

This is the date from which the Government will recommend that people working in controlled activity should apply for ISA registration.

31 July 2015

This is the final cut-off date by which everyone working in both regulated activity and controlled activity must be ISA-registered (except barred people in controlled activity, who cannot register).

If you are self-employed and already working in regulated activity, an umbrella body will be able to advise you on when to apply. A list of umbrella bodies is available from the CRB website at www.crb.gov.uk. Further guidance on registration and the application process will be made available in due course.

Safer Recruitment and Safeguarding

Safer Recruitment

DWP Department for Work and Pensions **LSIS** LEARNING AND SKILLS IMPROVEMENT SERVICE

Cost of applying to register with the ISA scheme

- Fees
 - ISA-Registration £64
 - ISA-Registration with CRB check £64
 - Enhanced CRB check only £36
 - Standard CRB check only £31
 - Volunteers Free

The fee will include the following:

- The application and registration process including ISA registration and enhanced CRB check
- Subscription to the online checking system
- The continuous updating and monitoring of an individual's status

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Key points:

ISA registration is not job specific, therefore an individual only has to register once.

CRB vs. ISA-registration checks

From Vetting and Barring Scheme: Frequently Asked Questions, Home Office, April 2009.

Enhanced CRB check

- Fee payable
- Snap shot in time
- Updates available on re-application
- Job specific
- Not easily portable

Reveals: all convictions, ISA-registration status and if barred, reasons for the bar, any local police information

Enhanced checks are for posts involving a far greater degree of contact with children or vulnerable adults. In general, the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a Teacher, Scout or Guide leader. Enhanced checks are also issued for certain statutory purposes such as gaming and lottery licences.

Enhanced checks contain the same information as Standard checks but with the addition of any locally held police force information considered relevant to the job role, by Chief Police Officer(s).

ISA-Registration check

- ISA status continuously monitored and updated
- Free and online check of ISA-registration status
- Employers notified of changes to an individual's ISA-registration
- Workforce specific

Reveals: ISA-Registration status for each workforce

Safer Recruitment and Safeguarding

Safer Recruitment

DWP Department for Work and Pensions



Staffing Impacts

- Staff **cannot refuse** to become ISA registered and still carry out regulated activity
- If an existing member of staff is **barred they must be moved** from regulated activity immediately
- But **unsubstantiated or malicious allegations** won't be enough to get a member of staff barred
- Individuals may make **representations** against being barred in most circumstances.

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Your own notes:

Safer Recruitment and Safeguarding

Safer Recruitment

DWP Department for Work and Pensions

LSIS LEARNING AND SKILLS IMPROVEMENT SERVICE

Some examples taken from the ISA Guidance document October 2009

Michaela works for a voluntary organisation and holds regular meetings offering advice and guidance to vulnerable adults with mental health conditions. Michaela is engaging in regulated activity

Mr D is a caretaker in a further education college. He is not a member of the teaching staff but his job in the college brings him into contact with children on a frequent basis. Therefore he is engaging in controlled activity

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References:

Some examples taken directly from the ISA Guidance October 2009 .

Your own notes:

Safer Recruitment and Safeguarding

Safer Recruitment



Activity

Within your organisation, who has contact with your participants?

Within your organisation, who has contact with vulnerable adults?

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Activity Notes:

1. In groups identify all those who are in scope in terms of contact with your participants and in particular vulnerable adults; specify roles and record each one on a post-it note.
2. Identify from your list those who have a high level of contact and those who have a lower level of contact – sort your post-its into these groupings.
3. Be prepared to provide feedback on your results so as to create a picture for the whole group.

References:

Safeguarding Vulnerable Groups (SVG) Act 2006 Chapter 47
Independent Safeguarding Authority factsheets: www.isa.gov.org.uk

Your own notes:

Safer Recruitment and Safeguarding

Safer Recruitment

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

A Framework for Safer Management/Recruitment

- Employer responsibilities
- Staff roles – existing and new staff
- Effective recruitment practices and procedures
- Getting the message right
- Ongoing management.

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Your own notes:

Safer Recruitment and Safeguarding

Safer Recruitment

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Activity

Mapping recruitment processes and making them safer

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Key points:

It is important to recognise the significance of planning in order to ensure that all recruitment practices and processes are robust, fair and safe.

Activity Notes:

2a) Groups to identify and record the recruitment and selection processes. This should be from the point a vacancy occurs or a decision is made to create a new post through to a period of time after the individual takes up the post. Record each process onto post its. Once complete add all processes onto one main map and in the order of delivery.

2b) As a whole group discuss the map and get participants to highlight those processes crucial to the safeguarding agenda



2c) Using handout seven, firstly check all processes on the handout have been included on your map.

Then personally complete the sheet and together identify ways in which different processes can be made 'safer'. Please note that this checklist can then be used back within your own organisation.

Your own notes:

Safer Recruitment and Safeguarding

Safer Recruitment



Features of Safer Recruitment (1)

- Define if the role is Regulated or Controlled Activity
- Planning and structuring the process
- Statement of organisation's commitment and applicants' responsibilities to safeguarding included in:
 - Adverts
 - Application forms including the opportunity for people to disclose information (not use of CVs only)
 - Job, role and specifications
 - References (see Appendix 1)

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Slide 42

Key points:

Many of you will have the following elements in place but in the light of safer recruitment it is always helpful just to review processes and see if any do need to be strengthened.

As you are aware, it is important to have a well planned and structured recruitment process. Having this in place will give you the best possible chance for recruiting the best person for the role. It will also ensure that information important in determining if someone is 'safe' to work with participants is not overlooked.

Key aspects that need to be recognised are:

- The importance of planning and preparation
- The need to allocate appropriate resources and time to each stage of the process
- An understanding of the time it takes to recruit someone
- The organisations commitment to safeguarding should come through at all stages and clear messages relating to this offered to the applicants at all stages
- A statement of commitment to safeguarding should be included in ALL adverts
- Seek information about criminal history, and use it appropriately
- References should be written and it is recommended that a proforma is used



References:

Examples of the following documents are included in Appendix 1:

- Adverts
- Reference request proforma

Safer Recruitment and Safeguarding

Safer Recruitment



Features of Safer Recruitment (2)

- Selection process should include face to face activity
- Use of robust questioning techniques to include those that cover safeguarding issues
- Seek information about criminal history
- Use of vetting checks - but do not assume this is enough
- Appointment subject to ISA registration, CRB check and satisfactory references
- Ensure an ongoing culture of vigilance across the organisation

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Key points:

- At a minimum, the selection process should include a face to face interview
- If possible obtain references before the interview
- Undertake the appropriate vetting checks (including ISA registration)
- Any appointment should be made subject to a CRB check

Please note that there are 2 levels of CRB checking; standard and enhanced.

Standard CRB checks include:

Convictions, Cautions, Reprimands and Warnings held in England and Wales on the Police National Computer, the most of the relevant convictions in Scotland and Northern Ireland may also be included; and if the position involves working with children or vulnerable adults, in the sectors or areas which are able to access them, and the relevant boxes have been marked on the application form, in Section Y (Y3 or Y4), to indicate this:

Information from the Protection of Children Act List (PoCA);

Information from the Protection of Vulnerable Adults List (PoVA); and

Information held by the Department for Children, Schools and Families (DCSF) under Section 142 of the Education Act 2002 of those considered unsuitable for, or banned from working with children.

Enhanced CRB checks include:

Enhanced checks contain the same information as standard checks but with the addition of any locally held police force information considered relevant to the job role, by Chief Police Officer(s).

The level of CRB check must be justified in the individual's job role that they are given an enhanced CRB check due to their contact with young people or vulnerable adults. This will be explored further later in the workshop.

Corporate risk assessment refers to analysing the possible risks to organisations and the measures taken to minimise these. Also, thought must be given to the legal implications to an organisation if they have not done everything reasonable to minimise this risk.

Safer Recruitment and Safeguarding

Safer Recruitment

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

The Employer's Duties

Employers must:

- Check that a prospective employee in regulated activity or controlled activity is registered on the ISA Scheme
- Not engage a barred person (checking ISA List) or a person who is not a member of the scheme in regulated activity
- Not employ a barred person in controlled activity without tough safeguards in place
- Refer individuals that have harmed or may harm a young person or vulnerable adult to the ISA.

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Key points:

Please note that the term 'employers' refers to both employers and managers of volunteers. The term 'employees' refers to both those who execute paid and unpaid (volunteer) work activities.

References:

Safeguarding Vulnerable Groups (SVG) Act 2006 Chapter 47
Independent Safeguarding Authority factsheets: www.isa-gov.org.uk

Your own notes:

Safer Recruitment and Safeguarding

DWP Department for
Work and Pensions



The Employer's Duties

The Duty to Refer:

- Employers, professional and regulatory bodies, and child/adult protection teams in Local Authorities **must** refer information to the ISA in certain circumstances
- In other circumstances, employers **may** refer information regarding an individual's conduct to the ISA
- Both **parents and private employers** should go to a statutory agency who can investigate and refer if appropriate (e.g. social services or the police)
- The **Independent Safeguarding Authority** will inform professional/regulatory bodies if it bars someone, so that their professional registration can also be reviewed
- "From **12 October 2009**, if you remove someone you employ or for whom you are responsible, from regulated or controlled activity, or if they leave while under investigation for allegedly causing harm or posing a risk of harm, you are legally obliged to refer this information to the ISA."

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References:

ISA Referral Guidance www.isa-gov.org.uk

The Vetting and Barring Scheme and the Independent Safeguarding Authority, Home Office, May 2009

The Duty to Refer came in from the 12th October 2009. It is important that all organisations check the Referral Guidance and in addition seek local knowledge of referral processes e.g requirements of Local Safeguarding Boards. Contacts for Local Safeguarding Boards can be found on the Every Child matters website www.everychildmatters.org.uk

Your own notes:

Safer Recruitment and Safeguarding

Development and Support

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Recruitment

- Organisations need to audit own provision
- Identify areas for improvement
- Action plan
- Improve!
- May need support from others.

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Key points:

It is important to take responsibility for conducting an audit of your own provision for safeguarding and safer recruitment. As a result action plans should be developed so as to take forward this development.

References:

Handout seven: 'Reviewing the Processes'.

Your own notes:

Safer Recruitment and Safeguarding

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Developing a Whole-Organisation Approach

4/

Slide 47

Your own notes:

Safer Recruitment and Safeguarding

A Whole-Organisation Approach



Slide 48

Key points:

As identified earlier the key question you need to take forward from this workshop is how your organisation is going to respond to the need for a whole organisational approach to safeguarding.

Your own notes:

Safer Recruitment and Safeguarding

A Whole-Organisation Approach

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Essential Elements

- Leadership from senior teams
- Embedding within strategic policy and practice
- Lines of accountability internally - Designated Person (DP)
- Clearly define regulated and controlled activity within the organisation
- Recruitment procedures including 'appropriate checks'
- Procedures for dealing with allegations against staff and volunteers.

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References:

In 2000, the Government published a national framework, *No Secrets*, so that local councils with social services responsibilities, local NHS bodies, local police forces and other partners could develop local multi-agency codes of practice to help prevent and tackle abuse.

Consultation on the revised guidance is available here:

http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_089098

Your own notes:

Safer Recruitment and Safeguarding

A Whole-Organisation Approach

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Continued...

- Staff/ volunteers undertaking regular training, refreshers, and awareness of policies
- Specific policy documents around participants' welfare and protection
- Contracting and protocol arrangements to work with others
- Culture of listening to and engaging with participants
- Whistle-blowing procedures.

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Your own notes:

Safer Recruitment and Safeguarding

A Whole-Organisation Approach

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Activity

- In pairs, half the group list all policies and procedures in your organisation which relate to safeguarding of participants
- The other half list all training which should be provided by your organisation where at least an element of safeguarding should be included.

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Activity notes:



Half of the pairs will list all of their policies and procedures which have a relevance to safeguarding.

The other half will list all training which focuses on safeguarding or contains an element of safeguarding that should be available to either some or all staff, volunteers etc in their organisation.

Your own notes:

Safer Recruitment and Safeguarding

Developing and Implementing Safeguarding Practice



Policies and Procedures

- Safeguarding and Safer Recruitment
- Equality and Diversity
- Health and Safety
- Learning and Development
- Anti-bullying
- Whistle-blowing
- Acceptable use of technology
- Staff Code of Conduct
- Volunteering.

