

SAFE RECRUITMENT POLICY

WORK WITH VULNERABLE PEOPLE INCLUDING CHILDREN



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This policy supersedes all previous policies, circulars and agreements connected with safe recruitment and safeguarding.	

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1 Policy Statement for Safe Recruitment

- 1.1 The States of Jersey is committed to safeguarding and promoting the welfare of vulnerable people¹, including children². This Safe Recruitment policy (the “Policy”) provides one such safeguard, in that it sets clear guidance in respect of the recruitment and selection process for persons who will work with vulnerable people and will help to deter, reject or identify people who are unsuitable to work with vulnerable people.

2 Policy Aims

- 2.1 The purpose and aims of this policy are to:
- Clearly identify the responsibilities of all those involved in the recruitment process; and
 - Provide best practice guidance and safeguard vulnerable people, through a robust and safe recruitment and selection process.

3 Key Principles

- 3.1 A set of principles underpins all States of Jersey Human Resource Policies and terms of conditions of service (see Policy Principles).

In addition the following principle will also apply;

- Throughout the States of Jersey, recruitment to posts working with vulnerable people will follow one set of safe recruitment standards to ensure safeguarding of all people under our care.

4 Links to other Policies

- 4.1 Other policies and documents which may be helpful when considering this policy are:
- States of Jersey Recruitment and Selection policy
 - Employment of people with past criminal offences
 - Employing overseas nationals
 - Education Sport and Culture Policy for Dealing with Allegations
 - Professional Standards Reporting Policy (Police)
 - Whistle Blowing Policy.

¹ In this policy, references to vulnerable people will always include children and all those adults who may, however infrequently, be the recipient of a regulated activity.

² Children is defined as anyone under the age of 18.

5 Who this Policy applies to

- 5.1 This policy applies to all employees³ of the States of Jersey on permanent and non-permanent contracts of employment who work with vulnerable people.
- 5.2 The policy also extends to include:
- Voluntary staff or those working under contracts where there is no implied contract of employment;
 - Workers engaged on zero hours agreements; and
 - Workers who work for the States of Jersey through a contract for services on an interim, locum, self-employed, or agency basis.
- 5.3 This policy applies to the recruitment of all persons who will work with vulnerable people. While its application is not limited to such persons, it is intended to apply to those persons who are recruited to carry out the types of work that may amount to regulated activity as currently defined by the Safeguarding Vulnerable Groups Act 2006. Although the 2006 Act does not apply in Jersey, it is relevant to determining the extent to which criminal record checks may be made and its provisions with respect to barring persons from work with vulnerable people may be extended to Jersey in the future.
- 5.4 In relation to children, regulated activities include those that involve regular, unsupervised contact with children such as teaching or caring for children or providing guidance, childminding or foster care to children. They also include work more generally in establishments such as schools, children's homes or childcare premises.
- 5.5 Regulated activity relating to adults identifies activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. It also includes a person who provides day-to-day management or supervision of those people. Regulated activities include providing health care (whether as a professional or under supervision), personal care, social work or providing training or assistance with the conduct of a person's affairs or personal care skills. It also includes conveying adults because of their age, illness or disability to or from their place of residence and a place where they receive health care, personal care or social care.
- 5.6 Human Resources should be contacted for advice if there is any doubt as to whether this policy applies to a recruitment process.

6 Roles and Responsibilities under this Policy

In addition to the generic policy responsibilities that can be found on the Policy intranet page, specific to this policy:

³ Throughout this policy the term 'employee' is used to include all employees, and office holders of the States of Jersey

