



SAFEGUARDING BOARD
ISLE OF MAN

| Safer Recruitment

Isle of Man Safeguarding Board
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Procedure and Guidance for Safe Recruitment, Selection and Retention for Staff and Volunteers.

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1. Introduction

Safe recruitment is central to the safeguarding of children, young people and vulnerable adults. All agencies and organisations who employ staff or volunteers to work with vulnerable people have a duty to safeguard and promote their welfare whilst ensuring that safe recruitment and selection procedures are widely adopted.

The following guidance is based on current legislation and best practice and aims to promote consistency across all agencies.

All agencies or organisations will have their own recruitment processes which may differ from others. It is the responsibility of each agency or organisation, including within the voluntary, charity, social enterprise, faith-based organisations and private sectors, to consider how these principles can be embedded in and applied to their organisation. This is to ensure the safety of the vulnerable people they work with is not compromised by employing unsuitable workers. Where appropriate, this will be in consultation with their personnel or human resources adviser or other advisory bodies.

Throughout this procedure and guidance, '**children**' refers to any child under the age of 18 years; and

'**Vulnerable adults**' - an adult who has attained the age of 18 and is in need of care and protection and satisfies one or more of the conditions of subsection (2), Section 5 of the Safeguarding Act 2018.

'**Staff or Volunteers**' refers to any adult who is employed, commissioned or contracted to work with or on behalf of children or vulnerable adults, in either a paid or unpaid capacity.

For additional guidance, see [Allegations Against Staff or Volunteers who work with Children and Vulnerable Adults Procedure \(MASM\)](#)--.

2. Scope

This guidance applies to all adults who have contact with children, young people and vulnerable adults at risk through their work whether in a paid or voluntary capacity. It applies to permanent, temporary and agency staff and to those recruited from overseas. It also applies to staff who do not have direct responsibility for children or vulnerable adults, but who will have contact with them within the organisation and will be seen as safe and trustworthy and/or have access to confidential and sensitive information, for example, administrative staff, receptionists, caretakers, maintenance workers.

The principles of safe recruitment should be included in the terms of any contract or service level agreements drawn up between the organisation and contractors or agencies that provide services for, or staff to work with, children, young people and vulnerable adults. Any service level agreement or contract should contain a safeguarding statement, which makes explicit the standards expected. The agreement should be regularly reviewed.

3. Policy Statement

Safeguarding is Everyone's Business

The Safeguarding Act 2018 sets out the arrangements for safeguarding and promoting the welfare of children and vulnerable adults. One of the key features of these arrangements is ensuring safe recruitment procedures are in place.¹

Organisations should have a policy statement outlining their commitment to safeguarding and promoting the welfare of children, young people and vulnerable adults which ALL staff

¹ Safeguarding Together Guidance Chapter 2 (10)

and volunteers are expected to follow. It should convey that robust recruitment and selection procedures are in place to identify and deter people who might abuse children or are otherwise unsuitable for employment, and to minimise the possibility of children and young people suffering harm from those in a position of trust.

4. Elements of Safe Practice for all Partner Agencies, Including those who work Primarily with Adults

Safer practice in recruitment means giving consideration to safeguarding arrangements at every step of the process.

4.1 Planning and Advertising

It is important to be clear about the mix of qualities, qualifications and experience a successful candidate will need to demonstrate, and whether there are any particular matters that need to be stated in the advertisement for the post, such as a Disclosure and Barring check, in order to prevent unwanted applications. The recruitment process needs to be planned, including who will be involved, responsibilities and timescales.

4.2 Job Description

Once a post becomes vacant, or a new post is created, the job description and person specification need to be reviewed/agreed to ensure compliance with safe recruitment guidance.

The advertisement should include a statement about the employer's commitment to safeguarding and promoting the welfare of children, young people and vulnerable adults. The need for the successful applicant to undertake an enhanced Disclosure and Barring Service check where appropriate must be referenced and should clearly state:

- The main duties of the post;
- The extent of contact/responsibility for children, young people and vulnerable adults;
- The individual's responsibility for promoting and safeguarding the welfare of the children, young people and vulnerable adults they are responsible for, or will come into contact with.*

***This includes where the post holder will work mainly or exclusively with adults. Some of these adults will be parents, grandparents or carers and will have contact with children and young people.**

4.3 Person Specification

This should include:

- The essential and desirable qualifications and experience;
- Other requirements needed to perform the role in relation to working with children and young people;
- The competencies and qualities that the successful candidate should be able to demonstrate.

