

RECRUITMENT

Parishes and Parish Co-ordinators should note substantial revision to the recruitment process to take account of the legal requirements of the Protection of Children (Scotland) Act 2003.

1. THE DISCLOSURE POLICY

The Protection of Children (Scotland) Act 2003 (POCSA) applies to all individuals (paid and volunteer workers) who work in a Child Care Position.

1.1 THE PROTECTION OF CHILDREN (SCOTLAND) ACT 2003

1.1.1 The Act has two main thrusts:

1.1.2 A Disqualified from Working with Children List will now be kept by Scottish Ministers, which can be accessed only by applying for an Enhanced Disclosure Check (see Schedule 2 of POCSA).

1.1.3 The Act makes it:

- ***an offence for an organisation to employ someone in a child care position who is fully listed;***
- ***an offence for an organisation not to refer to the Scottish Executive a person who harms a child or puts a child at risk of harm and is dismissed or moved away from access to children as a consequence. Further Guidance on the system of referral to the Scottish Executive can be sought from the National Office for the Protection of Children and Vulnerable Adults.***

1.1.4 The Central Registered Body in Scotland (CRBS) has been established by the Executive to provide free Disclosures for volunteers in the voluntary sector who are appointed to work in an exempted post. An exempted post is one that is detailed in the Exclusions and Exceptions (Scotland) Order 2003. An example of an exempted post is a child care position as defined in Schedule 2 of the Protection of Children (Scotland) Act 2003. "Exempted" means that the employer is entitled to access a full copy of the applicant's criminal record history (Standard/Enhanced Certificate). The CRBS acts on behalf of the voluntary sector to process Disclosure applications. The contact details for CRBS are:

- ***Tel. No. 0178 6849 777***
- ***E-mail: info@crbs.org.uk***

1.1.5 **The Protection of Vulnerable Groups (Scotland) Act 2007**

1.1.5.1 The Act makes a number of provisions including:

- the establishment of a list of individuals unsuitable to work with children and consequently repealing the 2003 Act (which established the DWCL – Disqualified from Working with Children List) and establishing a separate list of individuals unsuitable to work with protected adults;
- the establishment of a scheme for those working with vulnerable groups, membership of which enables the ongoing collection of vetting information and assessment for unsuitability to work with those groups.

1.1.5.2 The Church's current development in good practice is using the key principles contained in the legislation in relation to safety for everyone, especially the most vulnerable.

1.2 DISCLOSURES: KEY PRINCIPLES

1.2.1 *Why Are Disclosures Needed?*

- 1.2.1.1 The Catholic Church is committed to doing everything possible to ensure children, young people and vulnerable adults are kept safe from harm. The single most important responsibility to be undertaken is to ensure that anyone placed in a position of trust within the Church, whether paid or otherwise, that gives them direct access to children, young people or vulnerable adults is selected with the utmost care. The recruitment, selection and ongoing support of both volunteers and paid employees to work with children, young people and/or vulnerable adults, whether undertaken locally or at diocesan level, require rigorous recruitment, selection and monitoring practices including interviews, taking up references, checking qualifications (where relevant), the use of the probationary period, ongoing supervision and performance monitoring, and ensuring that accurate and adequate role descriptions and terms and conditions (whether relating to employment or a volunteer agreement) are prepared, issued and explained prior to commencement.
- 1.2.1.2 The establishment of CRBS/Disclosure Scotland creates a much improved opportunity for 'police checks' to form part of this process. It will not replace any other aspect of normal recruitment practices. The CRBS/Disclosure will come as part of an entire recruitment strategy. Ongoing vigilance is important, in order to ensure that standards of practice are maintained and children, young people and vulnerable adults are safeguarded.
- 1.2.1.3 In the present climate a new culture of professionalism and transparency is required of us.

1.2.2 ***The Responsibility of the Church to make use of CRBS/Disclosures***

1.2.2.1 Within the statutory sectors (social care, health and education) employers are legally required to make Disclosure Checks. The Act applies equally to organisations in the voluntary sector as it does to statutory bodies.

