

# **SAFEGUARDING HANDBOOK 2**

The Safe Recruitment, Selection and Management  
of Volunteers and Paid Staff

Version: October 2018



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\* Safeguarding Handbooks 1-6, CrossReach Child Protection Handbook and CrossReach Adult Protection Handbook are available to view on the Church of Scotland website:  
[http://www.churchofscotland.org.uk/about\\_us/safeguarding\\_service/key\\_publications](http://www.churchofscotland.org.uk/about_us/safeguarding_service/key_publications)

# Introduction

## Who is this Handbook for?

This handbook is designed to provide advice on safer recruitment to Kirk Sessions, Presbyteries and any other employing agency of the Church of Scotland.

## What is Safeguarding?

The Church of Scotland is committed to the safeguarding and protection of all children, young people and adults at risk of harm.

Safeguarding is the action that the Church of Scotland takes to promote the welfare of children and adults at risk to protect them from harm including physical, emotional, sexual and financial harm and neglect. This includes making sure that the appropriate policies, practices and procedures are in place.

Safeguarding includes child protection but goes further and extends to all vulnerable groups.

Often Churches are trusted to help some of the most vulnerable people in society who require the most protection- it is essential to be able to demonstrate that we can keep them safe from harm.

It is in the interests of the Church to promote a safe environment and culture for all-failure to report and follow up on safeguarding concerns undermines public trust and sends a message that such behaviours are tolerated.

Safer recruitment practices are an essential part of the Church of Scotland's approach to safeguarding.

This policy and guidance sets out recruitment practices for people working or volunteering with children and adults. It is designed to assist with robust recruitment processes that help to ensure that unsuitable workers do not gain access to children or protected adults. The guidance addresses two key areas-the recruitment process and criminal record checks.

## Safer Recruitment

"The danger is that too much reliance will be placed on CRB (now DBS) checks. There is a concern that many abusers do not have convictions and no intelligence is held about them. Therefore the selection and recruitment process if properly conducted is an important indeed essential safeguard"

"For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed..." **(The Bichard Inquiry Report 2004)**

## Recruitment Process

The Church of Scotland recruits workers from the age of 16. The following is a summary of the recruitment process which must be carried out for all relevant appointments paid or unpaid which fall within the jurisdiction of The Church of Scotland.

# Summary of the Recruitment Process

## Step 1 – Advertisement

Any position can be advertised and should be concise and easily understood. As well as a description of the role, it should also state the Church's commitment to safe recruitment, including an explicit statement about the Church's commitment to safeguarding and promoting the welfare of vulnerable groups. It should advise of the need for PVG Scheme membership where required, or a DBS check (Presbytery of England).

## Examples of Adverts

### Suburbia Parish Church

Volunteers are required to work in the Sunday school each Sunday.

Experience of working with children is an advantage.

Please see Mary Brown (Safeguarding Coordinator) for further details.

**Please note this post is considered Regulated Work with children under the Protection of Vulnerable Groups (Scotland) Act 2007. The successful applicant will be required to join the PVG Scheme or undergo a PVG Scheme Update Check prior to working in the Sunday school.**

### City Centre Parish Church

Part-time paid youth worker is required for organising and leading youth groups (11-17yr olds).

An SVQ level 3 qualification is essential. For further information please contact the church office.

**Please note this post is considered Regulated Work with children under the Protection of Vulnerable Groups (Scotland) Act 2007. The successful applicant will be required to join the PVG Scheme or undergo a PVG Scheme Update Check prior to taking up post.**

### The Village Green Parish Church

Volunteers are required to help with the Dementia Support Group.

The group meets every week and applications from volunteers who could help with transporting group members would be most welcome.

Experience of working with adults with learning difficulties or dementia would be an advantage. Please contact John Smith (Safeguarding Coordinator) for further information.

**Please note this post is considered regulated work with Protected Adults under the Protection of Vulnerable Groups (Scotland) Act 2007, and successful applicants will be required to join the PVG Scheme or undergo a PVG Scheme Update Check prior to working with the group.**

**Presbytery of England:** Please note that all of the above examples would also require DBS check however the specific duties outlined in the job description will determine if they need a barred list check for the relevant group. See Appendix 1 & 2 for more information.

## Step 2 - Job Description

The Safeguarding Service has devised a Job Description Form (SG1) which should be completed for all volunteers and paid workers in congregations. Please remember that the need for PVG Scheme membership or DBS check is determined by the duties that are outlined in the job description and not necessarily the job title. For example, an Organist who only plays the organ during church services is not doing regulated work. An Organist who has a responsibility for the children's choir would require PVG Scheme membership, or DBS check. This should be detailed in their job description.

### Who is responsible for completing a job description?

It makes sense that this task is led by someone in the Church who has a thorough understanding of the roles and responsibilities of the post(s) under review. However, the Safeguarding Coordinator should ensure that a job description is developed and that copies of the forms are attached to the appropriate Application Form.

The job description should contain information about duties, role and responsibilities and have a person specification i.e. the experience, knowledge and/or qualifications required for the post as well as details of the support and training that will be provided.

### **Step 3 - Application Form**

All prospective workers must complete a Job Application form (SG2)-there must be no exceptions to this. A focused but comprehensive application form can make a strong statement on rigour and commitment to safety and can also deter those who know their practice is unsafe whilst encouraging those who wish to work for the Church.

