

## 35. Recruiting Safely – for Work with Children, Young People and Vulnerable Adults

### Basic Information

<b>Title</b>	<b>Recruiting Safely – for work with children, young people and vulnerable adults</b>
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<b>Status of Paper</b>	For Conference adoption.
<b>Draft Resolution</b>	See section 13
<b>Alternative Options to Consider, if any</b>	None – this has legal, statutory good practice, insurance and duty of care implications.

### Summary of Content

<b>Subject and Aims</b>	This document covers a summary of Methodist policy on Safer Recruitment – updated good practice and mandatory requirements with regard to Vetting and Barring (VBS) legislation in England and Wales <i>and</i> includes a brief account of what is required in Scotland [ <i>implementation dates yet to be announced</i> ].
<b>Main Points</b>	<ul style="list-style-type: none"> <li>● Recruitment and selection</li> <li>● Vetting and checking</li> <li>● Procedures for the above</li> <li>● Safer recruitment practice</li> <li>● Referrals to barring authorities (listing)</li> <li>● Responsibilities of church bodies</li> <li>● Appendices and Form.</li> </ul>

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### **Background Context and Relevant Documents**

- Safer Recruitment has been in our Safeguarding Policy since 1993. Work is also being done on the CofE House of Bishops' policy and guidance simultaneously. Good practice needed updating to come in line with new significant changes in legislation, the Vetting and Barring Scheme, Independent Safeguarding Authority and CRB.
- Safeguarding Vulnerable Groups Act 2006 followed the Bichard Inquiry into the murders at Soham.
- Children's Workforce Development Council – Recruiting Safely November 2009.
- Independent Safeguarding Authority and VBS implementation stakeholder briefings with DCSF, Home Office and DH.
- The Criminal Records Bureau – which will administer the scheme in conjunction with our Registered Body – Churches' Agency for Safeguarding (CAS).
- All other mainstream Churches are developing this kind of policy too.

List of relevant documents and websites at the end of the Report.

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### **POLICY AND GUIDANCE FOR GOOD PRACTICE OF THE METHODIST CHURCH, 2010**

#### **A Statement of Safeguarding Principles**

*These are the principles for safeguarding children, young people and vulnerable adults. They [are] jointly agreed between the Methodist Church and the Church of England and also set the ethos for all our policy and guidance documents. When endorsed they will also introduce and guide the revision of 'Safeguarding Children and Young People' handbook and the writing of the 'Safeguarding Vulnerable Adults' handbook. Each of those subsequent documents will also contain a full theology underpinning the Safeguarding policy and guidance of the Methodist Church.*

#### **Preamble**

Every person has a value and dignity which comes directly from the creation of male and female in God's own image and likeness. Christians see this as fulfilled by God's re-creation of us in Christ. Among other things this implies a duty to value all people as bearing the image of God and therefore to protect them from harm.

#### **Principles**

We are committed to:

- the care and nurture of, and respectful pastoral ministry with, all children, young people and all adults
- the safeguarding and protection of all children, young people and vulnerable adults

<sup>1</sup> Or 'membership of' (PVG scheme Scotland).

- the establishing of safe, caring communities which provide a loving environment where there is a culture of 'informed vigilance' as to the dangers of abuse.

**We will carefully select and train all those with any responsibility within the Church, in line with Safer Recruitment principles, including the use of criminal records' Disclosures and registration with<sup>1</sup> the relevant Vetting and Barring schemes.**

We will respond without delay to every complaint made which suggests that an adult, child or young person may have been harmed, cooperating with the police and local authority in any investigation.

We will seek to work with anyone who has suffered abuse, developing with them an appropriate ministry of informed pastoral care.

We will seek to challenge any abuse of power, especially by anyone in a position of trust.

We will seek to offer pastoral care and support to, including supervision and referral to the proper authorities, any member of our Church community known to have offended against a child, young person or vulnerable adult.

In all these principles we will follow statute, guidance and recognised good practice.

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<sup>2</sup> Including appointing volunteers.

<sup>3</sup> Including those appointing volunteers.

<sup>4</sup> Or 'blemished' Disclosures, i.e. Disclosure certificates with offence information or other matters which may affect someone's suitability for a particular role.

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This section contains information on the VBS and PVG schemes which give important detailed guidance but which will be reviewed and updated *at least annually*. These updates will be widely publicised and distributed and will also be available on the Methodist website.

- A The Vetting and Barring Scheme (England and Wales) – *a detailed working guidance*
- B An indicative table of roles and criteria (VBS in England and Wales *only*)
- C PVG scheme – detailed guidance for Scotland – *to be written*
- D Criteria for eligibility and indicative roles – PVG scheme – *to be written*

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### RECRUITING SAFELY

#### 1. INTRODUCTION

Since our first Methodist Safeguarding handbook was published – based upon the Home Office *Safe from Harm* code of good practice issued in 1993 for the voluntary sector – there have been strong elements of Safer Recruitment in our policy and guidance. Safer Recruitment principles and procedures have now been expanded upon and enshrined in statutory guidance following the Children Act 2004 and Every Child Matters.

In England, Wales and Northern Ireland from 12<sup>th</sup> October 2009 the Safeguarding Vulnerable Groups Act 2006 (SVG) began an implementation programme. This legislation followed the Bichard Inquiry which reported on the Soham murders in 2004. Lord Bichard recommended, among other things, that there be a register of all those who worked with children, young people and vulnerable adults. The scheme is now referred to as the 'Vetting and Barring Scheme'.

Following the Safeguarding Vulnerable Groups Act 2006 implementation, in stages in 2010 it will become mandatory for all new employees, appointees and volunteers for roles in certain activities with children, young people and vulnerable adults (as defined by the Act) to be registered with the Independent Safeguarding Authority, in England and Wales. There will also be mandatory requirements for employers including those who recruit volunteers, voluntary bodies and churches for the first time.

Some mandatory requirements began in Scotland through the Protection of Children (Scotland) Act 2003. The Protection of Vulnerable Groups (Scotland) Act 2007 (PVG) is also a response to the Bichard Inquiry. It brings about new requirements with regard to vulnerable adults and is similar to the scheme in England and Wales. These two Acts are dealt with separately in the detail of this document.

Legal changes in the Channel Islands and Isle of Man follow in time, Methodist good practice procedures are followed wherever possible.

The Children Act 2004, Every Child Matters and Working Together 2006, along with the more recent vetting and barring legislation, mark significant developments in Safer Recruitment. They bring significant consequences for the Church, as for every other organisation involved in work with children, young people and vulnerable adults. There will be new legal duties for many organisations in the UK. The implications for the Connexion with other jurisdictions (including the Crown Dependencies) and especially with regard to Scotland, where another version of the scheme is imminent need very careful consideration.

The continuing development of best practice in all aspects of safeguarding within the Methodist Church of Great Britain is essential. The development of Recruiting Safely as a separate document has become essential to cover both areas of concern regarding safer recruitment in the Church, namely our Safeguarding

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children policy and as a necessary first step toward safeguarding adults' policy and procedures. It was the subject of an amended resolution<sup>5</sup> to Conference in 2009. The *Safeguarding 2003* (good practice for work with children and young people) handbook is being updated and published for September 2010.<sup>6</sup>

### **Clarification**

***The purpose of the Methodist Recruiting Safely handbook is to set out policy, procedures and guidance.***

All the procedures set out in this document are either requirements in law or as a result of Methodist Policy and therefore must be followed.<sup>7</sup>

### **Definitions: use of terms for the purposes of this document**

#### **Employer**

*This includes all organisations that recruit or appoint volunteers*

#### **Employee**

*This includes all paid workers and unpaid volunteers, plus all office holders and other appointees*

## **2. RECRUITING SAFELY – METHODIST POLICY**

### **2.1 Methodist procedures – an introduction**

The Methodist Church subscribes to the highest standards of recruitment in all its work with children, young people and with vulnerable adults.<sup>8</sup> Safeguarding principles for the voluntary sector were first enshrined in Home Office guidance, 'Safe from Harm', which included 13 points for work with children. In addition, other good practice documents aimed at the voluntary sector apply namely, 'Guidance for Safer Working Practice for Adults who work with Children and Young People', DCSF 2007 and the Children's Workforce Development Council (CWDC) document 'Recruiting Safely' 2009. Scotland has also experienced parallel developments with the Protection of Vulnerable Groups (Scotland) Act. (At the time of writing these are yet to be given an implementation date.)

### **2.2 Legislation and statute**

It is recognised in the statutory sector including the departments implementing the Safeguarding Vulnerable Groups Act 2006 (England and Wales) and Protection

<sup>5</sup> NOM 103 to resolution 25/2.

<sup>6</sup> Approved at Methodist Council, April 2010.

<sup>7</sup> This guidance must be complied with by everyone who is working for the Methodist Church, unless specific circumstances indicate exceptional reasons which justify a variation. In those situations where there may be an exception the District Safeguarding Coordinator must be consulted and any variation must be recorded.

<sup>8</sup> Definitions of a vulnerable adult may vary. Definitions for the purposes of recruitment for and work with vulnerable adults are found at paragraph B2.3 of Annex B below for a vulnerable adult in England and Wales and paragraph 8.2.2 below 'protected adult' in Scotland.

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of Vulnerable Groups Act 2007 (by the Scottish Executive), that safer recruitment is a greater task than simply creating lists of those barred from such work or criminal record checks concerning unsuitability. Employers and voluntary organisations should 'develop and apply robust recruitment procedures, including checking identity, qualifications and references and enquiring into career history' (Vetting and Barring Scheme guidance, October 2009 p.3).

Since the both these Acts brought together some of the safer recruitment requirements for *both* children *and* vulnerable adults we have in this Methodist *Recruiting Safely* document a combined policy and guidance for all work with vulnerable groups in the Methodist Church.

### 2.3 Suitability

The suitability and safety of someone to work with vulnerable groups should not be taken for granted based simply on criminal disclosure checks or registration/membership with a vetting and barring scheme, even though they may have been 'cleared'. The Methodist Church therefore sets out here comprehensive procedures for safer recruitment. The Methodist Church reserves the right not to appoint or to remove from work, within the principles of due process, those who are unsuitable or who are found to be not suitable for such work.

### 2.4 Roles and responsibilities

Selection procedures alone are not the only aspects of safer recruitment. In order for an organisation to be safer, staff and volunteers need to understand their roles and responsibilities. They need to be trained and equipped, supported and enabled to fulfil the responsibilities expected of them. Safer recruitment policies include the careful introduction and implementation of complaints and grievance procedures for all those who work in an organisation.

### 2.5 Training

Therefore, essential principles in safer recruitment concern the care taken not only in recruitment, but in the training and support of staff at all levels. These will directly impact upon the safety of those for whom they care, including all vulnerable people.

### 2.6 Safer recruitment remit and procedures

The safer recruitment good practice procedures detailed below are taken and adapted from 'Recruiting Safely', CWDC, 2009 and Safe from Harm.<sup>9</sup> The good practise set out here is dual purpose and also incorporate those steps required for work with vulnerable adults.

<sup>9</sup> This has not been amended updated or withdrawn and is no longer available from Home Office sources. It may be revised by DCSF shortly [references may be added to locate this].

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- Each church organisation must adopt a policy statement on safeguarding the welfare of children, young people (under 18) and vulnerable adults including recruitment procedures.
- Safer recruitment procedures must be applied to all paid staff and volunteers.