1.2.2.2 Like any responsible body, the Catholic Church must exercise a proper “duty of care” in its recruitment of paid staff and volunteers, particularly those who are being appointed to positions giving access to children, young people and vulnerable adults. Moreover, the Protection of Children (Scotland) Act 2003 makes it an offence for an organisation to appoint someone in a child care position who is on the “Disqualified from Working with Children List”. The Vulnerable Groups (Scotland) Act 2007, when implemented, will mean that a similar offence will be created in relation to the appointment to positions giving access to vulnerable adults. Failure to take advantage of these disclosures to check relevant information about suitability is likely to be seen as a failure in the “duty of care” and could also put those making appointments in a position of having committed an offence. Therefore, the whole selection and recruitment process for paid staff and volunteers who work with children, young people in a child care position (as defined in Schedule 2 of POCSA) and vulnerable adults (as defined in Part V of the Police Act 1997) **must** include a Disclosure Check.

1.2.3 ***Assessment of the Need for a Disclosure***

1.2.3.1 As indicated in **1.2.2**, the whole selection and recruitment process for paid staff and volunteers who will work with children, young people and vulnerable adults must include a Disclosure Check. The range of positions that should be the subject of a Disclosure Check may not, however, always be obvious to those responsible for making appointments. The test for assessing the need for a Disclosure Check will, insofar as Church appointments are concerned, be based on the extent and nature of the contact with children, young people and vulnerable adults.

- 1.2.3.2 Positions that should be subject to a Disclosure Check include those involving a direct role in relation to children, young people (and are, therefore, deemed to be in a child care position) or vulnerable adults, either in groups or one to one situations, on a regular basis or for a period of time.
- 1.2.3.3 It is clear that this responsibility extends to those situations and activities in the Church for which parents/carers specifically entrust their children, young people or vulnerable adults within the family to the care and supervision of those appointed by the Church.
- 1.2.3.4 It extends to those people appointed by the Church with whom children, young people and vulnerable adults will come into significant contact through the Parish life.
- 1.2.3.5 At present, organisations are required to carry out Disclosure Checks only on new applicants for appointment to child care positions. However, the Bishops in Scotland have advised that they wish to encourage the following groups of people to seek a Disclosure Check as a matter of good practice, because there is a widespread expectation that checks will be undertaken for those who, by virtue of their position have free access to children, young people and vulnerable adults:
- ***Bishops, Clergy and Members of Religious Congregations***
 - ***Candidates for the Priesthood and Religious Life***
 - ***Members of the Diocesan Child Protection and Vulnerable Adult Teams***
 - ***Parish Co-ordinators***
 - ***Staff in care homes run by Religious Congregations***
 - ***Ministers of Holy Communion who visit parishioners in their homes***
 - ***St Vincent de Paul Society volunteers working in parishes***
 - ***Identified Leaders on Youth Pilgrimages***
 - ***Adult participants on Youth Pilgrimages***
 - ***Legion of Mary volunteers working in parishes.***
- 1.2.3.6 It should also be recognised that particular care should be taken when clergy come from abroad, sometimes for a short period only or move from one area to another, and appropriate checks must be made with their previous Bishop or Superior before they are permitted to take up ministry. A policy relating to testimonials for clergy has been agreed by the Bishops (see Section 8).

1.2.3.7 Roles for volunteers aged 18 years and over requiring CRBS/Disclosure Checks. (Again the law requires that only new posts are to be checked at present.)

Examples of the kinds of position covered:

- Those involved in work or ministry with children, young people or vulnerable adults on behalf of the Church at any level, whether this takes place on Church premises, within the home or in other places, for example children's liturgy workers, children's pilgrimage helpers, Parish parent and toddler group organiser, crèche workers for the Parish, transport volunteers, Ministers of Holy Communion making home visits and people involved in Church music.
- There may be people appointed by the Church whose role is not directly concerned with activities involving those who are vulnerable but whose regular presence at times when children are involved in general or specific activities may create situations that could be exploited. These people should also be required to seek disclosure. An example would be the caretaker of a Parish who is on site when the youth group meets.
- The driver of a Parish minibus, if asked to help in running a football club as well as being entrusted with transporting children, young people or vulnerable adults to a site, should be subject to the full recruitment process. If only driving and in the presence of adults with responsibility for the activity, then an 'unchecked' driver could reasonably be used provided that at no point the driver is asked to undertake other supervisory roles in the absence of the adults concerned.
- Church premises are made available to organisations that work with children, young people and vulnerable adults, e.g. dance clubs, uniformed groups. They should be authorised to do so only if they have evidence to satisfy the Parish Priest/Parish Co-ordinator that they have safeguarding measures in place in their organisation, including recruitment procedures for their leaders and helpers, and that references and Disclosure Checks have been carried out.