- 6.1 **Job applicants, volunteers and existing employees** are responsible for:
- Providing complete and truthful information on job application documentation, ensuring relevant information is not withheld;
 - Supporting the employment clearance process by providing requested documentation in a timely manner;
 - Complying with the requirement to complete a renewal DBS check after a three year period or earlier if requested by Human Resources. This may be either in the form of a standard, enhanced or enhanced with barred list check as deemed necessary by the Recruiting Manager and Human Resources taking into account the role within the organisation; and
 - Ensuring that they disclose any cautions or convictions that are received during their employment. This information should be disclosed to the employee's line manager.
- 6.2 **Recruiting managers** are responsible for ensuring that:
- They have undergone safe recruitment training;
 - They complete a thorough risk assessment in the exceptional circumstances where a person working with vulnerable people commences employment without all employment clearances being obtained;
 - In the above exceptional circumstances, ensuring that the employee is not allowed direct unsupervised contact with vulnerable people;
 - Posts working with vulnerable people are identified before the recruitment process begins and Human Resources are advised accordingly;
 - All recruitment documentation and practices adhere to the guidelines in this Policy; and
 - Workers who work for the States of Jersey through a contract for services on an interim, locum, self-employed, zero hours or agency basis and voluntary staff or any other basis have been and shall be subject to safe recruitment procedures and are compliant with this Policy.
- 6.3 **Interview panel members** are responsible for ensuring that:
- All recruitment practices adhere to the guidelines in this Policy and that of the Recruitment and Selection Policy; and
 - A member of the panel has undergone safe recruitment training.
- 6.4 **Human Resources** are responsible for ensuring that:
- Support is available to Chief Officers, recruiting managers and interview panel members to ensure that the safe recruitment procedures outlined in this Policy are adhered to;
 - Chief Officers are advised on the exceptional circumstances where a person working with vulnerable people may commence employment without all per employment clearances being obtained; and
 - A thorough risk assessment is completed in the above cases where a person commences work without all employment clearances.

6.5 **Chief Officers** or their **nominee** are responsible for ensuring that:

- Authorisation is only provided in exceptional circumstances to commence a person working with vulnerable people without all employment clearances being obtained;
- A thorough risk assessment is completed in the above cases where a person commences work without all employment clearances; and
- This Policy is implemented effectively within their Department.

7 **Safe Recruitment Policy Provisions**

7.1 **Guidance on Best Practice**

- This Policy is primarily concerned with safeguarding, reference should also be made the States of Jersey Recruitment and Selection Policy;
- Safe Recruitment is only one element of safeguarding vulnerable people, safe employment practices should be in place at all times.
- Vulnerable people should be informed in writing about how they can report concerns and to whom
- Each Department should have procedures and systems in place to ensure safe working practices.
- Safe recruitment training should be completed by managers recruiting to positions that will work with vulnerable people.
- People working with vulnerable people should have a renewal DBS clearance completed at a minimum every three year period or as required by Human Resources.
- There should be an inclusion in any written agreement or contract with third party providers setting out responsibility for carrying out the recruitment and vetting checks on staff and volunteers in line with those set out in this Policy⁴.
- Audit of compliance with this Policy will take place on a risk assessment basis by the Internal Audit division; Human Resources may also spot check recruitment to ensure compliance with this Policy.

7.2 **Recruitment and Selection Guidance**

7.2.1 **Preparing for the Recruitment and Selection Process**

- It is essential to plan the recruitment exercise, identifying who should be involved, assigning responsibilities and setting aside time for the work needed at each stage so that sufficient time is available to cover safeguards.
- For teaching positions adequate time should be allocated to allow references to be obtained on shortlisted candidates before interview.
- Those involved in the recruitment process of positions that will work with children must also undertake the on-line safer recruitment training available at: <http://www.education.gov.uk/e-learning/login/index.php>. At least one member of the panel should have acquired the on line certification.

⁴ Where the third party provider can not conduct the vetting / DBS check themselves, the relevant Department can sponsor the application through existing States of Jersey processes e.g. third party providers who are self employed.

- Those involved in any recruitment process should have undertaken appropriate training in recruitment and selection before participating in the process and at least one member of the panel should have obtained the States of Jersey's in-house Recruitment and Selection Certificate to Practice.
- At least one member of the panel should have undertaken safe recruitment training, this should ideally be the recruiting manager.
- Job Advertisements should include a statement on the employer's commitment to safeguarding and promoting the welfare of vulnerable people and state the need for the successful applicant to undertake a DBS clearance where applicable.
- Job descriptions should clearly state all or any responsibility for contact with vulnerable people and the person specification should include criteria relating to safeguarding.
- Information about the Departments policies and procedures surrounding safeguarding should be available to all applicants.