A sample Application Form (SG2) is available on The Church of Scotland Safeguarding Service website.  
[http://www.churchofscotland.org.uk/\\_\\_data/assets/word\\_doc/0018/21438/Form\\_SG2\\_Job\\_Application.doc](http://www.churchofscotland.org.uk/__data/assets/word_doc/0018/21438/Form_SG2_Job_Application.doc)

### **Step 4 - References**

Two references must be requested for all new applicants even for those who have been church members for years. References should be from an individual who is not a relative of the applicant. All requests for references should seek objective verifiable information as far as possible and not only subjective opinion.

Whenever possible, references should be provided by an individual or organisation out with the local church community. It is a good idea to include a copy of the job description (SG1) with the reference request so that the referee has an idea of the role being applied for.

If a reference is not forthcoming, the Safeguarding Coordinator should ask the applicant's permission to make contact with the referee or ask the applicant to provide details of another referee.

A sample Reference Request Form and accompanying letter (SG4) are available on the Church of Scotland Safeguarding Service website.

[http://www.churchofscotland.org.uk/\\_\\_data/assets/word\\_doc/0011/21440/Form\\_SG4\\_Reference\\_Request.doc](http://www.churchofscotland.org.uk/__data/assets/word_doc/0011/21440/Form_SG4_Reference_Request.doc)

### **Step 5 - Interview**

The process should be structured and address the competencies in the job description and person specification. The purpose of the interview is to accomplish a 'fit' by:

- Helping the applicant to decide if the role/organisation is right for him/her.
- Finding out about the applicant's interests, abilities and motivation.
- Ensure that the applicant has the required skills and experience and that these match the criteria for the role.
- Identifying the applicant's training and support needs.
- Answering any questions or concerns that the applicant may have about the role or organisation.

An interview 'panel' of two or three people is ideal. Interviewers should have an understanding of relevant legislation including the requirements of the Data Protection Act and the Equalities Act. All members of the interview panel need to be aware of the job description, person specification and see the applicant's application form and references.

It is important to ensure that all the members of the panel have a role. To help the flow of the discussion, it is a good idea to have one person asking questions while another takes notes. The Interview Checklist and Record (SG5) and interview questions (SG6) can be used for this purpose.

In advance of the interviews panel members should:

- reach a consensus about the required standard for the post
- consider the issues to be explored with each applicant and who will ask about these
- agree the assessment criteria in accordance with the person specification and
- agree how a record of the assessment will be taken.

It is important to clarify any gaps in someone's employment record and address any obvious areas of concern.

The record will form part of the volunteer's recruitment file kept by the Safeguarding Coordinator. You might also want to include the Safeguarding Coordinator on your interview panel so that they can provide guidance about PVG Scheme membership or a DBS check if appropriate, and answer any questions the applicant might have.

## **Step 6 – Criminal Records Checks**

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

The Protecting Vulnerable Groups (PVG) membership scheme is managed and delivered by Disclosure Scotland.

When someone applies to join the PVG Scheme, Disclosure Scotland carries out criminal records checks and shares the results with the individual and the employing agency, which in this case would be the Church.

The Protection of Vulnerable Groups (Scotland) Act 2007 is essential in ensuring that those who are deemed unsuitable, are prevented from working with children and/or protected adults. It is imperative that anyone wishing to do regulated work with children and/or protected adults within the Church applies for scheme membership under the Church of Scotland. PVG Scheme membership for another organisation will not enable them to do regulated work within the Church context and a PVG Scheme update will be required. This is also essential for ensuring that the Church is notified if anyone who is in post becomes unsuitable to work with children or protected adults.

### **Determining whether PVG membership is required**

If the post is regulated work with children and/or protected adults, PVG Scheme membership is required for the worker before he/she is appointed. The Safeguarding Service will supply a recruitment package containing all the forms and guidance you will need.

The following tables are for determining if a post is regulated work with children or protected adults or both. This guidance is to help identify if an applicant for a paid or volunteer post needs to join the PVG Scheme. Use the tables on the next page to determine if the post is 'regulated work' with children, protected adults or both.

**Table 1: is the post regulated work with children?**

A person requires to be checked and become a member of the PVG Scheme for regulated work with children if the answer is YES to Questions 1 and 2 and YES to Questions 3.1, 3.2 or 3.3 in the table below.

Question 1	Question 2	Question 3
<p><b>Is it work of any kind, paid or as a volunteer?</b> YES/NO</p> <p>If NO, stop here because it will not be regulated work.</p> <p>Work is defined as ‘work of any kind’ including paid and unpaid that is NOT done as part of a personal relationship or arrangement.</p> <p>For example personal arrangements that parents make with friends and family to look after their children or transport them to activities or clubs is not work. But, in this example, if the care is provided by members of the Church who are recruited for that purpose, as in a youth group or crèche, the arrangements are formal and delivered on behalf of the organisation and it is therefore ‘work’.</p>	<p><b>Are they working with a child under the age of 18 years?</b></p> <p>YES/NO</p>	<p><b>Are any of the following tasks part of the normal duties of the person providing the service?</b></p> <p><i>You must be able to tick YES to at least one of the following.</i></p> <p>3.1 Will the person be in <b>sole charge</b> of child(ren)? YES/NO</p> <p>3.2 Will the person have <b>unsupervised contact</b> with the child(ren) receiving a formally organised activity under arrangements made by a responsible person? YES/NO</p> <p>3.3 Providing <b>teaching</b> or <b>instruction</b> or <b>training</b>? YES/NO</p>

**Table 2: is the post regulated work with protected adults?**

A person requires to be checked and become a member of the PVG Scheme for regulated work with adults if the answer is YES to Question 1, NO to 2.1, YES to 2.2 to 2.6 and YES to Question 3.1 or 3.2 in the table below.