### 2.7 The Methodist Policy on vetting and criminal record checks

It is the policy of the Methodist Church:

- that all those who regularly<sup>10</sup> work with children, including those who work on a rota, should have enhanced criminal record checks and registration or membership with the relevant vetting scheme.<sup>11</sup>
- Those who work only occasionally will be asked to apply for Disclosure checks and registration/membership<sup>12</sup> if they fulfil the legal requirements for the scheme.
- Those who manage or supervise those who work with vulnerable groups will also be required to obtain Disclosure checks and be registered/a member.<sup>13</sup>

*N.B. This applies to all territories and all circumstances where there is eligibility for these procedures.*

### 2.8 The Channel Islands and the Isle of Man – procedures

Legislation is different in each Crown dependency. Where there is entitlement to carry out criminal record disclosures and vetting scheme registration (or membership), the equivalent procedures should be adopted there. Where this is not the case best practice in safer recruitment must be followed insofar as is possible.

## 3. RESPONSIBILITIES ACROSS THE METHODIST CHURCH

### 3.1 General

From October 2009 it became a criminal offence to knowingly appoint someone to work with children or vulnerable adults who has been barred from doing so by the ISA's vetting and barring scheme (VBS). It is a requirement of the Methodist Church that all organisations undertake all the checks described in this document on people they propose to appoint to work with children, young people under 18 and vulnerable adults, according to the legal criteria for regulated activities as outlined in section 2.7, 4.2 and also detailed in Annexe B.

A detailed outline of specific roles and responsibilities of each church body and

<sup>10</sup> This could be as little as once a month or twice a year.

<sup>11</sup> ISA in England and Wales, PVG in Scotland. In Scotland membership includes a criminal record Disclosure.

<sup>12</sup> In Scotland – see footnote 8.

<sup>13</sup> In Scotland – see footnote 8.

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each role at all levels of the Connexion will be combined with all safeguarding procedures and contained in the Safeguarding handbooks for approval at Conference in July 2010. Here is a summary of the preparations and responsibilities with regard to the legislation.

### 3.2 How do churches and circuits need to respond?

- Revise the church and circuit policy and good practice statements to include ISA registration as a requirement for new people in role and others at later dates according to the roll out programme.
- Ensure that those who work with children, young people and vulnerable adults, or who are responsible for managing and supervising this work, apply for ISA registration at the right time, according to the roll out programme (see Appendix 1, 2 and Annexe A and B).
- Ensure that the persons appointed to verify application forms or to ensure compliance with the scheme understand their responsibilities.
- Require key people to attend training (including ISA registration/Disclosure application verifiers).
- Inform Church Council members of their responsibility as managing trustees, for making appointments (see the section on Regulated Activity Provider).
- At Circuit level – develop a small group to consider referrals (see Protocol in Section 11).

### 3.3 How do districts need to respond?

- i) Revise district safeguarding policy.
- ii) Update recruitment of offenders policies in accordance with the requirements of the Safeguarding Vulnerable Groups Act 2006.
- iii) Enable specialist advice and support for this guidance and for referrals.
- iv) Ensure that the persons appointed to verify application forms or to ensure compliance with the scheme understand their responsibilities.
- v) Ensure that key staff attend training<sup>14</sup> (including ISA registration/Disclosure application verifiers) and that training in churches and circuits is supported adequately.

### 3.4 In Scotland

- i) The same implementation of safer recruitment practices, as described above, is required of all Methodist Churches, Circuits and Districts in Scotland and all bodies closely connected with these.
- ii) Further detailed guidance will be provided by the Connexional Safeguarding Adviser once the final details of the PVG scheme and the start date is provided.
- iii) Churches' Agency for Safeguarding will remain as the clearing house for all vetting and barring scheme/PVG scheme applications so that there is one database of applications for all paid staff, office holders and

<sup>14</sup> Especially those who advise churches, District Lay Employment Advisers and Safeguarding Coordinators.

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- volunteers held on the Church's behalf.
- iv) The Connexional Safeguarding Adviser will continue to provide an assessment process for unclear Disclosures, including formal individual risk assessments and consideration, where needed, of more serious matters where there are complex or borderline issues concerning vetting.

### 3.5 In the Crown Dependencies

These territories are part of the Methodist Church of Great Britain; i.e. the Channel Islands, Gibraltar and the Isle of Man.

The same guidance, procedures and best practice are required of all Methodist Churches in the Connexion in so far as safer recruitment procedures can apply. In addition, the Methodist Church in these territories should apply any state vetting schemes to both paid staff and volunteers in so far as these may be adopted by the legislatures of these islands which introduces parity with UK law or similar schemes.

### 3.6 What can be expected from the Connexional Team?

- i) Safer recruitment is to be built into the Connexional lay employment procedures for district lay employment advisers and the Development and Personnel Department's work, particularly in assessment for

candidating and for work with children, young people, families, vulnerable adults or for the church community and outreach work, including fresh expressions.

- ii) New CRB/ISA registration application packs for volunteers with children, young people and vulnerable adults will be available from June 2010 from Methodist Publishing. These are to be prepared for the PVG membership applications in time for the implementation schedule for that scheme.
- iii) New guidance and support for verifiers will come from CAS.
- iv) Training for verifiers will be encouraged in collaboration with the Churches' Agency for Safeguarding and our ecumenical partners.
- v) Regular communication and updates on implementation of Recruiting Safely, from the Safeguarding office.
- vi) Support for referrals to the ISA and Disclosure Scotland (PVG) referral units.
- vii) Regional road show briefings are planned and further briefings may follow.
- viii) Oversight of the roll out process for vetting and barring status (CRB and ISA combined process) together with the Churches' Agency for Safeguarding.
- ix) Regular consultations with CRB, ISA and relevant government departments.
- x) Safer recruitment principles and training will be built into the Creating Safer Space<sup>15</sup> modules and any additional modules.

<sup>15</sup> Methodist Conference 2007.

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- xi) Welsh translation of the guidance will be provided within 6 months.<sup>16</sup>

### 4 PROCEDURES – RECRUITMENT AND SELECTION<sup>17</sup>

#### 4.1 Recruitment and selection procedures

The following procedures apply to all roles, whether paid or voluntary, office holders (appointees) including candidates for ministry or all employed roles and all churches, church organisations and parts of the Methodist Connexion, where there is work for or with children, young people or vulnerable adults.

- i) Plan the process and decide who will be involved at each stage (planning, advertising, short-listing, interview panel) making sure everyone knows their role in the process.
- ii) Write a job description for paid posts or role outline for volunteers (see *Form A part 2 p.37*) listing what the post holder is expected to do, what or whom they are responsible for and who is responsible for supervising and managing them.
- iii) Write a person specification listing essential criteria and desirable criteria.
- iv) Include the Methodist *Statement of Safeguarding Principles* in the job information pack to emphasise how important Safeguarding is to

the Church and local policy and procedures.

- v) Ensure all applicants for paid roles complete an application form and volunteers a registration form including a Confidential Declaration (see *Form X p.33*).
- vi) Create a shortlist based upon applicants and candidates ability to meet the criteria.
- vii) *Where possible* obtain written references for all short-listed applicants before interviewing them. In all cases references should be obtained before entering into a contract of employment/a volunteer agreement with any applicant or undertaking to train any candidate. (see a *Model Reference Request Form p.45*). References should be based upon the candidate's ability to undertake the role and their motivation for doing so.
- viii) Ensure that any discrepancies or gaps within the application/registration form are accounted for.
- ix) Collaborate within the appointing panel on the questions to be asked or any exercises or presentations to be given.
- x) Interview applicants and candidates against agreed selection criteria using a measurable approach/consistent scoring system.
- xi) Confirm the identity of every applicant and relevant certificates of qualification or certificates of attendance at courses undertaken.

<sup>16</sup> N.B. It is no longer possible for Churches Agency for Safeguarding (CAS) to process Welsh language forms as they have no Welsh speaker, however we will be seeking to progress this with the Criminal Records bureau.

<sup>17</sup> These procedures have been adapted from Recruiting Safely – Children's Workforce Development Council (CWDC) 2009.

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This may be combined with checking their 'right to work' in the UK status when this is appropriate.

- xii) Ensure that all candidates understand that their appointment is subject to satisfactory completion of all appropriate checks, including Disclosure checks and registration or membership of a vetting scheme.
- xiii) Complete appropriate vetting procedures before you allow successful candidates to work.
- xiv) Plan the probationary period and subsequent reviews, including assessing and planning for relevant essential training.
- xv) Ensure that safer working practices and safeguarding procedures are both part of the induction, probationary and annual reviews.

### 4.2 Volunteers

Volunteers (unpaid) make up a huge part of the children's workforce and are seen by children as safe and trustworthy adults. They should also be valued and supported. Churches actively seeking volunteers, and considering candidates about whom it knows little, should adopt the same recruitment measures as it would for paid staff.

Where an organisation approaches a person/is approached by someone who is well known to them to take on a particular voluntary role, a shorter procedure may be adopted. This includes as a *minimum* gaining recent references, checking to make sure others in the community have no concerns and can make a positive recommendation, conducting an informal

interview to be clear about the person's suitability and conducting appropriate vetting.

### 4.3 The Confidential Declaration

Those applying for any appointments, lay or ordained, paid or voluntary, should complete a Confidential Declaration and submit it in a sealed envelope with their application (see *Form X, p.33*). If the applicant has anything they need to declare then this should be written in the space provided or an accompanying document.

The declarations will be read by the chair of any appointment panel or the minister (in the case of local volunteer appointments) and if it is satisfactory, the appointment can be made subject to satisfactory vetting procedures as required. A false or incomplete Confidential Declaration could be regarded as a disciplinary matter.

It is the duty of the minister or the appointment panel to check whether the matters declared are relevant to the application by consulting with the District Safeguarding Coordinator, the Connexional Adviser, or statutory agencies as appropriate and in certain circumstances a formal individual risk assessment will be considered.

*The ISA registration/PVG membership must precede any appointment, since it may be illegal to appoint a person.*

*[Applicants may apply from July 2010. It will be illegal in England and Wales for all new roles from November 2010.]*

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### 4.4 Overseas applicants and candidates

(see section 6.3 below)

### 4.5 Occasional/one-off helpers

Where a volunteer's role will be a one-off, such as accompanying staff and children on a day outing or helping at an event (e.g. a holiday club), these measures would be unnecessary provided that the person is known to the organisation and should always be supervised.

### 4.6 Contractors, agency staff or other sources of recruitment

If volunteers are to be recruited by another organisation, e.g. for a joint or ecumenical event, a district or Connexional event, suitable assurances should be obtained from the 'home' church or organisation which first recruited them that the person has been recruited and vetted in line with this guidance *and* that they were recruited and vetted for similar work.<sup>18</sup>

The same enquiries should be made of any contractor the church uses to provide services that give rise to their staff having contact with children, including vetting procedures and relevant information found arising from these procedures.

### 4.7 Participation

Involving children, young people or vulnerable adults (as relevant to the role) in the recruitment and selection process in some way, or observing shortlisted

candidates' interaction with them is common and recognised as good practice. There are different ways to do this.

*For example, the appointment panel could ask candidates to participate in specific activities or meet some of the children and young people the post-holder is likely to have contact with and, where possible, seek their views. The panel may also wish children and young people to show short-listed candidates around the establishment with an appropriate member of staff. Where children participate in interviews or there is a children's panel, they should be trained in interview procedures.*

## 5. PROCEDURES – VETTING AND CHECKING IN ENGLAND AND WALES

This section is based on new Vetting and Barring legislation (VBS), Disclosure legislation etc. It includes introductory and overarching information.