4.4 Information Pack to Candidates

All information given to interested applicants should highlight the importance of the rigorous selection processes and the duty to safeguard and promote the welfare of children, young

people and vulnerable adults. It should be clear that proof of identity will be required, as well as a Disclosure and Barring Service check.

The pack should include a copy of:

- The application form, and explanatory notes about completing the form;
- The job description and person specification;
- Relevant information about the organisation and the recruitment process;
- The organisation's Safeguarding and Child Protection Policy. A statement of the terms and conditions relating to the post.

4.5 Application Form

- Employers should use an application form to obtain a common set of core data.

A curriculum vitae (CV), although may be required as part of the application process, should not be accepted in place of an application form because this will only contain the information the applicant wishes to present and may omit relevant details. It is expected that the CV will contain information such as:

- A full history in chronological order since leaving secondary education, including periods of further education/training and part time and voluntary work as well as full time employment, with start dates, explanations for periods not in employment and reasons for leaving;
- A statement of any academic and/or vocational qualifications with details of awarding body and date of award;
- National Insurance Number.

The applicant form/information pack should refer to the organisation's commitment to equal opportunities. It should obtain:

- Identifying details of the applicant including current and former names and their current address;
- Details of referees. One referee should be the applicant's current or most recent employer/line manager, not a colleague. Normally two referees should be sufficient;
 - References should not be accepted from relatives or friends.
- A statement of the skills and abilities and competencies/experience that the applicant believes are relevant to their suitability for the post and how they meet the person specification;
- There should be an explanation that the post is exempt from the Rehabilitation of Offenders Act 2001;

Information should be requested about any previous convictions including spent convictions, cautions, reprimands, warnings or bind overs.

- NB: To comply with the Equality Act 2017 recruiting bodies may wish to adopt a practice that the **date of birth** should not be included on the main application form, but added to a diversity monitoring form, which can be retained by HR/Personnel and not made available to those involved in the shortlisting process;²

² Equality Act 2017 came into full operation on the IOM from 30.12.19 Part 2 (6)

4.6 Scrutinising and Shortlisting

The same selection panel should shortlist and interview the candidate. At least one member of the panel ideally should have undertaken safe recruitment and selection training but this is not essential so long as they have sufficient management / interviewing experience.

- All application forms and CV's should be scrutinised to ensure:
 - They are fully completed;
 - The information is consistent and does not contain any discrepancies;
 - Gaps in employment/training or a history of repeated changes of employment are identified;
- Incomplete applications should not be accepted;
- Any anomalies, discrepancies or gaps in employment and the reasons for this should be noted, so that they can be taken up as part of the consideration of whether to shortlist the applicant.
- All candidates should be assessed equally against the criteria contained in the person specification.

4.7 References

- The purpose of seeking references is to obtain objective and factual information to support appointment decisions;
- One reference should be from the current or most recent employer/line manager or HR (not from a colleague within the organisation);
- They should always be sought and obtained directly from the referee;
- A copy of the job description and person specification should be included with all requests;
- References or testimonials provided by the candidate, or open references, for example, To Whom It May Concern, should not be accepted. Open references/testimonials may be forged or the result of a 'compromise agreement';
- Note that the Equality Act 2017 places strict limitations on the making of enquiries about a person's health before an offer of employment is made.

Requests for references should ask:

- The referee's relationship with the candidate, for example, did they have a working relationship and how long has the referee known the candidate;
- Whether the referee is satisfied that the person has the ability and is suitable to undertake the job;
- Whether the applicant has been the subject of any disciplinary sanctions or they have had any allegations made against them or concerns raised, which relate either to the safety and welfare of, children and young people should be addressed. Details about the outcome of any such concern should be sought;

Whether the referee is satisfied that the candidate is suitable to work with children, young people or vulnerable adults. If not, for details of the referees concerns and the reason why

the person might be unsuitable. Requests should remind the referee that they have a responsibility to ensure that the reference is accurate and that relevant factual content of the reference may be discussed with the applicant.

Requests addressed to a candidate's current employer or a previous employer should also seek:

- Confirmation of details of the applicant's current post, salary and sickness record;
- Specific verifiable comments about the applicant's performance history and conduct;
- Details of any disciplinary procedures the applicant has been subject to which relate to the safety and welfare of children or to the applicant's
- behaviour towards children, young people or Adults at Risk and the outcome;
- Details of any allegations or concerns about the applicant that relate to the safety and welfare of children or behaviour towards children, young people or Adults at Risk and the outcome of these concerns.

