

Setting the scene – an overview of the safeguarding recruitment and selection process relating to sport and specifically children.

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Safeguarding checks for recruitment & selection of staff and volunteers

Background

Lessons from inquiry reports into the institutional abuse of children and young people

- widespread and systematic abuse
- abuse of power in care contract/duty of care
- not just about sexual abuse – poor, neglectful and abusive practice sanctioned by practice labels eg ‘pindown regime’
- lack of staff training
- lack of safeguards in recruitment, selection and deployment

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Background cont..

- lack of complaints/disciplinary processes
- failure of managers to address complaints
- structural oppression – inequalities of gender, race, disability
- children and young people not listened to

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Emerging issues for sport

1. CULLEN REPORT – Dunblane inquiry

Notes: ‘the relative ease with which Thomas Hamilton over many years was able to open a succession of clubs in a number of local authority areas despite persistent complaints and concerns about his behaviour. There was no system in general use for the vetting of persons who operated such clubs or for monitoring their conduct’.

2. Growing awareness that sport offered easy access to those who wished to harm children and overall culture in sport ‘unaware’.

3. Research findings re abuse of trust in sport - particular vulnerability when children are away from home

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Good practice requires:

- creation of an 'aware' culture
- listening to children and young people
- operation of fair and open systems for dealing with allegations against staff/volunteers
- stated high standards for care provision
- a well trained workforce
- 'aware' recruitment practices
- effective management systems and monitoring
- systems for whistle blowing

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Current good practice in recruitment and selection

Organisational recruitment and selection policies and procedures applicable to staff and volunteers which include:

- written application forms including declaration of any previous criminal record, child protection investigations or disciplinary proceedings
- identity checking
- full employment/deployment history – check gaps/inconsistencies
- verification of qualifications
- interviews which explore candidates' attitudes to children and their perceptions about the boundaries of acceptable behaviours towards children

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Current good practice in recruitment and selection cont..

- checks on criminal records and professional barred lists
 - through enhanced level CRB disclosure process
- risk assess positive disclosures
- making appointments only after references are obtained and checked
- making all appointments subject to probationary periods

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Statutory framework

Police Act 1997 and Protection of Children Act 1999

- Enabled sports organisations to make checks against barred lists (inc new POCA list) and access criminal records checks through the Criminal Records Bureau (which became operational in 2002)
- Enabled sports organisations to refer names for inclusion on the POCA list
- Created new criminal offences for employers who failed to make sufficient steps to make checks and on registered sex offenders applying to work with children

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Statutory framework cont..

Working Together to Safeguard Children 2006 – HM Government

Sec 2.8 Requirements on all organisations to put in place:

‘Recruitment and human resources management procedures that take account of the need to safeguard and promote the welfare of children and young people, including arrangements for appropriate checks on new staff and volunteers’

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Standards for Safeguarding and Protecting Children in sport 2002

Standard 3 – Prevention

3.1 There are policies and procedures for recruiting staff and volunteers who have contact with children, and for assessing their suitability to work with children.

Standard 7 – Education and training

7.5 Training and written guidance on safer recruitment practice is provided for those responsible for recruiting and selecting staff and volunteers.

Achieving the Standards is a condition of funding for Sport England funded sports and County Sports Partnerships

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Vetting and Barring Scheme

Background

- Richard Inquiry into the circumstances of Ian Huntley's employment as a caretaker in Soham following his conviction for the murders of Holly Wells and Jessica Chapman
- Included focus on how organisations recruit and select people to work with children and vulnerable adults
- Made recommendations about improving existing systems to prevent unsuitable people from entering this workforce whether in paid or unpaid capacity

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Legislative change

Richard Inquiry recommendation 19 led to the Safeguarding Vulnerable Groups Act 2006

- Creates the Independent Safeguarding Authority (ISA) as single agency to make barring decisions across England, Wales and Northern Ireland – aligned legislation and system created in Scotland
- Creates new vetting and barring scheme and replaces existing barring lists with single, independent system

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Key implications for those working in paid and volunteer positions in sport

- New legal responsibilities on employers and on individuals
- Individuals must be ISA registered to work with children and/or vulnerable adults in regulated or controlled activity
- Employers of staff or volunteers must check they are ISA registered
- Criminal offence not to do so or to employ someone known not to be a member of the scheme
- Criminal offence for an individual to work in regulated activity if not registered but may work in controlled activity provided safeguards are put in place

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Key implications cont..