The detail of this scheme is in Annexe A and B.

### 5.1 An introduction to the Independent Safeguarding Authority (ISA)

The ISA is a non-departmental public body which is responsible for all the barring decisions of the new VBS. From November 2010, a church organisation working with children must check the ISA registration status of all new potential recruits prior to appointment (see paragraph 3.21). This

<sup>18</sup> Children and young people's work or vulnerable adults' work. If recruited for one vulnerable group, they may not be suitable for the other.

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will determine whether or not they can be employed/appointed and this may affect what activities they can undertake for the church or organisation.

The ISA divides work with children and vulnerable adults into two categories, known as ‘controlled’ and ‘regulated’ activities. It is only for those in regulated activities that registration will be required from November 2010. *Controlled activity* posts will be eligible for registration from 2014, but this category does not apply to the Voluntary or Faith Sectors.

The VBS scheme aims to avoid harm or risk of harm to children and vulnerable adults within specific contexts (called ‘regulated activities’) and achieves this by preventing those deemed unsuitable to work from gaining access via their work.

All those working with children and young people (under 18) or vulnerable adults will be required to be registered with the scheme in order to be able to take up such roles, or within five years from implementation continuing in their role. This is a legal obligation. From the relevant implementation dates within the five-year ‘roll out’ it will be a criminal offence to appoint or employ anyone in a regulated activity who is not registered.

### 5.2 The new requirements for ‘Regulated Activities’

Although churches and other faith communities are voluntary organisations they will all have a *new* legal duty to ensure that those working with children

or vulnerable adults are not known to be unsuitable for this work.

**Regulated Activities** are defined as:

- i) Any activity of a **specified nature** that involves contact with children or vulnerable adults **frequently, intensively or overnight**.
  - *specified nature*: teaching, training, care, supervision, advice, treatment and transportation
  - *frequently*: regularly, once a week or more often
  - *intensively*: 4 days or more in a 30 day period
  - *overnight*: any time between 2 a.m. and 6 a.m.
- ii) Any activity allowing contact with children or vulnerable adults that is in a **specified place** frequently or intensively.
  - *specified place*: schools, children’s homes, hospitals, juvenile detention facilities, adult care homes.
- iii) Any activity that involves people in certain **defined positions** of responsibility.
  - *defined position*: such positions include school governor and trustee of certain charities.
- iv) Activity which involves on a *regular* basis the **day-to-day management or supervision** of people carrying out activity of a *specified nature* or in a *specified place*.

Those routinely involved in activity of a *specified nature* which would be regulated activity if it met the frequency test (for

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example Sunday school teachers or youth leaders who work to a rota) should also register with ISA. The SVG Act caters for this;<sup>19</sup> see also section 2.7 above.

### 5.3 The barred lists

The three barring lists (POCA, POVA and List 99) have been replaced by two new barred lists administered by the ISA rather than several government departments. These lists apply to the full range of regulated and controlled activities, further enhancing protection of children and vulnerable adults. The eligibility criteria for enhanced CRB checks have been extended to include anyone working in a regulated position. A check of the relevant list is included in any enhanced Disclosure for work with children or vulnerable adults.

### 5.4 Criminal penalties

There are criminal penalties for barred individuals who seek or undertake work with vulnerable groups and for employers<sup>20</sup> who knowingly take them on.

### 5.5 Regulated Activity Provider (RAP)

The Regulated Activity Provider is the person or body who appoints someone to a Regulated Activity. In most churches this body will be the Church Council. The onus is therefore for Church Council members to become familiar with their duties and responsibilities, as never before, and to

ensure that those they delegate to oversee the appointments process for work with children and vulnerable adults have followed safer recruitment procedures including ensuring that criminal record checks and ISA registration has been undertaken. In many churches the minister is the person who seeks out people for appointments or who is approached.

It would be a good practice in the future for medium-sized and larger churches for a small appointments panel to be created who will liaise closely with the minister and bring nominations to the church council for work with children and vulnerable adults. Those who make up the nominations panel or who manage and supervise those who work with children or vulnerable adults will also be required to obtain ISA registration and criminal record checks.

For appointments at a District level or Connexional level the same principles apply – the District Synod and the Methodist Council are the Regulated Activity Provider.<sup>21</sup>

### 5.6 The implementation programme

The programme commenced in October 2009 and is due to be completed by 2014.

The most important dates are **July 2010**, when ISA registration becomes available, **November 2010**, when **new** staff and

<sup>19</sup> Safeguarding Vulnerable Groups Act 2006, Schedule 7. S. 3.

<sup>20</sup> Including those who recruit volunteers.

<sup>21</sup> We are still awaiting clarification on who the RAP is for Ministers, but the obligation for Ministers to register with ISA and obtain criminal record checks is not affected by this.

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volunteers (or those who have never had a CRB check) for regulated activities are required to register under the scheme, and **April 2011** when **existing** workers will be required to register according to a programme based upon the date of their last Disclosure.

Further detail is contained in Annexe A which will be reviewed on an annual basis.

### 5.7 Assessing records – the need for CRB checks and ISA registration

The church must take a precautionary approach:

- Criminal Records Bureau certificates **will still be required**. This is in order for a decision as to suitability of an applicant/appointee to be made upon assessing these records for **a particular role**.
- The ISA registration certificate will simply show whether someone is suitable based upon the fact that they are **not barred** from the relevant workforce and it is just one stage in the recruitment process.
- The ISA will bar unsuitable people based upon a range of relevant, tested information and evidence. They will also 'risk assess' this.
- An initial notification of Registration with ISA, that is where someone is not barred or not yet barred, will be available within a short period of around seven days from the CRB receiving the application.

- The CRB Disclosure (with a full record, including the reasons for barring, where relevant) will necessarily take longer, around the same period as currently,<sup>22</sup>
- Furthermore if someone is **being considered** for barring the employer may not be notified for some time.
- Applicants may start work after the first notification but it is important that all applicants are appointed on the basis that this is subject to the further checks being completed satisfactorily.
- In the case of serious unclear or blemished Disclosures or a late barring decision, the Church must reserve the right to remove them from the role.

### 5.8 Requirements for CRB checks continue

- i) From October 2009 all organisations working with children should obtain an enhanced CRB Disclosure for anyone appointed to a post within the definition of 'regulated activity' (see 4.2) including people from overseas. (For some organisations this will already be a legal requirement or needed to comply with regulatory requirements.)
- ii) This also applies to existing employees/volunteers who move from a post that is not a regulated activity to one that is. Standard level CRB Disclosures will continue to be available from this date *but will not give detail as to whether an individual*

<sup>22</sup> Approximately a month from CRB receiving it. For current CRB performance check their web site. CAS usually deal with forms within a week.

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- is listed on either the children's or adults' barred lists. A standard check is therefore insufficient for work with children and vulnerable adults. From July 2010 the Enhanced CRB Disclosure and ISA registration processes is accessed through a single application process.
- iii) It is recommended that church organisations still obtain CRB checks for a new position where the applicant is already ISA registered on at least the first occasion they work for an organisation (or within the single Registered Body/Umbrella Body remit – see *portability/repeat checks under Annexe A*).
  - iv) Some convictions (e.g. for driving offences, where the role involves driving children or vulnerable adults, or other alcohol or drugs, deception and some minor violent offences) might make a person unsuitable for a position even if they did not lead to an ISA bar. Some older convictions of a serious nature may also not lead to a bar. ISA registration is for life, but further assessments for barring (change of ISA status) will only be triggered by the most serious of offences, disciplinary proceedings or other serious matters.
  - v) The CRB Disclosure is an essential part of assessing suitability when the person has not been previously known to the Church, has not had a Disclosure before via the relevant Registered Body/Umbrella Body (Churches' Agency for Safeguarding), or if there is a change in role or

responsibility (i.e. between children/vulnerable adults or voluntary/paid).

### 5.9 Criminal Records Bureau for overseas applicants and candidates

CRB Disclosures and ISA registration (when implemented) must be completed on overseas staff and volunteers. In addition, wherever possible criminal records information (or certificates of good conduct) should be sought from countries where individuals have worked or lived.

### 5.10 Method of application, where to get forms, Registration and CRB fees

Application packs are available from Methodist Publishing. *Other details are in Annexe A.*

### 5.11 Young People in helping roles

Those under 16 must not be in roles where they take responsibility for children of any age.<sup>23</sup> They will not be eligible for ISA registration till they turn 16, but must apply in time for their 16<sup>th</sup> birthday if they are likely to be engaging in a regulated activity.

## 6. VETTING AND BARRING PROCEDURES FOR BOTH SCHEMES – IN ENGLAND, WALES AND SCOTLAND

### 6.1 Occasional staff and one-off helpers

It is not necessary to obtain a CRB Disclosure for visitors who will only have contact with children on an ad hoc

<sup>23</sup> See Methodist Standing Orders 660.

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or irregular basis for short periods of time, provided they do not fall within the definition of regulated activity because of the frequency or intensity of their activity (see 4.2). However, it is good practice to ensure that visitors sign in and out and are escorted whilst on the premises by a member of staff or appropriately vetted volunteer.

Examples of people who do not need to apply for a CRB Disclosure include:

- visitors who have business with the management, trustees or other staff or who have brief contact with children with a member of staff present
- visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on premises
- volunteers or parents who only accompany staff and children on one-off outings or trips that do not involve overnight stays, or who only help at specific one-off events eg sports days, fêtes, open days
- those who transport children or vulnerable adults regularly, but this is arranged by the parents/carers and is therefore not authorised by the church.
- people who are on site before or after the operating hours of a *regulated activity* and when children are not present, eg local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home or before they arrive

### 6.2 Students on placement

When offering student placements for professional or vocational training where there is a practice placement element, you should ensure that an enhanced Disclosure is applied for when a place on the programme has been accepted, so that Disclosures are received prior to the trainee commencing the work-based elements of their training. However, organisations working with children have discretion to allow an individual to begin the work-based elements pending receipt of the Disclosure, subject to the same considerations on overseas students and workers. Where this is necessary, you will need to make sure that the trainee is appropriately supervised in the placement location.

### 6.3 Overseas applicants and candidates

- i) For overseas candidates who have not previously lived in the UK *and* also UK candidates who have lived abroad for significant periods, you should make an additional check by obtaining a certificate of good conduct/police record from the relevant embassy or police force, where that is available, as well as obtaining an enhanced Disclosure. The CRB website gives information about the availability and coverage of these certificates. The level of information they contain varies from country to country. Some are complete extracts from the criminal record; others are partial.

CRB website – [http://www.crb.homeoffice.gov.uk/guidance/rb\\_guidance/overseas.aspx](http://www.crb.homeoffice.gov.uk/guidance/rb_guidance/overseas.aspx)

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For Disclosure Scotland see also [information from CRBS](http://www.crbs.org.uk/news/documents/OverseasDisclosurechecks-Aguide.pdf) <http://www.crbs.org.uk/news/documents/OverseasDisclosurechecks-Aguide.pdf>

- ii) Where an applicant is from, or has lived in, a country where criminal record checks cannot be made for child protection purposes, or is a refugee with leave to remain in the UK and has no means of obtaining relevant information, you must take extra care in taking up references and carrying out other background checks. For example, additional references should be sought and references followed up by phone as well as letter.
- iii) Overseas applicants should apply for scheme membership/registration of vetting schemes *before* arriving to take up prearranged work or apply once they arrive. They *should not* start work until registration or membership of the relevant vetting scheme is confirmed.