- 1.2.3.8 **These lists are not exclusive; there may be others. The responsibility of the Church to carry out Disclosures on people with whom children, young people and vulnerable adults may come into contact is not unlimited. It should always be applied with care and common sense.**

2. THE RECRUITMENT PROCESS FOR CHILD CARE WORKERS

2.1 *Step 1: Description of Roles*

2.1.1 The Parish ensures that Role Descriptions are developed for children's workers' positions.

2.1.2 *Article 4 of the Code of Practice* states: "give all paid staff and volunteers clear roles".

- *Section 8 provides sample role descriptions.*
- *Paid workers in parishes/congregations/organisations should have role descriptions that include clearly worded descriptions of their responsibilities for the protection of children and young people.*
- *Volunteers must be clear as to what is expected of them. The description of the role should be a meaningful document to those who are carrying out the role. This means writing down what is expected of them in their work with children and young people.*
- *Role description forms should be completed by existing paid staff and volunteers (if this has not already been done) as well as by new paid staff or volunteers when they take up their roles.*
- *The Summary of Good Practice sets out acceptable behaviour and that which is not acceptable. Each paid worker and volunteer should be issued with a copy.*

2.2 *Step 2: Application Form*

2.2.1 All prospective children's workers and those transferring from and to such positions between Parishes must complete an application form (see Section 8).

2.2.2 *Article 6 of the Code of Practice* states: "Treat all would be paid staff and volunteers as job applicants for any position involving contact with children and young people".

2.2.3 All existing workers with children and young people should have signed an application form stressing that everyone is treated in the same way.

2.3 *Step 3: References*

- 2.3.1 Two references must be requested for all applicants to work with children and young people.
- 2.3.2 One reference should be from someone who has had the most recent experience of the applicant’s work with children/young people. If the person has never worked with children/young people, the reference should be from someone who can vouch for how the applicant relates to children and young people.
- 2.3.3 A sample Reference Request Form and accompanying letter are included in Section 8.
- 2.3.4 *Article 7 of the Code of Practice* states: “Gain two references from persons who have experience of the applicant’s paid work or volunteering with children and young people”.
- 2.3.5 If replies are vague or ambiguous it may be necessary for them to be followed up in person or by telephone.
- 2.3.6 References should be handled in an open and accountable manner.

2.4 *Step 4: Interview*

- 2.4.1 *Article 8 of the Code of Practice* states that a Parish should “explore every applicant’s experience of working or contact with children and young people in an interview before appointment”.
- 2.4.2 Interviews for volunteering in the Church should be informal and conducted like a conversation in a relaxed and inclusive manner.
- 2.4.3 The purpose of the volunteer interview is to:
- ***explore the would-be volunteer’s experience of working with children/young people, drawing upon the information on the applicant’s signed application form;***
 - ***identify the volunteer’s training and support needs;***
 - ***answer any questions or concerns the volunteer may have about their role in the organisation.***

2.4.4 A note of the date of the interview and details of the interviewer(s) should be kept with the application form, together with any issues that the interviewer felt worthy of note.

2.5 *Step 5: Completion of Disclosure Application; Completion of a Declaration Form*

2.5.1 *Article 9 of the Code of Practice states that you “find out whether an applicant has any convictions for criminal offences against children and young people”.*

2.5.2 The Church requests Enhanced Disclosure Checks for all children’s workers’ positions.

2.5.3 The Church applies for Disclosure Checks for voluntary workers through the Central Registered Body in Scotland (CRBS). The CRBS acts as the Church’s agent with Disclosure Scotland.

