Cornwall Council – Safer Recruitment policy

To comply with the duty to safeguard and promote the welfare of children, young people and vulnerable adults, Cornwall Council has adopted consistent, fair and thorough employment practices and processes that aim to deter, reject or identify people who might abuse children, young people or vulnerable adults and, to ensure that those recruited are suitable to work within Cornwall Council’s services.

Cornwall Council expects all of its partner organisations to implement safer recruitment processes and safer working practices to ensure that organisations, working with or in contact with children and/or vulnerable adults, operate recruitment and human resources practices ‘that take account of the need to safeguard and promote the welfare of children’ (Working Together to Safeguard Children DFES 2006) and to safeguard vulnerable adults. Additionally, Cornwall and Isles of Scilly Local Safeguarding Children Board (CIOS LSCB) and Cornwall and Isles of Scilly Local Safeguarding Adults Board (CIOS SAB) have effective monitoring in place.

These standards and guidance comply with the safer recruitment recommendations of the Bichard Inquiry, 2004 and are in accordance with other national guidance and legislation on safer recruitment and selection e.g. ‘Working Together to Safeguard Children (DFES 2006)’; Sections 175 and 157 of the Education Act, 2002 and ‘Safeguarding Children and Safer Recruitment in Education ’(DFES 2007); ‘Safer Recruitment a Guide for NHS Employers’ (NHS 2006); Safer Care Act, 2000; and the Safeguarding Vulnerable Groups Act, 2007. Additionally, reference has been made to the Safer Recruitment Training programme which is provided by the Children’s Workforce Development Council (CWDC).

This document provides general guidance and does not cover all aspects of recruitment and selection or other employment practices. It is intended to supplement and enhance Cornwall Council’s existing recruitment and employment policy and processes, and to promote the consideration of issues concerning child protection and safeguarding adults at every stage of the recruitment and selection process.

Principles of the safe recruitment practice

- The welfare of children, young people and vulnerable adults is paramount;
- The Council should demonstrate its commitment to safeguarding and promoting the welfare of children, young people and vulnerable adults at all stages of the recruitment and selection process;
- The same safer recruitment standards should apply when appointing anyone who works in a setting where there are children, young people and vulnerable adults and not just to those working directly with them, as they are likely to be perceived by children, vulnerable adults and others as a safe and trustworthy adult;
- All organisations involved in the recruitment and selection of adults to work with children, young people or vulnerable adults should ensure that designated staff undertake safer recruitment training such as that offered by the Children’s Workforce Development Council (CWDC), CIOS LSCB training programme or other approved provider. (For details of the LSCB training programme see http://www.safechildren-cios.co.uk ). CIOS LSCB will monitor take up of, and evaluate, such training to ensure that organisations have appropriately trained staff involved in workforce recruitment;
- Schools and other education settings must also have regard to: Safeguarding Children and Safer Recruitment in Education (DFES 2007),
- It is important to plan the recruitment process from the outset, so that there is enough time at each stage to enable the process to be managed fairly and thoroughly;
- These standards and guidance comply with national and local guidance and should be read in conjunction with the Employment Handbook, and other relevant employment policies and procedures e.g. managing allegations against staff;
- Safer recruitment should be seen as part of a culture of ongoing vigilance where safer working practices are used by supported and well-trained staff. Adults working with children, young people and vulnerable adults will be clear about appropriate and inappropriate practice and are able to raise concerns when these arise. Cornwall Council employees are expected to work in compliance with the ‘Guidance for Safer Working Practice For Adults Who Work With Children and Young People’, January 2009

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as exception.
under the act. Exempt positions are generally positions of trust where it is considered necessary for an employer to see spent as well as unspent conviction information.

The Exceptions Order to the Act means that for specific jobs, applicants must disclose criminal convictions including any that may be spent.

At the end of January 2013, a Court of Appeal judgement stated that the disclosure of all cautions and convictions on a Disclosure and Barring Service (DBS) certificate was incompatible with Article 8 of the Convention of Human Rights.

