



# Safer Recruitment (children's homes & wider children's workforce)

**The Safer Recruitment Consortium**

# Objectives of the training

Based on an understanding of offender behaviour to:

- Identify the key features of staff recruitment that help deter or prevent the appointment of unsuitable people
- Consider policies and practice that minimise opportunities for abuse or ensure its prompt reporting
- Help participants begin to review their policies and practice in recruitment with a view to creating a safer culture

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

# Training outline

- Scale of the problem – abused and abuser
- A model to understand abusers / abusing
- Application into a wider children's workforce context
- Prevention of abuse through recruitment/selection
- Ongoing culture of vigilance

# Session 1 – setting the context for safer recruitment

- Background and context
- The scale of abuse
- A model of offending behaviour
- Some characteristics of abusers
- Implications for recruitment and selection and creating a safer environment for children and young people

# The Bichard Inquiry

## Recommendations for schools

### Recommendation 16:

- Head teachers and school governors should receive training on how to ensure that interviews to appoint staff reflect the importance of safeguarding children.

### Recommendation 17:

- From a date to be agreed, no interview panel to appoint staff working in schools and colleges should be convened without at least one member being properly trained.

# The wider context

- The Bichard Inquiry and Warner Report
- Legal duties on a wide range of organisations to safeguard and promote the welfare of children (Children Act 1989 / 2004)
- Sector specific guidance – e.g. Children’s Home Regulations 2014 and the Quality Standards
- Statutory guidance ‘Working together to safeguard children’ (DfE 2023)
- Implications of recent inquiries for health and social care services
- Adopting “safer recruitment” practice is an essential feature of the arrangements organisations need to have in place

# Statistics – LADO referrals

- About 40% of all allegations relate to physical harm and 36% to sexual harm
- Varied significantly across different regions but 12 – 24% relate to emotional abuse or neglect
- Where it is recorded as a separate category, 9% of allegations relate to conduct outside the workplace
- Schools make up 1/3<sup>rd</sup> of all LADO referrals

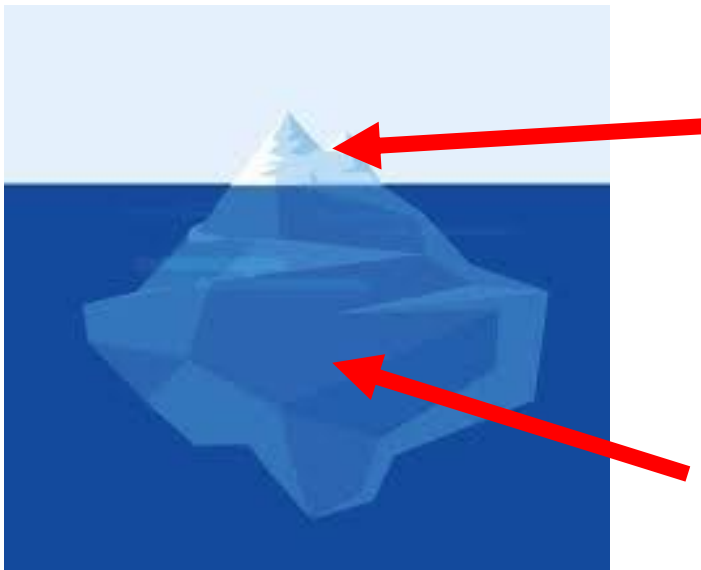
*Review of LSCB annual reports 2015-16 / 2016-17 (Eyre 2017)*

# Statistics - DBS

- DBS received 59,000 referrals for barring in 2023/24 including approx 11,000 referrals for discretionary bar
- 5,792 people were barred (<10%)
- There were 87,083 people on the children's barred list in March 2024
- There are more than 99,000 people on one or both lists
- Nearly 5.6 million enhanced DBS certificates were processed during the year
- In March 2024, there were 2.8 million people on the update service
- About 5% of standard / enhanced certificates include PNC data after filtering has been applied



# The scale of CSA



- 2,700 children on a child protection plan due to CSA
  - 50,000 assessed as being at risk of CSA
  - 103,000 CSA offences recorded by police
  - 500,000 children are estimated to be abused every year
- [www.csacentre.org.uk](http://www.csacentre.org.uk)

In 2021:

- 10,232 people were charged with sexual offences against children
- 6,314 people were convicted (*MoJ 2022a*)

# Who are the sex offenders?

In the UK, 97.8% of those charged with a sexual offence are male. However, in a review of 71 female organisational offender cases:

- 78% were teachers
- two-thirds were aged in their mid 20s-mid 30s
- almost all were solo offenders
- on average, had been in their career for 3+ years and did not have a criminal or professional misconduct history
- The victims were most likely to be 15-16 year old males

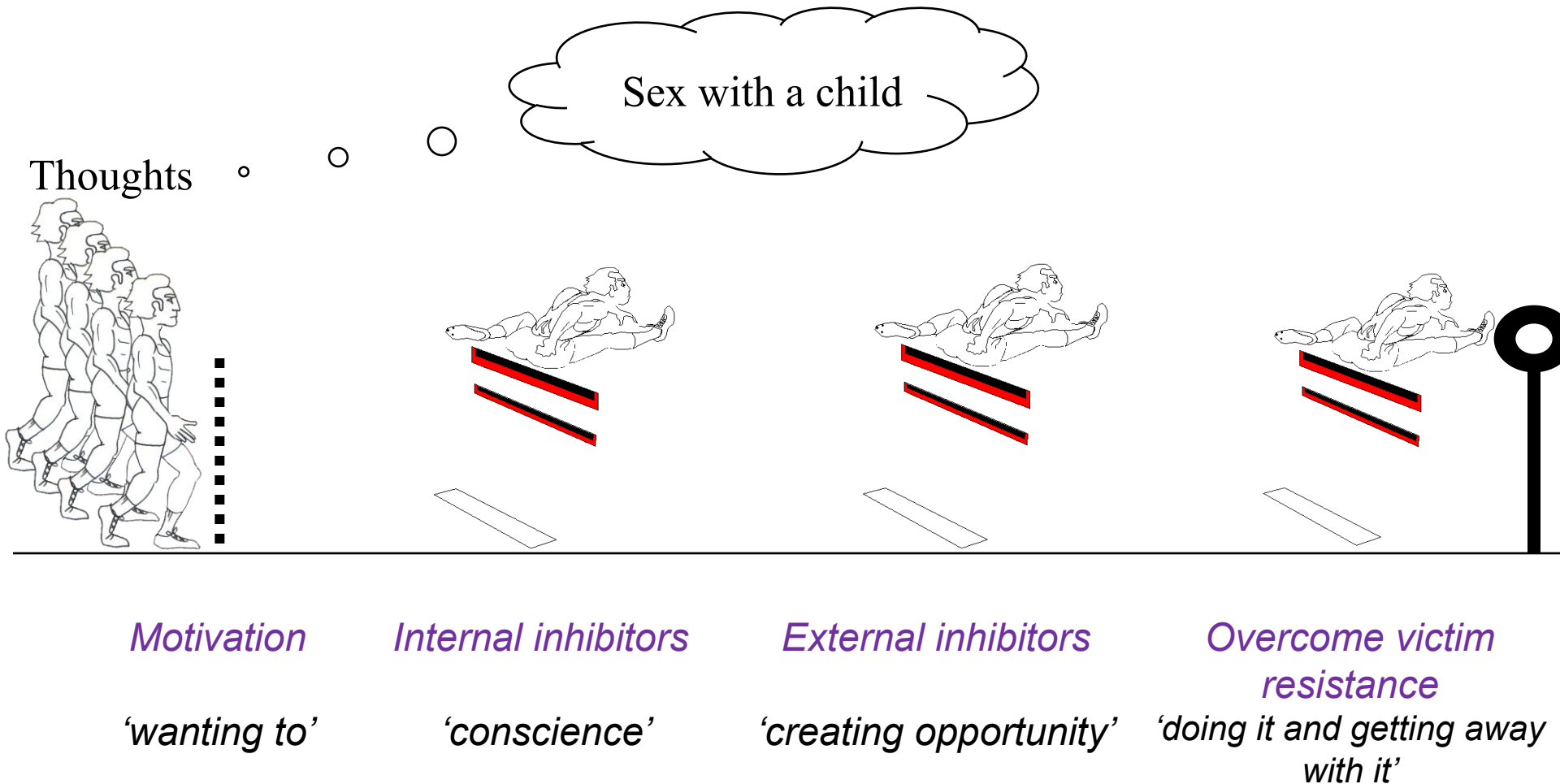
*Source: Darling et al 2018*

- Victim studies suggest that 1 in 9 sexual offences are committed by a woman
- Between 23-40% of all alleged sexual abuse of children and young people is perpetrated by other young people, mainly adolescents”