Question 1	Question 2	Question 3
<p><b>Is it work of any kind, paid or as a volunteer? YES/NO</b></p> <p><i>If NO, stop here because it will not be regulated work.</i></p> <p>Work is defined as 'work of any kind' including paid and unpaid that is NOT done as part of a personal relationship or arrangement.</p> <p>An example of an activity that is not work is a person visiting a friend in a residential care home. This is done in a personal capacity. But it would be work if they were a member of a pastoral care group doing this visit on behalf of the Church.</p>	<p><b>Are they working with a protected adult and providing a welfare service? (See note 1 below about welfare service)</b></p> <p><i>You need to tick NO to question 2.1 and YES to questions 2.2 to 2.6 for the person to be a protected adult.</i></p> <p>2.1 Can anyone in the congregation receive this service, assistance, support or help? (See note 2 after this table). YES/NO</p> <p><i>If YES stop here: it is not regulated with adults.</i></p> <p>2.2 Does the person receiving the service have particular needs over and above those of the general population because they are affected by disability? E.g. need help with personal care or meal preparation, are housebound or depend on others for transport; are affected by mental health difficulties, learning disabilities, etc.? See note 3 about particular needs. YES/NO</p> <p>2.3 Is the person receiving the service aged 16 years or over? YES/NO</p> <p>2.4 Is the service provided in the name of the Church of Scotland? YES/NO</p> <p>2.5 Is the service provided regularly and in a planned way? YES/NO</p> <p>2.6 Does training need to be undertaken by the person delivering the service? (Training could mean anything from a very brief induction to a one-day session about what the post entails, responsibilities and how the job is done. Training is not defined in the Scottish Government's PVG Scheme guidance). YES/NO</p>	<p><b>Are any of the following tasks part of the normal duties of the person providing the service?</b></p> <p><i>You must be able to tick YES to at least one of the following.</i></p> <p>3.1 Will the person be in <b>sole charge</b> or have <b>unsupervised contact</b> with the person receiving the service e.g. being with the person when no one else is present? YES/NO</p> <p>3.2 Providing <b>teaching</b> or <b>instruction</b> or <b>training</b>? YES/NO</p>

## Further Helpful Information

1. In Table 2 '**welfare service**' means the provision of practical, personal or emotional support or advice, and guidance with spiritual matters. There is an overlap for 16–18 year olds who may be classed as either children or protected adults but it is usually obvious how this should be classified by the nature of the service provided.

2. If the answer to question 2.1 is 'YES' then the activity or service which is available for **anyone** in the congregation, regardless of their health, age, disability or circumstances, means that the person receiving it is not a protected adult. The paid member of staff or volunteer providing the service does not need to join the PVG Scheme. **Elders** are a good example of such a post: the service is provided for all in the congregation.

For the answer to be 'NO' the service or activity would need to be targeted only at people with particular needs – see note 3 below.

All **elders** provide **pastoral care** in the general sense but only those who are members of formally set up pastoral care visiting groups for people with **particular needs** need to join the Protecting Vulnerable Groups Scheme.

### 3. **Scottish Government new clarification about the definition of 'particular needs', February 2011.**

(The following is a direct quote from the Scottish Government)

'Particular needs' is explained at paragraph 23 of chapter 2 of the PVG Guidance. In relation to the activity of providing 'assistance, advice and guidance' (schedule 3, paragraph 5), further clarity is required. The Scottish Government has provided the following expansion of the definition already provided in the PVG Guidance: "A particular need is a specific requirement an individual may have arising from either physical or mental illness, or physical or mental disability which may disadvantage that person when compared to the rest of society."

Therefore, the following individuals may have particular needs:

- individuals with (temporary or permanent) physical capacity issues above and beyond the normal course of events, i.e. not including ailments which affect everyone from time to time such as colds or flu;
- individuals with (temporary or permanent) mental disorder (i.e. mental illness, learning disability, personality disorder or bereavement);
- individuals with degenerative diseases;
- generally, individuals who suffer a prolonged impairment in doing ordinary tasks necessary to support their work or home life (rather like the DDA criteria)
- people with drug or alcohol problems

Therefore, the following do not have particular needs by virtue of the following alone:

- people with debt problems;
- people who do not have English as a first language;
- people in detention;
- the jobless, or otherwise economically deprived;
- people with literacy or numeracy problems (although these may be symptoms of a condition which does give rise to particular needs);
- friends or relatives of protected adults or individuals with particular needs

## Frequently asked questions about PVG Scheme Membership

Determining whether PVG is required can be a complex area to navigate. Here are some of the frequently asked questions to help you.

### **Q. What does joining the PVG Scheme mean?**

Completion of the Application to Join PVG Scheme form or Existing PVG Scheme Member Application form is required. The applicant will receive their PVG Scheme Record Certificate or PVG Short Scheme Record Disclosure and the Church of Scotland will also receive a copy of the Certificate. The Certificate will detail the applicant's PVG Scheme Membership number, Membership status, Consideration status and any Vetting information. The Church of Scotland will carry out a risk assessment to determine an applicant's suitability to do regulated work with children and/or protected adults.

