



Vetting Policy and Procedure

Version 4
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1. Introduction

The previous Scottish Criminal Records Office (SCRO) checks have been replaced by 3 levels of disclosure checks (basic, standard and enhanced). Vetting procedures have been revised to take account of the new disclosure checks. This policy will continue to promote a vetting programme for all staff and non-employees (e.g. volunteers, foster carers, and contracted drivers) under the auspices of the Council which involve, individual's working with children (under the age of 18) as part of their normal duties or adults at risk. A person aged 18 or over may be considered to be vulnerable if they:

- are in receipt of personal care, or nursing, or support to live independently in his/her own home or in a care home;
- receive any health or social care services;
- have a substantial learning or physical disability;
- have a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs;
- have a substantial reduction in physical or mental capacity due to advanced age or to illness.

This vetting programme also extends to organisations with delegated authority from or support by the Council in the form of a grant or where organisations use Council premises for activities involving children.

2. What is Substantial Access to or Contact with Children or Adults at Risk

2.1 The definition of normal duties is complex and Service Directors must ensure that a risk assessment is undertaken and a number of questions should be considered when making a judgement.

1. Will the person have one-to-one contact with children?

If he/she does, and if the contact is away from the child's home, or separate from other children or adults, then access must be regarded as substantial.

2. Will the person be supervised?

It may be that a person will spend considerable amounts of time with children, but under close supervision. This might not necessarily be regarded as substantial access; however the possibility for an adult developing relationships with a child who could be exploited outside the supervised contact should be kept in mind.

3. Will the person be in an isolated situation with a child?

Clearly, the risks are greater where a child is with an adult in an isolated situation away from peers and family.

4. Will there be regularity of contact?

The more regular contact a person has with the same child or group of children, the greater is the risk of an unhealthy relationship building up. This is more so if the contact is unsupervised, or occurs away from other children.

5. Is overnight care involved?

Where children have to stay overnight with staff or volunteers, they can be more vulnerable to risk of abuse than during waking hours. Therefore, any individual involved in overnight care must be fully vetted, as should any other adults likely to be present.

2.2

Looking at the above questions, it can be seen that substantial access can refer to members of staff, or non-employees, who work directly with children or adults at risk in an unsupervised situation, e.g. Social Workers or Educational Psychologists, or to employees who may occasionally be in contact with children e.g. members of staff in a unit where a child is on work experience placement or Council employees who have to carry out repairs or checks in a school or children's unit. All of these employees have the opportunity to make contact with children, and could be considered to have substantial access.

The Protection of Children (Scotland) Act 2003(POCSA) has extended the definition of a child care position and the list of positions covered by this Act is contained in Appendix 1.

It would be impossible to carry out a vetting programme that is completely secure encompassing potentially every employee of the Highland Council, therefore, the responsibility falls on each Director to consider the level of access to children and to ensure staff are vetted appropriately. To assist with this, a list of posts have been identified within the Council, taking into account substantial access to children and adults at risk as part of their normal duties and the definition of a child care position as stated in the POCSA. The list of posts which require disclosure checks is contained in Appendix 2.

This list will be reviewed and updated where necessary in consultation with Service Directors and the Head of Personnel.

3.

Vetting Procedures

3.1

Prospective Highland Council Employees

1. Recruitment and Selection

- Applicants for posts which require disclosure checks complete a different application form (Application Form B) which requires them to declare **any** previous convictions for criminal offences i.e. they are **not** entitled to withhold information about **any** previous conviction (including "spent" convictions). They are also required to declare:
 - any criminal proceedings still pending
 - whether they have committed any offences against children or been subject to any Civil proceedings where they were alleged to have committed offences against children under the age of 16.
 - in relation to childcare posts, whether they are on any list of adults disqualified from working with children.
- The fact that a person has a criminal record does not automatically make him/her unsuitable for work with children. The following factors would be taken into account in deciding the relevance of convictions:
 - the nature of the conviction
 - the nature of the appointment
 - when the offence(s) occurred
 - the frequency of offence
- It is essential that if a Service wishes to appoint an applicant with a criminal conviction that the appointment is approved by the Service Director (or nominated Senior Officer) in consultation with the Head of Personnel **before** an offer of appointment is made. This should be recorded in the applicant's personal file.
- Normally if an applicant does not declare any convictions and convictions are subsequently traced, he/she would **not** be appointed unless there is a sound reason for this.