As a result, applicants only need to declare cautions, convictions, reprimands and warnings in accordance with the DBS filtering rules relating to such offences. More information on the filtering rules can be found on the DBS website.

Applicants for positions requiring a criminal record check will be required to complete a ‘Declaration of Criminal Convictions’ disclosing any convictions, cautions, reprimands or warnings, including any which may be spent in accordance with the DBS filtering rules. A failure to disclose relevant information may result in the withdrawal of an offer of appointment or, where this is determined after appointment and/or during employment, the termination of employment.

Having an unspent conviction will not necessarily exclude an applicant for appointment from securing that appointment. This will depend on the circumstances and the background to the offence.

Where an applicant for an exempt position discloses a criminal record and is invited to interview, the interview panel should discuss the disclosure with the applicant. An appropriate criminal record check will then be undertaken for the successful applicant and the process detailed in the ‘Criminal Record Checking and Employing People with Convictions’ document will be followed.

Cornwall Council has a policy statement on the ‘Recruitment of Ex-Offenders’.

Please contact the HR Safeguarding Team for any enquiries about criminal record checks

Newly appointed staff must not start to work with children, young people or vulnerable adults until all appropriate checks and vetting procedures have been satisfactorily completed. This may not apply in the most exceptional circumstances, for example, in order to ensure service delivery where there is a pressing need for the appointee to take up the post, even though one aspect of vetting has not been able to be completed for a valid and accepted reason, but all other checks indicate there is no known reason why the person is not suitable to work with children or vulnerable adults. In such a case, the Head of Service must follow the Council’s agreed process and the new appointee must not have unsupervised contact with children, young people or vulnerable adults until such time as the vetting process is satisfactorily completed. For further information, please contact the HR Safeguarding Team.

It is recognised that a good induction programme, following a robust safer recruitment process, will further reduce the risk of unsuitable or inappropriate behaviours occurring in a workforce. Experience of dealing with allegations against staff, has shown that employers will place themselves in a much better position to deal with unsuitable, inappropriate or abusive behaviour that may arise in the future, if clear expectations of behaviour and professional boundaries are established with every new member of staff, from the outset. All new employees receive a copy of the code of conduct which forms part of their contractual arrangements Cornwall Council’s principles apply to organisations recruiting individuals and volunteers to work with children, young people and vulnerable adults. However, Cornwall Council recognises that, in some small organisations and settings, the capacity and resources to support a safer recruitment and selection procedure as described above may be limited. This does not mean that such organisations, e.g. a local community club run solely by volunteers, a small, independent playgroup etc. should not apply safer recruitment standards. Rather, a common sense approach should be adopted to include as many aspects of the process as possible.

In such circumstances, minimum good practice would be that, with reference to the guidance above:

- a clear message is given about the organisation’s commitment to safeguarding;
- references are sought;
- an informal face-to-face interview is conducted to gauge the individual’s aptitude and suitability;
• appropriate checks are made – identity, qualifications (where applicable) and vetting (DBS disclosure and DBS barring list checks);
• child protection and safeguarding adults’ training is provided and
• consideration should also be given to clarifying the parameters of the role or post, expectations of behaviour and conduct, and induction and supervision arrangements

Cornwall Council will continuously monitor and review all recruitment and induction processes undertaken corporately in line with evolving legislation and best practice.

**Maintaining a Safer Culture**

Cornwall Council is committed to being a safeguarding authority. It seeks to develop and maintain a safe culture and ethos which will safeguard children, young people, vulnerable adults and staff. Cornwall Council staff, children, young people, vulnerable adults, carers and families need to feel confident that they can raise issues of concern about the safety or welfare of children and vulnerable adults, and will be taken seriously. To achieve this, Cornwall Council can provide:

• information concerning the standards of behaviour and the boundaries of appropriate behaviour to its employees
• appropriate safeguarding and recruitment training
• briefings and guidance on new and evolving relevant issues and legislation
• clear reporting and recording systems in relation to the employment induction and training of staff.