### **Q. Who in the Church needs to join the PVG Scheme?**

Anyone who is undertaking regulated work with children and/or protected adults. An applicant's job description should reflect whether the role is regulated work or not.

The Boys Brigade and the Girls Brigade recruit and PVG check workers from 18 years old. The exception to this is the Boys Brigade Staff Sergeant role. A young person can be a Staff Sergeant at 17 years old and would require to be fully recruited, PVG checked and registered with the Boys Brigade.

### **Q. What is regulated work?**

This is work done by paid staff or volunteers which is defined in the PVG Act. This is relatively straightforward for regulated work with children. But for protected adults we will have to be sure that the work is a 'welfare service' and is provided for people with 'particular needs'. Please see the table re Determining PVG Scheme membership for more information.

### **Q. What if a person already has a PVG Scheme Membership and wants to start being a volunteer with The Church of Scotland for the first time?**

If the applicant is already a PVG Scheme member for the children and/or adult workforce and is applying to work for either or both workforces for the Church, then they will complete a much shorter application form called an Existing PVG Scheme Member Application. The applicant will then receive either a PVG Scheme Record or PVG Short Scheme Record Disclosure.

For all Existing Member applications/updates, a Safeguarding Coordinator will still be required to verify identification and have the applicant complete a Self-Declaration form. The applicant should not start work until the Safeguarding Coordinator has received a clearance letter.

### **Q. Who is a child in the PVG Scheme?**

A child is a person under the age of 18 as per the Protection of Vulnerable Groups (Scotland) Act 2007.

### **Q. Who is a protected adult in the PVG Scheme?**

A protected adult is a person over 16 years of age, who because they receive a certain type of service, become protected. These services are likely to be provided for people affected by physical or mental illness and/or disability, who have particular needs over and above those of the general population. A protected adult differs from an 'adult at risk' as per the relevant legislation.

### **Q. 16-18 year olds overlap: is it regulated work with children or regulated work with adults?**

The PVG Act defines children and protected adults in a way that there is a deliberate overlap. A protected adult is defined as an individual aged 16yrs or over who is provided with (and thus receives) a type of care, support or welfare service. It is possible for 16 and 17 year olds to be both children and protected adults.

Consequently some people, working as paid staff or volunteers, with 16-18 year olds may need to join the Scheme and have membership for working with children and protected adults.

**Q. If an applicant wishing to join the PVG Scheme for the first time has a conviction, is this going to be a problem?**

Convictions are not an automatic bar to doing regulated work with children or protected adults. Any conviction information will be risk assessed as appropriate by the Safeguarding Service. See the section on the Recruitment Sub Committee.

**Q. What are the PVG Scheme Lists?**

The PVG Act has established two lists of those unsuitable to do regulated work with vulnerable groups: one for children and one for protected adults. If a person's name is included on either of these lists that person is barred from doing regulated work (paid or voluntary) with children or protected adults. A person can be barred from one type of regulated work and not the other, or from both.

People become listed i.e. barred, when successfully referred to The Scottish Government by the courts, professional organisations or employers (paid and unpaid). It will be an offence to employ, as a volunteer or paid member of staff, a person who is listed.

**Q. How much is this going to cost the applicant?**

A PVG Scheme Membership costs £59. A PVG Scheme Update costs £18. There is no charge to the person if they are a volunteer.

**Disclosure and Barring Service (DBS) England, Channel Islands and Wales**

The Disclosure and Barring Service (DBS) is the England and Wales government agency that helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. Disclosure and Barring Checks shall be facilitated by Due Diligence Checking Ltd (DDC) as the umbrella body for the Church of Scotland. All paid staff and volunteers working with children or vulnerable adults must have a DBS Certificate and have been cleared by the Safeguarding Service prior to undertaking regulated activities. Please see Appendix 1 for information on roles and eligibility for DBS checks.

**Recruiting individuals who were born outside the UK or who have lived outside the UK.**

There are two issues to consider when recruiting individuals who were either born outside the UK, or who have lived outside the UK for three months or more. The first is confirming someone's identity and the second relates to checking his or her criminal record.

With regard to the identity of the individual, employers should take particular care during the recruitment process, ensuring they follow up references and making other relevant checks before making an appointment.

Employers can ask prospective employees and existing members of staff to provide a criminal record certificate, where available, from their government or an appropriate government/police agency in the country where they were born and/or resided. Guidance on the availability of the service is provided by the Disclosure and Barring Service in England and also by the Centre for the Protection of National Infrastructure (CPNI).

The advice from the Church of Scotland Safeguarding Service is that the onus is on the individual to provide details of their criminal conviction history from their home country or countries of previous residence prior to being appointed to a post.

The Church of Scotland requires an overseas police check from the following applicants:

- Those who have spent three months or more (in a single period) in a non-UK country in the last ten years
- Those who were born and have lived overseas until adulthood

If this applies to the applicant, they must obtain an official statement confirming that they do not have any criminal record proceedings pending. The police check should cover the entire country, not just one state or province e.g. an FBI clearance is required for the USA and RCMP clearance for Canada.

Statements are only valid for application purposes for a period of six months from the date of issue. This does not apply if the applicant relocated to the UK before the six month period expired and has not been a resident in the country concerned since.