### 6.4 Trustees, directors and others in governance roles

Charities which carry out work ‘targeted at children’ or vulnerable adults will be classified as children’s charities or vulnerable adult charities and it will be an offence for a person on the barred list to be the trustee of such a charity. However, there will be no obligation for all trustees of such charities to be registered with ISA/become a member of the PVG scheme – only those who actually work with children or vulnerable adults or manage and supervise the work *must* be registered. Anyone already in a trustee

role whose behaviour is giving cause for concern should be asked to do so. All other Trustees should be asked to sign a declaration (see *Form C*, p.40) confirming their suitability to fulfil the role (e.g. Church Council member, circuit steward).

If someone is barred by the ISA/PVG they must not work as Trustees of Children’s or Vulnerable Adults’ charities. This would constitute an offence.

Trustees of church organisations are eligible for ISA registration/PVG membership where their work is targeted at children or vulnerable adults and they may therefore be regarded as a children’s charity or a vulnerable adults’ charity. Those Trustees closely involved with the appointments process for *regulated activities* should also be ISA registered/be a PVG member.

### 6.5 Pastoral Visitors

Those who are engaged in pastoral visiting or are appointed as pastoral visitors for the general congregation will *not normally* be required to register with the ISA, have an Enhanced CRB check or the PVG scheme. Those pastoral visitors newly appointed or engaged in pastoral work who undertake the following duties should register:

- a) those who regularly visit care homes, sheltered housing schemes, hospitals, prisons, probation hostels or those who take extended communion to the housebound etc.
- b) those engaged in providing *regulated activities* for vulnerable adults or children of a *specific nature*

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- c) those who work in projects where regulated activities take place and the funding body requires this.

*This will be reviewed in 2013.<sup>24</sup>*

### 6.6 Selection of people for ordained ministry

It is the practice of the Methodist Church to require criminal records checks on all successful candidates before they enter training. This applies to all appointments being made for both deacons and presbyters. On the first occasion the candidate will also be required to register with the ISA/PVG if they are not already registered/are members.

There are a very few ministerial positions which are not also eligible for ISA registration. Prison, hospital and schools ministry are included in the Vetting and Barring Scheme (see paragraph 4.2 above); as is any position where the management, training or supervision of those who work with children or vulnerable adults occurs as part of their duties. The Methodist Church policy, remains that **all** presbyters and deacons require a full CRB check and therefore the same should normally apply with regard to ISA registration, including those in other appointments.

For those occasions where there is a query concerning eligibility (for the ISA/CRB or PVG schemes) within the law, the requirement shall be determined by the General Secretary in consultation with the

Connexional Safeguarding Adviser, with the assistance of legal advice where necessary.

In England and Wales the enhanced Disclosure checks will continue to be needed on a five-yearly basis thereafter. Refusal or failure to do so will be regarded as a disciplinary matter. References will always be taken up, including one from a previous recent employment.

### 6.7 Local Preachers and Worship Leaders

It is expected that both during training and once accredited that Local Preachers and Worship Leaders will be engaged in church services which are for children or include children, (such as parade services), and vulnerable adults, (such as services in care homes, or in taking extended communion to the housebound). It is therefore required that Local Preachers should be registered with ISA and obtain a criminal record disclosure prior to going 'on trial' and Worship Leaders before their training commences. This brings the Methodist Church in line with other Churches.

### 6.8 Responsibilities of applicants – re. ISA registration/PVG membership

It is the employee's (volunteer or paid) responsibility to obtain registration/membership when this is required. However, the voluntary sector, including the churches, recognises the importance of encouraging and enabling volunteers and appointees as far as possible with this

<sup>24</sup> In 2013 the Vetting and Barring Scheme will become mandatory (in England and Wales) for those who regularly engage in work with vulnerable adults.

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process. PVG membership/ISA registration is potentially for life; however, there will be a mechanism for deregistering for someone who wishes this.

It will be illegal for someone to work without registration if they are new in post or once the period for the roll out has been completed (in England and Wales).

**Under this scheme it is a criminal offence for someone who is barred from working with children, young people or vulnerable adults to apply for such work as a volunteer or employee. This applies in England, Wales and Scotland.**

### **6.9 Responsibilities of employers/the RAP – re. ISA registration/PVG membership**

‘Employer’ refers to those who recruit employees or volunteers. Under the VBS and PVG legislation it will be illegal:

- a) to employ someone who has been barred (in England, Scotland and Wales) and
- b) not to carry out checks whether they have been barred by requiring ISA registration of each person who works with children, young people or vulnerable adults (in England and Wales).

### **6.10 Updating the employer**

The system for updating employers will mean that the employer will need to

ensure that the applicant’s application via the Registered Body (RB) clearly states who is employing them and the employer’s contact details. This is best done at the outset if the appointment is at the point of first registration.

Subsequently, it will be possible to check ISA registration or PVG membership status online and to register an interest for updating. The updating will only cover a person’s barred status, and if the individual seeks a new position, such as in another church or with a different role or vulnerable group regulated activity a new enhanced Disclosure will be required.

The Registered Body, Churches’ Agency for Safeguarding, should be nominated by local churches and circuits, for receiving updates on the barring status of those registered, in order for sensitive data to be directed and delivered in a secure way.

*(More details on this are in Annexe A)*

### **6.11 Unclear<sup>25</sup> Disclosures/scheme membership certificates and barring or auto-barring**

Certain convictions will, as from the date VBS schemes began to take barring decisions (January 2009 for the ISA), result in an automatic bar on the individual working with children and/or vulnerable adults. In most cases the individual will be entitled to make representations before the final decision to bar is made.

<sup>25</sup> Or ‘blemished’ Disclosures, i.e. Disclosure certificates with offence information or other matters which may affect someone’s suitability for a particular role.

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Where there are those people with other less relevant serious convictions and/or other relevant serious information (when someone is not auto-barred), the ISA and Disclosure Scotland (DS) will operate a 'structured judgement process' (similar to an individual risk assessment); whereby they will assess the risk posed by the individual and then make a decision whether or not to bar. In all cases there is a right for the individual to make representations about a bar which may be imposed on them. This occurs when the barring authority informs them that they are 'minded to bar'. Offences committed up to 20 January 2009 may result in barring under the ISA/DS's discretionary powers, but will not be auto-barred.

For people who are not barred, who will be the vast majority, it will remain the employer's duty to assess the relevance of any convictions, cautions or other information supplied from an individual's criminal record.

If someone is not barred they are not necessarily suitable for the role, and safer recruitment procedures should be used to assess suitability for the role.

### **7. HANDLING DISCLOSURE AND BARRING INFORMATION** (see also

*Section 9 – Assessment of Risk and the Vetting and Barring Schemes*)

### **7.1 A summary of the unclear/blemished Disclosure process**

The Methodist Church handles all unclear Disclosures through a central process, whereby the Churches' Agency for Safeguarding is obliged to share the information with the Connexional Safeguarding Adviser. Recommendations are made by the Safeguarding Adviser working with suitable senior staff in the Connexional Team on the more minor matters. In the case of more serious matters, including, 'soft information' (e.g. from police or regulatory authorities), the Connexional Safeguarding Adviser uses the Safeguarding Advisory Panel (SAP).<sup>26</sup>

The work of the SAP is described in CPD Standing Orders 232 and 010 (5) (the latter being on Appeals against SO010). The protocols for handling Disclosures are described in brief form in the Recruitment of Offenders policies of the Methodist Church approved by Methodist Council. These are reviewed in the light of new legislation and best practice and are available on the Methodist website and in application packs for roles. The preparation of professional risk assessments greatly assists the work of the SAP on the more serious or difficult Disclosure matters such as 'soft information' following investigations where no prosecution has been brought. Further details on the protocol for handling Disclosures, including the commissioning

<sup>26</sup> The panel works both via telephone conferences and face to face. The panel is made up both of specialists in child protection, adult protection or public protection, appointed on a multi-disciplinary basis, and senior Methodists.

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of risk assessments, are also in Section 9 and Appendix 3.

### 7.2 What happens when someone is barred?

**7.2.1** If someone is barred when they are already in post, i.e. they have not previously been required to register; the Regulated Activity Provider/ employer will be obliged to immediately remove them from that role. If they do not the employer could be committing a criminal offence. If the RAP is notified of a barred status of someone they are recruiting then the appointment cannot be confirmed. A CRB check (where this is requested at the same time as ISA registration, on the same form) will show the reasons they are barred and will further inform those responsible in the church whether any role (other than a regulated activity) may be appropriate with certain additional safeguards. However, the person who has applied for a role with a vulnerable group may be arrested for attempting to undertake work in a regulated activity, particularly if they knew they were barred.

The bar will apply to any Regulated Activity even if frequency or intensity are not met.

### 7.2.2 ISA decision making (England and Wales)

The purpose of the ISA's decision-making process is to ensure that all

barring decisions follow a standard process which affords a fair, rigorous, consistent, transparent and legitimate assessment of whether an individual should be prevented from working with children and/or vulnerable adults. For further information on the ISA's decision-making process, please see the 'Guidance Notes for the Barring Decision Making Process' available on the ISA website at [www.isa.homeoffice.gov.uk](http://www.isa.homeoffice.gov.uk)

An individual included on either, or both, of the barred lists (other than those listed as a result of an auto-bar offence without the right to make representations) will have the right to seek an appeal in the Administrative Appeals Chamber of the Upper Tribunal against a barring decision made by the ISA to include them on a list or not to remove them from a list.

Each person included on either, or both, of the barred lists will have the right to apply to the ISA for a review of their case once a minimum period has elapsed. Details of this are also available on the ISA web site.

### 7.3 Confidentiality and Data Protection

Information that is part of a criminal record Disclosure must be treated as confidential. It is an offence for Disclosure information to be passed to anyone who does not need it in the course of their duties or for a purpose other than for which it has been given.

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Barring information should be treated with the same care and the ISA/CRB code of practice should be followed in regard to formal notifications of decisions to bar, or when the ISA is considering barring. It is recommended that the Churches Agency for Safeguarding be nominated to receive any information concerning a change in the barred status of an individual in whom the church or circuit has an interest. The Connexional Safeguarding Adviser should be consulted in all such cases.

The Disclosure certificate must be kept in a secure place and must be destroyed, by secure means, as soon as it is no longer needed (for regulated services this is often the date of the next inspection). This is usually within six months of receipt.

*See below (6.6) for guidance on the records needed at a local level.*

### 7.4 Serious matters

If someone is found to be barred they must be removed from working in relevant work immediately. They should be formally suspended pending a disciplinary hearing, and the police should be notified.

In other serious circumstances suspension should also normally be considered as follows:

- Where a criminal record Disclosure includes serious criminal offences,
- Where there are offences that impact upon and are relevant to their role or non-conviction information ('soft information'), or

- Where there is serious information that the person did not disclose with their application.

In these circumstances they may not be ISA barred. The Methodist Church must therefore consider whether to immediately withdraw a conditional offer of appointment.

Where the individual has already started work pending receipt of the enhanced Disclosure the Church must also consider suspending the person until the matter is resolved.