On receipt of references:

- They should be checked to ensure all questions have been answered satisfactorily;
- **Any information about past disciplinary action or allegations** should be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago or an allegation determined to be unfounded or did not require formal disciplinary sanctions, and in which no further issues have been raised, are less likely to cause concern than more serious or recent concerns, or issues that were not resolved satisfactorily. A history of repeated concerns or allegations over time should give cause for concern.

4.8 Interviews

- The interview should assess the merits of each candidate against the job description and person specification, and explore their suitability to work with children/young people/vulnerable adults;
- The interview should stress that the identity of the successful candidate will be checked thoroughly and, that where a Disclosure and Barring Service check is appropriate, prior to appointment there will be a requirement to complete an application for a Disclosure and Barring Service disclosure;
- All candidates should bring with them documentary evidence of their right to work on the Isle of Man and their identity. Evidence should be as prescribed by necessary Visas and Immigration and the Disclosure and Barring Service, and can include a current driving licence or passport including a photograph, or a full birth certificate. A document such as a utility bill or financial statement that shows the candidate's current name and address (please note that these latter two are time-limited and must be no more than 3 months old), and where appropriate change of name documentation. Some form of photographic ID must be seen;
- Candidates should bring documents confirming any educational and professional qualification(s). If this is not possible, written confirmation must be obtained from the awarding body. Also documentation of registration with appropriate professional body;

- A copy of the documents used to verify the successful candidate's identity and qualifications must be kept for the personnel file.

4.9 Interview Panel

A panel of at least two people is recommended, allowing one member to observe and assess the candidate and make notes, while the candidate is talking to the other.

The members of the panel should:

- Have the necessary authority to make decisions about the appointment;
- Meet before the interview to agree their assessment criteria in accordance with the person specification and to prepare a list of questions they will ask all candidates relating to the requirements of the post;
- Notes of the applicant's interview answers should be collated by chair of the panel and stored

4.10 Scope of the Interview

In addition to assessing and evaluating the applicant's suitability for the post, the panel should explore:

- The candidate's attitude towards children/young people/Adults at Risk;
- Their ability to support the organisation's agenda for safeguarding and promoting welfare;
- Any gaps in the candidate's employment history;

The interview should also explore issues relating to safeguarding, including:

- Motivation to work with children/ young people/Adults at Risk;
- Ability to form and maintain appropriate relationships and personal boundaries;
- Emotional resilience in working with challenging behaviours;
- Attitudes to use of authority.

4.11 Participation of Children and Young People

Children and young people can make a valuable contribution to the recruitment process and their participation should be considered for key strategic and managerial posts as well as posts where staff will have a high level of responsibility for ensuring the wellbeing and protection of children and for staff involved in the day to day care of children and young people, for example residential staff.

The following considerations should be taken into account when planning young people's involvement:

- Clarification of the role of the young person will take in the process, how their views will be taken into account in selection and what weighting these will be given;
- Preparation and/or training;
- Process for debriefing/feedback.

4.12 Safeguarding (Warner) Interviews

For posts requiring the post holder to work with highly vulnerable children, for example Looked After children, children with disabilities, or posts where staff will have sole care of responsibility for a child/group of children, for example staff taking children on residential trips, consideration should be given to the need for an additional safeguarding value based (Warner) interview. Such interviews were a recommendation of The Report of the Committee of Inquiry into Selection, Development and Management of Staff in UK Children's Homes (Warner, 1992). The aim is to address areas that are more difficult to assess in the formal interview setting.

As set out in Children's Homes & Child (Secure) Accommodation Minimum Standards (standard 14) The residential /secure home is to be managed by those who are suitable to work with children and have appropriate skills, experience and qualifications to deliver an efficient and effective service. The registered person can demonstrate that the organisation continually follows good recruitment practice and all applicable current statutory requirements and guidance in staff recruitment and selection. Standard 16 highlights the suitability to work with children with careful selection and vetting of staff and volunteers working with children and young people in the home with careful monitoring of such people to help prevent unsuitable people from having the opportunity to harm children.³

4.13 Conditional Offer of Appointment Pre-Appointment Checks and References

An offer of appointment to the successful candidate should be conditional upon:

- Receipt of at least two satisfactory written references.
- Verification of the candidate's identity;
- A satisfactory Disclosure and Barring Service Disclosure at the appropriate level(unless the Disclosure and Barring Service Update Service applies);
- Evidence of permission to work for those who are not nationals of a European Economic Area (EEA) country or Switzerland; whether the candidate has an Isle of Man workers status and is permitted to work on the Isle of Man/work permit.
- Verification of the candidate's medical fitness;
- Verification of qualifications;
- Verification of professional status/registration where required, e.g. Social Work England for social workers, Teaching Regulation Agency, Health and Care Professions Council (HCPC), Nursing and Midwifery Council;
- Verification of successful completion of statutory induction / probationary period where appropriate.
- The Official Secrets Act must be signed prior to employment (Government employees).