On occasion an applicant might not be able to meet the requirements above. Employers should also be aware that the categories of criminal convictions differ from country to country, and that the laws governing rehabilitation of offenders also vary significantly. In some instances criminal records are expunged either automatically after a period of time or after a time linked to the length of the original sentence. Laws relating to children and protected adults may also vary from country to country. In these situations rigorous checking that accounts for time spent abroad is necessary e.g.:

- Proof of itinerary
- Suitable proof of residence of time spent abroad e.g. document from landlord
- Overseas employee or academic references/certificates, including UK departments and agencies based overseas (e.g. Foreign and Commonwealth Office missions, British Council or Non-Governmental Organisations)
- Bank/credit card statements and
- Character references, quoting dates and places of meeting

Confirmation of dates can be cross-referenced with passport and work permits and by contacting employers/educational establishments.

If an applicant cannot meet the requirements above, or if further advice is required, please contact the Safeguarding Service before taking any further steps in the recruitment process.

### **Step 7 - Self-Declaration Form**

Applicants are required to complete a Self-Declaration Form which will be contained in the recruitment package along with accompanying guidance notes.

A Self-Declaration form allows the applicant to declare, and explain in their own words, any information that might appear on a PVG Scheme Membership Certificate, or DBS check.

It also allows the Safeguarding Service to establish if the applicant has any convictions, warnings etc. which may affect their suitability for work with children or protected adults.

Having a 'spent' or 'unspent' conviction, as defined under the relevant rehabilitation of offender's legislation will not automatically bar an individual from working for their Church. This will depend on the nature of the position applied for together with the circumstances and background to the offences.

Importantly, on signing the Self-Declaration form the applicant agrees to inform The Church of Scotland Safeguarding Service if they are charged, cautioned or convicted of any offence that may affect their suitability to continue to undertake work with children or protected adults; or if they become the subject of a police and/or social work department (children's or adult's services) investigation.

It is important that the applicant is allowed privacy to complete this declaration. It should be returned to the Safeguarding Coordinator sealed in the envelope provided.

### **Step 8 – Appointment**

It is the Church of Scotland's policy that a worker must not be put into post until they have been fully recruited, appropriate criminal records checks have been carried out and a clearance email from the Safeguarding Service has been received by the Safeguarding Coordinator.

Where a PVG Scheme Record or DBS check has been completed by the Safeguarding Service the Kirk Session will be notified via the Safeguarding Coordinator that a clearance email has been received. The Kirk Session will then be able to appoint the applicant to a position.

The name of the worker should then be entered onto the Safeguarding Congregational Register (SG7).

## Other useful information

### Risk Assessment and the Recruitment Sub Committee (RSC)

The Recruitment Sub Committee is a group formed by the Safeguarding Committee to risk assess all conviction and vetting information in respect of those seeking to, or currently undertaking regulated work. It will also risk assess other information that might indicate a risk of harm to children and/or protected adults. If an individual is barred from undertaking regulated work with children or adults or both, no risk assessment will proceed.

The Safeguarding Service administers this process on behalf of the Safeguarding Committee.

In the initial stages of the assessment the Safeguarding Service will be in contact with the individual concerned to gather more information.

The risk assessment process will consider what further information is required or should be considered. If it is necessary to share information with other people (e.g. the person's line manager or safeguarding co-ordinator) the individual will be informed and it will be done on a 'need to know' basis giving due regard to the person's right to have his or her information kept confidential.

The individual and any other relevant person will be informed of the outcome of the process – i.e. whether their appointment is recommended or not.

#### Appeals process

An individual has a right to appeal the decisions of the Recruitment Sub Committee. The intention to appeal should be intimated to the principal clerk within fourteen days of receipt of the Recruitment Sub Committees decisions.

An appeal can be brought only on one or more of the following grounds:

- that there were irregularities in the process whereby the Recruitment Sub-Committee reached its decision
- that the final decision of the Recruitment Sub-Committee was influenced by incorrect material fact or
- that the Recruitment Sub-Committee in reaching its decision acted contrary to the principles of natural justice.

Any disagreement as to the contents or accuracy of the PVG Scheme Record or DBS check cannot be the subject of an appeal under this procedure and will require to be taken up by the person direct with Disclosure Scotland or the Disclosure and Barring Service through the procedures established by that body.

### Supervision of Volunteers and Paid Workers

The Kirk Session and other 'employing agencies' of the Church are responsible for ensuring that adequate line management and supervisory arrangements are in place for their staff.

Supervision can be described as 'a workplace activity in which a manager oversees the activities and responsibilities of employees he/she manages. It provides a safe, supportive opportunity for individuals to engage in critical reflection in order to raise issues, explore problems and discover new ways of handling both the situation and oneself.'

Effective supervision assures and develops the knowledge of the worker and helps them to fulfil their responsibilities to safeguard children and adults.

To be effective, the supervision process should take place on a regular basis. The regularity and type of supervision arrangements will depend on the workers role, responsibilities and contact with children and or adults.

## **Allegations against members of staff**

Allegations may be made against paid or unpaid staff currently working with children or protected adults. Allegations can come from any source-from children or young people, from adults, from parents, other members of staff, members of the general public, or from external professionals e.g. police, NHS services, social work.

Some allegations may be historical, against individuals no longer working with children or protected adults. Serious concerns about the safety and wellbeing of any child or protected adult should always be reported to the police and/or social work department in the first instance.

