

<b>Report of:</b> Director of Corporate Resources
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Meeting of	Date	Agenda Item	Ward(s)
Standard Committee	14 <sup>th</sup> January 2008	5	

<b>Delete as appropriate</b>	Exempt	Non-exempt
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**Subject: SAFE RECRUITMENT AND CRBs**

**1 Synopsis**

This report provides the Standards Committee with details of the council's work on Safe Recruitment including applications to the Criminal Records Bureau. Safe recruitment has an integral role in supporting the council in its important task of creating stronger and safer communities.

**2 Recommendation**

To note the report.

**3 Background**

The Bichard Report and subsequent safeguarding legislation and guidance, the Safeguarding Vulnerable Groups Act 2006 and the Schools Staffing (England) (Amendment) Regulations 2006 and the DCSF publication: Safeguarding Children and Safer Recruitment in Education 2007, all stress that employers must undertake rigorous recruitment and selection processes to ensure that unsuitable applicants are not appointed to roles that involve working with children and/or vulnerable adults. Since the Bichard report was published in 2004, the council has been committed to ensuring that the recommendations made in Bichard and subsequent legislation are carried out and regularly monitors and audits its safe recruitment procedures and reports these to People Board.

**4 Criminal Records Bureau (CRB)**

The aim of the CRB is to identify candidates who may be unsuitable to work with children or other vulnerable members of society. The council has a small team in Human Resources who undertake CRB disclosure work for a range of groups, including employees of the council who work with children and / or vulnerable adults, councillors, volunteers, staff in not for profit organisations and also commercial organisations who require their staff to have CRB disclosures. A

member of the Safe Recruitment team interviews each applicant and the disclosure forms are completed and sent off to the CRB. The CRB currently charges £36 for each enhanced disclosure, although this fee does not apply to volunteers.

CEA@Islington undertakes the CRB disclosure work on behalf of school-based staff.

Over the last twelve months the average time taken by the CRB for a disclosure has continued to reduce. On average it now takes between 3 – 6 weeks depending upon the complexity of the application form. Also the CRB has introduced an online tracking service which provides a facility for the council's CRB officer to track the progress of a disclosure application form.

#### 4.1 Employees

On recruitment, council employees who work with children/vulnerable adults are required to complete a CRB disclosure to confirm their suitability to work with the client group. In addition, every three years all relevant employees are rechecked to confirm their continued suitability. Table 1 below shows the number of check for employees carried out in a 12 month period from 1<sup>st</sup> December 2006 – 31<sup>st</sup> November 2007.

**Table 1**

<b>Division</b>	<b>Number of Employees</b>
Housing and Adult Social Services	317
Chief Executive's	1
Children's Services	577
Corporate Resources	11
Customer Focus	13
Environment and Regeneration	129
Finance	22
<b>Total</b>	<b>1070</b>

Employees covered in the above include: social workers, home carers, youth community workers, day centre workers and drivers of community vehicles.

In addition 18 councillors have had CRB checks undertaken in this period, which consisted mainly of 3 year renewals.

#### 4.2 Fostering and Adoption

The safe recruitment team in HR is also responsible for carrying out CRB checks for foster and adoptive parents and their kinship networks. In the period from 1<sup>st</sup> December 2006 – 31<sup>st</sup> November 2007 318 such checks were undertaken. These included both new fostering and adoptive parents and rechecks on foster parents and their kinship networks (see table 2 below).

**Table 2**

<b>Category</b>	<b>Numbers</b>
Adoption	36
Fostering	282
<b>Total</b>	<b>318</b>

### 4.3 Partner / External Organisations

In addition, the Safe Recruitment team acts as an umbrella body and undertakes CRB checks for a range of external groups including not for profit groups and commercial organisations. Included in this group are the council's partner organisations such as Kier and Homes for Islington (Hfi). Hfi no longer carries out their own disclosure work as they do not meet the CRB threshold figure of 100 applications per year.

As Homes for Islington are unable to act as an umbrella body for CRB checks the Safe Recruitment team also undertakes CRB disclosure work for Tenant Management Organisations (TMOs). In the past twelve months these have included Bemerton, Hornsey Lane Estate and Miranda.

Checks for external organisations are done at the recruitment stage and are also followed up every three years or earlier if requested by the organisation concerned.

For the 12 month period from 1<sup>st</sup> December 2006 – 31<sup>st</sup> November 2007 the Safe Recruitment Team undertook a total of 1267 checks and table 3 below highlights the number of disclosures carried out in this 12 month period for organisations where 25 or more checks were undertaken. These include both commercial and not for profit organisations and paid employees and volunteers.