7.2.2 The Application Form

- A standard application form must be completed and should never be substituted by a CV. Incomplete application forms will not be accepted and will be returned to the applicant for completion.
- It is important to scrutinise and compare application forms and references to ensure they are completed fully and properly, that the information provided is consistent and does not contain any discrepancies. Gaps in employment should also be identified and reasons for leaving explored.
- Any discrepancies should be noted so that they can be clarified and can also form part of the consideration of whether to shortlist. Reasons for a history of repeated changes of employment without any clear career or salary progression, or a move from a permanent post to agency, freelance or temporary work, also needs to be explored and confirmed.

7.2.3 The Interview

- The selection process should always include a face-to-face interview with at least two people forming the interview panel. The interview should assess the merits of each candidate against the job requirements and should explore their suitability to work with vulnerable people.
- The interview and interview questions need to be carefully planned with probing questions asked to obtain all relevant information. Interview questions should be competence based and should cover questions that test a candidate's attitudes, values and understanding of issues.
- The inclusion of vulnerable people on interview panels should be encouraged.
- Original copies of candidate's identity and educational or professional qualifications need to be checked thoroughly at the interview stage.
- In addition to assessing candidates' ability to perform the duties of the post, the interview will also explore issues relating to safeguarding and promoting the welfare of vulnerable people, including:
 - Motivation to work with and attitude towards vulnerable people.

- Ability to form and maintain appropriate relationships and personal boundaries with vulnerable people.
- Ability to support the organisation's commitment to safeguarding and promoting the welfare of vulnerable people.
- Emotional resilience in working with challenging behaviours.
- Concerns or discrepancies arising from the information provided by the candidate and/or a referee.
- If references were not obtained prior to interview, the applicant should be asked if there is anything they wish to declare in light of the questions that have been (or will be) put to his or her referees.
- The panel should also ask the candidate if they wish to declare anything with regard to any allegations of misconduct or criminal investigations that may have occurred in the past. Candidates for posts that involve regulated activity should be aware that they will be asked to obtain an Enhanced Disclosure Certificate with barred list from the DBS. The certificate may include information held by local police forces in the British Isles with respect to allegations or criminal investigations that have occurred, even where they did not result in a conviction. This information may be disclosed in an Enhanced Certificate or Enhanced Certificate with barred list where the Chief Officer of the relevant police force reasonably believes the information is relevant to assessing the applicant's suitability for the post.
- Any gaps in the candidate's employment history should also be discussed and recorded in writing.

7.3 Vetting and Checking Guidance

7.3.1 Offer of Employment

Once the interview panel has made its decision about the preferred candidate, an offer of appointment to the successful candidate can be made, but the offer must be conditional on the satisfactory completion of the employment and vetting checks.

Employment and vetting checks are a necessary requirement of the recruitment and selection process in order to ensure effective safeguarding in recruitment.

All checks completed must be:

- Confirmed in writing;
- Documented and retained on the personnel file (subject to any data protection restrictions); and
- Followed up where they are unsatisfactory, or where there are discrepancies in the information provided.

A single central record will be kept by the Human Resources Business Support team of recruitment and vetting checks undertaken to include dates and whether results were positive or satisfactory but not to include any specific details of offences.

The employment and vetting checks carried out on intended new appointees who will work with vulnerable people are outlined in section 7.3.2 – 7.3.12.

7.3.2 Identity Checks

It is important to be sure that the person is who he or she claims to be. Identity checks must be completed for all positions working with vulnerable people.

For workers provided by a third party, identity checks must be completed to include a photographic identity check and obtaining evidence of address⁵.

Identified concerns may not justify not appointing an applicant. Identity concerns may be unrelated to safeguarding and may have happened many years ago. These concerns need to be explored with the applicant and properly risk assessed and a risk assessment kept on file.

7.3.3 Disclosure and Barring Service Checks

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable people. The Jersey Vetting Bureau (JVB) was established as a DBS Registered Umbrella Body providing an authorised link between Jersey and the DBS.