The Safeguarding Service should be notified as soon as possible thereafter or immediately if there is any doubt about whether the concern constitutes a child or adult protection matter that needs investigation. A timely response is crucial to preserve evidence if a crime is suspected.

Kirk Sessions, Presbyteries or other employing agencies of the Church, may also have to consider the person's employment at the same time as responding to the child or adult protection concern.

It may be necessary to immediately suspend a member of staff, or remove them from their role, pending an investigation. This will depend on the nature of the allegation and could be for one or more of the following reasons:

- to avoid further possible risk to children or adults
- to avoid possible risk of further allegations against the member of staff
- to prevent contamination or destruction of evidence

Advice on whether these steps are necessary must be sought from the Safeguarding Service and/or Law Department, line managers if relevant and the Human Resources Department if relevant. This step should be taken at the earliest opportunity to ensure that risk is reduced and/or managed and that the employee or volunteer is appropriately supported throughout the process.

### **When someone is not suitable or becomes unsuitable to work with children or adults**

No matter how rigorous our 'safe recruitment' processes may be, occasionally there will be situations where a volunteer or paid employee is unsuitable to continue working with children or adults. This may be because they demonstrate behaviour that could be regarded as criminal or lacking in appropriate boundaries, is dishonest or demonstrates negative attitudes towards vulnerable groups in society.

An individual may become unsuitable because of their actions whilst working/volunteering for the Church or because of their behaviour or actions out with the Church.

Usually these situations are managed by the congregation's safeguarding panel or the 'employing agencies' of the Church.

### **Referral to Disclosure Scotland**

If an organisation or employer has employees or volunteers undertaking regulated work they have a duty to report any harmful behaviour that might affect whether the person is allowed to work with children or protected adults.

If the safeguarding panel or employing agency becomes aware that an individual has done one or more of the following:

- Harmed a child or protected adult;
- Placed a child or protected adult at risk of harm;
- Engaged in inappropriate conduct involving pornography;
- Engaged in inappropriate conduct of a sexual nature involving a child or protected adult;
- Given inappropriate medical treatment to a child or protected adult.

They must advise the Safeguarding Service as soon as possible, even if the actions happened out with the Church and even if the information is historic.

The employer must make a referral to Disclosure Scotland explaining what has happened.

This only has to be done if the harmful behaviour described above has meant that the person involved:

- Was dismissed as a result
- Would have been dismissed but left before they could be (resigned)
- Was transferred permanently away from work with children or protected adults.

### **Who makes a referral to Disclosure Scotland?**

It is the responsibility of the **Safeguarding Service or Human Resource Departments of the Church**, to make a referral to Disclosure Scotland. Making a referral is very important. Failure to refer an individual may mean that an individual who is unsuitable to do regulated work does not get barred from doing that type of work and can go on and harm other vulnerable people in other settings.

## **Children and Adults Lists**

Disclosure Scotland keeps a list of people unsuitable to do regulated work with children and a list of people unsuitable to do regulated work with protected adults. The lists are separate, although people can be on both lists.

If Disclosure Scotland adds someone to one or both of these lists, it is known as being 'listed'. If someone is listed on one of these lists, they are barred from working with the vulnerable group covered by that list. Unless they are listed on both lists, someone considered unsuitable to work with children can still work with protected adults and vice versa.

If someone is listed they are not eligible for PVG Scheme membership for that type of work. If they were already a PVG member before they were listed, Disclosure Scotland will end their membership for that type of regulated work.

It is an offence for someone who is listed to do regulated work with the protected groups they are listed for and it is an offence for an organisation to employ a listed person to do that kind of regulated work.

## **Under consideration for listing**

If the initial assessment indicates that Disclosure Scotland may need to list the person, they will carry out a full 'consideration for listing' assessment. This is to decide if the person should be listed as unsuitable to do regulated work with children, protected adults or both. The person can continue to work with vulnerable groups while Disclosure Scotland is checking their information, but if they are a PVG Scheme member their PVG Scheme Record will say that they are under consideration for listing.

**N.B. It is the policy of the Church of Scotland that a person will not undertake regulated work while under consideration for listing unless, for those that are already in post, their circumstances have been risk assessed by the Recruitment Sub Committee. New applicants for a post will not be cleared to undertake regulated work until the consideration for listing process has reached a conclusion.**

**Disclosure Scotland will also tell the person's employer and regulatory body that it is considering listing the person.**

### **Referral to Disclosure and Barring Services (Presbytery of England)**

In relation to DBS, a referral is information about a person where there is a concern that an individual may have harmed a child or vulnerable adult, or put a child or vulnerable adult at risk of harm. If a Safeguarding Coordinator or Kirk Session becomes aware of a situation like this, they should seek advice from the Safeguarding Service.

## **Safe Retention and Disposal of Confidential Information**

A copy of the Church of Scotland's Policy regarding the correct handling, holding and destroying of Disclosure information can be found on the website:

[http://www.churchofscotland.org.uk/resources/law\\_circulars#data\\_protection](http://www.churchofscotland.org.uk/resources/law_circulars#data_protection)

It is essential that safe disposal of 'spoiled' PVG Scheme applications is undertaken. These forms contain personal and sensitive data which must be managed in line with the requirements of the Explanatory Code. Spoiled forms must be shredded or treated as confidential waste. If Kirk Sessions do not have access to these means of disposal, forms should be returned to the Safeguarding Service. Staff of the Safeguarding Service will then dispose of the forms. Forms returned to the office for disposal should be clearly marked 'for disposal' and returned in a sealed envelope.