All checks should be:

³ CHILDREN' HOMES & CHILD (Secure) ACCOMMODATION -Minimum Standards. Registration and Inspection March 2015. Reviewed 2016. Standard 14 Fitness to manage the administration of a children's home.

The standards are issued by the DHSC under Section 35 of the Regulation of Care Act 2013.

- Documented and retained on the personnel file (subject to restrictions on the retention of information imposed by Disclosure and Barring Service regulations);
- Followed up where they are unsatisfactory or where there are discrepancies in the information provided.

Where:

- The candidate is found to be on the Barred Lists, or the Disclosure and Barring Service Disclosure shows they have been disqualified from working with children by a Court;
- The applicant has provided false information in, or in support of, their application;
- There are serious concerns about an applicant's suitability to work with people.

These facts should be reported to the police and/or Disclosure and Barring Service (if they are not already aware). Anyone who is barred from working with children and vulnerable adults is committing an offence if they apply for, offer to do, accept or do any work which constitutes Regulated Activity. It is also an offence for an employer knowingly to offer work in a regulated position, or to procure work in a regulated position for an individual who is disqualified from working with children, or fail to remove such an individual from such work.

4.14 Disclosure and Barring Service Checks

The Disclosure and Barring Service acts as a single point of contact for any organisation to gain access to criminal records for employment. It delivers the service through strategic partnerships with the police, Capita, (a private sector partner that operates an administration infrastructure and call centre) and registered bodies, such as the Isle of Man Vetting Bureau. Levels of disclosure requested, for example, Standard or Enhanced, should reflect the nature of the duties of the post and degree of contact with children, young people or vulnerable adults with sensitive, confidential information.

When considering asking a person to apply for a standard or enhanced DBS check, an employer is legally responsible for making sure the job role is eligible. This should be done before countersigning each DBS application form.

To determine which level of check a role is eligible for, refer to the **DBS** Code of Practice

A record should be kept of the date when the disclosure was obtained, by whom, level of disclosure and unique reference number. Disclosure and Barring Service checks should be:

- Treated as confidential;
- Kept secure;
- Destroyed as soon as no longer required (not normally longer than 6 months after decision to appoint; however, note that it may be necessary to retain them for longer for inspection regimes).

CRIMINAL RECORD

Employers must make a judgement about suitability, taking into account only those offences which may be relevant to the post in question. In deciding the relevance, the following should be considered:

- The nature of the appointment;
- The nature of the offence;
- The age at which the offence took place;
- The frequency of the offence.

4.15 Disclosure and Barring Service Update Service

The Disclosure and Barring Service (DBS), operate an optional Update Service which is designed to reduce the number of DBS checks requested.

Instead of a new check being necessary whenever an individual applies for a new paid or voluntary role working with children/Adults at Risk, individuals can opt and should be encouraged to subscribe to the online Update Service. This will allow them to keep their DBS certificate up to date, so that they can take it with them from role to role, within the same workforce.

Employers do not need to register, but can carry out free, instant, online status checks of a registered individual's status. A new DBS check will only be necessary if the status check indicates a change in the individual's status (because new information has been added).

4.16 Disqualification

For staff who work in childcare or vulnerable adult provision or who are directly concerned with the management of such provision, appropriate checks must be carried out to ensure that individuals are not disqualified from working with children or vulnerable adults.

4.17 Checks on Overseas Staff

Where an applicant has worked or been resident overseas in the previous 5 years, the employer should obtain a check of the applicant's criminal record from the relevant authority in that country and seek additional information about an applicant's conduct. Not all countries provide this service and advice can be sought from the Disclosure and Barring Service however DBS checks cannot be conducted overseas. The application process for criminal records checks or 'Certificates of Good Character' for someone overseas varies from country to country.

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4.18 Employment Agency Staff

Where staff are recruited through an agency, written confirmation should be obtained to confirm that all of the necessary checks have been undertaken. Agencies who recruit workers should ensure that DBS checks are up to date prior to individuals being employed within the workforce. Similarly, safe recruitment practices need to be observed with sessional staff.