**Table 3**

<b>Name of Organisation</b>	<b>Number</b>	<b>Category</b>
Access to sport	54	Staff and Volunteers
Age Concern	83	Mainly volunteers; some staff
Andover Community Centre	30	Mainly volunteers
Ash Grove Bus Garage	128	Mainly staff; some volunteers
Focus on Fostering	27	Staff
Friendship Phone Network	31	Mainly volunteers; some staff
GMJ Sessional Tutors	33	Staff
GLA	35	Staff
Homes for Islington	26	Staff
Jimac Cars	40	Staff
Kier	40	Staff
Lady Cars	37	Staff
Manor Gardens	77	Staff and volunteers
Muslim Welfare House	27	Mainly volunteers; some staff
Sherwood Recruitment	77	Staff
Women in Prison	25	Staff and volunteers
Youth Offending Team	64	Mainly volunteers; some staff
<b>Total</b>	<b>834</b>	

A further 433 checks were undertaken for 57 other external organisations.

## **5 Auditing and Monitoring**

On a six-monthly basis a report is submitted to People Board by the Safe Recruitment team. These reports update members of the Board on the council's work on safe recruitment and gives details of the monitoring and audit carried out during the previous six-month period. The audits have concentrated on the recruitment process of employees, including those working in the schools. These audits have shown that over the past three years since the audits have been in place that: the standard of recruitment have improved and comply with the CRB code of practice and have taken on board recommendations of the Bishard Report and other subsequent reports. Improvements include: effective file management; highlighting the importance of references appropriately signed and on headed note paper; checking for gaps in employment /education history; the introduction of a half day safe recruitment course for managers recruiting to posts where safe recruitment procedures should apply and putting details of CRB and safe recruitment practice on the council's intranet site.

The report to the next People Board in January 2008 covers an audit of some voluntary organisations in the borough who receive council funding and engage staff / volunteers to work with children and or vulnerable adults. The audit shows in general that CRBs are appropriately requested but that recruitment practices in some cases need to be tighter – for example checking references. Organisations visited have indicated that they will take on board suggestions made by the safe recruitment auditor.

## **6. Voluntary Groups**

During the year the Safe Recruitment team has participated in a number of events promoting the importance of safe recruitment in the voluntary sector. These included:

- Islington Volunteering Association (IVAC) - 5<sup>th</sup> February 2007
- Community Open Day – 23<sup>rd</sup> May 2007
- Light Project Conference – 19<sup>th</sup> October 2007
- Sport Islington - 14<sup>th</sup> December 2007

As a result of this, more organisations are applying to the council's CRB Officer for their volunteers to be CRB checked.

## **7 Safeguarding Vulnerable Groups Act 2006**

Following the recommendations in the Bichard Report, the Safeguarding Vulnerable Groups Act received royal assent in November 2006. This act lays the foundation for a new vetting and barring scheme which will be phased in from autumn 2008. Further details of this Act can be found in **Appendix 1**

## **8 Implications Financial Implications**

The cost of registration with the Independent Safeguarding Authority (see Appendix 1 attached) is not known at this stage, nor whether it is a one-off payment applicable at first registration only, or is time limited. This will increase the cost of recruitment to departments, and possible involve additional administrative costs to HR. At this stage it is not possible to provide any definitive costs.

## Legal Implications

It is appropriate that the council should continue to review and update its appointment procedures for staff with access to children and vulnerable adults. The council may be vicariously liable in negligence for failure properly to appoint or supervise staff that cause damage to children or vulnerable adults. A new vetting and barring scheme to prevent unsuitable people from working with children and vulnerable adults will be introduced from autumn 2008 (Safeguarding Vulnerable Groups Act 2006).

## Equality Implications

As long as these recruitment and selection guidelines are applied to all there should be no adverse equality implications.

## 9 Conclusions

The council is committed to safe recruitment and has introduced a number of initiatives to promote and encourage this. The work of the Safe Recruitment team extends beyond the recruitment of council employees and is important in helping the council to achieve its vision of stronger and safer communities.

Final Report Clearance

### Signed by

Director of Corporate Resources

Date

### Received by

Head of Democratic Services

Date

Report author: Pat Edwards  
Tel: 020 7527 2420  
E-mail: [pat.edwards@islington.gov.uk](mailto:pat.edwards@islington.gov.uk)  
Date: December 2007

## Safeguarding Vulnerable Groups Act 2006

### Vetting and Barring Scheme Update

#### 1 Background

The Safeguarding Vulnerable Groups Act which received royal assent in November 2006 lays the foundation for a new vetting and barring Scheme which will be phased in from autumn 2008.