*Source: NSPCC 2013*

# Finkelhor – four preconditions

Adapted from D Finkelhor *Child Sexual Abuse: New Theory & Research 1986*



# A culture of vigilance - learning lessons

- Safer recruitment procedures not in place
- Lack of safe working practice guidance - staff unclear on boundaries
- Standard operating procedures not being followed
- Poor management oversight / issues identified in inspection not actioned
- Voice of parents / pupils not heard
- Voice of staff / whistleblowing – raising concerns / exit interviews
- Human / professional / personal relationships
- Lack of effective supervision
- Ineffective governance and challenge

# Other behaviours often displayed include:

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

# Applying the Finkelhor model to recruitment

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

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

*Bichard Inquiry Report, 2004, p 12 para 79*

# Session 2: a safer recruitment process

- Features of a safer recruitment process
- Sending the right message
- The application form
- The selection criteria
- References
- Review and next steps



# Defining the role

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

# Advertising: Sending the right message

## Four deterrents to unsuitable people

- State the organisation's commitment to safeguarding and provide information about the setting's safeguarding policy and practices to candidates
- Include statements about the safeguarding responsibilities of the post as per the job description and person specification
- State\* whether the post is exempt from the ROA 1974 and eligible for enhanced DBS certificate / barred list check
- Provide clear information about protected offences and the need to disclose relevant criminal history if shortlisted

\*this is required by DBS code of practice

# Key information on application forms

- Personal details – current / former names, current address, NI number
- Present employment and reason for leaving
- Full history since leaving school (education and employment or voluntary work) with explanation of any gaps
- Qualifications
- Referees
- Personal statement to meet person specification
- Information for applicants about the legal basis and process for disclosing relevant criminal record
- Clear statement that it is an offence to apply for a role in regulated activity if the applicant is barred from engaging in regulated activity
- Signed declaration by candidate that all information is true

# Criminal background: Self-disclosures

## Purpose

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

## Process

- It is discriminatory to use disclosed information for shortlisting
- **Only consider the information of shortlisted candidates**
- Should not rule someone out – apply fair assessment criteria
- Continue with DBS check and compare information

# Agreeing selection criteria and process

- Base criteria for shortlisting and assessment process on person specification and job description
- Consistent for all candidates
- Specific to work with children
- Review criteria regularly

# Scrutinising applications and short listing

- Take time to properly scrutinise
- At least two people should be involved in shortlisting
- Identify any inconsistencies
- Application form fully completed
- Evidence provided relating to person specification and job description
- Scrutinise for gaps
- Apply shortlisting criteria equally

# Session 3: making the right decisions

- Importance of making the right decision
- The interview and the selection process
- Pre-appointment checks
- Using criminal disclosure information
- Review and next steps

# Safer selection

## Good practice

- Range of selection tools – not just an interview
- Explore motives/attitudes as well as skills and experience
- Assessors should be well briefed or trained
- Assess interaction with others – role plays, group exercises
- Appropriate involvement of children



# Interviews

- At least two people should be on the panel
- Structured questions and criteria previously agreed
- Probe gaps, frequent changes in employment, vagueness or areas of concern
- Ask about any information disclosed in the self-disclosure that may be relevant to suitability
- Ask about attitudes towards child protection / safeguarding and, where appropriate, their motive for working with children
- Avoid hypothetical questions and seek positive examples or evidence
- Clearly document your decisions
- Beware of prejudices and discrimination

# Making decisions using selection criteria and indicators

- Based on the Person Specification
- Indicators – what would you expect a good candidate to say?
- Guide not a tick box
- Bespoke to the position
- Use to make decisions and clarify why someone is suitable or unsuitable for appointment
- Review regularly

# Areas of potential concern

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

# Interview question template

## Positive Indicators

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

## Emotional Resilience & Maturity

- Tell me about a time when your authority was challenged.
- What happened?
- How did you react?
- What did you do to bring things back on course?

## Negative Indicators

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

# Pre-appointment checks

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

- Verification of identity – including birth certificate (where possible) to identify whether the person has changed their name
- Right to work in the UK
- Enhanced DBS certificate with children's barred list check
- Qualifications
- Status: HCPC, BACP registration, etc
- Disqualification from caring for children check (children's homes / foster carers / social workers)
- Overseas checks (e.g. police check / certificate of good conduct / overseas reference)
- Confirmation of suitability from all previous relevant employers

# Statutory requirements

## Children's homes:

- Cannot undertake a stand-alone barred list check – you must always wait for the paper DBS certificate
- Must ask the person whether they know of any reason why they would be disqualified from caring for children
- Must ensure that the individual is mentally and physically fit for the purposes of the work they will perform

There is no requirement to gather character references in addition to employer references!