Where the Connexional Safeguarding Adviser or an Officer for Legal and Constitutional Practice recommends immediate suspension or other restrictions, that recommendation should normally be followed.

### Restriction dates – England and Wales

From October 2009 it is illegal to appoint someone new to a relevant role who is ISA barred. From November 2010 they must also be registered with the ISA if new in a role. It will also be illegal for the individual to work in such a role.

### 7.5 Who else will know or will need to know?

In most cases, where a volunteer has an unclear Disclosure, the local minister and/or Superintendent is the only person locally who will know of these matters and they will assist in the risk assessment process. In other cases, where an employee or occasionally a minister has an unclear Disclosure, a small but

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wider group of people need to know, including the Chair of District, the District Safeguarding Coordinator and others who supervise or manage the person.

In some serious cases, where it is necessary to assess the potential risk of an individual in the church/church activities, a member of the district group or a professional person from a neighbouring district (where someone suitably qualified and available) will be needed to make a written report on this. Guidance has been developed and is available from the Connexional Safeguarding Adviser on the commissioning and standards of risk assessment.

Following a risk assessment, a panel hearing or any consideration at Connexional level, it will be decided who else needs to know about the risk someone poses, either in their other role for the Church or as part of the church community. It is important to ensure the person is pastorally supported through any difficulties and that any ongoing risks are managed. Those responsible must refer to Standing Order 690f, The Church and Sex Offenders, and also the guidance on offenders who have committed sexual offences in CPD (section 9).

If the church community already know or need to know something about these matters the media officer at the Connexional Team should also be involved.

### 7.6 Local records

Following a clear criminal record or a simple assessment of minor matters on

unclear Disclosures by the Connexional Safeguarding Adviser, a letter will be sent by CAS to the minister or Superintendent. This will state that the person is not unsuitable on the basis of the information held, along with any small conditions which may be made on minor matters disclosed.

These letters should be kept securely and a register developed of all those who have been cleared and dates, including names of those ISA registered or on PVG membership. These records should be kept by the minister in pastoral charge, the Church Council Secretary or a suitable administrator, as designated by the appointing body, usually the Church Council. They will need to be kept indefinitely.

Each church should also have a record of the following people:

- all staff who are appointed to work on behalf of the Church and Church Council including all volunteers, whether they are members of the Church or not
- all volunteers or paid staff who are appointed by another Church but may help out or work on a joint project
- any staff, where possible, who are employed by a contractor regularly working on site; for example, when there is building work or a special project taking more than a few days
- all others who have been chosen to work in regular contact with children. This will cover volunteers, trustees who also work as volunteers within the establishment, and people brought in to provide additional care

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or support for children and young people on a sessional basis but who are not staff members, e.g. activities coordinators, sport or other coaches, preachers from other churches, music or drama workers.

### 8. Procedures – Vetting and Checking in Scotland

#### 8.1 A summary

The Protection of Vulnerable Groups Act (Scotland) (PVG) has a different timetable from the VBS scheme in England and Wales. The aim of the scheme is the same as in England and Wales, though the ethos, terminology and methods are somewhat different. It is due to start in late 2010 for new applicants and to be rolled out over three years from 2011 for existing workers (timeline, implementation dates to be confirmed) in a phased programme.

The Scheme aims to ensure that those who carry out certain activities with children and protected adults through paid or unpaid regulated work do not have a known history of harmful behaviour. The guidance is ancillary to the Protection of Vulnerable Groups Act (Scotland) 2007 (PVG). The Scheme replaces previous Scottish Disclosure arrangements under the Police Act 1997 and the children's list under the Protection of Children Act 2003, and is administered by Disclosure Scotland. The Central Registered Body Scotland (CRBS) continues to handle all applications for membership of the scheme, and the Methodist Church accesses this through the Churches

Agency for Safeguarding as has been the case for criminal record checks sought from Disclosure Scotland.

The PVG Scheme aims to cover the same ground as SVG Act and VBS in the rest of the UK, although there are a number of differences:

- (a) In Scotland, it is not compulsory for a non-barred person to be registered with the PVG Scheme to undertake regulated work with children or protected adults, while in the rest of the UK, registration with the ISA is compulsory for such activity.
- (b) PVG Scheme Records will completely replace Enhanced Disclosure criminal record checks as the source of vetting information for anyone seeking to engage in regulated work in Scotland, which means that enhanced Disclosure checks will no longer be available for that purpose. However, basic Disclosures and residual Enhanced Disclosure checks can still be requested for other work not covered by the PVG (ie non-regulated work).
- (c) PVG does not distinguish between regulated and controlled activity as with SVG.

#### 8.2 Main features of the PVG Scheme

##### 8.2.1 New PVG barred lists

Provide a Children's list and Protected Adults list for those barred from working with either, or both groups.

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### 8.2.2 Who is protected?

Both **children** (under 18) and **protected adults**. The scheme defines protected adults as those receiving certain services listed in the PVG Act 2007 – support service, adult placement service, care home service or housing support. Adults will be protected only for the duration of the service received, thus a disabled or older person not in receipt of any of those services will not be automatically covered by the Act. Children aged 16–18 will also be considered as ‘protected adults’ if receiving any of those services.

### 8.2.3 PVG Scheme membership and Scheme Disclosure Record

Individuals must register with either a Children’s Scheme or a Protected Adults’ Scheme (or both) if undertaking or intending to undertake regulated work with *children and/or protected adults*. It is not compulsory for an individual who wishes to do regulated work to become a scheme member but it is an offence for a barred individual to undertake regulated work.

- A. The following three types of Disclosure records can be requested from Disclosure Scotland by individuals registered with the scheme:
- i) Scheme Record (with full vetting information disclosed)

- ii) Scheme Record Update (with or without new vetting information disclosed)
- iii) Scheme Membership Statement (evidence of registration but with no vetting information disclosed).

- B. There will be continuous updating of Scheme Records by Disclosure Scotland – this will show any new information that will determine continued registration or removal/barring.
- C. Scheme members do not need to complete a detailed application form every time Disclosure checks are required. This means a **Scheme Membership Record** is portable provided a **Scheme Record Update** is obtained to determine currency of listing. Alternatively, a new employer may choose to rely on an existing Scheme Membership Record if satisfied with its currency.

### 8.3 Fees in Scotland

Fees for scheme member registration and scheme record Disclosure, scheme record update and scheme membership statement are free for voluntary sector workers (volunteers) including churches, provided they can show that membership of the church in question is open to the public.

- Those in paid positions will be required to pay the £59 fee for

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membership or to obtain any of the above records.

- If registering for the first time a £59 one-off fee can be paid for both registration and a scheme record Disclosure if requested within 14 days of application for registration.
- Certificates for employers also incur a fee unless obtained within 14 days of scheme membership application.

### 9. ASSESSMENT OF RISK AND THE VETTING AND BARRING SCHEMES

#### 9.1 A Connexional process (see also section 7)

The Connexional Safeguarding Adviser continues to provide an assessment process for all unclear Disclosures or vetting information based upon professional standards and an approach that is multi-disciplinary. This will be needed except in cases where someone is clearly barred from relevant work.

This will include formal individual risk assessments and consideration, when needed, of more serious matters where there are complex or borderline selection issues by the Safeguarding Advisory Panel. Formal risk assessments are initiated by the Connexional Safeguarding adviser, working with the District Safeguarding Panel to identify someone suitable. They should be capable of independent judgement and have a suitable professional background in child and/or adult protection or Public Protection and risk assessments.

#### 9.2 Formal risk assessments on individuals

A formal assessment of risk is still essential when:

- a) A serious conviction or other police information is known, but where the ISA/Disclosure Scotland have not decided to bar someone. This could concern retrospective cases (the vetting schemes do not automatically bar people for older, serious matters) or there could be cases where we consider there is a potential risk remaining because of the circumstances of the church or the requirements of the role (e.g. drug or alcohol offences, violence, domestic abuse, deception, harassment).
- b) Where police and/or the local authority have investigated a serious matter concerning harm or the risk of harm, there has not been a prosecution or a conviction *and* they consider there is a residual risk to a child/children, young people (under 18) or vulnerable/protected adults.

#### 9.3 Resources for risk assessments

Often there is a suitable person already working with the District Safeguarding Groups who can offer these services. In order for the risk assessment to be seen as independent and enable the district group to carry out any ongoing work, it is often preferable for the person to be sought via a reciprocal

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arrangement with a neighbouring district.

Where there is no one suitable available from these sources or the applicant/candidate is to be appointed connexionally (i.e. ministers), or to a Connexional role, the risk assessor will be sought from another Church with suitable resources, such as the diocese, or from a list of specialists held connexionally (see Appendix 3 for a role specification).

Funds to employ a consultant may be needed in certain cases. It is the responsibility of the Methodist body that will become the employer (i.e. church, circuit, district, etc.) to provide these resources for risk assessments.

### **10. SAFER PRACTICES IN RECRUITMENT – PROBATION, REVIEWS AND MONITORING**

#### **10.1 Safer practices following recruitment**

It is important that churches thoroughly apply the measures described in this guidance whenever they recruit someone to work with children, but that must not be the end of the matter. Childcare settings are safe environments for the great majority of children and the vast majority of people who work with children have their safety and welfare at heart.

The church must not be complacent, however. We know that some people seek access to children in order to abuse,

and that abused children very often do not disclose the abuse at the time. We also know that some of the allegations of abuse made against staff are substantiated and there are a few cases in which staff and volunteers are convicted of criminal offences involving the abuse of children.

When the church ensures that safeguarding features highly in the processes, policies, procedures and practice with children and vulnerable adults, this sends a clear message to applicants and existing staff and volunteers, and helps to deter unsuitable individuals and inappropriate behaviour.

The Methodist *Safeguarding Children* policy and good practice procedures and *Safeguarding Adults* policy and good practice (handbooks) are available in companion documents (Methodist Council, MC10/37 April 2010 and Methodist Conference, July 2010 respectively).

#### **10.2 Model codes of conduct or behaviour**

These are needed in order to help workers and those to whom they are responsible to follow appropriate behaviour and to decide when inappropriate behaviour is taking place. Such codes are not a blueprint for when to make a complaint, but enable low level inappropriate behaviour to be constructively challenged before it becomes a problem or is abusive.

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*A model code of conduct for each specialist handbook is in the Appendices.<sup>27</sup>*

### 10.3 Induction and probation

Regardless of role or previous experience of working with children, churches should plan an induction (and probation) programme for all staff and volunteers newly appointed to their organisation. The purpose of induction and probation is to:

- provide training and information about the organisation's policies and procedures
- support individuals in a way that is appropriate for the role for which they have been engaged
- confirm the conduct expected of staff within the establishment
- provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities and for these to be addressed
- give an opportunity for the supervisor/manager/minister to raise any concerns and ensure they are addressed before the appointment is confirmed.

### 10.4 Regular reviews

Providing a system of regular reviews of the appointment and role outline (volunteers) or job description (paid

staff) gives an opportunity to deal with pressures, unrealistic expectations, issues of conduct and training needs. It also gives a clear message that the person is valued in their work and the role they undertake. It should include an opportunity for the person to reflect upon their role and to receive constructive feedback. Such reviews should take place at least annually and upon any significant change in circumstances of the role or the organisation.