2.5.4 The Role of the National Collator and the Diocese in relation to Disclosure Checks:

- ***The Dioceses assist the National Collator to obtain the relevant information to enable a Disclosure Check to be processed through CRBS.***
- ***Only personnel approved by the National Collator/Diocese can assist in this process. Approval means the person must be appropriately trained as a recognised Co-signatory with a signatory code number.***
- ***The applicant is provided with a copy of the Disclosure Scotland Application Form together with guidance for completing it, and a copy of the Self Declaration Form.***
- ***The role of the Co-signatory is to ensure that the Disclosure Scotland Application is completed appropriately and to verify the evidence provided by the applicant concerning identity.***
- ***Once the Disclosure Check has been completed, written notification will be sent to the appropriate member of personnel.***
- ***The applicant receives a certificate from Disclosure Scotland.***

2.5.5 All applicants are asked to complete a **Declaration Form** (see Section 8), returning it in a separate, sealed envelope to the appropriate person appointed by the Diocese. The applicant is asked to declare all convictions, warnings, etc., however old, at this stage in the application process. Having a “spent” or “unspent” conviction will not automatically bar an individual from working in a child care post.

2.6 *Step 6: Appointing a Person in a 'Child Care' Position*

2.6.1 When all necessary documents have been processed and returned with satisfactory outcomes, the applicant will be notified and can then take up post. The Parish Co-ordinator and the Parish Priest will be informed of the outcome.

2.6.2 There will be a probationary period for newly appointed workers. New appointees should work with an experienced person at first. After three months a further interview should take place between the new worker and the leader of the activity/Parish Priest. At that meeting the new worker and the Parish representative agree whether or not the person is suited to the activity and the person states whether they wish to continue.

2.6.3 *Article 10 of the Code of Practice* states: “Make paid and voluntary appointments conditional on the completion of a probationary period”.

2.7 *Supervision of 'Child Care' Workers*

2.7.1 Supervision is an extremely important aspect of managing volunteers/paid workers.

2.7.2 *Article 5 of the Code of Practice* states that Parishes should “use supervision as a means of protecting children and young people”.

2.7.3 As a matter of good practice, all Parish groups should have regular opportunities to meet to discuss how new people are managing and to provide encouragement, support and training.

2.7.4 Good systems of supervision are essential in establishing and maintaining a non-abusive culture within the Church community.

- 2.7.5 The Parish Co-ordinator should meet with the leaders who work with children and young people on a regular basis.

3. RECRUITMENT PROCESS – SUMMARY

3.1 The following is a summary of the recruitment process that must be carried out for all appointments as 'Child Care' workers.

3.2 Parishes must ensure that these recruitment procedures are adhered to:

Step 1	Role Descriptions are developed for Children's Worker positions.
Step 2	Prospective workers are asked to complete an Application Form. Existing workers transferring to another Parish and to a new child care post are asked to complete an Application Form.
Step 3	Two references are requested for prospective Children's Workers. Where a worker is transferring between Parishes and to a child care post, two references are requested.
Step 4	Prospective Children's Worker is interviewed. Where a Children's Worker is transferring between Parishes and to a child care post he/she should be interviewed prior to being appointed to the new post.

Step 5	<p>A Disclosure Check at enhanced level is requested for the worker before he/she is appointed.</p> <p>The Applicant is also asked to complete a Declaration Form.</p> <p>Where a worker is transferring between Parishes and to a new post, the applicant has to submit a current Disclosure Certificate.</p>
Step 6	<p>The appropriate representative of the Diocesan Team should ensure that each Parish Priest/Parish Co-ordinator is notified of clearance of an appointment.</p>

4. THE RECRUITMENT PROCESS FOR THOSE WORKING WITH VULNERABLE ADULTS

- 4.1 Safeguarding all those who are vulnerable is clearly a high priority for the Church. As a consequence, the recruitment process should be applied for all appointments for those working with vulnerable adults.

5. DISCLOSURE CHECK APPEALS PROCEDURE

5.1 *Grounds of Appeal*

- 5.1.1 Where it is considered by the Diocesan Risk Assessment and Management Team (following submission of an application in terms of *Part V of the Police Act 1997* and consideration of the Disclosure information supplied by Disclosure Scotland) that an applicant is not suitable to work with children in the Church, he/she has a right to appeal that decision.
- 5.1.2 Any appeal must relate to the fairness of the decision in all circumstances of the case, e.g. that it was not made in keeping with relevant Bishops' Conference of Scotland Safeguarding policies.
- 5.1.3 Any disagreement as to the contents of the Disclosure information itself cannot be the subject of an appeal under this procedure and should be taken up by the applicant with Disclosure Scotland, through the procedures established by that body.