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Key points:

It is important that safeguarding and safeguarding practice becomes an integral part of an organisation's daily activity. It should be given consideration at all stages of organisational development.

Your own notes:

Safer Recruitment and Safeguarding

Developing and Implementing Safeguarding Practice

DWP Department for
Work and Pensions



Training and Awareness Raising

- Induction for all staff (part-time, full-time and contractors), board members and volunteers to include an element of safeguarding awareness
- Basic awareness training for all, refreshed regularly
- Discussion at team meetings
- Specialist training for the designated safeguarding person/s
- Ensuring all-staff have awareness of Designated Person and procedures for raising issues or concerns
- Information disseminated using wide range of methods e.g. intranet, briefings, newsletters etc

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Your own notes:

Safer Recruitment and Safeguarding

Roles and Responsibilities

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

The Role of the Designated Person

- Promote positive safeguarding procedures and practice
- Receive information and offer advice about safeguarding concerns, maintain secure records and take appropriate action
- To be familiar with national and local safeguarding guidance and referral procedures
- Assess the development needs of staff and co-ordinate training
- Keep all staff and volunteers informed of good practice and development
- Monitor safeguarding cases in the organisation.

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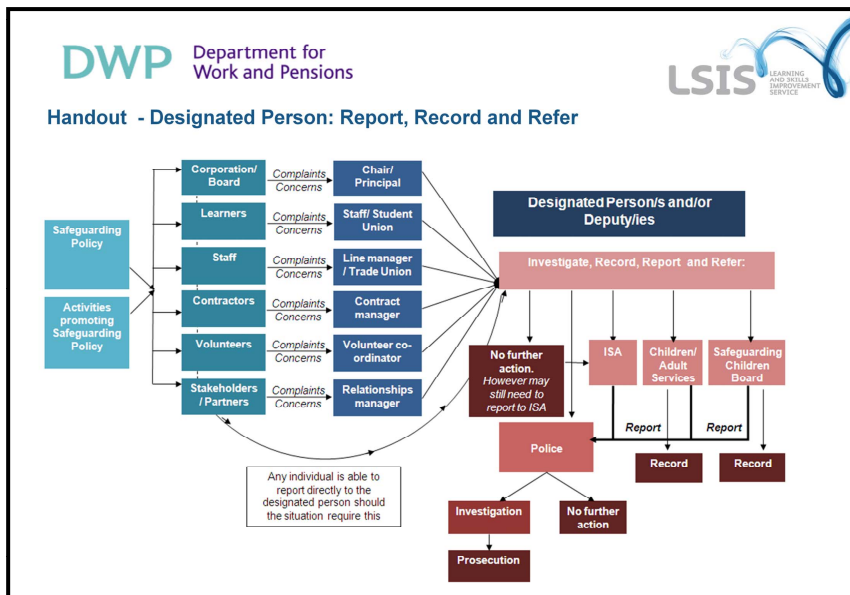
Slide 54

Key points:

Please see handout eight for a role description of the designated person. This is a generic role description which you may want to adapt to make it relevant in your organisation.

Your own notes:

Safer Recruitment and Safeguarding



Key points:

This diagram illustrates how the flow of information should work across your organisation. It also draws attention to the types of external agencies that the Designated Officer may refer on to – this includes the ISA.

Please note this diagram includes all of the options and you should reflect and refine this model to suit your own organisation's practice. It is also important to identify who the local external contacts are for referral and what their required processes are e.g. Local Safeguarding Boards.

Guidance on the referral process can be found on the ISA website

www.isa-gov.org.uk

Your own notes:

Safer Recruitment and Safeguarding

Roles and Responsibilities

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Everyone's Responsibilities

The 5 Rs

Recognise
Respond
Report
Record
Refer

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Slide 56

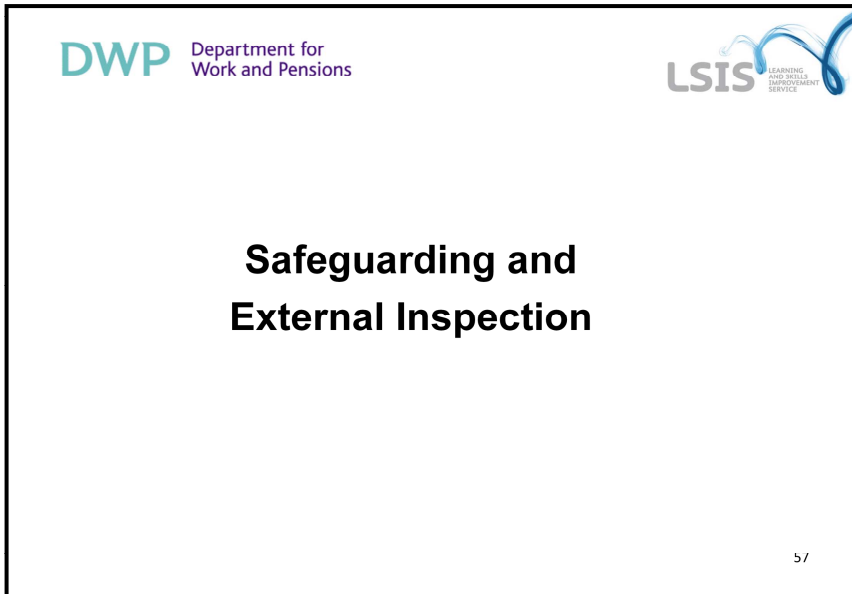
Key points:

Recognise is the first responsibility of everyone working with young people and vulnerable adults. This refers to how we recognise potential signs of abuse or how it could be made apparent to us, i.e. through a disclosure, allegation, our own concerns about a child or vulnerable adult or through whistle-blowing (concerns about another adult's practice).

Your own notes:

Safer Recruitment and Safeguarding

External Requirements



DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Safeguarding and External Inspection

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Your own notes:

Safer Recruitment and Safeguarding

External Requirements

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

External inspection will look at:

- Whether there is an awareness of safeguarding across the organisation including staff and participants
- Whether providers have safeguarding systems in place and are critically looking at existing practices
- Whether providers have looked at their policies to include safeguarding
- Whether providers have made decisions around ISA/CRB checks and who should be included in these.

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Key points:


Your approaches to safeguarding will be considered at external inspection. Inspectors will be looking for evidence of a whole organisation approach to safeguarding policy and practice.

It is important to make use of Appendix 3 – the Safer Recruitment and Safeguarding Audit Tool. This includes key elements that Ofsted will consider in external inspections.

Your own notes:

Safer Recruitment and Safeguarding

External Requirements

DWP Department for Work and Pensions 

External inspection continued.....

- Whether there is staff training on safeguarding to ensure all understand the requirements and duties to safeguard all participants including vulnerable adults
- Whether the provider knows about the requirements on vetting and barring
- Whether the organisation is proactive and taking the right steps
- Whether the organisation has links with the local safeguarding board LSB (for details of LSB's www.everychildmatters.gov.uk/lscb).

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Key points:

Your approaches to safeguarding will be considered at external inspection. Inspectors will be looking for evidence of a whole organisation approach to safeguarding policy and practice.

For further information in relation to Safeguarding Boards visit www.everychildmatters.gov.uk/lscb

It is important to make use of Appendix 3 – the Safer Recruitment and Safeguarding Audit Tool. This includes key elements Ofsted will consider in external inspections.

Your own notes:

Safer Recruitment and Safeguarding

External Requirements

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

The overall impact of not taking action

- Participants in your care may be abused
- Participants may not receive proper care, education and training
- Emotional impact for members of staff in the organisation
- Emotional and economic impact of suspension, resignation or dismissal
- Damage to your organisation's reputation and viability
- Impact on external inspection grades
- PROSECUTION.

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Slide 60

Key points:

Now is the time to review and act. It is recommended that you use the LSIS audit tools to complete a review of where your organisation is in relation to the new legislation and inspection requirements and develop a robust action plan for ensuring that all requirements are implemented.

Your own notes:

Safer Recruitment and Safeguarding

In Summary

- We owe it to all participants and staff to keep them as safe as we can
- It is not just good practice, but essential, to have policies, procedures and practice in place.

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Slide 61

Key points:

Reflect on the session and give feedback on any observations or points of view. It is important to reaffirm the importance of your own responsibilities and commitment to safeguarding and safer recruitment.

Your own notes:

Safer Recruitment and Safeguarding

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Development and Support

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Your own notes:

Safer Recruitment and Safeguarding

Development and Support

DWP Department for Work and Pensions **LSIS** LEARNING AND SKILL DEVELOPMENT SERVICE

Information and Support for Participants and Staff

- It is important to note that all incidents must be reported and that some participants and/or staff may need specific support linked to different issues
- This workbook contains suggestions of organisations that can support vulnerable participants and young people and adults generally (see Appendix 2)
- You may know of local support agencies as well.

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Key points:

In working through this workshop the content may have stimulated personal issues. In addition if you do become involved in a safeguarding incident this can also create issues for you. It is important that you have a clear understanding of where to access information and support. This is all included within the delegate workbook (see Appendix 2). Organisations may also add their own sources either as developed within their organisation or as part of a local service e.g. Local Safeguarding Boards. The final support document is an audit tool. This has been adapted from the NIACE audit tool (*Safer Practice Safer Learning*) and is designed for organisations to use in order to review and then continually develop and improve their own approach to safeguarding and safer recruitment.

References:

ISA Website <http://www.isa.gov.uk>
CRB Website <http://www.crb.gov.uk>

Your own notes:

Safer Recruitment and Safeguarding

Development and Support

DWP Department for Work and Pensions



Information and Support for Organisations

- You may wish to refer to specific local or national organisations that have specialist knowledge about safeguarding and safer recruitment
- Your workbook contains suggestions of organisations that can support DWP providers (see Appendix 2)
- Your workbook contains an audit tool for you to use in the development of your own approach to safeguarding (see Appendix 3).

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Your own notes:

Safer Recruitment and Safeguarding

Development and Support

The screenshot shows the DWP Department for Work and Pensions E-learning Resource for Safeguarding and Safer Recruitment. The page features a navigation menu with 'Home', 'Module 1', 'Module 2', 'Module 3', 'Module 4', and 'Assessment'. A 'Welcome to Safeguarding and Safer Recruitment' section provides an overview of the materials. A 'Modules' section lists six modules with their current status: 1. Introduction and context (In progress), 2. Safer organisations - an ongoing culture of vigilance (In progress), 3. Safer recruitment (In progress), 4. Support and development (In progress), 5. Assessment (In progress), and 6. Test Module (Not started). A 'Personal support' button is visible at the bottom left.

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Key points:

This resource is available should you wish to access. Please note it was developed for the Further Education Sector and therefore examples within this are specifically relevant to them, however a significant amount of the content will certainly enhance and underpin this workshop. Where requested individual log-ins will be provided by LSIS on safeguarding@lsis.org.uk. The e-Learning resource is located on the LSIS Virtual Learning Environment (VLE) Web address www.leadershiplearning.org.uk. On the top right hand side of the screen, enter your individual user name and password. This will open up the 'My Courses' page. Click on the Safeguarding Resource to begin.

Your own notes:

Safer Recruitment and Safeguarding

Development and Support

DWP Department for Work and Pensions



Assessment

- Available via the LSIS Virtual Learning Environment (VLE) as part of the e-learning resource at www.leadershiplearning.org.uk
- Multiple choice
- Range of questions
- Testing understanding and knowledge
- Certificate if successful score achieved

Please note that this has been developed for FE but you are welcome to use it if you feel it might be helpful

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Slide 66

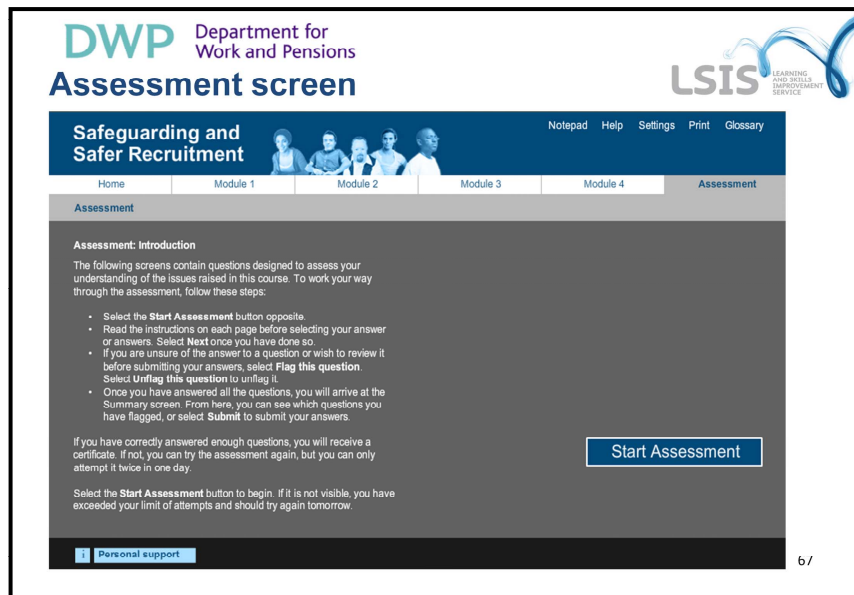
Key points:

You can also complete the online assessment. Upon successful completion this will then be recorded and you will be able to download a certificate. This will be an important record of your achievements and can be included as part of your own CV. It is going to become increasingly likely that your knowledge of and experience relating to safeguarding and safer recruitment will feature as part of any future job applications.