Information that is part of a DBS check must be treated as confidential. It is an offence for DBS information to be passed to anyone who does not need it in the course of their duties. Recruiters should also be aware that the minimum age for applicants to now apply for a DBS checks is 16 years. The applicant must be 16 years of age or over at the time of making the application.

7.3.4 Verification of Qualifications

Verification must always be obtained on any qualifications that candidates claim in their application and that are legally required for the job or that the employer regards as essential. If there is any doubt about the validity of the qualification, or the awarding body, written confirmation should be obtained directly from the awarding body.

For those applying for professional posts, the qualifications and any professional registrations legally required for the job must be confirmed in the same manner.

Candidates should be asked to bring documents confirming any educational and professional qualifications that are necessary or relevant for the post to interview. For example, original or certified copy of a certificate, diploma or degree. Where original documents or certified copies cannot be provided, written confirmation of the relevant qualifications must be obtained from the awarding body.

⁵ As per JVB guidelines re appropriate documentation

7.3.5 Status

In some cases there may be a requirement for an applicant to have a particular status, e.g. registration with a professional body. If required, evidence of such registration should be obtained by the Human Resource business support team.

In addition enquiries should be made with the professional body to establish whether or not the candidate is subject to any outstanding complaints or investigations.

7.3.6 Verification of Candidate's Medical Fitness

All successful candidates must receive medical clearance from the Occupational Health Service before their offer of employment can be confirmed.

7.3.7 Reference Checks

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should always be sought and obtained directly from the referee and not through a third party or the candidate themselves. Where there is any concern or discrepancy in a reference received, a follow up phone call to the referee should take place to confirm the referee's identity and clarify the contents of the reference received. A file note should be kept of the discussion and the referee advised of this at the start of the conversation.

All posts should be subject to the taking up of references as this is an indispensable tool within the safer recruitment process. In all cases at least two references should be obtained to provide both professional and personal perspectives on the candidate and his/her ability, motivation and aptitude for the post. One reference should be obtained from the most recent line manager.

For teaching positions, written references must be obtained before an interview takes place and in all cases references should be obtained before entering into a contract of employment with any candidate.

7.3.8 Previous Employment History

The application form seeks information about previous employment. Those recruiting should always obtain satisfactory explanations for any gaps in employment. If a candidate is not currently employed in a position covering vulnerable people, it is advisable to check with the last position they held in this capacity to confirm details of their employment and their reason for leaving. This may mean that a third reference is required.

7.3.9 Those that have lived outside the UK

Extra time will need to be allocated to the employment and vetting checks of applicants who have lived outside the UK. DBS disclosures will not generally show offences committed by UK citizens or residents whilst living abroad and will not include details of any offences committed abroad by foreign nationals who have never lived or worked in the UK. Therefore in addition to

a DBS disclosure, additional checks such as obtaining certificates of good conduct from relevant embassies or police forces are necessary. These checks are obtained through the applicant.

Where an applicant is from or has lived in a country where criminal record checks cannot be made, employers must take extra care in taking up references and carrying out other background checks e.g. additional references should be sought, and references followed up by phone. The completion of a risk assessment should also take place in such cases.

7.3.10 Right to work in Jersey

A check should be made of the candidates Residential and Employment Status in line with the Control of Housing and Work (Jersey) Law 2012. In the case of foreign nationals, checks need to be made to ensure the candidate has permission to work in Jersey.

7.3.11 Volunteers and Agency Staff

It is appropriate to obtain a DBS check in respect of volunteers and agency staff who engage in regulated activity. Some types of voluntary work may not meet the definition of regulated activity, because the work is only carried out occasionally and under appropriate supervision. Further guidance can be sought from HR in relation to those cases, where it may not be possible to obtain a DBS check. In those cases it is still good practice to obtain references and proof of identity.

Under no circumstances must a volunteer or agency staff member, who has not obtained an appropriate DBS disclosure, be left unsupervised with vulnerable people.

If volunteers are to be recruited by another organisation, written assurance should be obtained from that organisation that the person has been recruited and vetted in line with this guidance. Where the DBS check has resulted in disclosed information, the Department must obtain a copy of the DBS Disclosure and make an assessment before the individual can start work. The department must also check that the person presenting themselves for work is the same person on whom the checks have been made.