### 10.5 Supervision

Supervision is vital to the safeguarding of vulnerable groups. Supervision should occur on a regular basis no matter what kind of role or appointment is involved. It is an opportunity for the person to reflect on their practice and any difficulties they are having. It can take place within a group setting where concerns can be shared openly. Where supervision is not undertaken, situations which may be difficult could become impossible, intractable or dangerous for the appointee or for those with whom they are working. Supervision will include theological reflection where this is relevant to the role/vocation. Other forms of reflective practice, mentoring and spiritual guidance are useful but they are not a substitute for the supervision of an office holder, employee or volunteer in their role. In addition, these are not a substitute for the annual review by the person to whom they are responsible.

<sup>27</sup> Safeguarding Children Appendix. Safeguarding Adults, Appendix.

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### 10.6 Allegations, Complaints and Discipline procedures – a summary of obligations

It is crucial that everyone working in any organisation providing services or activities for children is aware of these issues and the need to adopt ways of working and appropriate practice to help reduce allegations.

It is equally important that everyone is able to raise concerns about what seems to be poor, harmful or unsafe practice by colleagues and that those concerns, along with concerns expressed by children, parents or others are listened to and taken seriously.

- i) The framework for managing cases set out in this section<sup>28</sup> applies to a wider range of allegations than those in which there is reasonable cause to believe a child or vulnerable adult is suffering, or is likely to suffer, significant harm. It also caters for cases of allegations which might indicate that the alleged perpetrator is unsuitable to continue to work with children or vulnerable adults (or both) in his or her present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a person who works with children, young people or vulnerable adults has:
  - behaved in a way that has harmed, or may have harmed a

- child, young person (under 18) or vulnerable adult
- possibly committed a criminal offence against, or related to, a child, young person (under 18) or vulnerable adult
- behaved in a way that indicates s/he is unsuitable to work with a child/children, young person/people (under 18) or vulnerable adults within that group.

- ii) There may be up to three strands to the proper process of an allegation:
  - a police investigation of a possible criminal offence
  - enquiries and assessment by the local authority's children's social care or adult social care services about whether the child or vulnerable adult is in need of protection or services
  - consideration by an employer of disciplinary action in respect of the individual.

Help may be obtained via District Safeguarding Coordinators, District Lay Employment Advisers and in each local authority an officer working for Children's Social Care in the Local Authority<sup>29</sup> concerned with allegations in workplaces, or an equivalent officer for adult social care.

**N.B. Police and local authority social care investigations must take place before any church investigation to prevent contamination of evidence.**

<sup>28</sup> Based on 'Working Together to Safeguard Children', HM Government, 2010.

<sup>29</sup> Referred to as the Local Authority Designated Officer, in England.

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[More detail will follow in the Safeguarding policy and practice handbooks for children, young people and also for vulnerable adults which will follow in 2010.]

In taking workplace allegations seriously and acting upon them care should be taken not to interfere with statutory investigations, not to question witnesses or victims and to make referrals to the police at the earliest opportunity when a crime may have been committed. Churches should always consult with the appropriate statutory authorities if you are unsure.

Suspension without prejudice must be considered at the earliest opportunity when the subject of investigation has been made aware of the investigation by the appropriate statutory authority. This serves to safeguard all those involved.

### 10.7 Cross-referencing on Complaints and Discipline

The Methodist 'Safeguarding Children and Young People' handbook, revised 2010<sup>30</sup> sets out detailed best practice and also cross-references with the Complaints procedure for Ministers, Local Preachers and Members in the Standing Orders of the Methodist Church.

<sup>30</sup> MC/10/37.

<sup>31</sup> Located at Disclosure Scotland.

<sup>32</sup> In England, where reporting to the LADO is required for all such allegations against workers, even when police/social care are not involved, the person referring should explain that we have established Methodist complaints and disciplinary procedures; they will probably require information on the outcome, but will also be able to assist in the procedures on occasions and liaise with other agencies when needed.

[See also *Safeguarding Children and Young people, 2010, Section 6; Safeguarding Adults Section and Methodist Standing Orders on suspension etc.*]

### 11. REFERRALS UNDER THE VBS SCHEMES

#### 11.1 A protocol for the referral to the ISA and PVG scheme<sup>31</sup>

##### 11.1.1 What constitutes a case requiring referral?

###### **A brief outline:**

- i) Incidents of harm or serious risk of harm to children and vulnerable adults – **to Police and Children or Adults' Social Care/Social services** (also to the Local Authority Designated Officer (LADO) for children in England), as a matter of urgency.
- ii) Incidents of inappropriate behaviour or misconduct where there is an abuse of trust or an abuse of power in relation to children or vulnerable adults (using the ISA definition of VA/ PVG definition of Protected Adult).<sup>32</sup>
- iii) Persistent refusal or negligence concerning safer

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- recruitment or safeguarding procedures.
- iv) Any of the above should lead to disciplinary action within the church (with (a)) proceeding ahead of internal church processes.
  - v) Where someone has resigned because of/pending any of the above. Where possible complaints and discipline procedures must be concluded and a report written.

Failure to refer may be punishable by fine or imprisonment.

*NB Suspension should be considered as an important and urgent measure as appropriate (not part of the disciplinary process, and does not imply judgement but is precautionary) in all cases.*

### 11.1.2 Who is the responsible person at each level of church life to instigate/make referrals?

- i) Local Church – each Church Council should determine who is the most appropriate person to make these referrals. In the event that no decision is made or the person is unavailable it shall be the Superintendent Minister.
- ii) Circuit – the Superintendent.
- iii) District – the Chair of District or their nominated deputy.
- iv) The Connexional Team/ Methodist Council:
  - the Secretary of Conference/Assistant

- Secretary of Conference (in the case of ministers and deacons),
- the Director of Development and Personnel (in the case of lay employees).

### 11.1.3 Consultation – who *must* be informed and consulted

- i) The District Safeguarding Adviser (for the relevant vulnerable group, children or adults) should be informed in all cases *and must* be consulted – in local circuit/district lay volunteer and local lay employee matters.
- ii) The Connexional Safeguarding Adviser (child and adult protection) *must* be consulted in all other matters – i.e. other lay employees, presbyters and deacons.
- iii) The Chair of District *must* be informed in all applicable cases.

*In England* – the LADO – should also be informed and consulted at an early stage in *any* relevant case. They are people appointed to assist organisations that work with children and young people to deal with allegations against members of staff. *Such posts are also being created for Adult Social Care.*

*In Wales and Scotland* – local authority Social Services/Social Care should be able to assist.

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*NB All the above can offer advice and support on the referral process.*

### 11.2 Responsibility for referrals

The presbyter with pastoral charge, the employer or those who recruit and appoint volunteers (e.g. the Church Council) will be responsible for making referrals where someone is disciplined or leaves the role before a disciplinary hearing where there has been harm or risk of harm to a child, a young person or vulnerable adult. This is a mandatory requirement; however, it will not occur frequently. Access to appropriate specialist advice is essential in these circumstances. The District Safeguarding Coordinator will work with any church or circuit which needs to consider this. The Connexional Adviser will also be able to assist. A short protocol is to be found in Appendix 5 below. Specific guidance on this is available on the ISA website.

### 11.3 Reporting Allegations

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the employer must consider whether a referral to the ISA/PVG scheme is necessary. Also, if the person is subject to registration or regulation by a professional body or regulator – e.g. by GSCC, GMC or Ofsted. Relevant professionals in Social Services/ Social Care (or the LADO in England) should advise on whether a referral to that body is appropriate, along with the form and content of the referral. It is incumbent upon the appointing/

managing body e.g. Church Council, Circuit Meeting or District Synod to make the referral. The Safeguarding advisers at district and connexional level will assist in this as needed and may complete the process on their behalf.

### 11.4 Referrals in Scotland

#### 11.4.1 Protocol

The same protocol as in 11.1 should apply when a church organisation in Scotland is considering whether it has a duty to refer someone to the PVG unit located at Disclosure Scotland.

- The circuit should set up a small group to consider referrals in advance of this being needed.
- The appropriate Social Services body should also be informed and be available for advice.
- The Connexional Safeguarding Adviser should also be informed and will be available to assist as necessary.

#### 11.4.2 Duty to refer

- Provides a referral process – courts and organisations (churches are included) have a **duty** to refer barring information to Disclosure Scotland and are legally bound to do so. Regulatory bodies have a **discretionary power** to refer but not a legal duty.

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- Referral forms will be made available online from Disclosure Scotland.
- Failure to refer is considered an offence punishable by fine or imprisonment.

### 11.4.3 Listing decisions and implications

- i) Once Disclosure Scotland receives potential barring information about an individual it will **consider that person for listing** whilst a full assessment of the information has been undertaken. Certain convictions, including those involving sexual or physical abuse, taking place after PVG comes into effect in 2010 will lead to automatic listing. Individuals listed on the PoCSA list will be automatically added to the PVG Act's Children's list.
- ii) However, there is a three-way decision making process for non-automatic listing which involves (i) **Initial consideration** (assessed and scored against criteria by staff to weed out malicious or irrelevant referrals) (ii) **Formal consideration** (information is investigated by caseworker and cases will usually be concluded at this stage) and (iii) **Panel consideration** (a small number of complex cases requiring specialist consideration). Listings

are made on the balance of probabilities, the same standard of proof required in a civil court.

- iii) Note that a person under consideration for listing is not barred from doing the kind of regulated work being considered until a decision is reached.

### 11.4.4 Review and appeals

- i) An applicant being **considered for listing** can ask for a review of the barring information by presenting evidence to the contrary.
- ii) Appeals against a listing decision must be made to Disclosure Scotland within three months of the decision being made.
- iii) Appeals can also be made for removal from either or both lists after five years for those under 18, and 10 years for those over 18. However, previous conviction information will still appear on future Disclosure records and can still be used in recruitment decisions.

It is incumbent upon the appointing/managing body e.g. Church Council, circuit meeting or district synod to make the referral. The Safeguarding advisers at district and Connexional level will assist in this as needed and may complete the process on their behalf.

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### 11.5 Working with or in other jurisdictions

- i) The PVG scheme is designed to work closely with the VBS system in the rest of the UK – once an individual is on a list in any one UK jurisdiction they will be barred from regulated work in the other.
- ii) An individual registered to one PVG scheme who intends to work in another, e.g. from child to protected adults, will be required to apply for registration with the other scheme, and also if they move across the border.
- iii) Where someone is recruited to work in the UK but is only working with children or vulnerable adults abroad they are not eligible for ISA registration but may be eligible for criminal record checks. It would therefore be a Methodist requirement to obtain all recruitment checks that are legal in such cases.
- iv) For those who need further clarification on any cross

border working please contact the Connexional Safeguarding Adviser.

### 12 OTHER ESSENTIAL RELATED WORK

- A. Best practice in safer recruitment suggests that there needs to be a 'whistle blowing policy'. This needs to be considered as part of this policy and it will enable church people to act upon their legitimate concerns.
- B. Recruitment of offenders policies need amending and updating to comply with legislative and statutory best practice. These should be reviewed annually.
- C. There needs to be an ongoing Communications Strategy which enables both church officers and those responsible for Safeguarding to be more readily updated and for the core handbooks to be reviewed and updated on rotation. It would also consider what web resources and short downloadable guidance is needed, newsletters and information for specialists.