- Existing employees are required to undergo regular checks on a 3 year basis in order that the adults Disqualified from Working with Children list can be checked.
- Existing Council employees who apply for a post detailed in Appendix 2 are required to complete Application Form B, declare any previous convictions and for child care position that they are not disqualified from working with children. An appointment will not be made until a Disclosure Scotland clearance is received.
- Existing Council employees who have already been checked and apply for another post which requires a Disclosure Check, will be checked at this stage and re-checked again every 3 years.
- If it is not possible to receive a Disclosure Scotland clearance for periods of time when candidates have worked or resided outwith the United Kingdom they must be asked specific questions about this period and in particular whether they had any criminal convictions during this time abroad. In addition if they have not listed a referee from abroad they must supply a character or employer reference to cover this period. No decision should be taken to appoint until approval is given by the Service Director in consultation with the Head of Personnel.
- It is a condition of employment and is incorporated into contracts of employment that employees (who have been employed following a satisfactory Disclosure Scotland check) **must** notify the Council if they are either convicted of a criminal offence which may affect their suitability for their current post or referred onto a list for adults Disqualified from Working with Children. Failure to disclose a relevant conviction or referral on to such a list will be classed as gross misconduct under the Council's Disciplinary Procedures.

2. Interviewing Prospective Employees

- when interviewing prospective employees, managers must ensure that the following checks are carried out :
 - i. Explanations must be sought for any significant time gaps in employment history
 - ii. All candidates must be asked if they have any criminal convictions or any criminal proceedings pending (even if they have made a negative declaration in their application form) or been subject to any civil proceedings where they are alleged to have committed offences against children.
 - iii. All candidates must be advised that failure to disclose a relevant conviction will be classed as gross misconduct and will lead to dismissal
 - iv. All candidates must be asked if they are or have been known by any other name(s)
 - v. All candidates must be asked if they are on a Disqualified from Working with Children list
 - vi. Nominated referees must be in accordance with the

guidance notes provided to applicants i.e. one referee must be the present or immediate past employer at a senior level

Prospective employees for positions which require a disclosure check must not commence duties with the Council until confirmation has been received from Disclosure Scotland regarding whether or not criminal convictions, pending convictions and any other relevant Police information has been traced.

From the 10 January 2005 it is an illegal offence to employ an individual who is Disqualified from Working with Children unless the organisation did not know or could not reasonably be expected to know that the person concerned is listed.

3. Casual Employees

Casual employees who have already completed Disclosure Scotland checks but have not worked within a 12-week period, will be required to complete a declaration form before accepting any further offer(s) of work. The declaration form is to ensure;

- vii. there are no criminal conviction proceedings outstanding
- viii. if there are any convictions the individual has been placed on a Disqualified from Working with Children list since the last police check was carried out, as these could have occurred during a period when the individual had not been carrying out casual work for the Council.
- ix. That the individual has not been referred onto a Disqualified from Working with Children List.

It is the managers responsibility for ensuring that the individual declares any relevant information that may affect their ability to continue to undertake casual work, where there has been a gap in this work of more than 12 weeks.

3.2

Non-Employees

Authorised Services staff will undertake disclosure checks for non-employees (e.g. volunteers, contractors, foster carers etc). The same process will be followed, as with employees, with the exception that information is not forwarded to Personnel to be counter-signed. The Service is responsible for counter-signing disclosure forms for all non-employees.

Prospective non-employees for positions which require a disclosure check must not commence duties with the Council until confirmation has been received from Disclosure Scotland regarding whether or not criminal convictions, pending convictions, any other relevant Police information has been traced and there is no listing on a Disqualified from Working with Children list.

3.3

Organisations

1.1.1 Service Directors will require to be satisfied that any organisation has appropriate vetting procedures in place if it:-

- Is offered free use of Council premises or open spaces to undertake activities with children,
- Is let premises, hard standing or parkland including sports fields for activities with children.

All such organisations will be expected to adopt the Highland Child Protection Committee guidelines and to implement an appropriate Child Protection Policy and procedures in accordance with this guidance.

The Highland Council will require third parties and voluntary groups carrying out activities under the auspices of the Council or supported by the Council, by grant or use of Council premises, which involves significant or substantial contact with, or access to children, to have in place procedures to record evidence that they have:

- Provided a full description of the activities proposed,
- A list of adults to be involved in co-ordinating and supervising activities,
- A complete personal profile on each person including the names and addresses of 2 referees who know them well and who have testified to their suitability for
- working with children, and that the appropriate reference checks (including verbal discussion) have taken place,
- Confirmed and checked the possession of appropriate qualifications.