7.3.12 Third Party Suppliers and Commissioned Services

There should be an inclusion in any written agreement or contract with a third party provider or commissioned services setting out responsibility for carrying out the recruitment and vetting checks on staff and volunteers in line with those set out in this Policy.

The identity of contractors and their staff should always be checked, this is especially important where the contractor could have an opportunity for contact with vulnerable people.

Contractors for whom an appropriate DBS check has not been undertaken should be supervised if they will have any contact with vulnerable people.

7.3.13 Commencing Employment without all Employment Clearances

In exceptional circumstances where there is an urgent operational need to start a new employee it may be possible to start the employee without having obtained all pre-employment clearances. This should only occur in exceptional cases and only one employment clearance should be pending with all other checks being viewed as satisfactory. In such cases, the authorisation of the Senior Human Resources Business Partner and the Chief Officer of the Department will be required. Authorising officers will require a thorough risk assessment to take place before authorisation can be provided and the new employee should not be allowed direct unsupervised contact with vulnerable people.

7.3.14 Employees or Volunteers Changing their Duties

Where an existing employee or volunteer changes their duties, which therefore result in them working with vulnerable people or bring them into regulated activity,⁶ a review should take place of all vetting and referencing checks that are required for the new role. An enhanced DBS check, to include a barred list check should be carried out in cases where the employee or volunteer will work in regulated activity.

7.4 Safer Practice Guidance

7.4.1 Safeguarding should feature highly in all processes, policies, procedures and practices to send a clear message to applicants, existing staff and volunteers and to help deter unsuitable individuals and inappropriate behaviour.

7.4.2 As far as safeguarding and promoting the welfare of vulnerable people is concerned the induction and probation programme should include information about, and written statements of;

- Policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti-bullying, health and safety, internet safety, safeguarding procedures etc.
- Safe practice and the standards of conduct and behaviour expected of staff, children and other service users in the establishment.
- Clear procedures for reporting concerns
- Contact details for the named Safeguarding Lead.
- Other relevant Human Resources procedures e.g. disciplinary, capability etc.

7.4.3 Departments are responsible to ensure all employees working with or in contact with vulnerable people receive appropriate training on safeguarding and promoting the welfare of vulnerable people in line with the recommendations of the Joint Safeguarding Partnership Boards' training strategy.

⁶ See glossary and paragraph 5.1 to 5.6 for further details of the meaning of this term.

- 7.4.4 Once an applicant has been confirmed in post they will be required to disclose any cautions or convictions they receive during their employment. This information should be disclosed to the employee's line manager.

7.5 Safeguarding Vulnerable People in the Workplace

- 7.5.1 Vulnerable people may complete work experience placements within the SoJ, for example through Project Trident etc. It is important that all employees working with vulnerable people ensure that their behaviour and conduct is appropriate at all times. A mutual placement agreement should be signed by all parties in order to ensure that the placement works effectively. The following basic guidance should be included in such an agreement:

- Should there be occasions when physical contact is needed with the secondee (e.g. guidance in carrying out a technical operation) the need for this must be clearly explained and such contact kept to a minimum and only used when necessary;
- Whilst it is important to reassure the secondee, who may be nervous in the work environment and reliant on guidance, it is important not to be over familiar. The same appropriate behaviour standards are required with secondees as with any staff members;
- Secondees may be required to spend time with one employee, however extended periods should be avoided and an open-door policy should be implemented at all times;
- The safeguarding lead in the placing organisation is to be identified and to be the first contact for any identified concerns regarding the safety or wellbeing of the secondee. However, should concerns be expressed about the placing organisation, it would be appropriate to refer these directly to MASH (519000) for children and young people, or SPOR (443500) for adult secondees; and
- If a manager is aware of any of their employees who are disqualified from working with vulnerable people it is un-acceptable to make a placement

- 7.5.2 If the person working with the secondee is unsupervised and the same person is in frequent contact with the secondee, the work is likely to be regulated activity. If so, the department should ensure that the person providing the instruction or training is not a barred person.