Your own notes:

Safer Recruitment and Safeguarding

Development and Support



The screenshot shows the 'Assessment screen' for 'Safeguarding and Safer Recruitment' on the DWP website. The page header includes the DWP logo and 'Department for Work and Pensions', and the LSIS logo with 'LEARNING AND SKILL DEVELOPMENT SERVICE'. The main content area is titled 'Assessment: Introduction' and contains the following text:

Assessment: Introduction

The following screens contain questions designed to assess your understanding of the issues raised in this course. To work your way through the assessment, follow these steps:

- Select the **Start Assessment** button opposite.
- Read the instructions on each page before selecting your answer or answers. Select **Next** once you have done so.
- If you are unsure of the answer to a question or wish to review it before submitting your answers, select **Flag this question**. Select **Unflag this question** to unflag it.
- Once you have answered all the questions, you will arrive at the Summary screen. From here, you can see which questions you have flagged, or select **Submit** to submit your answers.

If you have correctly answered enough questions, you will receive a certificate. If not, you can try the assessment again, but you can only attempt it twice in one day.

Select the **Start Assessment** button to begin. If it is not visible, you have exceeded your limit of attempts and should try again tomorrow.

A 'Start Assessment' button is visible in the bottom right of the main content area. A 'Personal support' link is in the bottom left. The page number '67' is in the bottom right corner.

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Your own notes:

Safer Recruitment and Safeguarding

DWP Department for
Work and Pensions



Excellence Gateway

<http://www.excellencegateway.org.uk/>

- Click 'Register here'
- Follow registration instructions
- Once you have registered, log on to the website
- Click on 'Resources'
- Select 'Learner's Journey' tab (this should be the default)
- In the search box, type 'DWP Safeguarding' and click 'Go'
- All handouts will appear for you to download

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Your own notes:

Safer Recruitment and Safeguarding

Review of the Workshop

DWP Department for Work and Pensions



Revisiting the Workshop Objectives

- To introduce the legislation and policy that has informed the wider safeguarding agenda
- To identify the importance of creating a whole organisation approach towards safeguarding
- To raise awareness of the new Independent Safeguarding Authority (ISA) and its implications.

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Your own notes:

Safer Recruitment and Safeguarding

Review of the Workshop

DWP Department for Work and Pensions

LSIS LEARNING AND SKILL DEVELOPMENT SERVICE

Continued...

- To raise awareness of the Vetting and Barring scheme and its impact on your organisation
- To raise awareness of the external inspection evaluation requirements relating to safeguarding.

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Your own notes:

Safer Recruitment and Safeguarding

DWP Department for
Work and Pensions



Contact Details

Learning and Skills Improvement Service

Coventry Office

Friars House

Manor House Drive

Coventry

CV1 2TE

Enquiries: 0870 060 3278

dwpsafeguarding@lsis.org.uk

/1

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Your own notes:

Appendix 1

Recruitment Proformas Request for References

References

Please give details of two people, one of whom must be your present or most recent employer (or tutor in the case of a student) from whom confidential references may be requested. If these people know you by a different name from the one you have given at the beginning of this application, please give that name below. References will be taken up before an offer of employment is made, and in certain circumstances a reference may be requested from any of your previous employers.

Please place an 'X' in the box if you do not wish us to contact this person before you come for interview.

1) Name

Address

Telephone Number

Relationship to you

2) Name

Address

Telephone Number

Relationship to you

Appendix 1

Recruitment Proformas Request for References

Request for reference to a person or employer with no experience of applicant's work with young people or vulnerable adults

Dear [name of referee]

Refs [name of applicant] – application for the post of [job title]

I am writing to seek a reference in respect of [name of applicant], who has applied for the post of [job title] at [name of organisation].

I am enclosing a copy of the job description and the person specification for the post, and I shall be grateful for your views on [name of applicant]'s suitability for this position. Please indicate your knowledge of his or her qualifications and how he or she meets the requirements of the person specification.

(where appropriate) [Name of applicant] states that he or she is currently employed by [name of current employer] as [current job title] with responsibility for [responsibilities] and during his or employment with [name of current employer] has also gained experience in [experience]. I shall be grateful if you will let me know whether those statements are accurate along with details of [name of applicant]'s current salary, and details of any absences from work due to illness in the last two years.

Please also state whether [name of applicant]'s performance of his or her duties whilst in your employment has been satisfactory. If [name of applicant]'s performance has not been satisfactory in all respects please provide details of the areas needing improvement and any remedial action taken.

As [name of applicant] is applying for a post that involves working with young people and/or vulnerable adults, please state whether you know of any reason why he or she might be considered unsuitable to work with young people and/or vulnerable adults or whether you have any concern about his or her suitability for such work. If you do know of any reason of concern, please give details. Finally, please say how long you have known [name of applicant] and in what capacity.

I shall be grateful if you will let me have your reply by [date] to help us avoid delaying the selection process.

Your sincerely/faithfully,

Appendix 1

Recruitment Proformas Request for References

Request for reference to an employer with experience of applicant's work with young people or vulnerable adults

Dear [name of referee]

Refs [name of applicant] – application for the post of [job title]

I am writing to seek a reference in respect of [name of applicant], who has applied for the post of [job title] at [name of organisation].

I am enclosing a copy of the job description and the person specification for the post, and I shall be grateful for your views on [name of applicant]'s suitability for this position. Please indicate your knowledge of his or her qualifications and how he or she meets the requirements of the person specification.

(where referee is current employer)

[Name of applicant] states that he or she is currently employed by [name of current employer] as [current job title] with responsibility for [responsibilities] and during his or her employment with [name of current employer] has also gained experience in [experience]. I shall be grateful if you will let me know whether those statements are accurate along with details of [name of applicant]'s current salary, and details of any absences from work due to illness in the last two years.

Please also state whether [name of applicant]'s performance of his or her duties whilst in your employment has been satisfactory. If [name of applicant]'s performance has not been satisfactory in all respects please provide details of the areas needing improvement and any remedial action taken.

(where referee is a previous employer)

[Name of applicant] states that he or she was employed by [name of previous employer] as [previous job title] with responsibility for [responsibilities] between [date started] and [date finished]. During his or her employment with [name of previous employer], he or she also gained experience in [experience]. I shall be grateful if you will let me know whether those statements are accurate and whether [name of applicant]'s performance of his or her duties while in your employment was satisfactory. If [name of applicant]'s performance was not satisfactory in all respects please provide details of the areas needing improvement and any remedial action taken.

As [name of applicant] is applying for a post that involves working with young people and/or vulnerable adults, please state whether you know of any reason why he or she might be considered unsuitable to work with young people and/or vulnerable adults or whether you have any concern about his or her suitability for such work. If you do know of any reason of concern, please provide further details.

Please state whether [name of applicant] has been the subject of any allegations

Appendix 1

Recruitment Proformas Request for References

relating to children. If so, please also state the nature and date(s) of the allegations, by whom they were investigated, what conclusion was reached, and what action was taken as a result of the allegations.

Finally, please say how long you have known [name of applicant] and in what capacity. I shall be grateful if you will let me have your reply by [date] to help us avoid delaying the selection process.

Your sincerely/faithfully,

Appendix 2

Support for Vulnerable Participants

Support needed for:	The organisation or website:	Where can you find it:
Adult survivors of sexual abuse	<p>AEST 60+ support forums for survivors of abuse, multiple chat rooms and information for survivors of childhood and adult sexual abuse or rape; for both female and male sexual abuse survivors from the UK and around the world. Also related subjects such as date rape, male rape, panic attack, eating disorders, self harm, and inner child work.</p>	<p>Website: www.aest.org.uk</p>
Bullying	<p>Bullying UK The UK's top anti-bullying charity website, offering information and advice to victims and their families.</p>	<p>Website: www.bullying.co.uk/ Email: help@bullying.co.uk</p>
Personal safety	<p>Suzy Lamplugh Trust Promoting personal safety for all. They work for the benefit of everyone in society – irrespective of gender, age or background. Their mission is to raise awareness of the importance of personal safety and to provide solutions that effect change in order to help people to avoid violence and aggression and live safer, more confident lives.</p>	<p>Website: www.suzylamplugh.org Telephone: 020 7091 0014 Email: info@suzylamplugh.org</p>
Elder abuse	<p>Action on Elder Abuse Action on Elder Abuse (AEA) works to protect, and prevent the abuse of, vulnerable older adults.</p>	<p>Website: www.elderabuse.org.uk</p>
Domestic abuse	<p>The National Centre for Domestic Violence Specializes in helping victims of domestic violence obtain non-molestation and other orders (injunctions) from court to protect them from further abuse.</p>	<p>Website: www.ncdv.org.uk/ Telephone: 0800 970 2070 Email: office@ncdv.org.uk</p>
Relationship problems	<p>Relate Relate is the biggest organisation specialising in relationship counselling and support in the United Kingdom.</p>	<p>Website: www.relate.org.uk Telephone: 0845 456 1310 or 01788 573241 Email: enquiries@relate.org.uk</p>

Warning: Information is subject to change and can only be guaranteed accurate at time of print.

Appendix 2

Support for Vulnerable Participants

Support needed for:	The organisation or website:	Where can you find it:
Mental health	<p>Mind Mind is perhaps the most well-known mental health charity organisation throughout England and Wales who work to improve quality of life for those with mental health difficulties.</p> <p>Cruse Bereavement Care Cruse is an extremely well known charity that focuses on helping those who have suffered a loss.</p>	<p>Website: www.mind.org.uk Telephone: 020 8519 2122 or 0845 766 0163 Email: contact@mind.org.uk</p> <p>Website: www.cruse.org.uk Helpline: 0844 477 9400 Email: info@cruse.org.uk or helpline@cruse.org.uk Young Person's Free Helpline: 0808 808 1677</p>
Carers	<p>The Princess Royal Trust for Carers A source of support for people caring at home for family members or friends with disabilities and chronic illnesses. This trust is the largest provider of comprehensive carers support services in the UK, providing quality information, advice and support services to almost 354000 carers. There is information through interactive websites, advice and access to support groups.</p>	<p>Website: www.carers.org Email: info@carers.org</p>
EASY READ Learning difficulties + crime / abuse	<p>Respond UK Their website is available in an easy read format including pictures and scenarios created by people with learning disabilities. They support people with learning disabilities their families, carers and professionals affected by trauma and abuse. They provide their services to both victims and perpetrators who have learning disabilities of sexual abuse and those who have been affected by other trauma.</p> <p>There are many resources out there specific to a particular vulnerability that someone may have. The internet is a good place to search for these sources of support. A few more examples have been given to the right.</p>	<p>Website: www.respond.org.uk/easy_read.html Helpline: 0808 808 0700</p>
Others		<p>Deafblind support: www.sense.org.uk National autistic society: www.nas.org.uk</p>

Warning: Information is subject to change and can only be guaranteed accurate at time of print.