5.2 *Process of Appeal*

- 5.2.1 It is hoped that most concerns will be resolved easily via discussion between a member of the Diocesan Office and the applicant. However, where this informal system fails to achieve a resolution, the applicant is entitled to have the matter reassessed independently through the following procedures:
- The applicant should contact the Diocesan Adviser by telephone to discuss, confidentially, their complaint.
 - If the applicant remains unsatisfied, he/she should contact the Diocesan Adviser in writing.
 - The Diocesan Adviser will respond in writing within 10 working days, explaining the reasons for the decision and how it was made. All decisions require to have been made in accordance with existing criteria, details of which will also be made available to the applicant.

- If the applicant remains unsatisfied, he/she shall be entitled to require an independent review of the decision. Such a review must be initiated by the applicant intimating his/her wish to appeal the decision by writing to the Solicitor of the Diocese (via the Adviser) within three calendar months of the date on which the decision was intimated to the applicant.
- The appeal will be undertaken by a Diocesan Appeal Group comprising of three persons selected by the Solicitor, composed of persons with child protection and related experience. Having due regard to the need to ensure independent scrutiny of any appeal, none of the panel shall be current or former employees of any of the employing agencies of the Church. The Appeal Group will be serviced by the Diocesan Solicitor.
- The applicant will be notified of the Appeal Group's decision, in writing, normally within four weeks of the written appeal being received by the Diocesan Solicitor.
- The Appeal Group will also notify the Diocesan Office of its decision. The Diocesan Office will take any necessary action, in line with the Group's decision.
- The decision of the Group will be final.

6. DATA PROTECTION POLICY

6.1 *The Data Protection Act 1998*

“The Act covers how personal information about living identifiable people is to be protected. All organisations that hold or process personal data must comply. The Act requires that data is gathered and processed fairly, is held securely and is used solely for the purpose for which it was collated.”

Extracted from 'Protecting Children and Young People: Framework for Standards'

6.2 *The Rules of Good Information Handling – the Principles*

6.2.1 Anyone in the Church processing personal data must comply with the eight enforceable principles of good practice. Data must be:

- *fairly and lawfully processed;*
- *processed for limited purposes and not in any manner incompatible with those purposes;*
- *adequate, relevant and not excessive;*
- *accurate;*
- *kept no longer than is necessary;*
- *processed in line with the data subject's rights;*
- *secure;*
- *not transferred to countries without adequate protection.*

6.2.2 Personal data covers both facts and opinions about the individual.

6.3 Complying with Data Protection Principles

6.3.1 In order to comply with the Act:

- ***No personal data should be obtained or held unless the individual has given consent.***
- ***Do not use data obtained for one purpose for a different purpose.***
- ***Do not collect information about individuals that is not necessary for the purpose intended.***
- ***If data is kept for a considerable length of time, it must be reviewed and if necessary updated.***
- ***There should be regular reviews of files containing data to ensure that it is not kept for longer than required for the particular purpose.***
- ***You should always consider the rights of the individual in respect of their data. These are, briefly, that consent should be obtained if data is kept and used for any purpose; that individuals are entitled to know what data is kept about them; and that personal data must not be disclosed to anyone outside or inside the Church/organisation who does not strictly need to know, without the individual's consent.***
- ***Personal data must be kept in a secure place, for example in a filing cabinet that can be locked or in a room that can be locked when unoccupied.***
- ***No data can be transferred, even for a legitimate purpose, outside of the EEA (European Economic Area – most of Europe) without the consent of the individual.***

6.4 *Data Protection, Human Rights and Child Protection*

- 6.4.1 Where disclosing information might place a child at risk, then child protection considerations take precedence over data protection. In certain circumstances the Data Protection Act allows for disclosure of information without the consent of the subject, including for the prevention or detection of crime, or the apprehension or prosecution of offenders.
- 6.4.2 Children have the right to be protected from harm. Information relating to concerns that a child is at risk of significant harm should always be shared on a 'need to know' basis. Contact should be made with the statutory authorities for advice.
- 6.4.3 For further information: ***www.ico.gov.uk***