- 7.5.3 If the activity undertaken by the secondee on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with vulnerable people, this may itself be considered to be regulated activity. In these cases consideration should be given as to whether a DBS enhanced check with barred list should be requested for the child or vulnerable person in question. This should be discussed with the organisation placing the secondee, ensuring DBS checks are not requested for children under the age of 16.

7.6 Managing Allegations

7.6.1 Managing Allegations Procedure

It is vital that the measures described in this Policy are applied thoroughly whenever someone is recruited to work with vulnerable persons but that must not be the end of the matter. It is crucial that everyone is aware of these issues, and the need to adopt ways of working and the appropriate practice to help reduce the risk that vulnerable people are subject to inappropriate behavior or harm. It is equally important that everyone is able to raise concerns about what seems to be poor or unsafe practice by colleagues and that those concerns are listened to and taken seriously.

The framework for managing cases set out in this section of the guidance should be used in respect of all cases in which it is alleged that a person who works with vulnerable people has:

- Behaved in a way that has harmed, or may have harmed a vulnerable person.
- Possibly committed a criminal offence against, or related to a vulnerable person.
- Behaved towards vulnerable people in a way that indicates s/he is unsuitable to work with such people.

If it appears that a criminal offence may have been committed then the States of Jersey Police must be contacted at the earliest possible opportunity.

Where an allegation arises relating to staff employed by a contractor, or an agency, both the contractor or agency and the relevant Department need to be involved in dealing with the allegation.

Within the Education Sport and Culture Department, any concerns about poor or unsafe practice should immediately be reported to the Head Teacher or a member of the senior management team if in a youth service setting or, if the allegation is against the Head Teacher, to the establishment's child protection co-ordinator. Reference should be made to the policy for dealing with Allegations against Employees of the Department for Education, Sport and Culture.

Police officers should report any concern through the Professional Standards Department. Contact may be made verbally, in writing, by e-mail, facsimile or in person. Such an approach will be dealt with by staff experienced in dealing with cases involving allegations of wrongdoing. When direct reporting is chosen, an agreement on the status of the report and the degree of confidentiality necessary will be made between the Professional Standards Department and the internal witness. Reports can be made anonymously. Such information will be treated with caution, and corroboration sought at the earliest opportunity. When made in person, the information will be treated in confidence and the person's identity protected as far as possible. Please refer to the Police Professional Standards Reporting Policy.

For all other Departments and staff, the concern should be escalated through the States of Jersey Whistleblowing Policy. Under this policy the

concern should first be raised with the immediate line manager, if this is not possible then the concern should be raised with the next level line manager and finally with the Chief Officer of the Department. The Designated Person is a named person with specific responsibility for ensuring that concerns raised under this policy are addressed appropriately and will be notified of all concerns that are raised under this Policy and kept informed at all stages. The Comptroller and Auditor General is the designated person and can be contacted in confidence at any of the stages.

7.6.2 Support for the Subject of the Allegation

The manager should inform the subject of the allegation about the allegation as soon as possible but with due regard for the need to ensure that a thorough investigation by the States of Jersey Police or other appropriate body is not prejudiced. Where a strategy discussion is needed, or it is clear that police or social services need to be involved, disclosure of information should not take place until those agencies have been consulted and have agreed what information can be disclosed.

The person who is the subject of the allegation should be kept informed of progress of the case and be provided with support throughout the process of the investigation and beyond. They should be encouraged to seek additional guidance from their professional association or trade union. A named Human Resources representative should be offered as a contact for any queries, concerns, medical referrals or emotional and psychological support. Additional support can be provided through the States of Jersey occupational health provider and through informal counselling where appropriate.

Staff who have been subject to false or unsubstantiated allegations will require both emotional and professional support in order to enable them to re-establish their professional confidence and, where suspension has been applied, to help them re-integrate into the work place.

7.6.3 Suspension of the Subject of the Allegation

An employee must not be suspended automatically. Careful consideration should be given as to whether the circumstances of a case warrant a person being suspended from contact with vulnerable people until the allegation is resolved.