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIAACE

Key: ✓ We do this effectively X We do not do this effectively ? Not sure whether we do this or it needs improving

Theme	To what extent do we or have we:	Rating ✓ X ?	What does it look like in practice?	Action we need to take
Accountability, roles and responsibility	<ul style="list-style-type: none"> Allocated senior management responsibility for safeguarding 			
	<ul style="list-style-type: none"> Allocated responsibility for safeguarding at governors/board/trustee level 			
	<ul style="list-style-type: none"> Appointed a Designated Person/people with responsibility for safeguarding 			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

	<ul style="list-style-type: none"> • Ensure widespread understanding of who has responsibility for each stage of safer recruitment and safeguarding 			
Rights and values	<ul style="list-style-type: none"> • Produced a clear statement of corporate values relating to freedom from abuse and harm 			
	<ul style="list-style-type: none"> • Reflected these values in learner and staff codes of conduct 			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIAACE

<p>Policy and procedures</p>	<ul style="list-style-type: none"> • Ensure all staff and learners understand their specific responsibilities in relation to safeguarding 			
	<ul style="list-style-type: none"> • Ensured a clear linkage between safer recruitment, safeguarding and equality and diversity 			
	<ul style="list-style-type: none"> • Developed a widely accessible and understood policy for safer recruitment and safeguarding learners that is regularly reviewed and improved 			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIAACE

	<ul style="list-style-type: none"> Developed a policy that takes a whole-organisation approach 			
	<ul style="list-style-type: none"> Ensured clear linkage with other relevant policies, including equality & diversity, IT protocols, HR, anti-bullying/harassment, discipline etc 			
	<ul style="list-style-type: none"> Established a policy that clearly states zero tolerance of abuse and other harmful behaviour 			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

<ul style="list-style-type: none"> Established an easy to use procedure for reporting breaches of policy and causes for concern 			
<ul style="list-style-type: none"> Measure the impact policy of the policy 			
<ul style="list-style-type: none"> Ensured the scope of the policy includes permanent and established, full time and fractional, academic and support staff, volunteers and partners 			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

	<ul style="list-style-type: none">• Ensured that the policy covers all work of the learning provider, including recruitment, learning, work experience and placements			
<ul style="list-style-type: none">• Developed a policy and approach that ensures the availability of appropriate support for those who have been abused				

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

	<ul style="list-style-type: none">• Review all existing policies and procedures to identify which of them require amending and strengthening to take safeguarding into account			
	<ul style="list-style-type: none">• Establish a review cycle for safeguarding policies and procedures to enable their effectiveness to be assessed and changes made where necessary			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

Learner involvement	<ul style="list-style-type: none"> Consult and involve learners in the development of safeguarding policy and procedures 		
	<ul style="list-style-type: none"> Consult and involve learners in the development and design of promotional materials on safeguarding 		

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

	<ul style="list-style-type: none"> • Develop methods for engaging learners with the development and implementation of safeguarding policy and practice, eg through student conferences, the student union or association, learner voice etc 		
<p>Safer recruitment of staff and volunteers</p>	<ul style="list-style-type: none"> • Reviewed and improved all recruitment procedures to ensure safer recruitment 		

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

	<ul style="list-style-type: none"> • Ensure arrangements are in place to check and manage ISA registration of staff and volunteers 			
	<ul style="list-style-type: none"> • Ensure procedures and contractual terms of employment are in place to support the termination of employment or the moving into controlled activity with stringent supervision, any member of staff or volunteer who becomes barred 			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

	<ul style="list-style-type: none"> • Use safer recruitment procedures when recruiting all staff including volunteers, support staff and peripatetic staff 			
	<ul style="list-style-type: none"> • Provide training on safer recruitment for all HR staff 			
	<ul style="list-style-type: none"> • Provide training on safer recruitment for all staff involved in making staff appointments 			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

<ul style="list-style-type: none">• Make available refresher training on safer recruitment to all staff involved in making staff appointments			
<ul style="list-style-type: none">• Include reference to importance of safeguarding culture in all job descriptions and person specifications			
<ul style="list-style-type: none">• Ensure that safeguarding issues are tested at interview			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool


Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIAACE

Staff involvement and development	<ul style="list-style-type: none"> Consult and involve staff in the development of safeguarding policy and procedures 			
	<ul style="list-style-type: none"> Include safeguarding in induction training for all 			
	<ul style="list-style-type: none"> Ensure all staff have training in safeguarding including senior managers, support staff, contractors and volunteers 			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

	<ul style="list-style-type: none">• Provide specialist training for all those that need it			
	<ul style="list-style-type: none">• Train all governors/board members/trustees			
	<ul style="list-style-type: none">• Provide refresher training for all on safeguarding			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

	<ul style="list-style-type: none">• Develop methods of engaging staff with the development and implementation of safeguarding policy and practice, e.g. through trade unions, staff conferences, dedicated pages on the intranet, etc			
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Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

<ul style="list-style-type: none">Review all existing training to identify where elements of safeguarding need to be embedded			
<ul style="list-style-type: none">Review the effectiveness of safeguarding training by developing detailed evaluation and linking evaluation to impact assessment			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

<p>Curriculum</p>	<ul style="list-style-type: none"> • Ensure that induction for all learners, including part time learners, covers safeguarding 			
	<ul style="list-style-type: none"> • Embedded safeguarding, including the rights and responsibilities of learners, into the curriculum for all learners for example in tutorial and enrichment programmes 			
<p>Partnership</p>	<ul style="list-style-type: none"> • Work with local Safeguarding Children Boards or Safeguarding Adult Boards 			

Appendix 3

Safer Recruitment and Safeguarding Audit Tool

Adapted from A quality framework for protecting vulnerable adults from abuse and neglect in 'Safer practice, safer learning' by NIACE

<ul style="list-style-type: none">• Identified all potential relevant partnerships and considered safeguarding issues			
<ul style="list-style-type: none">• Work collaboratively with neighbouring learning providers			
<ul style="list-style-type: none">• Work with local organisations that can provide advice and support on safeguarding issues			

Reference List

Publications and resources

1. CIPD (Chartered Institute of Personnel and Development): www.cipd.co.uk
2. Criminal Records Bureau: www.crb.gov.uk
3. DCSF (Department for Children, Schools and Families)
 - Child protection website: www.teachernet.gov.uk/childprotection
 - School governors website: www.governornet.co.uk
 - 'Physical and mental fitness to teach of teachers and entrants to initial teacher training', DfEE Circular 4/99:
www.dfes.gov.uk/publications/guidanceonthelaw/6_99/circa148.htm
 - 'Staffing guidance under Sections 35(8) and 36(8) of the Education Act 2002': www.governornet.co.uk/linkAttachments/New%20Staffing%20Guidance.pdf
4. DfES, 2006, *A Self-Review Tool for Safeguarding and Child Protection in Schools*: www.teachernet.gov.uk/docbank/index.cfm?id=8455
5. DIUS (Department for Innovation, Universities & Skills)
[Safeguarding Good Scientific Practice](http://www.dius.gov.uk/press/safeguarding-statement.html)
... work with our partners to meet these challenges." Search: You are here: Home **Safeguarding** Good Scientific Practice A joint statement by the Director General of the Research Councils and the ... *Department for Innovation, Universities and Skills (DIUS)*,
<http://www.dius.gov.uk/press/safeguarding-statement.html>
6. [DIUS : Learning & Skills](http://www.dius.gov.uk/press/safeguarding-statement.html)
... reminds colleges that new guidance **Safeguarding** Children and Safer Recruitment in ... The **Safeguarding** Vulnerable Groups Act 2006 will ... New guidance entitled **Safeguarding** Children and Safer Recruitment in ...
<http://www.dcsf.gov.uk/learning&skills/news.shtml>
7. Every Child Matters: www.everychildmatters.gov.uk
8. Office for Standards in Education: www.ofsted.gov.uk
9. National Association for the Care and Resettlement of Offenders, 'Recruiting ex-offenders: The employers' perspective':
www.nacro.org.uk/publications/prisreset.htm#exoffenders
10. "Working Together To Safeguard Children" published in April 2006
www.everychildmatters.gov.uk/resources-and-practice/IG00060/
"Safeguarding Children and Safer Recruitment in Education" published by DCSF in November 2006 www.everychildmatters.gov.uk/search/IG00175/
11. Volunteering England are producing resources to support FE organizations around safeguarding and volunteering. www.volunteering.org.uk
12. Further information on eligibility to work in the UK is available on the UK Border Agency website at: www.ukba.homeoffice.gov.uk
13. ISA Guidance October 2009 www.isa.gov.org.uk

Reference List

14. Detailed information and a series of Factsheets fact sheets for the new Independent Safeguarding Authority (ISA) along with FAQs can be found on the Authority's website at: www.isa.gov.org.uk
15. *Safeguarding Children and Safer Recruitment in Education*, published by DCSF, November 2006: www.everychildmatters.gov.uk/search/IG00175/

References

1. The Bichard Inquiry Report 2004
To see the full report, go to:
<http://police.homeoffice.gov.uk/publications/operational-policing/bichard-inquiry-report>
2. Keeping it Safe from National Council for Voluntary Youth Services is a manual which enables voluntary youth organisations to look at their safeguarding practices and ensure they are doing everything possible to keep young people they work with safe. Whilst it is not written for the education sector specifically, much of the content is entirely relevant.
www.ncvys.org.uk
3. From Silent Victims. The Continuing Failure to Protect Society's Most Vulnerable and the Longcare Scandal, John Pring
www.communitycare.co.uk/.../silent-victims.-the-continuing-failure-to-protect-societys-most-vulnerable-and-the-longcare .
4. In 2000, the Government published a national framework, "No Secrets", so that local councils with social services responsibilities, local NHS bodies, local police forces and other partners could develop local multi-agency codes of practice to help prevent and tackle abuse. Consultation on the revised guidance available here:
http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_089098
5. 'Drawing the Line' A report on the Governments Vetting and Barring Scheme December 2009 www.isa.gov.uk

Handout One

Legislation and Guidance

Summarised below are key pieces of legislation relating to safeguarding young people and vulnerable adults and safer recruitment.

Human Rights Act 1998

The Human Rights Act 1998 mostly came into force in October 2000. The aim of the act is to give further effect in UK law to the rights contained in the European Convention on Human Rights. The act contains articles relevant to safeguarding, such as:

- Article 3 – no one shall be subjected to torture or to inhuman or degrading treatment or punishment.
- Article 5 – the right to liberty and security of person.
- Article 8 – the right to respect for private and family life.

United Nations Convention on the Rights of the Child

(ratified by the UK in 1991)

Despite the UK's ratification of this convention, it is not incorporated as a whole into UK law. However, many of the key elements of the convention are incorporated into various pieces of legislation such as those outlined here. The UNCRC defines a child as under 18.

Safeguarding Vulnerable Groups Act 2006

This provides the legislative framework for the introduction of a new vetting and barring scheme for those working with children and vulnerable adults. The scheme is the Government's response to Recommendation 19 of the Bichard enquiry, 2004: *"New arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. This register ... would confirm that there is no known reason why an individual should not work with these client groups."*

The primary aim of the scheme is to bar individuals from working in situations where evidence suggests that they present a risk of harm, to children or vulnerable adults.

The new vetting and barring scheme, now known as **the Independent Safeguarding Authority Scheme** will be implemented on **12th October 2009**.

Children Act 1989

This piece of legislation is fundamental to professionals working with children and young people. It states that *the welfare of the child is paramount*, which means that decisions made by all those working with children must always be in the interests of the child or young person (defined by the act as under 18 years old) and their welfare.

The Children Act 1989:

Handout One

Legislation and Guidance

- Makes provision for local authority services for children in need and others.
- Amends the law with respect to children's homes, community homes, voluntary homes and voluntary organisations.
- Makes provision with respect to fostering, child minding and day care for young children and adoption, and for connected purposes.

Part V of the act relates to the protection of children and outlines the statutory duty that only the police, local authority children's services and the NSPCC can investigate allegations or concerns about child abuse. It also puts duties on statutory agencies to cooperate in the interests of vulnerable children.

Education Act 2002

Section 175 places a duty on local authorities, maintained schools and further education institutions including sixth form colleges, to carry out their function with a view to safeguarding and promoting the welfare of children and young people. Section 157 places the same duty on independent schools, including academies and technical colleges.

Children Act 2004

Section 10 places a duty on each local authority to make arrangements with relevant agencies to cooperate to improve the well-being of children (i.e. people under the age of 18). Section 11 gives a range of organisations, including local authorities, the police and health services, the duty to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.

Rehabilitation of Offenders Act 1974

This Act protects ex-offenders from discrimination due to their criminal history by allowing them not to declare convictions to employers. However, those working with children and vulnerable adults are exempt from this legislation and must declare all past convictions and cautions when applying for a position.

Sexual Offences Act 2003

This act updates previous legislation which criminalises certain behaviour towards children as sexual offender. It also introduces the offence of abuse of trust, where someone in a caring or authoritative professional position with a young person or vulnerable adult who begins a sexual relationship with that person is committing an offence.