SG8 transfer forms should continue to be sent to the Safeguarding Service.

Once a recruitment decision has been made in relation to a volunteer and their details have been entered on to the Congregational Register including the date clearance letter received, all relevant paper work should be retained or destroyed as per the Data Protection policy.

Kirk Sessions should ensure that they have somewhere safe and secure where they store any confidential and sensitive safeguarding information. If this is not possible or if they are more confident sending it to the Safeguarding Service, they can do that.

## **Standard forms**

The Safeguarding Service has developed safeguarding forms (SG Forms) to assist with the safe recruitment process. These forms are described below and the most recent version is available to download from our website.

[http://www.churchofscotland.org.uk/about\\_us/safeguarding\\_service/key-publications](http://www.churchofscotland.org.uk/about_us/safeguarding_service/key-publications)

If you are unable to download any of these forms and require copies to be sent to you please contact the Safeguarding Service.

SG01 Job Description

SG02 Application Form

SG03 Self-Declaration Form

SG04 Reference request and sample letter

SG05 Interview checklist and record

SG06 Interview questions

SG07 Congregational Register

SG08 Volunteer Transfer Form

SG09 Notification of Termination of Appointment Form

SG10a Registration Form for the appointment of a Safeguarding Coordinator

SG10b Retiral of a Safeguarding Coordinator

SG11 Safeguarding audit for Congregations and Presbyteries

SG21 Applicants – Your Responsibilities When You Join the PVG Scheme

## How to contact the Safeguarding Service

The service is available 9.00am-5.00pm, Monday to Friday. You can leave a telephone or email message out with this time.

The Church of Scotland Safeguarding Service  
 The Church of Scotland  
 121 George Street  
 Edinburgh  
 EH2 4YN  
 Tel: 0131 240 2256  
 Email: [safeguarding@churchofscotland.org.uk](mailto:safeguarding@churchofscotland.org.uk)  
 Website: [www.churchofscotland.org.uk](http://www.churchofscotland.org.uk)

## Appendix 1 (Relevant for Presbytery of England)

### Examples of roles requiring a DBS check

Please bear in mind that examples given are not an exhaustive list and whether or not someone needs a DBS check will depend on what activities they carry out within their role. For more information about eligibility for a DBS check, please contact the Safeguarding Service.

\* once a week or four or more times in a 30 day period

\*\* please note that such activities are only eligible for a DBS check if they are being done on behalf of the Church. Personal arrangements do not qualify for a DBS check.

### WORKER ROLE TITLES

When using the online application system, verifiers will be prompted to select from a drop down list of roles. Please use the tables below to make sure the appropriate job title has been selected. For information about what constitutes regulated activity, please see APPENDIX 2.

**Please note: 'PAID' refers to a paid worker. 'VOL' refers to a voluntary worker**

<b>Those working with children and young people – With Barred List Check</b>	
<b>Congregational Children's/Youth Worker (PAID)</b> <b>With Barred List Check</b>	The worker must meet the criteria for working in regulated activity, such as working frequently with children/youth in an unsupervised capacity.
<b>Congregational Children's/Youth Worker (VOL)</b> <b>With Barred List Check</b>	
<b>Musician Working with Children (PAID)</b> <b>With Barred List Check</b>	
<b>Musician Working with Children (VOL)</b> <b>With Barred List Check</b>	

<b>Those working with children and young people – Without Barred List Check</b>	
<b>Congregational Children’s/Youth Worker (PAID) Without Barred List Check</b>	The worker would otherwise meet the criteria for working in regulated activity, but is supervised at all times, and/or working infrequently with children/youth.
<b>Congregational Children’s/Youth Worker (VOL) Without Barred List Check</b>	
<b>Musician Working with Children (PAID) Without Barred List Check</b>	
<b>Musician Working with Children (VOL) Without Barred List Check</b>	

<b>Those working with adults at risk – With Barred List Check</b>	
<b>Pastoral Care Worker/Visitor VA (PAID) With Barred List Check</b>	The worker must meet the criteria for working in regulated activity, such as helping with shopping or assisting with personal tasks.
<b>Pastoral Care Worker/Visitor VA (VOL) With Barred List Check</b>	

<b>Those working with adults at risk – Without Barred List Check</b>	
<b>Pastoral Care Worker/Visitor VA (PAID) Without Barred List Check</b>	The worker does not meet the criteria for regulated activity, but is closely working with adults at risk as part of a specific role.
<b>Pastoral Care Worker/Visitor VA (VOL) Without Barred List Check</b>	

<b>Those working with children, young people and adults at risk – With Barred List Check</b>	
<b>Minister of Word &amp; Sacrament (PAID) With Barred List Check</b>	The worker must meet the criteria for working in regulated activity with both children and adults.
<b>Minister of Work &amp; Sacrament (VOL) With Barred List Check</b>	
<b>Ministries Candidate (PAID) With Barred List Check</b>	
<b>Ministries Reader (PAID) With Barred List Check</b>	
<b>Ministries Reader (VOL) With Barred List Check</b>	
<b>Safeguarding Coordinator (VOL) With Barred List Check</b>	
<b>Pastoral Care Worker/Visitor U18’s &amp; VA (PAID) With Barred List Check</b>	
<b>Pastoral Care Worker/Visitor U18’s &amp; VA (VOL) With Barred List Check</b>	