The responsibility of monitoring conformance of the above requirements will lie with the relevant Service Director who will ensure that checks are carried out of the vetting records and procedures of a suitable sample of organisations on a regular basis.

Services should draw up a list of organisations and volunteers who are involved in organisations providing services for children on behalf of the Council. It will be the responsibility of each Service to ensure its list of voluntary groups who have been vetted is kept up to date.

3.4

Volunteers

Volunteers who are involved in providing a service or support to children or vulnerable adults must be appropriately vetted. The Council will only be responsible for checking volunteers who carry out work directly for the Council. Any other volunteer groups should be advised to contact Central Registered Body in Scotland (CRBS) which is a separate body set up to undertake checks for volunteer groups and is fully funded by the Scottish Executive. Vetting may involve Services undertaking disclosure checks where access is deemed to be substantial, or may involve ensuring that adequate supervision is provided. It is the responsibility of the Service Directors to ensure that volunteers are appropriately vetted.

3.5

Contract Staff

Service Directors and Contractors should identify all persons who work with children or adults at risk as part of their normal duties. Again, appropriate action must be taken to ensure that these groups are not put at risk. This will involve the Service carrying out a vetting procedure e.g. enhanced disclosure checks (in the case of bus drivers or escorts) or may involve ensuring that adequate supervision is available from employees of a particular unit or establishment. Contractors, when they are working at units providing services to children e.g. in schools, should be made aware that their employees should not make contact with children, while Head Teachers and Managers of such facilities are responsible for ensuring that contractor's employees are adequately supervised.

4.

Disclosure Scotland Checks

Personnel will continue to process checks on behalf of prospective employees and re-checks for existing employees. This involves the Service issuing the Disclosure Scotland application form to the individual who has been given a provisional offer subject to a satisfactory Disclosure Scotland check. The Service should ensure the individual completes the form correctly (ie black ink, block capitals, all relevant details provided and writing is contained within the boxes). The Service is also responsible for verifying proof of identity i.e. it is recommended that at least 3 forms of ID are provided. It would be desirable that at least one of these is photographic (eg current passport, driving licence), plus at least one item containing current address (eg utility or telephone bill, bank, credit or mortgage statement). Where the individual does not have photographic evidence, a full birth certificate issued at the time of birth should be provided. Where an individual advises there has been a name change by deed poll or by any other mechanism, evidence of this should be provided.

For more information on how to fill in a Disclosure form please refer to the "Guidance Notes for Completion of Disclosure Applications" held in Public Folders in Outlook **or contact**

Disclosure Scotland Helpline (0870 609 6006) or their website www.disclosurescotland.co.uk As forms are scanned it is essential that they are filled in correctly, otherwise the form will be returned by the counter signatory or Disclosure Scotland, which will delay the process.

The form along with copies of proof of identity (signed by member of staff who saw the original I.D.) the individual's job application form, two references and medical questionnaire should then be forwarded by the Service to Personnel for counter-signing and processing of the Disclosure Form.

A similar process is adopted by Services when processing checks for non-employees (e.g. Volunteers, contractors).The Council has agreed that it will pay for the cost of disclosure checks requested by the Council (currently £23.00 per check).

5. Level of Checks

Basic Disclosure – this is related to an individual on their request, subject to confirmation of identity. This contains details of “unspent” convictions as defined in the Rehabilitation of Offenders Act 1974, (Exclusions and Exceptions) (Scotland) Order 2003 or will state that there are no such convictions.

Standard Disclosure – contains details of any spent or unspent convictions, for positions exempt under the Rehabilitation of Offenders Act. It will also reveal if no such matters are on record.

Enhanced Disclosure – this is the highest level of disclosure available and is reserved for positions involving regular caring for, training, supervising or being in sole charge of those under the age of 16 or “adults at risk”, applicants for registration for child minding, day care and to act as foster parent or carer. The enhanced disclosure contains the same details as the standard, however, in addition, it may also contain non-conviction information from Police records that a Chief Constable considers relevant in connection with the position being sought. This would include pending cases involving children, or individuals subject to a sex offender or antisocial behaviour disorder. Relevant information held by Government Departments may also be stated in this disclosure check e.g. the database will contain information about individuals who are considered unsuitable to work with children or adults at risk.

The new disclosure checks are used to complement the Council's existing recruitment procedures and will only be processed following a provisional offer of employment or provisional offer for a voluntary position within the Council.

Further guidance on disclosure checks for employees should be referred to the appropriate Area Personnel Adviser while checks for non-employees should be directed to the appropriate Head



of Service.