4.19 Staff Records

In relation to each member of staff appointed a record should be created to show:

- Written references obtained;
- Gaps in employment history checked;
- A satisfactory Disclosure and Barring Service/Enhanced Disclosure and Barring Service certificate obtained, with a unique reference number and date;
- Reasons/decision to appoint despite criminal convictions (i.e. a Risk Assessment);

- Evidence of proof of identity (this will have been provided for the Disclosure and Barring Service check);
- Evidence of qualifications;
- Details of registration with appropriate professional body;
- Confirmation of right to work in the Isle of Man/work permit;
- Record of interview questions and answers.

Records should be signed and dated by appointing manager/chair of the interview panel.

5. Post Appointment Induction

- Staff should be given a mandatory induction, which includes familiarisation with child and adult protection responsibilities and procedures to be followed if anyone has any concerns about a child or vulnerable adult's safety or welfare.

The purpose of the induction is to:

- Provide training and information about the organisation's safeguarding policies and procedures. This training should be at a level appropriate to the member of staff's role and responsibilities with regard to children and vulnerable adults;
- Support individuals in a way that is appropriate for their role;
- Confirm the conduct expected of staff;
- Provide opportunities for a new member of staff to discuss any issues or concerns about their role or responsibilities;
- Enable the line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately;
- Ensure that the person receives written statements of:
 - Policies and procedures in relation to safeguarding;
 - The identity and responsibilities of staff with designated safeguarding responsibilities;
 - Safe practice and the standards of conduct and behaviour expected;
 - Other relevant personnel procedures, for example, whistle blowing, disciplinary procedures.

6. Maintaining a Safer Culture

6.1 Maintaining an ethos of safeguarding and promoting the welfare of children/young people/vulnerable adults can be achieved by:

- A clear written statement of the standards of behaviour and the boundaries of appropriate behaviour expected of staff and volunteers;
- Appropriate induction and safeguarding training;
- Regular briefing and discussion of relevant issues;
- Effective supervision and staff appraisal processes;

- Clear reporting system for members of staff or any others who have concerns about the safety of children.

6.2 Monitoring

Monitoring of both the recruitment process and induction arrangements will allow for future recruitment practices to be better informed. It should cover:

- Staff turnover and reasons for leaving;
- Exit interviews;
- Attendance of new personnel at safeguarding training.

6.3 Supervision and Staff Review and Development

Employers are responsible for ensuring that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and vulnerable adults and for creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role.

Annual Performance and Development Reviews are important elements in ensuring safe practice. They should:

- Ensure staff are up to date with current safe practices;
- Identify areas for development;
- Openly address any concerns about behaviour and attitudes;
- Put in place action plan and arrangements for review.

There should be regular monthly supervision provided with ongoing support provided to staff including safeguarding training. Training needs must be regularly reviewed.

6.4 Disclosure and Barring Service Re-checking

See also: **Section 4.15, Disclosure and Barring Service Update Service**

Further Disclosure and Barring Service checks on staff should always be considered when:

- There has been a break from employment of 3 months or more;
- There are grounds for concern about the person's suitability to work with children (note that the employee can decline).

And in addition when:

- A staff member, who has not previously had a Disclosure and Barring Service check, applies for and is successful in obtaining a post which requires a Disclosure and Barring Service check within the same organisation;
- A member of staff transfers to a different employer then a Disclosure and Barring Service check should be undertaken before the person commences work.

7. Whistleblowing

A mechanism should be established for confidential reporting or whistle blowing of any behaviour towards children or young people which is abusive, inappropriate or unprofessional. This includes:

- Conduct which is a breach of the law;
- Conduct which compromises health and safety;
- Conduct which falls below established standards of practice with children and young people.

This mechanism should:

- Discourage anonymous reporting;
- Provide for the reporter identity to be revealed only with consent;
- Provide support for the reporter, e.g. in giving evidence.

See also: **Whistleblowing or Raising Concerns at Work Procedure.**

8. Training

- All those involved in recruitment and selection of staff, including key managers and Human Resources professionals should be encouraged to access safe recruitment and selection training and appropriate updates.
- Wherever possible each interview panel should include a person suitably trained member of staff;
- Individual Organisations should monitor the take up of training to ensure they have appropriately trained staff involved in their recruitment processes.

Further Information

[Isle of Man Equality Act 2017](#)

[Disclosure and Barring Service](#)

[Safeguarding Act 2018](#)

[Safeguarding Together 2019](#) (Guidance for collective working to safeguard vulnerable adults and children on the Isle of Man.)

[The Childcare \(Disqualification\) Regulations 2009 - 23 \(4\) 2001 c.20](#) (Isle of Man)