Suspension may be considered at any stage prior to or during an investigation but should not be undertaken without good reason. Circumstances in which suspension may properly occur include:

- Where there is cause to suspect risk of significant harm or the allegation warrants investigation by the police.
- Where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded.
- Where the allegations are so serious that dismissal for gross misconduct is possible.
- Where previous allegations of a similar nature have been made against the employee

A named Human Resources support must be provided and should not be the investigating officer or Human Resources representative who was present at suspension. This support will ensure regular contact is maintained with the employee during their suspension and is required to keep a log of all contact made.

If it is decided on conclusion of the case that an employee who has been suspended can return to work, the employer should consider how best to facilitate a return. Depending on the employee's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The employer should also consider whether the vulnerable person who made the allegation should be allocated to a different worker and should take into account the views of the vulnerable person in making this decision. If this is not possible then the employer should consider how the employee's contact with the vulnerable person who made the allegation can best be managed if they will still come in to contact in the workplace.

7.6.4 Record-Keeping

It is important that employers keep a clear and comprehensive summary of any allegations made, details of how the allegations were followed up and resolved, and any action taken and decisions reached. These should be kept in a person's confidential personnel file and a copy should be given to the individual. Such information should be retained on file, including for people who leave the organisation, at least until the person reaches normal retirement age, or for 10 years if that is longer.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where a future DBS check reveals information from the police that an allegation was made but did not result in a prosecution or conviction. It will also prevent unnecessary re-investigation if further allegations are subsequently made.

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures. It is important that every effort is made to reach and record a conclusion in all cases of allegations bearing on the safety or welfare of vulnerable people, including any case in which the subject of the allegation refuses to cooperate with the process.

7.7 Referral to DBS, Police or Regulatory Bodies

If an allegation is substantiated and on conclusion of the case the department dismisses the person or ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, you should inform Human Resources, if you have not done so already. Human Resources may inform DBS after taking legal advice in order to reduce the risk of harm being caused by the person in future.

If the person is subject to registration or regulation by a professional body or regulator e.g. by the HCPC, GMC, NMC etc. the Head of Service should consider whether a referral to that body is appropriate. Any referrals should take place within 30 days.

Serious, deliberate fraud or deception in connection with an application for employment may amount to a criminal offence. In such cases consideration should be given to reporting the matter to the police, in addition to any planned disciplinary action. Human Resources may also report the matter to the DBS.

'Compromise agreements' by which a person agrees to resign and both parties agree a form of words to be used in any future reference must not be used in a way that would put vulnerable people at risk.

7.8 Audit Process

Human Resources may complete a check of a sample of recruitments that fall under this Policy to ensure compliance with the Policy.

Internal audit may be considered on a risk assessment basis to complete an internal audit at any point to ensure compliance with this Policy.

8 Glossary of Terms used in this Policy

Term	Meaning
Safe Recruitment	A consistent and thorough recruitment process in order to ensure that people who are unsuitable to work with vulnerable people are prevented from doing so.
Safeguarding	For vulnerable people this means protecting them from harm.
Regulated Activity	Work which involves close and unsupervised contact with vulnerable people. The Safeguarding Vulnerable Groups Act 2006 sets out the activities and work which are 'regulated activity'. An enhanced criminal records certificate with a barred list check should be obtained in respect of persons carrying out these activities.
Supervised	Within sight and sound of someone with an appropriate DBS check who is engaging in the same activity.
Certified copy	A copy (often a photocopy) of a primary document that has on it an endorsement or certificate that it is a true copy of the primary document.
Strategy Discussion	Discussion with Police and Social Services to consult with parties to protect evidence and take advice on next stages
Standard DBS Check	Used for positions included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and contains all conviction information, spent and unspent, including cautions reprimands and final warnings.
Enhanced DBS Check	Used for individuals whose work falls within the pre-2012 definition of 'regulated activity'. It contains all conviction information, spent and unspent, and any other non-conviction information considered to be relevant by the police or other Government bodies.
Enhanced DBS Check with Barred List	Used for individuals whose work is as defined by the current legal definition of regulated activity. It will include all information of an enhanced DBS check and in addition include a check of the DBS barred list for children or adults or both depending on the position.