Handout One

Legislation and Guidance

Safeguarding Children and Safer Recruitment in Education 2007

This guidance document is a consolidated version of earlier guidance material. It looks at the recruitment and selection processes, recruitment and vetting checks, and duties for safeguarding and promoting the welfare of children in education.

Handout Two

Equality Legislation Overview

1 What is covered by the law?

Legislation in the UK (see appendix 1) currently outlaws unlawful discrimination in employment and the delivery of goods and services on grounds of:

- age
- disability
- gender
- race
- religion/belief
- sexual orientation

These factors are covered comprehensively. That is to say, both young and old are covered by age related legislation, men and women by gender related legislation, etc. Effectively, **everyone** is protected from discrimination on grounds of who they are.

2 What is meant by ‘discrimination’?

The law defines two types of discrimination – direct and indirect.

Direct discrimination comprises treating a person less favourably, to their detriment, without justification, on grounds of age, disability, gender, race, religion/belief or sexual orientation. **For example**, if a provider refused to enrol a male student or employ a male lecturer simply and only because of their gender, on the grounds that they may pose a safeguarding threat, this could constitute direct sex discrimination.

Indirect discrimination comprises a provision, criterion or practice, applied to all, without justification, that disadvantages on grounds of age, disability, gender, race, religion/belief or sexual orientation. **For example**, if a provider made being a parent a requirement of becoming a Designated Person, this could constitute indirect discrimination on grounds of sexual orientation.

3 Harassment

Harassment comprises actions or words that are unwelcome and violate another person’s dignity or create an environment that is intimidating, hostile, degrading, humiliating or offensive, on all the equality grounds. **For example** if graffiti in a provider’s premises accusing a person or persons who were of a particular ethnic group, of pedophilia were not removed, this could constitute racial harassment.

Handout Two

Equality Legislation Overview

4 The purpose of equality law

Equality legislation is designed to ensure that factors of age, disability, gender, race, religion and sexual orientation are not determinants of access to employment or to goods and services. Employment should be open to all who are qualified for it, and goods and services available to all who need them irrespective of any of the equality grounds.

5 The duty to promote equality

Public authorities, which include all providers contracted to deliver learning on behalf of the Learning and Skills Council (LSC), DWP or other statutory bodies, have a duty not only not to discriminate, but actively to promote equality on grounds of disability, gender and race.

Examples of providers applying these duties in the context of safeguarding include:

- drawing attention to their safeguarding policies and practices as part of their outreach and marketing to disability organisations
- offering training programmes in safeguarding taught in languages other than English if this corresponds to local need
- ensuring that both men and women were appointed as Designated Persons, and directing training at one or other of the sexes if either men or women were not coming forward for these roles

6 Safeguarding and equality

In the overall context of providing a safe environment, equality legislation, and related provider level equality and diversity policies are a powerful additional resource to set alongside Safeguarding legislation and policy. Equality laws and policies both reinforce aspects of safeguarding – e.g. in areas such as bullying and harassment, and regulate how safeguarding policy and practice is implemented.

7 Further information

Further information on all aspects of equality legislation can be obtained from: www.equalityhumanrights.com

Handout Two

Equality Legislation Overview

- Disability Discrimination Act (2005)
- Employment Equality (Age) Regulations (2006)
- Employment Equality (Religion & Belief) Regulations (2003)
- Employment Equality (Sexual Orientation) Regulations (2003)
- Equality Act (2007)
- Gender Recognition Act (2004)
- Race Relations Amendment Act (2000)
- Sex Discrimination Act (1975)

Handout Three

Information compiled from the ISA Factsheets

What is the Independent Safeguarding Authority?

The Independent Safeguarding Authority (ISA) is a non-departmental public body based in Darlington. It is made up of a board of nine public appointees plus a Chair. These public appointees are supported by 250 employees, who are trained and experienced in making decisions about which individuals are likely to pose a risk to children or vulnerable adults.

What is its aim and objectives?

The main aim of the ISA is to prevent unsuitable people from working with children and vulnerable adults. It will do this by placing these people on one of two ISA Barred Lists. The ISA will make decisions about who should be on these lists.

The objectives of the ISA are:

- to make sure that barring decisions are taken by people who have the relevant experience and expertise; and
- to promote confidence that decisions on barring are taken fairly, without bias and independently from government or any other interested party.

What are Barred Lists?

The Safeguarding Vulnerable Groups Act 2006 contains the legislation to create two new Barred Lists. These are:

- a list of people barred from working with children (replacing List 99, the Protection of Children Act (POCA) list and disqualification orders); and
- a list of people barred from working with vulnerable adults (replacing the Protection of Vulnerable Adults Scheme (POVA list).

What will these lists do?

These lists will be separate but aligned. They will allow the Independent Safeguarding Authority (ISA) to keep a record of:

- individuals who will not be permitted to work in regulated activity with children and/or vulnerable adults; and
- individuals who can only work with children and/or vulnerable adults in controlled activities with safeguards.

Certain extremely serious offences will result in automatic barring.

For more information please see the Factsheet on the ISA's Barred List, which explains what the Barred Lists are and how they work, including how we make barring decisions and how to appeal. This is accessible on www.isa-gov.org.uk.

Handout Four

Towards Excellence

Passive / negative	Compliant	Promotional – Towards Excellence
Policy		
<p>It won't happen here. Our staff are professionals, known to us, trusted and appointed because of their expertise</p> <p>We are already audited every which way for health and safety, so the last thing we need is more interference.</p>	<p>We have a policy on Safeguarding young people and vulnerable adults</p> <p>Anyone can see the policy if they access it on the intranet. The agenda and minutes of the governors/board meeting that agreed it is also on the internet.</p> <p>Self assessment reporting covers Safeguarding</p> <p>Staff with responsibility for preparing for OFSTED inspection include Safeguarding in their inspection brief</p>	<p>All staff are required to undergo training to implement policy</p> <p>The policy is explored in staff and learner induction</p> <p>The policy is made available widely in a variety of printed and electronic formats</p> <p>Governors/The Board receive an annual Safeguarding report</p> <p>All staff and apprentices are briefed on safeguarding policy and principles</p> <p>Safeguarding is included in the annual risk register/statement of control</p> <p>Safety and safeguarding are reflected in the stated corporate values</p> <p>Quality improvement evaluates the effectiveness of Safeguarding policy and practice and as a result, informs classroom observation and staff training.</p> <p>All policies and procedures have been reviewed so that safeguarding can be embedded in them appropriately.</p> <p>The impact of safeguarding policies and procedures is regularly assessed and</p>

Handout Four

Towards Excellence

Passive / negative	Compliant	Promotional – Towards Excellence
		changes made accordingly.
Reporting		
<p>Learners are able to raise concerns across a wide range of issues and areas. Tutors' doors are always open</p> <p>We treat our learners as responsible adults and don't need to over protect them with bureaucratic procedures</p>	<p>We have an anti-bullying and harassment complaints procedure that identifies safeguarding and abuse as grounds for complaint and discipline</p> <p>The student counselor is skilled at identifying possible abuse and students can use her for this purpose</p> <p>A Designated Person has been appointed and is responsible for receiving and processing reports about Safeguarding issues</p>	<p>The Safeguarding reporting procedure is summarized in the student handbook and is found on the intranet</p> <p>The procedure is explained at student induction</p> <p>The procedure has been designed with the involvement of a diverse group of learners</p> <p>Safeguarding and reporting is flagged clearly in workplace induction</p> <p>We have a tutorial session dedicated to Safeguarding and reporting</p> <p>Student induction includes information about Safeguarding policy and</p>

Handout Four

Towards Excellence

Passive / negative	Compliant	Promotional – Towards Excellence
		<p>reporting</p> <p>All staff have been trained to respond to reports of abuse and to operate the reporting procedure</p> <p>A screensaver is used once each term summarising the Safeguarding policy and reporting procedure</p> <p>A group of staff are named as those responsible for receiving reports about Safeguarding issues. They include men and women, cover all sites and some are available at all times the organisation is open</p>
Training		
<p>Staff with an interest in Safeguarding can elect to be trained at a neighbouring college which is part of our CPD consortium</p> <p>We prioritise gaining professional teaching qualifications in our CPD programme.</p> <p>Priorities mean that we can't please all of the people all of the time, so not everyone can be trained in Safeguarding</p>	<p>Staff induction includes a brief session on Safeguarding policy and practice</p> <p>Interested staff can take a specialist training module in the organisation, subject to cover being found</p> <p>Staff given responsibility for Safeguarding reporting receive a special briefing pack</p> <p>Equality and diversity and health and safety</p>	<p>All staff are required to undergo Safeguarding training</p> <p>Training is provided by LSIS or LSIS trained trainers using the nationally approved training workshop</p> <p>Staff induction includes a comprehensive briefing on policy and reporting</p> <p>There is an e-learning module on Safeguarding on the CPD intranet</p> <p>Staff training/briefing on Safeguarding is explored in workplace visits</p> <p>The CPD budget is required to include a Safeguarding budget code/head</p>

Handout Four

Towards Excellence

Passive / negative	Compliant	Promotional – Towards Excellence
	<p>training contain references to safeguarding</p>	<p>Regular refresher training is available to all staff</p> <p>The content and timing of staff Safeguarding training is coordinated with events and briefings provided by the student union/association</p> <p>All training is regularly reviewed so that appropriate treatment of safeguarding can be embedded</p> <p>Staff and learners are engaged with safeguarding through conferences, consultations, questionnaires, intranet pages and bulletins.</p>
Staff and volunteer recruitment		
<p>We just want to appoint the best person for the job. That is what we have an HR section for.</p> <p>We need recruitment to be as simple and non-bureaucratic as possible. We can't add <i>another</i> set of questions to the interview! We are already weighed down with all the equality and diversity stuff!</p> <p>We make all appointments subject to references. That is where we would expect to pick up any</p>	<p>There is a standard interview question about Safeguarding.</p> <p>All appointments are made subject to ISA registration and CRB checks</p> <p>Volunteers are ISA registered and CRB checked</p>	<p>Safeguarding is explored in all appointment interviews. Appointments can only be made if this exploration is judged satisfactory</p> <p>All those involved in any way in staff interviews and appointments are trained to probe understanding of Safeguarding in interviews</p> <p>Understanding and practical application of Safeguarding is written into all job descriptions and person specifications</p> <p>There is a coherent, well organised system for checking ISA registration and CRB checks for all appointed staff and volunteers.</p>

Handout Four

Towards Excellence

Passive / negative	Compliant	Promotional – Towards Excellence
<p>character defects</p> <p>We encourage volunteers and value their contribution. We delegate bringing them in to individual members of staff – often they are friends or family, which helps make us a community based organization</p>		<p>All job advertisements will indicate that the organisation foregrounds Safeguarding</p> <p>All volunteers are “recruited” through a formal, agreed process that includes an exploration of Safeguarding and checks on ISA registration and CRB prior to appointment and an induction/orientation period that will reinforce Safeguarding awareness</p>
Partnership		
<p>Our main “partner” is the LSC</p>	<p>Our Head of HR receives bulletins and updates from the local Safeguarding Boards</p> <p>A member of the local Safeguarding Board made a presentation to the Governors/Board about their work and our responsibilities</p>	<p>The Vice Principal is a member of the local Safeguarding Board and makes regular reports on its work to the Senior Management Team and to the Governors/Board</p> <p>The organisation's Safeguarding policy was developed with advice and support from the Safeguarding Board</p> <p>The organisation has used its membership of the Safeguarding Board to study the approaches to Safeguarding taken by other public sector organisations and to inform its own approaches with this information</p> <p>We have established an informal partnership with neighbouring colleges and feeder schools to keep our</p>

Handout Four

Towards Excellence

Passive / negative	Compliant	Promotional – Towards Excellence
		Safeguarding procedures under review, and to ensure they are consistent with each other

Handout Five

Vetting and Barring Scheme – New Procedures

What difference will I see in the new scheme?