### \*\*\*RESOLUTIONS

- 35/1. The Conference adopts the policy and procedures in the 'Recruiting Safely' Report and authorises its publication as a Handbook in both electronic and hard copy forms.**
- 35/2. The Conference directs Churches, Circuits, Districts and connexional bodies to comply with any legal requirements and with the policy and procedures set out in the report with regard to criminal record checks and vetting as follows:**

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- all those who regularly work with children, including those who work on a rota, should have enhanced criminal record checks and registration or membership with the relevant vetting scheme;<sup>33</sup>
- those who work only occasionally will be asked to apply for Disclosure checks and registration/membership if they fulfil the legal requirements for the scheme;
- those who manage or supervise those who work with vulnerable groups (including all candidates for ordained ministry, local preachers going 'on trial' and worship leaders<sup>34</sup>) will also be required to obtain Disclosure checks and be registered/a member of a vetting scheme.

**35/3. The Methodist Conference directs the Law and Polity Committee to bring to the Conference of 2011 any amendments to Standing Orders or the Guidance in the *Constitutional Practice and Discipline of the Methodist Church* about these matters and any changes to the Complaints and Discipline procedures that are required as a consequence of adopting the Report.**

### 14. ANNEXES – contents

Annexe A – The Vetting and Barring Scheme (England and Wales) – a detailed working guidance

Annexe B – An indicative table of roles (VBS in England and Wales only)

Annexe C – PVG scheme – detailed guidance for Scotland – to be written

Annexe D – Criteria for eligibility and indicative roles – PVG scheme – to be written

*The annexed material will be reviewed and updated at least annually. Superintendents, Chairs and District Safeguarding Advisers will be notified directly. Copies of this and any additional 'Recruiting Safely' guidance material will be posted on the Methodist website under 'Church Life' then 'Safeguarding' and 'Recruiting Safely'.*

### Documents and resources

- Safeguarding: [www.methodist.org.uk](http://www.methodist.org.uk) – under *Church Life and Recruitment*
- Independent Safeguarding Authority: <http://www.isa.gov.org.uk/>
- Every Child Matters (ECM) – Safer Recruitment: <http://www.everychildmatters.gov.uk/socialcare/safeguarding/stayingsafe/recruitment/>

<sup>33</sup> ISA in England and Wales, PVG in Scotland. In Scotland membership includes a criminal record Disclosure.

<sup>34</sup> See section 6.7.

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- ECM – Vetting and Barring: <http://www.everychildmatters.gov.uk/socialcare/safeguarding/independentsafeguardingauthority/>
- CWDC Recruiting Safely: <http://www.cwdcouncil.org.uk/safeguarding/safer-recruitment/resources>
- Safer Working Practices: <http://www.everychildmatters.gov.uk/search/IG00311/>
- ‘Safeguarding’ 2003 MPH
- ‘Protecting All God’s Children’ House of Bishops’ policy and guidance CHP 2004
- PVG Act 2007: [http://www.opsi.gov.uk/legislation/scotland/acts2007/asp\\_20070014\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/acts2007/asp_20070014_en_1)
- PVG Scheme Guidance/Statutory Instruments consultations: <http://www.scotland.gov.uk/Topics/People/Young-People/children-families/pvglegislation/Consultation09>
- Working Together 2006 *and draft* 2010

### **14. Annexe A – The Vetting and Barring Scheme (England and Wales) – a detailed working guidance**

#### **A.1 Implementation of VBS**

##### **A1.1 Starting in July 2010:**

- i) Newly appointed staff and volunteers and those who currently work with children and are changing jobs will be able to become ISA registered. In order not to disrupt normal recruitment over the traditionally busy summer period, the requirement will not become compulsory until November 2010. Those who currently work with vulnerable groups but are staying in their current role will not have to become registered until later in the five-year transitional period.
- ii) Individuals will be able to apply for ISA registration and a CRB check (including an ISA check) on one new application form.
- iii) When a person becomes ISA registered they will be continuously monitored and their status reassessed against any new information which may come to light.

##### **A1.2 From November 2010:**

- i) Newly appointed staff and volunteers and those who currently work with children and are changing jobs, must register with the ISA before they can start work.
- ii) Employers and voluntary organisations working with children and vulnerable adults cannot recruit workers who are not ISA registered.
- iii) There will be criminal penalties for people who undertake work in a regulated activity without being registered and for employers that allow people to undertake regulated or controlled activity without checking their registration status.

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### **A1.3 From April 2011:**

- i) Existing employees and volunteers with no CRB check must apply for ISA registration.
- ii) All existing employees and volunteers with CRB checks will also need to have registered with the VBS by January 2015, starting with those people whose CRB checks are the oldest, according to a roll out programme to be announced.

### **A2 Programme for the changeover in July 2010**

*This has been published in newsletters and is available on the Methodist website.*

### **A3 Registration**

#### **A3.1 Method for obtaining a CRB certificate and ISA Registration**

Applying for ISA registration will be done by submitting a combined application form through Churches' Agency for Safeguarding (CAS) to the CRB. CAS is the Registered "Body for the Methodist Church. There are no administration charges for churches, circuits and districts or any organisation applying from within the Methodist Connexion.

New packs for applications will be available from June 2010 from Methodist Publishing provided the CRB supply these to CAS in sufficient time. There will be a small charge for these packs to cover printing of the accompanying CAS form, CRB/CAS application guidance, Methodist Volunteer registration forms and also postage.

**Forms are available from:** Methodist Publishing – Tel. 01733 235962 or the web site: <https://secure2.cyberware.co.uk/~cb537/acatalog/index.html>

Both CAS and CRB will need to ensure that the applicant's identity is verified in the same way as for a CRB check. Verifiers are responsible for carrying out identity checks to the best of their ability – see Appendix 2 in *Recruiting Safely*. Call CAS for advice if you have a difficulty with this, or if you suspect identity fraud call CRB/CAS.

#### **A3.2 Fees for ISA registration and CRB checks**

There is a one-off ISA registration fee of £64 for paid employees.

There is no fee for volunteers.

Ministers' fees will be paid centrally, together with those of ministers who are about to enter training, and other connexionally appointed staff. Ministers in training are deemed

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to be benefiting from training (and are therefore not considered to be volunteers while they are benefiting from subsidised vocational training).

Those who apply for ISA registration as volunteers and subsequently as paid staff may be invoiced for the fee later. It is our intention that, unless the registration as a volunteer is urgent, someone who also requires this for their paid employment or appointments should register in this role **before** they do so for volunteer status.

ISA/CRB fees will be required for all locally paid/employed posts but for ministers deacons, candidates and Connexional staff are paid centrally. All cheques for Disclosures and ISA registration/PVG membership fees must be made out to Churches' Agency for Safeguarding.

A CRB check only, is still £36. This may be required if the combined application is not made or if a renewal of a CRB disclosure is needed.

*N.B. For the time being Enhanced Disclosures are still required in England and Wales. In Scotland disclosures will cease when the PVG scheme goes 'live'.*

### **A3.3 Portability and repeat CRB checks – in England and Wales**

Churches' Agency for Safeguarding (CAS) covers many denominations, including the Methodist Church. It is acceptable that people may move roles within the ecumenical remit of CAS provided this principle is checked out with the Connexional Safeguarding officer or CAS at the time and the Disclosure was clear. If this is not the case the national officer or CAS will simply say that a fresh Disclosure is needed. This will save some repeat CRB checks. The ISA registration should be checked through the online process. When deciding to accept a CRB check from elsewhere all the following principles must be followed:

- a) Has the ISA registration been checked online?
- b) Have the other recruitment procedures been completed satisfactorily or
- c) If it is a short one-off event has the sending church sponsored them?
- d) Has their identity been verified?
- e) Is it a clear CRB check obtained through CAS, if not discuss with the District Safeguarding Adviser?
- f) If the certificate is not available the minister/local verifier may contact CAS and ask when a CRB was last obtained and was it cleared? You will be expected to provide information to authenticate your request.
- g) If it was cleared and was obtained through the sponsoring body via CAS you may appoint.
- h) If CAS or the national adviser are unable to state that it was cleared you will need to obtain a new CRB check before you appoint.

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### A4 The Applications and verification

#### A4.1 ISA and CRB Disclosure application forms

Combined VBS application forms are available from Methodist Publishing – Tel. 01733 235962, or order on line <https://secure2.cyberware.co.uk/~cb537/acatalog/index.html>

Each form has an individual bar code and serial number so they cannot be photocopied. Applications are not available online.

For Methodist Church applications, churches and other bodies within the Methodist Connexion may apply with no administration fee via Churches' Agency for Safeguarding, which is funded centrally. Organisations outside the Connexion or functioning as financially separate (not contributing to Connexional funds) are not eligible to use the CAS unless they negotiate administration costs directly with the Chief Executive of CAS.

The form should always be submitted together with Churches' Agency for Safeguarding *registered body* forms (latest versions) available to download from their website [www.churchsafe.org.uk](http://www.churchsafe.org.uk) **or** in packs issued together with the CRB/ISA application form from Methodist Publishing.

ISA/CRB application fees will be required for all locally paid/employed posts but for ministers deacons, candidates and Connexional staff are paid centrally. All cheques for Disclosure and ISA/PVG fees must be made out to Churches' Agency for Safeguarding.

#### **All ISA/CRB forms must be sent to:**

Churches' Agency for Safeguarding, 25 Marylebone Road, London NW1 5JR

#### A4.2 Verifiers

- a) Verifiers make a legal undertaking when checking identity and signing the CAS forms on behalf of the church/local church/employing organisation.
- b) Verifiers for Disclosure and ISA/PVG forms are presbyters/deacons in Minutes of Conference including from some other churches and those in safeguarding or administrative roles who have agreed to be added to the Methodist database for this purpose.
- c) Guidance for suitably authorised verifiers is available from the CAS website or directly from CAS on 02074675216 or 5206. See also Section . ./Appendix ...

*[The forms for the PVG scheme in Scotland will also be made available via Methodist Publishing when this is due to go live]*

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**A5 Key terms** [see also definitions under roles and criteria below]

### **A5.1 Independent Safeguarding Authority**

The organisation which maintains the lists of people barred from work with children and with vulnerable adults. It works closely with the Criminal Records Bureau.

### **A5.2 Registration**

The process of confirming with the ISA that there is no known reason, usually criminal or disciplinary, why an individual should not work with children or vulnerable adults. Note that it does not confirm suitability and does not replace normal recruitment processes. Those on the barred lists are withdrawn from the register.

### **A5.3 Barred lists**

The statutory lists, maintained by the ISA, of those not permitted to work with children or vulnerable adults. These are mostly people who have committed relevant serious offences or been dismissed by employers for gross misconduct involving harm or risk of harm to children or vulnerable adults. There is an appeal system against barring, where representations may be made on barring.

### **A5.4 Peer exemption**

The scheme does not affect members of a group who are simply assisting another person who is doing regulated activity within that group. This 'peer exemption' can apply to regulated activity relating to either children or vulnerable adults or mixed ages where there is a membership engaged in a specific activity. The example given concerns a music group, comprising a mix of adults and children, which meets alternate weeks (or perhaps weekly in term time). Ordinarily, the group is instructed by a group leader, who must be registered with the ISA, as should others who take responsibility for the children. From time to time, practice sessions are run by other members of the group on behalf of **and** under the direction of the group leader. They are not engaged in regulated activity.

See examples – at the end of Annexe B.

### **A6 The online status check**

This is a service available to anybody who is entitled to check the ISA registration status of an employee or potential employee who will be engaged in certain categories of paid or voluntary work that will bring them into contact with children or vulnerable adults.