# Know your statutory framework!

## Children's Home Regulations:

- No requirement to take up references before interview
- Must have two satisfactory employer references before the person commences in post
- Should contact all previous children's / vulnerable adults workforce employers to ascertain the person's integrity, suitability & reason for leaving



If you cannot get this information, keep clear records of everything you have tried to do!

# When you cannot get a reference ...

.... despite your best efforts:

- If a company is refusing to provide a written reference, a telephone call is worth trying – record who you spoke to and what was said
- If a registered setting or school / college, remind them of their statutory & legal duty to share information that may be relevant to suitability
- Most businesses that are no longer trading can be verified on Companies House website
- Registered settings that have closed down can be verified on Ofsted website
- Ask applicant to provide bank statements or HMRC records showing the relevant employer's name
- If employer is in children's care / education, written appraisal records may also be relied upon to indicate the employer's view of the employee's conduct



# Recruiting staff: fitness of workers

3. The registered person can only employ someone if they are satisfied that:

- a) the individual is of integrity and good character;
- b) the individual has the appropriate experience, qualification and skills for the work that the individual is to perform;
- c) the individual is mentally and physically fit for the purposes of the work that the individual is to perform; and
- d) full and satisfactory information is available in relation to the individual in respect of each of the matters in Schedule 2

# Schedule 2

1. Proof of identity including a recent photograph.
2. Enhanced DBS certificate (with children's barred list check if in regulated activity)
3. Two written references, including a reference from the person's most recent employer, if any
4. If a person has previously worked in a position involving work with children or vulnerable adults, verification so far as reasonably practicable of the reason why the employment or position ended.
5. Documentary evidence of any qualifications which the person considers relevant for the position
6. A full employment history, together with a satisfactory explanation of any gaps in employment, in writing

# Recruiting staff: fitness of workers

The registered person may permit an individual to start work at the home despite the fact that the requirement in paragraph (3)(d) has not been met if—

- a) You have taken all reasonable steps to obtain full information about each of the matters in Schedule 2 in respect of the individual, but the enquiries in relation to any of the matters in paragraphs 3 to 6 of Schedule 2 are incomplete;
- b) full and satisfactory information in respect of the individual has been obtained in relation to the matters in paragraphs 1 and 2 of Schedule 2;
- c) you consider that the circumstances are exceptional; and
- d) you ensure that the individual is appropriately supervised while carrying out their duties

# Disqualification from caring for children Regulations 2002

This is different to Disqualification under the Childcare Act 2006.

Applies to:

- Staff employed to work in children's homes
- Private / public foster carers
- Social workers

It does not apply to care staff in residential special schools

# Disqualification

Who is disqualified?

- People convicted of certain violent and sexual offences against children
- People who are included on the children's barred list
- Where there are grounds relating to care of their own child
- People who have previously been prevented from running or being employed in a children's home or private fostering

# Regulated activity & DBS checks

- Individuals employed to work regularly in a specified place or certain roles are in *regulated* activity (RA) with children
- It is a legal requirement to check people working in RA are not barred from that work *before* they commence in post
- People not in RA can still be asked to undertake a DBS disclosure (without Barred list check)
- It is unlawful to check the Barred list if the person is not in RA
- Employer must see the original certificate and should only retain a copy in certain circumstances