When the new arrangements are phased in from Autumn 2009, they will change the way vetting happens. You will see the following improvements:

- **The replacement of lists** – The Protection of Children Act (POCA) list, the Protection of Vulnerable Adults (POVA) list, List 99 and the court-imposed disqualification order regime will no longer exist. Instead there will be one list of those barred from working with children and a separate, but aligned, list of those barred from working with vulnerable adults.
- **Pre-employment vetting** – Checks will take place before an individual is able to start work. The Scheme will make sure that those who are known to present a risk of harm to children and/or vulnerable adults cannot enter the relevant workforce in the first place.
- **Independent and consistent decision making** – The new ISA will make all decisions on who should be placed on the Barred Lists. It will do this before an individual is employed.
- **The introduction of continuous checking** – When new information, such as a conviction or caution or a referral from an employer, becomes known about an individual already registered with the ISA, the Authority will review its original decision not to bar. Where an employer has already checked on an employee's status with the ISA, that employer will be notified automatically if their employee's status changes.
- **Workforce coverage** – The scope of the new Vetting and Barring Scheme will be much wider than the current arrangements. Initially, it will apply only to individuals coming into the workforce for the first time, but will then be applied retrospectively to those already working with children and vulnerable adults.
- **A reduction in bureaucracy** – Once people have registered with the ISA, future employers will be able to check their status online free of charge. However, this is not a replacement for the CRB scheme, it is in addition to it. The ISA will only decide whether someone should be barred, whereas an organisation may wish to make a decision of whether to employ based on other information relating to an individual's criminal history.
- **Wide range of sources of information** – As with the current arrangements, certain organisations will have a legal duty to refer relevant information about individuals to the ISA. Under the terms of the new vetting service, other employers, service providers and individuals will have the opportunity to refer information. In this factsheet the term 'employers' refers to both employers and managers of volunteers. The term 'employees' refers to both paid and unpaid (volunteer) work/activities.

Handout Five

Vetting and Barring Scheme – New Procedures

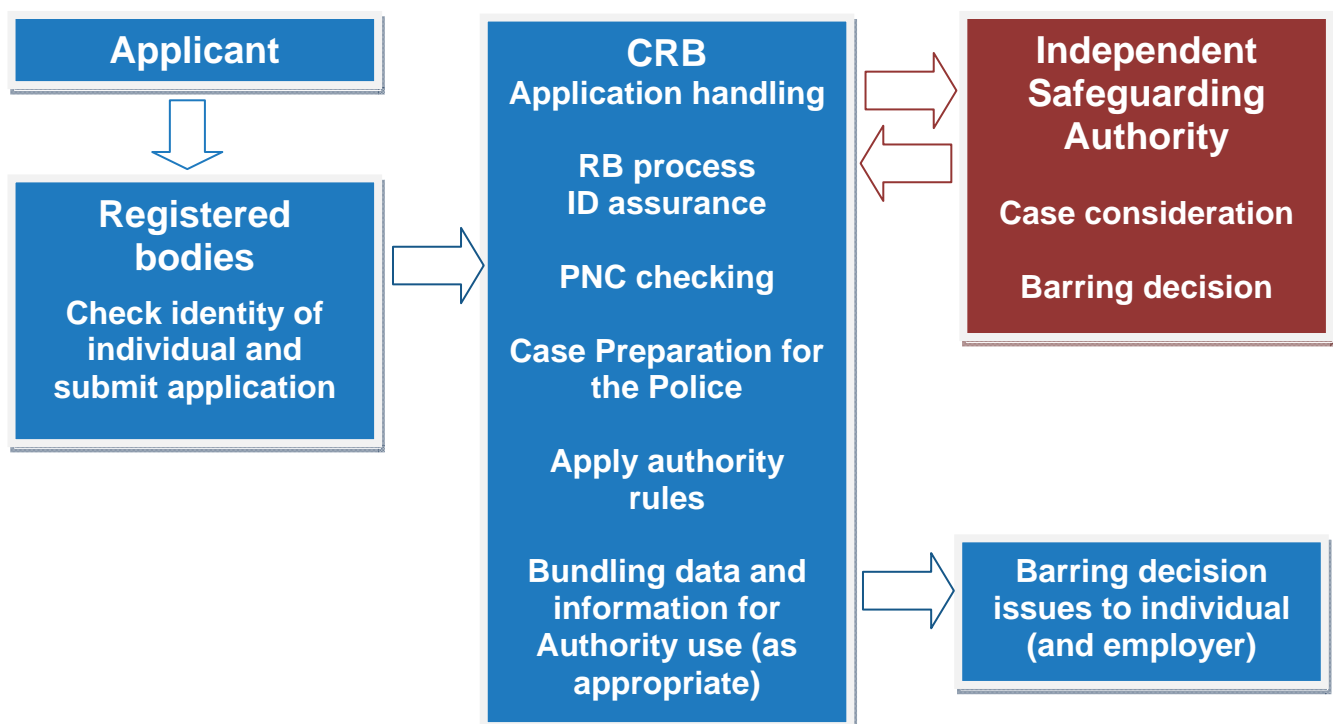
Timetable for introduction

- Applications for new entrants to the workforce and those moving jobs will begin in 26th July 2010.
- From November 2010 it will be mandatory for new entrants and job movers to have ISA registration before they start their new posts
- Members of the existing workforce will be phased into the scheme from January 2011
- The ISA expects the phased roll out to run over a five year period to July 2015

Cost Implications

- Fees
 - ISA-Registration £64
 - ISA-Registration with CRB check £64
 - Enhanced CRB check only £36
 - Standard CRB check only £31
 - Volunteers £Free
- There is no discount on this one-off application fee but in most cases a CRB Enhanced Disclosure will be included in the initial registration process.
- Those involved only in unpaid voluntary activity will pay no application fee.

Process



Handout Five

Vetting and Barring Scheme – New Procedures

Standard

Standard CRB checks are primarily for posts that involve working with children or vulnerable adults. Standard checks may also be issued for people entering certain professions, such as members of the legal and accountancy professions. Standard checks contain the following:

- Convictions, Cautions, Reprimands and Warnings held in England and Wales on the Police National Computer. The most of the relevant convictions in Scotland and Northern Ireland may also be included.

Enhanced

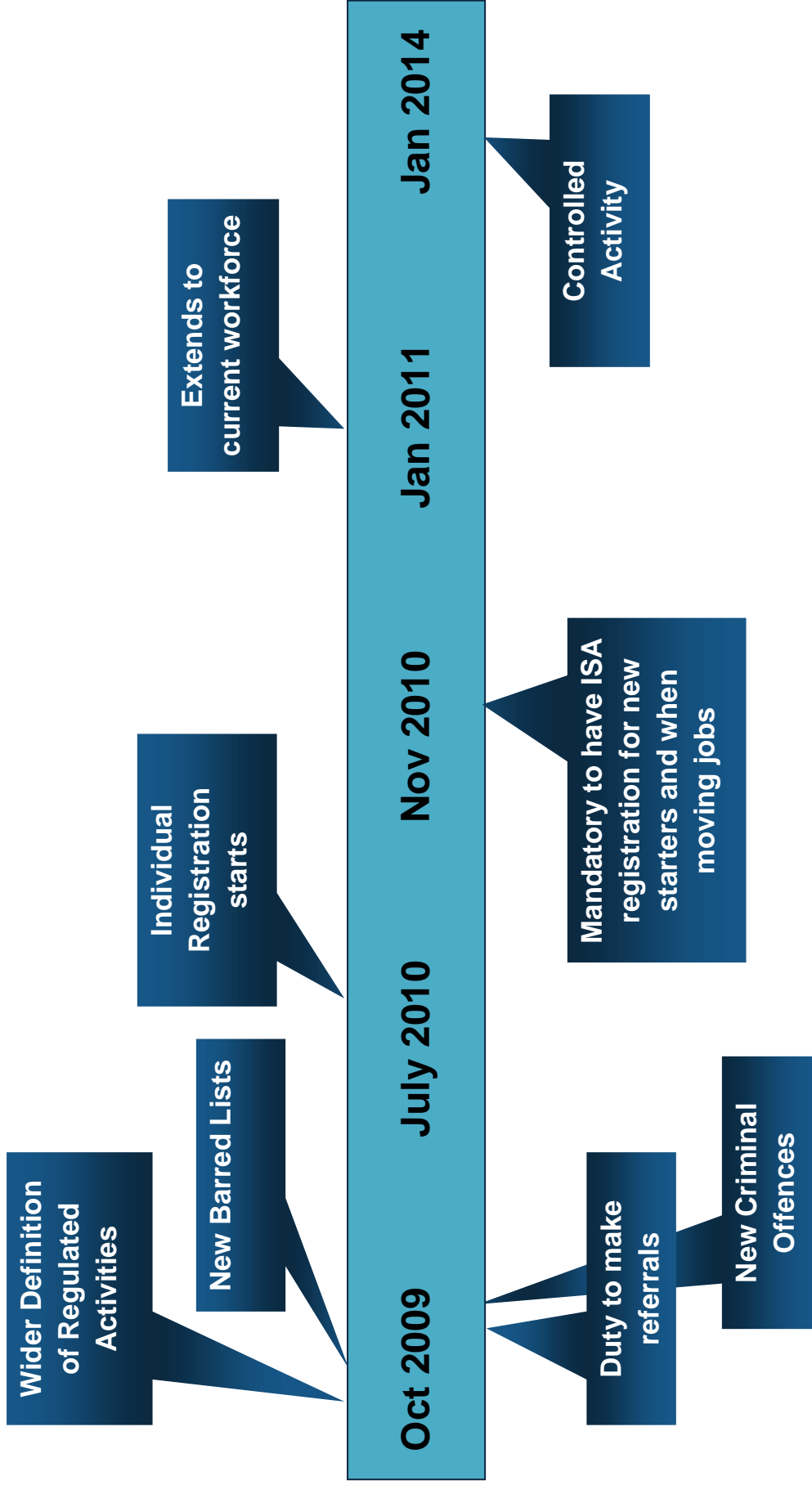
Enhanced checks are for posts involving a far greater degree of contact with children or vulnerable adults. In general, the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a Teacher, Scout or Guide leader. Enhanced checks are also issued for certain statutory purposes such as gaming and lottery licences.

Enhanced checks contain the same information as Standard checks but with the addition of any locally held police force information considered relevant to the job role, by Chief Police Officer(s).

Adapted from ISA factsheet and ISA briefing, April 2009
www.isa-gov.org

Handout Six – Phasing in the Scheme

Adapted from the Vetting and Barring Scheme Frequently Asked Questions, Home Office, April 2009



Activity

Reviewing the Processes and Making Them Safer

A checklist for action

Name:

Date of review:

Key: ✓ We do this effectively X We do not do this effectively ? Not sure whether we do this or it needs improving

Recruitment and Selection Process	What happens in your organisation? ✓ X ?	How can it be made safer?
The job, advert and candidate information		
Design job description and person specification including reference to safeguarding responsibility Where applicable make clear if a position is regulated or controlled activity <i>and include a statement on what this means</i>		
Produce application form to include: <ul style="list-style-type: none"> Sections on criminal record self disclosure and reference to level of CRB check ISA registration 		
Produce information packs for applicants to include information about safeguarding policies, procedures and checks carried out e.g. ISA		

Activity

Reviewing the Processes and Making Them Safer

CRB, qualifications, identity, professional registration Include information re ISA registration and vetting and barring		
Advertise the post including safeguarding statement		
Provide information packs as above and application forms for applicants		
Planning and preparing the selection processes		
Identify appropriate selection criteria		
Agree appropriate methods of assessment (interview, role play etc)		
Design interview questions, role play or other assessments including activities and questions that will test attitudes to safeguarding etc		
Train and brief those who are carrying out the interview or other assessments		

Activity

Reviewing the Processes and Making Them Safer

Making the decision: short listing		
Agree short-listing criteria based on job description and person spec and create proforma to record decisions		
Read application forms and check information		
Create a short-list of candidates for interview		
Invite short-listed candidates for interview and request they bring evidence of identity, qualifications and professional registration as appropriate to interview		
Request written references before interview if practicable		
Making the decision: the assessment		
Check identity documents		

Activity

Reviewing the Processes and Making Them Safer

Check qualifications and professional registration as appropriate		
Carry out interview, role play or other assessment		
Check gaps or issues on application form with candidate		
Probe candidates' attitudes towards safeguarding and motives for working with young people/vulnerable adults as appropriate		
Discuss criminal convictions history with the candidate		
Scrutinise references and ensure genuine if received before interview		
Make a decision whether or not to offer the post to the individual and notify unsuccessful candidates		

Activity

Reviewing the Processes and Making Them Safer

Make a conditional offer of employment subject to satisfactory references and relevant checks as appropriate		
Request and verify references if not done earlier		
Request Criminal Records Bureau (CRB) check if appropriate		
Post selection process		
Ensure all paperwork collected in, checked and stored securely		
Confirm start date with candidate		
When individual starts the job		
Ensure person who starts role is the same person who came for interview etc.		
Induction to include safeguarding		
CPD plan and record to include safeguarding awareness training		