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The service allows RAPs to check whether their employees or volunteers are registered with the ISA and therefore permitted by law to work or volunteer in regulated activity with children or vulnerable adults. It also allows them to register an interest (subscribe) in an individual's registration status and receive updates if that status changes. When subscribing the registered body should be nominated by the local church/circuit to receive the updates, as this ensures the information is delivered securely and that the Connexional Safeguarding Adviser is informed. If the church receives this information directly the District Safeguarding Coordinator or Connexional Safeguarding adviser must be consulted.

Any RAP with a legitimate interest in an individual for employment purposes and who has that individual's consent can carry out the checks. The decision as to who should have responsibility for accessing the online service will lie with the RAP

It is illegal to check on someone's registration status without a legitimate interest and without consent. Where an individual provides their unique Scheme reference number to their RAP, this will be taken as implying consent. Individuals should therefore keep their registration number secure and not give it to anyone unless they are happy for that person to check their registration status.<sup>35</sup>

### **A7 Continuous updating/monitoring**

Whenever new relevant information (such as a conviction or caution) becomes known about an individual registered with the ISA, the information will be sent to the ISA. The ISA will consider the information, together with other information known on the individual, and decide whether it indicates that the individual poses a risk of harm. If so, the ISA will start its barring processes (see Section 3). If an employer or registered body has already checked on an employee's status and has subscribed for notification of any status change, that employer/registered body will automatically be notified, should that employee's registration status change.

### **ANNEXE B – An Indicative Table of Roles (VBS England and Wales only)**

**B1.** This table is based on best information to date – it has yet to be confirmed but we must comply with the law as far as we are able.

#### **Please refer to the notes below.**

The criteria for eligibility must be considered carefully for each and every role.

<sup>35</sup> Details of how this is to be done are yet to be announced.

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<b>B1. a)</b> <b>Role description</b> <i>(paid or voluntary)</i>  <i>With some roles there will be a footnote regarding the law. Please read this first.</i>	<b>Previously required CRB</b>  <i>This was according to Methodist Church policy and guidance.</i>	<b>Now requires CRB</b>	<b>ISA registration</b>  <i>Including new posts from July 2010 and those who have never had a CRB check.</i>  <i>N.B. This is mandatory from November 2010 with a five-year phasing of people previously CRB'd</i>
Children and youth workers (with under 18s)	Yes	<b>Yes</b>	<b>Yes</b>
Junior church/Sunday school teachers	Yes	<b>Yes</b>	<b>Yes</b>
Leaders of groups with children, young people under 18 or vulnerable adults #	Yes  No specific policy	<b>Yes</b>  <b>Yes</b>	<b>Yes</b>  <b>Yes</b>
Leaders of holiday clubs or weekends away #	Yes	<b>Yes</b>	<b>Yes</b>
Officers of youth organisations – including the Brigades, see c) below	Yes	<b>Yes</b>	<b>Yes</b>
Workers with under 5s – including crèches	Yes	<b>Yes</b>	<b>Yes</b>
Lay employees – working with children, young people and vulnerable adults, family workers.	Yes	<b>Yes</b>	<b>Yes</b>
Presbyters* in the active work or active retirement	Yes	<b>Yes* normally</b>	<b>Yes* normally</b>
Deacons* in the active work or active retirement	Yes	<b>Yes* normally</b>	<b>Yes* normally</b>

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Local preachers and worship leaders – where there is an expectation to train, supervise or be responsible for children. <i>This applies to all new preachers and worship leaders from July 2010.</i>	No policy	<b>Yes* normally</b>	<b>Yes* normally</b>
<b>B1. b) Roles previously unspecified/role assessed or were Standard CRB only</b>	<b>Previously CRB checked</b>	<b>Now requires CRB</b>	<b>ISA registration</b> <i>Including new posts from July 2010 and those who have never had a CRB check.</i>
Managers, supervisors and trainers of those who work with children, young people and vulnerable adults	Yes	<b>Yes</b>	<b>Yes</b>
Caretakers and cleaners	Sometimes Standard CRB	<b>Sometimes*</b>	<b>Sometimes*</b>
Reception staff and administrators	Sometimes	<b>Sometimes*</b>	<b>Sometimes*</b>
Regular helpers* – serving refreshments [in a regulated activity]	Standard CRB only	<b>Normally</b>	<b>Normally</b>
Regular, supervised 'assistants'* [in a regulated activity]	Standard CRB only	<b>Normally</b>	<b>Normally</b>
One-off or occasional helpers/session leaders – <i>must be supervised</i>	No	<b>No</b>	<b>No</b>
Leaders and teachers in music groups, drama groups etc.	Yes	<b>Yes</b>	<b>Yes</b>

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Parents helping in above activities*	Not unless they are regular helpers	Not unless regularly responsible for other children <i>and</i> likely to be unsupervised at times	Not unless regularly responsible for other children <i>and</i> likely to be unsupervised at times
Those transporting children or vulnerable adults – see d)	Sometimes	<b>Yes</b>	<b>Yes</b>

### Notes for section B1:

\* The role must include activity of a *specified nature* – see **Regulated Activity** definition – below *and* be risk assessed.

# See **vulnerable adult** definition below. This must be an activity which is *solely or mainly* for children or vulnerable adults.

### Also:

- a) Those who work on a rota basis should be included even if they do not meet the frequency threshold. See Recruiting Safely – Section 2.6 Methodist policy. This is allowed under the Safeguarding Vulnerable Groups Act 2006<sup>36</sup> and it is a Methodist requirement.
- b) Ofsted requirements will apply to all children's groups with under 8s meeting for two hours on six or more occasions per year.
- c) Scouts and Guides have similar requirements but are not authorised by the Church.
- d) BB/GB officers and helpers should CRB/ISA register – where they are new to the Church/the role, unless they are seeking officer accreditation *via* BB/GB, when this will be done by the GB/BB head office. Information of concern will be shared at a Connexional level, as is the case currently.
- e) As part of an organised church activity/scheme aimed *solely or mainly* at children or vulnerable adults, private arrangements between parents or friends are not covered.

## B2. Definitions

### B2.1 Children

- Those under the age of 18. However, not all the requirements apply in the case of 16 and 17 year olds.

<sup>36</sup> Schedule 7.3.

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- 16 and 17 year-olds can also be vulnerable adults according to the new scheme definitions. Consult your District Safeguarding Coordinator if this is an issue for you.

### B2.2 Regulated activity

- i. Any activity of a **specified nature** that involves contact with children or vulnerable adults **frequently, intensively or overnight**.  
*specified nature*: teaching, training, care, supervision, advice, treatment and transportation.  
*frequently*: regularly once a week or more often  
*intensively*: 4 days or more in a 30-day period  
*overnight*: any time between 2 a.m. and 6 a.m.
- ii. Any activity allowing contact with children or vulnerable adults that is in a **specified place** frequently or intensively.  
*specified place*: schools, children's homes, hospitals, juvenile detention facilities, adult care homes.
- iii. Any activity that involves people in certain **defined positions** of responsibility.  
*defined position*: such positions include school governor and trustee of certain charities.
- iv. Activity which involves on a **regular** basis the **day-to-day management or supervision** of people carrying out activity of a specified nature or in a specified place.

### B2.3 Vulnerable adult

A vulnerable adult is a person who is aged 18 years or older and:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in his or her own home
- is receiving any form of health care
- is detained in a prison, remand centre, young offender institution, secure training centre or attendance centre or under the powers of the Immigration and Asylum Act 1999
- is in contact with probation services
- is receiving a welfare service of a description to be prescribed in regulations
- is receiving a service or participating in an activity which is specifically targeted at people with age-related needs, disabilities or prescribed physical or mental health conditions or expectant or nursing mothers living in residential care (age-related needs includes needs associated with frailty, illness, disability or mental capacity)
- is receiving direct payments from a local authority/HSS body in lieu of social care services
- requires assistance in the conduct of his or her own affairs.

The definition is context based – ie a person is classified as vulnerable when they are receiving the specified services, but not necessarily in other contexts. So someone who is

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(for example) receiving health care will be classified as a vulnerable adult when they are visiting their GP or hospital, but not when they are shopping or worshipping at church.

### Examples:

- Pastoral visitors will *not normally* be required to have ISA registration and CRB checks. Those visiting in care homes, hospitals, schools etc. regularly, will need ISA registration and CRB Disclosures.
- Those visiting people in their own homes where they are providing a service as part of an activity which is **solely or mainly** for those fulfilling the vulnerable adult criteria will also need to be registered. This is likely to include visiting schemes organised by the church, which are **solely or mainly** for those who are housebound as they will be classed as vulnerable, e.g. extended communion or a scheme for the house bound.
- People who work in a church run day centre or luncheon club such as those aimed at the elderly or those with moderate-severe learning disabilities will *probably* need to be CRB checked and ISA-registered. *[A reasonable local assessment of whether this activity is **solely or mainly** for vulnerable adults as defined above will need to be made.]*
- A visiting scheme which is for the wider community or the church community (pastoral visiting) **is not** likely to be eligible. Private arrangements (where people visit one another as friends rather than as part of a formal visiting scheme) are excluded.
- The activity does not need to be with the same children or vulnerable adults for frequent, intensive and overnight to apply. For example, someone who cares for children in a crèche once a week may not have contact with the same children but they are still engaging in the activity frequently and must register with the ISA. If they are engaged in an activity less frequently but it would still be regulated if it were frequent, then they are still eligible for registration and a Disclosure. It is Methodist policy that they should go through vetting (see Recruiting Safely 2.6).
- Those whose role is limited to assisting on an *occasional* or *one-off* basis in a regulated activity where others are leading or in charge, as well as those who simply have a membership role in mixed-age activities such as choirs, music bands and drama groups, **will not** be eligible to get Criminal Records Bureau checks/ISA registration.

NB With regard to a definition of vulnerable adults for the church, both the criteria/thresholds in these definitions are narrower than the definitions of vulnerable adults in Church policy. For a wider definition of vulnerability, which may be used in the wider pastoral settings of the Church please look on the Methodist website, under Church Life, Safeguarding and Vulnerable Adults. An adult may be vulnerable in the church and therefore still needs safeguarding and pastoral good practice; however, the person working with them may not be eligible for vetting procedures. This will be a matter of checking the criteria, risk assessment and good judgement.

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**Charity Trustees** – *this is quoted from the DCSF and Home office VBS guidance, March 2010*

All charities that carry out work targeted at children or vulnerable adults are considered to be children's charities or vulnerable adult charities and all trustees are engaging in regulated activity, and it will be an offence for a barred person to hold such a position. However, there will be no requirement for trustees to register with the Scheme simply because they are a charity trustee.

Only those trustees who are engaged in regulated activity (by carrying out a specified activity or working in a specified setting on a frequent or intensive basis) must be ISA registered. Each charity will have the discretion to determine whether it is appropriate for those trustees who are not undertaking regulated activity to be asked to join the Scheme.

**Forms are available from:** Methodist Publishing – Tel. 01733 235962

<https://secure2.cyberware.co.uk/~cb537/acatalog/index.html>

**The ISA/CRB form and CAS forms must be returned to Churches' Agency for Safeguarding, 25 Marylebone Road, London NW1 5JR upon completion and not sent directly to the CRB.**

**The other recruitment forms including the Confidential Declaration must be kept securely at local level.**