# Relevance of criminal records

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

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

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

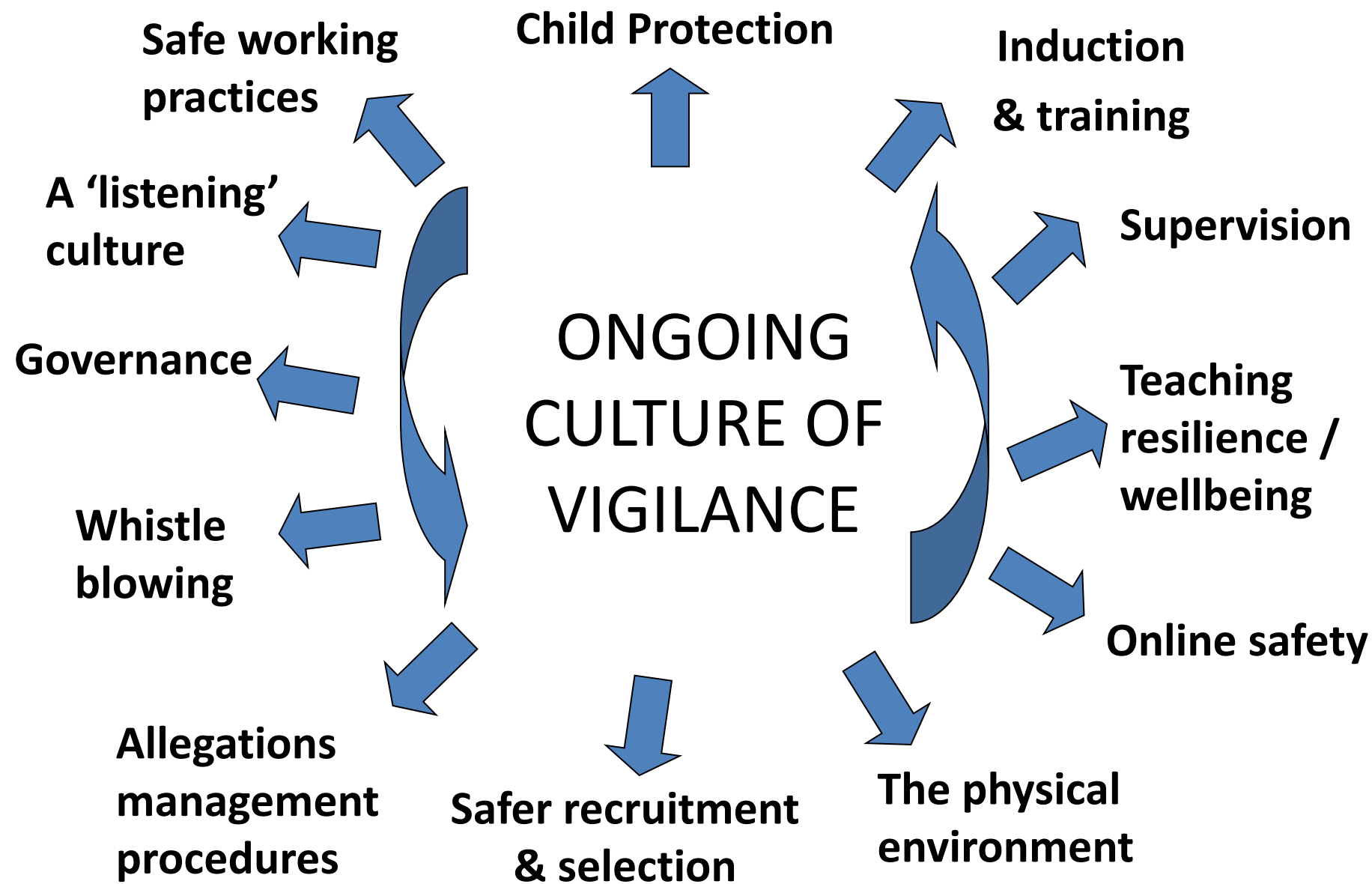
# Protected offences

- The Rehabilitation of Offenders Act 1974 was amended in 2013 and again in 2020 / 2023
- Employers should not ask candidates to disclose spent convictions, even if the post is exempt from the ROA
- Legislation now refers to ‘filtered’ or ‘protected’ offences which applicants do not need to disclose
- It is the employer’s responsibility to draw applicants’ attention to the guidance on filtering
- See p19 of the delegate workbook for the wording recommended by the MoJ – this should be used on application forms, applicant information packs, etc
- If an applicant discloses an offence which they did not need to, it is the recruiter’s responsibility to know not to discuss / take it into consideration



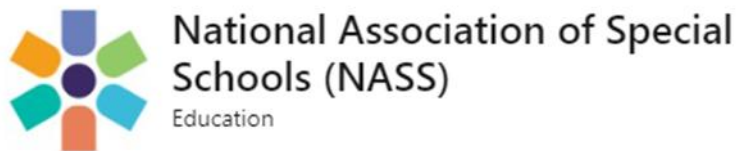
# Features of a safer culture

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



# Remaining vigilant

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



**THE  
LUCY FAITHFULL  
FOUNDATION**

Working to protect children



# The Safer Recruitment Consortium

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