Handout

Designated Person Role Description

Designated person

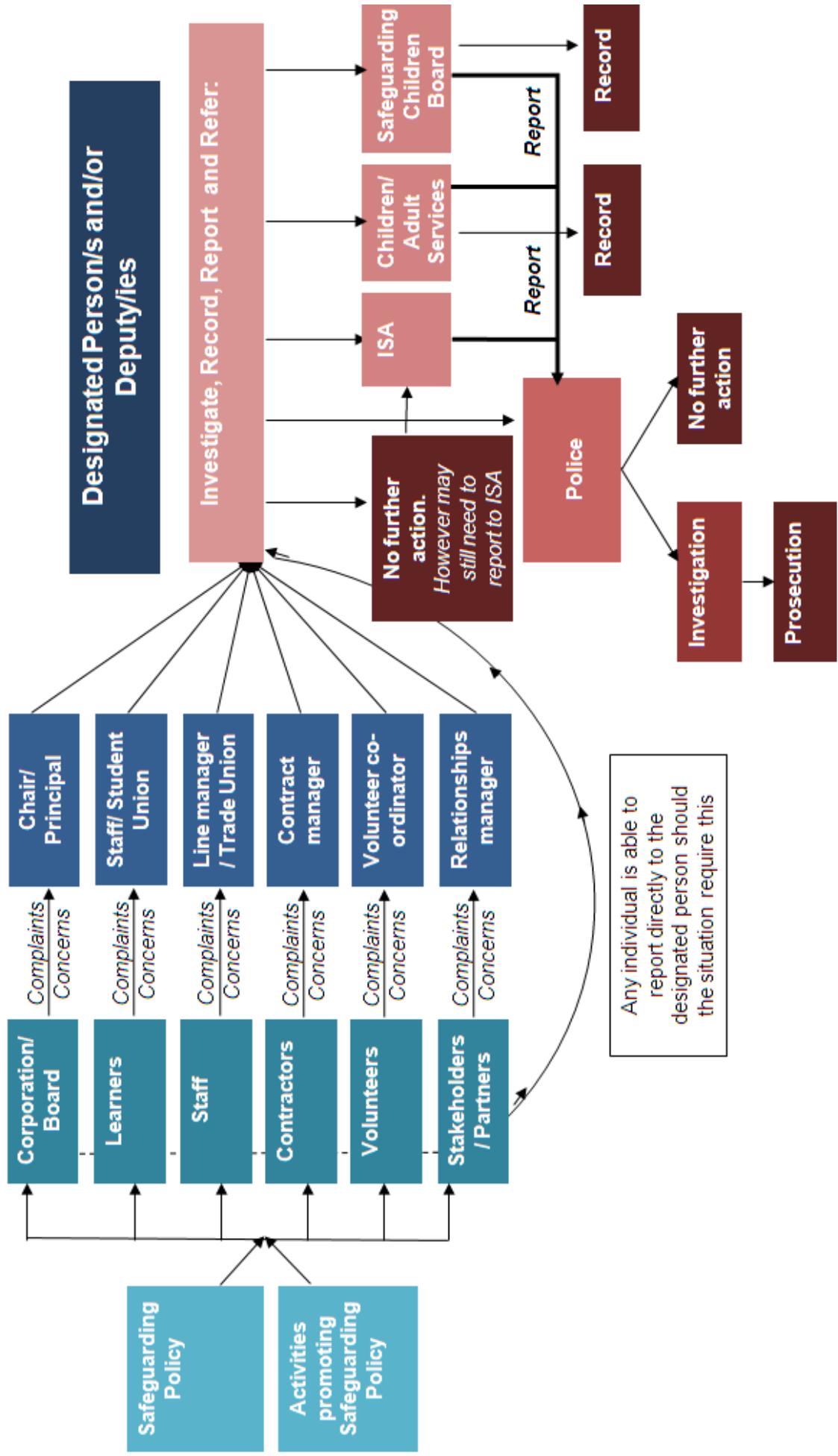
Your organisation should have a named designated safeguarding worker. You will also need to think about having a named deputy designated worker. This is particularly important if the designated worker is on leave, absent or the one being implicated.

This responsibility will be in addition to their existing or main roles and responsibilities.

- The designated worker will take responsibility for promoting positive safeguarding procedures and practice within the organisation.
- They will receive information from, and offer advice to, staff, volunteers, children and young people, vulnerable adults, parents and carers about concerns relating to vulnerable adult or child protection issues and maintain secure records of this information.
- They will assess this information promptly and take appropriate action.
- They must be familiar with national and local safeguarding legislation and guidance, with procedures for referral to the local authority's children's or adults services and police procedures for investigating abuse of children and vulnerable adults.
- They must know how to contact, and establish links with your Local Safeguarding Children Boards and the relevant people within children's and adult services or police.
- They will assess the safeguarding development needs of all staff and volunteers and co-ordinate the training.
- They will keep all staff and volunteers informed of good practice and new legislation and guidance.
- They will monitor the number of safeguarding concerns; keep confidential records of their disposal and feed back to the organisation on the quality of their safeguarding work.

From *Keeping it Safe: A young person centred approach to safety and child protection*, NCVYS 2002

Handout Nine - Designated Person: Report, Record and Refer



Handout Ten

Sir Roger Singleton

Report Recommendations

December 09

Taken from the Sir Roger Singleton report December 2009 Drawing the Line
For the full report please go to www.isa.gov.uk

Recommendation 1: Private arrangements

Mutually agreed and responsible arrangements made between parents and friends for the care of their children should not be affected by the Vetting and Barring Scheme (VBS).

Recommendation 2: Formal arrangements

Where organisations such as schools, clubs or groups make the decisions as to which adults should work with their children then the requirement to register will apply, subject to the frequent and intensive contact provisions.

The VBS was never intended to interfere with the practical day-to-day arrangements which parents make with family, friends and other parents to care informally for each other's children, share the school run, arrange sleepovers, baby-sit and engage in similar neighbourly means of mutual help. Public misunderstanding has led to some unwarranted concerns that the scheme will intrude into such aspects of family life. It will not.

Nor will parents be required to check that persons they employ privately to teach, train, tutor, coach or care for their children are registered with the Independent Safeguarding Authority (ISA). So, for example, a private piano teacher would not be required to register because the parent is making a personal choice about who should provide the tuition. However, the scheme does allow the private piano teacher to register if he or she so wishes and parents are able to exercise a choice as to whether or not they engage a registered person.

The situation changes where a parent's choice to determine which adults should work with their children is assumed by an organisation such as a school, club or group. In these circumstances whilst parents can establish their general degree of comfort with the organisation which will be responsible for their children, they cannot make individual decisions about which adults will be directly involved. In effect they place their trust in the organisation involved to assess the suitability of staff both paid and voluntary. It is in these circumstances that the Safeguarding Vulnerable Groups Act requires that the adults who are to work with children should be registered.

This distinction between private and organised arrangements received strong endorsement in the survey carried out by the National Confederation of Parent Teacher Associations and referred to in para 16.

Questions have also been raised about the boundary between private and organised arrangements, e.g. in the case of parents operating a rota to transport children to and from a club. It could well be that an arrangement initially organised by the club could become, over time, a private arrangement organised and carried out by parents. The scheme should not be used to impede such flexibility. At the point where the parents assume the responsibility for making the arrangements the requirement for the persons providing the transport to be registered ceases.

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Sir Roger Singleton

Report Recommendations

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Recommendation 3: Frequent and intensive contact

The frequent contact test should be met if the work with children takes place once a week or more. The intensive contact test should be met if the work takes place on 4 days in one month or more or overnight.

The type of work with children which is governed by the VBS is known as 'regulated activity'. Regulated activity includes work of a specified nature, e.g. teaching, training, care, supervision, advice, medical treatment or in certain circumstances transport. It also includes work in a specified place e.g. schools and care homes. But a certain amount of work with children may occur before the requirement to register is triggered. How frequent or intensive should that contact be?

The Government's current intention is to define frequency as once a month or more. The Act defines 'intensive' (which it refers to as the period condition) as regulated activity which takes place on three or more days in a 30 day period or overnight. The Secretary of State specifically asked me to examine whether these requirements were still appropriate.

Getting the balance right is not a precise science but the boundary of the scheme must be expressed clearly. In framing these recommendations I have had regard to the need for the application of the scheme to be proportionate to risk, to be clearly understandable, to be affordable, and not to discourage those thinking of volunteering to work with children. I have also noted that some of the concerns about the coverage of the scheme were misplaced: for example, the mere opportunity of work with children is not regulated activity; family arrangements are not regulated activity; providing some activities as a member of a peer group rather than as an adult leader is not regulated activity; and private arrangements do not require registration.

Frequent contact

In the legislation the term 'frequent' takes its dictionary meaning. Ministers may issue statutory guidance explaining how they think the concept should apply. It is not easy to produce a single, simple 'one size fits all' test which will cover all forms of regulated activity ranging as it will from weekly reading to a class of infant children, to full-time teaching, to the care of very young children which might entail feeding, bathing and helping them go to the toilet, to caring for a severely disabled young person which may involve highly intimate forms of care.

My approach has been to propose a definition of frequent contact which is appropriate for the broad range of customary work with children. Separate regulatory frameworks already exist for children with special needs or living in particular circumstances. If the regulatory authorities (typically a Government department or inspectorate) consider that the requirements of the VBS are insufficient to provide the necessary degree of safeguarding for such children, they do have the option to ensure regulated activity providers require their staff and volunteers to register even though the usual frequent or intensive contact criteria are not met.

Having regard to these considerations my view is that a frequency test that requires people to register if they carry out the activity in question more than once a month

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Sir Roger Singleton

Report Recommendations

December 09

on an ongoing basis is too rigorous and that a frequency test of once a week or more would be appropriate. I also hope that the general familiarity we all have with the phrase 'once a week' will help it to be readily understood and remembered.

In making this recommendation I have been mindful of what we know about the way some adults behave when seeking to develop a relationship of trust with children or young people which may turn abusive. Often it is a steady build-up over a period of time during which they may also seek to gain the confidence of parents. Such abusive relationships develop far less frequently as a result of one-off or spasmodic contact.

Nonetheless I recognise the possibility that by relaxing the registration requirement to circumstances where adults work at least once a week, the opportunity for a person seeking to avoid registration but gaining access to children sufficiently frequently to build up a relationship of trust does exist. I recommend therefore that guidance draws the attention of regulated activity providers to this possibility.

Intensive contact

I am recommending that the intensive contact test is changed to apply when work takes place on four or more days a month – consecutively or otherwise – or overnight. I have had two principal reasons in mind.

First I think it would bring the frequent and intensive contact tests broadly in line if they can be simply summarised as 'once a week or four times in one month'. Secondly, and more substantively, I would like to allow for those who have not yet formed a firm intention to volunteer in a specific regulated activity to have the opportunity to undertake a trial period before making a commitment to continue their involvement, at which point they would be required to apply to register with the scheme. In particular those adults who are thinking of volunteering to help out with for example the Scouts, Guides or other community or sporting activities should benefit from such an opportunity. I do not believe this requires major change to the frequent and intensive contact tests. A potential volunteer may merely observe in the first instance, without carrying out any supervision and without triggering the frequent and intensive contact tests. The potential volunteer might then actively participate in the regulated activity for 3 days before the requirement to register is triggered.

Recommendation 4: Visits to different settings

Individuals who go into different schools or similar settings to work with different groups of children, should not be required to register unless their contact with the same children is frequent or intensive.

The legislation defines regulated activity in terms of specified activities or activities in specified places, relating to children. This implies that the frequent or intensive contact tests should be applied to the activity in question being carried out with any children, rather than with the same children on each occasion. There are some arguments for applying the tests to an activity with any children: a potential abuser who works with a large number of children has more opportunity to target a particularly vulnerable child; and a person could acquire an unearned reputation of being trustworthy simply because he is known to work with a large number

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of children in different settings.

However some adults such as police officers, sports celebrities, authors and musicians visit different schools and work with different groups of children. They will see any one child only once or very occasionally and perhaps will only be with children in groups. Clearly this will not normally be sufficient to create opportunities for developing and abusing trust. It is true that a fleeting contact could be followed by a chance encounter outside the school setting during which a child might show trusting behaviour, but my view is that this possibility does not create a risk to which ISA registration would be a proportionate response.