<b>Those working with children, young people and adults at risk – With Barred List Check carried out for one workforce</b>	
<b>Pastoral Care Worker/Visitor U18's &amp; VA (PAID) With Barred List Check – Children's List Only</b>	The worker does not meet the criteria for regulated activity with adults, but is closely working with adults at risk as part of a specific role. The worker must meet the criteria for working in regulated activity with children.
<b>Pastoral Care Worker/Visitor U18's &amp; VA (VOL) With Barred List Check – Children's List Only</b>	

<b>Those working with children, young people and adults at risk – Without Barred List Check</b>	
<b>Pastoral Care Worker/Visitor U18's &amp; VA (PAID) Without Barred List Check</b>	The worker does not meet the criteria for regulated activity, but is closely working with children and adults at risk as part of a specific role/s.
<b>Pastoral Care Worker/Visitor U18's &amp; VA (VOL) Without Barred List Check</b>	

If you are unsure what role to use for a specific job please contact the Safeguarding Service on 0131 240 2256 or [safeguarding@churchofscotland.org.uk](mailto:safeguarding@churchofscotland.org.uk)

## Appendix 2 (Relevant For Presbytery of England)

### Regulated activity in working with adults at risk

There are six adult regulated activities which require a worker to have a DBS check with the barred list check. There is no frequency requirement for the work involved, so even if a worker is only involved in a regulated activity as a one off, they are still eligible to be checked. Day to day management or regular supervision of a person, who is working in regulated activity, is also regulated activity.

The six activities are as follows:

#### Providing healthcare

- Any healthcare professional providing healthcare to an adult

#### Providing personal care

- Anyone who assists with activities such as drinking, eating, going to the toilet etc.
- Anyone who prompts and supervises with activities such as drinking, eating, going to the toilet etc. as the adult cannot make the decision to do so themselves
- Anyone who trains, instructs or offers advice on the above because of their age, illness or disability

#### Providing social work

- Anyone who provides social care

#### Assistance with cash, bills and/or shopping

- Anyone who assists in managing an adult's cash, paying their bills or shopping on their behalf
- Assistance in the conduct of a person's own affairs
- Anyone who provides assistance in the conduct of an adult's own affairs, for example, lasting or enduring powers of attorney conveying

#### Anyone who transports an adult to, from or between places where they receive health, personal or social care

**Please Note:** If a worker does not meet the above criteria of 'regulated activity', but is closely working with adults at risk as part of a specific role, they may still be eligible for an Enhanced DBS check without the barred list check. Please contact The Safeguarding Service for advice on a case by case basis.

### **Regulated activity in working with children**

If a worker's activities meet the specifications below, then they are eligible for an Enhanced DBS check with a barred list check. Day to day management or regular supervision of a person, who is working in regulated activity, is also regulated activity.

#### Activity of a specified nature

- teaching, training, instruction, care for or supervision of children (except if the person undertaking the activities is under constant supervision) if carried out by the same person frequently\* or overnight
- advice or guidance (except legal advice) provided wholly or mainly for children which relates to their physical, emotional or educational well-being if carried out by the same person frequently\* or overnight.

#### Activity within specified establishment

- any activity that is for or on behalf of the establishment with the opportunity for contact with children if carried out frequently\*: excepted is work by volunteers under regular supervision or occasional or temporary contract work that is not an activity of a specified nature listed above.
- specified establishments are schools, pupil referral units, academies, nursery schools, Further Education establishments mostly for children, institutions for the detention of children, children's homes, children's centres and childcare premises including nurseries.

#### Healthcare of a child (any frequency)

- healthcare provided to a child by a health care professional or by a person acting under the direction or supervision of a healthcare professional.
- a health care professional who is a person regulated by a professional healthcare regulator (i.e. a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002).
- health care includes: all forms of health care provided for children and includes physical, mental and palliative health care; diagnostic tests and investigative procedures and procedures similar to surgical or medical care, but not provided in connection with a medical condition.

#### Personal Care of a child (any frequency)

- physical help with eating or drinking for reasons of illness or disability.
- physical help with toileting (including menstruation), washing, bathing or dressing for reasons of age, illness or disability.
- prompting together with supervision when a child is otherwise unable to decide for themselves in relation to any of the above personal care activities.
- training or advice given to a child in relation to any of the above personal care activities.

\*once a week or four or more times in a 30 day period

**Please note:** If a worker is carrying out the above activities, but is constantly supervised in their work, and/or does not meet the DBS frequency criteria, an Enhanced DBS check without the barred list check can instead be carried out.



## How to contact the Safeguarding Service

The service is available 9.00am-5.00pm, Monday to Friday. You can leave a telephone or email message outwith this time.

The Church of Scotland Safeguarding Service  
The Church of Scotland  
121 George Street  
Edinburgh  
EH2 4YN  
Tel: 0131 240 2256  
Email: [safeguarding@churchofscotland.org.uk](mailto:safeguarding@churchofscotland.org.uk)

 [facebook.com/churchofscotland](https://facebook.com/churchofscotland)

 [@churchscotland](https://twitter.com/churchscotland)

Scottish Charity Number: SC011353

[www.churchofscotland.org.uk](http://www.churchofscotland.org.uk)