#### 2 How the Scheme will work

The vetting and barring Scheme will:

- Provide employers with a more effective and streamlined vetting service for potential employees
- Bar unsuitable individuals from working, or seeking to work, with children and vulnerable adults at the earliest opportunity.

The responsibility for taking barring decisions will lie with a new independent statutory body - The Independent Safeguarding Authority (ISA). The ISA will make decisions on the status of those wishing to work with vulnerable groups and maintain the lists of those barred from the workforce. The application processes for vetting and barring decisions will be run by the Criminal Records Bureau (CRB).

An application for an ISA check will result in one of three broad outcomes:

- An automatic bar due to the nature of the conviction/s
- A discretionary bar based on information provide by the CRB or on referrals
- No bar due to the fact that the criminal record or other information does not make the person unsuitable to work with children or vulnerable adults.

#### 3 Improvements under the new Scheme

Improvements from the existing arrangements under the new Scheme will include:

- **Intergration of lists-** POCA, POVA, List 99 and Disqualification Orders.  
There will be a single 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** – Barring decisions made prior to employment.  
The Scheme will ensure that those who are known to present a risk of harm to children and/or vulnerable adults are prevented from entering the relevant workforce in the first place.
- **Consistent decision making by experts** .  
Independent and consistent decision making by the ISA
- **Continuous updating** – notification to employers if a person's status in the Scheme changes.  
When relevant new information becomes known about an individual who is already in the workforce and being monitored by the Scheme, the ISA will if

necessary review the original decision not to bar. Where they have registered, the employer will be notified if a person's status in the Scheme has changed.

A key strength of the new Scheme is that it will have access to non-conviction information from different sources when building a view of an individual's suitability / unsuitability to work with children or vulnerable adults.

#### **4 Statutory Duty**

Under the Safeguarding Vulnerable Groups Act 2006, certain organisations, including local authorities, will be under a statutory duty to refer relevant information to the Scheme in certain circumstances – broadly, where there is concern relating to the harm or risk of harm to children or vulnerable adults. This could include information about a person who leaves employment before they are dismissed. Failure by the employer to refer relevant information to the Scheme will be an offence punishable by a fine of up to £5,000.

The Scheme will not distinguish between paid and unpaid (voluntary) work as this does not have any bearing on the potential for abuse.

#### **5 Regulated and Controlled Activities**

The Act identifies two types of activities:

- Regulated Activities
- Controlled Activities

A barred person will not be able to work in a regulated activity but may work in a controlled activity.

**Regulated activities** include:

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

**Duties and responsibilities** under regulated activity include:

- To undertake regulated activity a person must have had a vetting and barring check and have been initially vetted by the Scheme.
- It will be an offence for a barred person to undertake regulated activity for any length of time.
- An employer taking on a person in a regulated activity will commit a criminal offence if they fail to check the status of an applicant, employee, or volunteer.
- It will also be an offence for employers/providers to permit a barred person, or a person who has not yet had a vetting and barring check, to work for any length of time (no matter how infrequent) in a regulated activity.

**Controlled Activities** include:

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

**Duties and responsibilities** under controlled activity include:

- An employer taking on a person in a controlled activity will commit a criminal offence if they fail to check the status of an applicant, employee, or volunteer.
- Providing sufficient safeguards are put in place, the provider can permit a barred person to work in controlled activity.

## **6 Empowering parent, carers and individuals**

The Act will give parents, carers and individuals the ability to check the status of a potential employee or volunteer. Such referrals, however, will need to go via a statutory agency such as the local authority. This may have implications for the Safe Recruitment team, especially if, for example, more older people opt for direct payments and they want to check the suitability of a potential carer.

## **7 Independent Safeguarding Authority timetable**

The proposed timetable for the introduction of the ISA is as follows:

January 2008	ISA become a legal entity
Spring 2008	Systems ready for testing
Summer 2008	ISA readiness review
Autumn 2008	Phased roll-out of scheme starts

## **8 Conclusion**

The new Act will place greater responsibility on the council for ensuring that employees, volunteers and foster carers are recruited safely. The penalties for not doing so could include a fine of up to £5,000 for each appointment breaching the Scheme. The council, with its continued support for the Safe Recruitment team, will help to ensure that it can comply with the Scheme's requirements.