I recommend therefore that the Government should look at how the frequent and intensive contact tests can be applied to an activity carried out in schools and similar settings only with the same children. This recommendation is restricted to specified places outlined in the Act where the scope for engaging with the same children on frequent visits to different institutions is virtually non-existent. These settings are: schools; nurseries; children's hospitals; young offenders institutions; children's homes; relevant childcare premises; and Sure Start children's centres. However this would not apply to a range of children's facilities within a locality or community where repeat encounters are more probable.

Recommendation 5: Registration by those in continuing education.

The minimum age of registration for young people who engage in regulated activity as part of their continuing education should be reviewed.

At present, the minimum age for ISA registration is 16. I understand that this was based on the fact that when the legislation underpinning the scheme was passed, 16 year olds were regarded as suitable to work in their own right and if engaged in regulated activity ought to be checked. A number of respondents have questioned whether this requirement is appropriate for young people engaged in work experience schemes, community placements and other programmes which are part of their continuing education. In addition the prospective raising of the mandatory training participation age to 18 and the introduction of diplomas has prompted me to look again at the minimum age for ISA registration.

Diplomas will entail some work experience and community volunteering by 16-17 year old students, possibly with children and other vulnerable groups, during which they will normally be supervised although a degree of unsupervised access to members of the vulnerable groups might occur during the course of day-to-day activity. In these cases it seems unnecessary and disproportionate to require young people to register for a short placement even though it meets the frequent or intensive contact tests.

However, I recognise that different considerations may apply to 16-17 year olds who intend to pursue a career working with children and have enrolled, for example, on BTEC early years courses. I also consider that 16-17 year olds who are engaged as employees or as volunteers and not in any supervised training capacity should continue to be required to register.

I am not, therefore, recommending that the minimum age for mandatory registration with the ISA should be raised to 18. I am recommending that the Government should review this aspect with a view to removing young people who engage in regulated activity with children and vulnerable adults as part of their continuing education from the requirement to register.

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Sir Roger Singleton

Report Recommendations

December 09

Recommendation 6: Overseas visitors exemption

Overseas visitors bringing their own groups of children to the UK e.g. to international camps or the Olympics should have a three months exemption from the requirement to register.

Ministers have already decided that workers from outside the geographical coverage of the scheme, who bring their own groups into the scheme's jurisdiction, should be exempt from the scheme, subject to a time limit on the exemption. I have been asked to recommend the time period during which this exemption should apply.

The exemption will not cover activities such as foreign language schools in England and Wales, where foreign students arrive and are taught by people who did not accompany them into this country. Nor does it extend to exchange visits where British 'host' families provide accommodation for foreign students – this is addressed in paragraphs 46-54.

The exemption would apply, for example, in the case of foreign young choirs who tour England and Wales with their own carers and choirmasters; young sports players who arrive in England and Wales for a tournament or a tour with their own trainers and carers; scouts and guides who come to a jamboree in this country with their own adult leaders; pupils at schools in Scotland who are accompanied by their teachers and carers on a camping holiday or field trip involving overnight stays; young competitors in the 2012 Olympics who arrive with their coaches and carers; and competitors in the 2012 Paralympics which will include vulnerable adults. I know that the application of the overseas exemption in Northern Ireland is still under consideration and I wish to make clear that my recommendation applies to England and Wales only.

Recommendation 7: Host families

Exchange visits lasting less than 28 days, where overseas parents accept the responsibility for the selection of the host family, should be regarded as private arrangements and would not require registration.

I was asked to consider the situation of school exchange visits where typically a group of pupils travel to this country with their teachers and are accommodated in the homes of pupils from a paired school in the UK. The parents who provide the 'host' accommodation in effect act as private foster carers. If the placement lasts for longer than 27 days the school and the carers have a statutory duty to notify the local authority. But under the current provisions of the Safeguarding Vulnerable Groups Act this is regulated activity for which ISA registration of parents in host families is required irrespective of the length of the placement.

I received strong representations concerning the potentially adverse impact of this requirement. Concerns were expressed that parents would be deterred from offering to be host families and that would endanger the future of exchange visits.

I was also told of the measures which schools adopt:

- Pupils are paired months in advance following e-mail and telephone contact
- Parents are encouraged to make contact to assure themselves of the hosting arrangements
- During the exchange accompanying teachers and their pupils have each other's contact details

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- Pupils meet their teachers daily (except weekends) when they attend the host pupils' school or go on organised visits or trips
- In reciprocal visits, 'Child A' stays in the home of 'Child B' and vice-versa on the return visit
- Parents have the final say about the choice of host family
- The alternative of pupils staying in hostel accommodation was said to carry greater risk
- There are no known instances of a child being abused in a host family on a school exchange

Contrary views have also been expressed. Children living abroad and staying overnight with families unknown to them are particularly vulnerable and registration will provide some assurance that there is no known reason why the children will be at risk of harm from the parents in the host families.

Further points are that if registration is not required the safeguarding measures are less rigorous than for a party of UK children who are accompanied by parental volunteers on a week's expedition in this country. And once host parents are registered they will not be required to repeat the process for any future engagement in regulated activity.

In the light of these conflicting views I referred to the two principles I set out in paragraphs 12 and 13. The first principle is that where parents exercise their own judgement about who should care for their child that is a private matter; and where an organisation such as a school assumes that responsibility then registration is required. In the circumstances of exchange visits this is more of a joint arrangement which blurs the distinction. I am informed that parents do have the final say in the choice of host families, but the information on which parents make this decision is likely to be limited and rarely based on personal knowledge and language may impose some constraints.

The second principle is that the statutory requirement should be the minimum necessary to protect children and, as noted, those who submitted views to me were not aware of any instance of a child being abused whilst staying with a host family on a school-organised exchange. That concurs with my own experience of reviewing a large number of cases of alleged abuse by professionals, volunteers and carers. I have found this a difficult recommendation to make. The possibility of abuse has to be weighed against the evidence of its probability. In coming to a conclusion I have been influenced by the views of organisations with extensive experience of arranging exchange visits and their judgement that the risk to children is low. The reciprocity of arrangements between families provides some further protection. Moreover it appears that a requirement to register may have a serious impact on the number of parents willing to be host families leading to the diminution of a valuable opportunity for many children.

I have therefore decided to recommend that overseas exchange visits should be regarded as private arrangements where overseas parents accept the responsibility for the selection of the host family and would not require registration. The period should be less than 28 days so that such placements will continue to fall within the provisions of the private foster care arrangements in the Children Act 1989. Furthermore the ISA should be asked to monitor the arrangements so that the Secretary of State can be satisfied that children are not put at risk by the decision to

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regard this as a private arrangement. My recommendation would not prevent an individual school from asking host parents to register if it wished to offer that additional measure of protection, but it would not be a statutory requirement.

Recommendation 8: Self-employed health care practitioners

The Government should consider the position of some self-employed health care practitioners and whether a duty should be placed on them to register with the scheme.

Whilst this matter falls outside my specific remit it has been drawn to my attention that some self-employed health practitioners including chiropractors and homeopaths will not be required by their regulatory bodies to register with the ISA. These practitioners are members of professions and/or licensed to work directly with individuals. I think it is a reasonable expectation that where these professionals engage in regulated activity it is in the public interest that they are ISA registered. I am recommending therefore that the Government explores with the Care Quality Commission and the relevant regulatory bodies an appropriate means whereby ISA registration can be required.

Recommendation 9: Controlled activity

The Government should review the continuing need for 'controlled activity'. A number of respondents suggested that the scheme could be simplified by removing the concept of controlled activity. Controlled activity comprises certain tightly defined ancillary and support activities where there is an opportunity of contact with children and vulnerable adults or access to their sensitive records, but which falls short of regulated activity. It is estimated that there are 500,000 controlled activity posts.

Barred individuals may be employed in controlled activity, subject to the employer putting in place appropriate supervision or other safeguarding arrangements. I understand controlled activity was created because Ministers felt when the legislation was being prepared in 2005-06 that the scope of the bar would be very wide; that there would be a sharp boundary between activity that was in scope and activity that was out of scope; and that there must be some jobs on the fringes of regulated activity that barred people could undertake. Government policy was influenced by concerns that the human rights of individuals working in the ancillary and support roles that are defined as controlled activity could be infringed if the bar applied to them.

Since the passage of the SVG Act, a number of developments have brought the concept of controlled activity into question:

- The Welsh Assembly Government proposes that in Wales the bar should apply in controlled activity if it is an automatic bar (imposed for the most serious criminal offences where the offender causes harm)
- It has become clear that many employers in controlled activity settings find it hard to envisage any circumstances in which they would willingly employ a barred person in controlled activity and they are concerned that they might be obliged to consider a barred applicant
- The existence of controlled activity places burdens and complexity on the scheme which are probably disproportionate to the numbers of workers in controlled activity and the numbers of barred people in controlled activity.

I recommend that the Government now takes stock and decides whether controlled activity is a necessary part of the scheme. I believe that many observers would

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welcome some simplification of the scheme generally and would not be sorry to see the end of controlled activity in particular.

Recommendation 10: Continuing CRB checks

The Government should review both the statutory requirements and its advice in relation to the continuing need for CRB Disclosures for safeguarding purposes once the VBS is in place.

The need for CRB Disclosures and the requirement – both mandatory and advisory – to obtain them for safeguarding purposes has developed to meet varying needs and circumstances in recent years. An Enhanced CRB Disclosure provides a full statement of an individual's criminal history and any local police information which is relevant to the specific job which the person holds or has applied for. The availability of CRB checks extends to those working with children and vulnerable adults and to other roles such as security guards and roles regulated by the Financial Services Authority.

Once ISA registration starts in 2010 for new entrants and job movers, when an application for ISA registration is made the employer will have the option of requesting an up to date CRB check at no extra cost. Once a person is ISA registered, at present there is no capacity nor legislative authority for the CRB to notify the employer of any new information which would be disclosed if a further CRB check were applied for. But the ISA will receive and consider any new information which bears on people's risk of harm to children, review the registration status of the individual, and inform the employer if the ISA then is minded to bar, or bars the individual. Even so, it would be helpful if the Government set out a clear policy on whether employers should continue to seek updated CRB checks on people who are already ISA-registered.

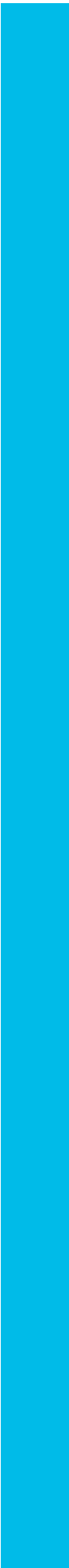
Some employers may wish to have continuing access to Disclosure information. On the other hand Liberty has expressed concern about the continued availability of Enhanced Disclosures to employers in relation to people who have received ISA registration. It concluded that a challenge could be brought to the facility on human rights grounds.

Recent media coverage has also led to concerns about the circumstances in which CRB checks are required in schools. Respondents from the education sector were keen that inspectors in the future should be very clear in their expectations in relation to ISA registration. Given the significance of safeguarding in overall inspection assessment, clear central guidance and consistent application is essential. There is, therefore, an increasing need for the relevant Government Departments to review:

- the ongoing statutory requirements for CRB checks and recommendations for them in statutory guidance and minimum standards;
- the recommendations to obtain CRB checks contained in non-statutory advice; and
- the coherence of Government requirements in relation to CRB checks and to communicate them.

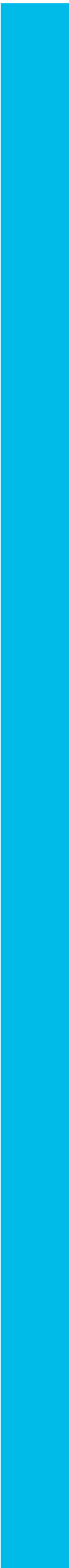
For the full report please go to www.isa.gov.uk

Your own notes:



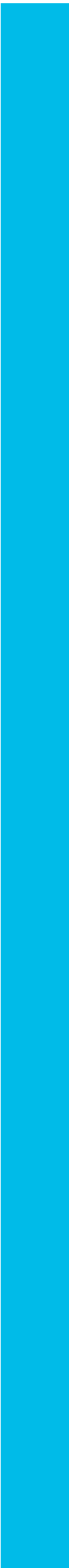
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