- Regulated activity providers (RAPs) must register with the ISA
- For national governing bodies – RAPs will frequently be sports clubs
- Increase in number of people in sport to whom statutory requirements apply – increased administration
- Sports organisations will have responsibility for referring individuals to the ISA for consideration for barring where they believe they meet the criteria

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Sports organisations' concerns

- Cost of implementation – majority of checks are for volunteers (free), but administration costs significantly increase
- Changing information about operation of the scheme and timescales for phasing implementation
- Concern about potential loss of volunteers -? put off volunteering by new requirements and by liability (club committee members as RAPs and NGBs who may not have data on their clubs)
- Need for mechanisms for sport's concerns to be articulated which mirror arrangements for CRB issues e.g. Sport and Recreation Consultative Group chaired by the CPSU

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Concerns cont..

- Limitations of the scheme – removes from the workforce those who are barred and who pose the most serious risk to children generally – won't address all aspects of suitability for individual roles
- Continuous updating of ISA status will **not** involve automatic updating of criminal records information to RAPs as envisaged by the original Richard Rec 19 Advisory Board
- Some organisations may want to opt for the minimum requirement of ISA checking as no legal requirement to do CRB checks in the sector
- Guidance needed on good practice in recruitment generally – ISA must not be seen as replacement

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Concerns cont..

- Clarification of some roles/settings to be covered – e.g. people working as referees/officials or in open-age sports teams, people working in the fitness industry who are members of NGBs and qualified by them but not deployed by them, responsibilities of leisure centres and of schools when hiring out facilities
- Relationship between NGBs (which should continue to manage CRB processes, ISA applications and risk assessment processes re ‘positive’ CRB disclosures) and clubs on whom liability as RAPs will fall for recruitment decisions. Current guidance is for NGBs to be seen as ‘endorsing’ organisations

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Current situation

Timetable:

- Generic guidance on the scheme due out imminently
- Sports sector final draft guidance being developed by DCMS for final sector communication event in early November 2009
- 12th October 2009 ISA makes barring decisions through SVGA provision and referrals to the VBS must be made through ISA. Referral guidance to be published
- July 2010 – applicants can join the VBS
- November 2010 mandatory VBS registration for people starting new jobs in regulated activity
- Five year phasing for other roles

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Communication

- Joint VBS/CRB sports and recreation consultative group chaired by CPSU - new members include ISRM, Welsh Sports Council, EFDS
- Home Office road shows held June/July 2009 as part of communications strategy
- Sports sector communications event held 24th July with Home Office, DCMS and CRB – has informed content of sector specific guidance
- Sector virtual task group currently working on sector examples for the guidance
- DCMS and DCSF writing Q&As to go on CPSU website
- Final communications event to be held early November 2009 to finalise guidance and sector communications plans
- Updates on CPSU website and in newsletter

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Advice to sports organisations

Policy and procedures

- Review and revise existing recruitment and selection policy/procedures and disciplinary procedures in line with new requirements
- Keep the ISA in context – one aspect of safe recruitment practice
- Review and revise constitution to ensure compliance
- Cross reference requirements with other related policies/procedures and minimum operating standards/accreditation schemes

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Advice cont..

Project plan

- Identify roles and settings affected by requirements
- Develop detailed, costed and timetabled implementation plan which includes monitoring and evaluation
- Work closely with CRB/ISA for demand forecast
- Support plan with communications strategy for all stakeholders and specific guidance for clubs and other settings/individuals which will have RAP requirements
- Include new requirements into workforce development plans and training
- Keep up to date with developments and use existing consultative processes

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Advice cont..

For further information visit:

www.thecpsu.org.uk

www.isa-gov.org.uk

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