Safely Recruiting and Managing your Staff and Volunteers

Kelly Sayers,
Partner and Head of Employment Services

8 September 2018
Vacancy

• Job description
• Person Specification
• Advertise
• Application and interview process
Relationship

- Employment
- Worker
- Self employment
- Volunteer
The offer

• Offer letter

• Conditions – references, right to work, qualifications

• Contract/Agreement
Employment - Written statement

- Within two months
- Names and addresses
- Date when employment began and continuous service
- Pay and whether it’s paid weekly/monthly
- Hours of work
- Holiday entitlement
- Job title
- Place of work
- Details of any collective agreement
Employment - Other documents

- Staff handbook
- Sick leave and pay entitlement
- Pensions and pension schemes
- Disciplinary and grievance procedures
- Appeals procedure under disciplinary and grievance procedures
- Other policies – Equal Opportunities, Bullying and Harassment, I.T
Volunteer - Agreement

• Avoid creating a legally binding relationship

• Set out understanding between the parties

• Volunteer policy
Employment rights

• Employees – unfair dismissal/constructive dismissal, redundancy payment

• Workers – right to be paid annual leave, national minimum wage

• Self employed – discrimination

• Volunteers
Discrimination

- 9 protected characteristics

- Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation

- Wide – direct, indirect, harassment, victimisation

- Genuine occupational requirement

Discrimination

The prejudicial treatment or consideration of a person, racial group, minority, etc., based on category rather than individual excluding or restricting members of on the grounds of race, sex, or age
Managing your staff

- Recruitment and induction process
- Documentation and record keeping/GDPR
- Managing performance
- Managing conduct and behaviour
- Training
Contact us

Kelly Sayers
Partner and Head of Employment Services
ksayers@prettys.co.uk
Tel: 01473 298291

Matthew Cole
Partner
mcole@prettys.co.uk
Tel: 01473 298221

Vanessa Bell
Senior Associate
vbell@prettys.co.uk
Tel: 01473 298208

Emma Loveday-Hill
Associate
elovedayhill@prettys.co.uk
Tel: 01473 298266

Laura Pharez-Zea
Associate
lpharezzea@prettys.co.uk
Tel: 01473 298250

Sheilah Cummins
Associate
scummins@prettys.co.uk
Tel: 01473 298226
‘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.’
In 2002 two ten year old girls, Holly Wells and Jessica Chapman were murdered in Soham.

Ian Huntley, a caretaker at a local secondary school, was convicted of their murders.

He was in a relationship with Maxine Carr who at the time was a teaching assistant at the school Holly and Jessica attended.

Following the murders Sir Michael Bichard led a Public Inquiry into the child protection procedures and processes of the statutory agencies involved.
Case Reviews: Vanessa George, Little Teds Nursery, 2010

Review Found:

- Nursery recruitment process not robust
- No process for reporting safeguarding concerns

The review concluded that there was a "weak governance framework" at the private nursery with "no clear lines of accountability".

It said the environment enabled a culture to develop in which staff did not feel able to challenge some inappropriate behaviour by George.
A rumour that Forrest and the girl had been seen holding hands was a "very significant piece of evidence" which should have alerted the school authorities to child protection issues.

The report said: "It is striking that it was, overwhelmingly, young people who raised concerns about this situation. "Those concerns were repeatedly dismissed. Serious case reviews have often commented on agencies' failures to hear the 'voice of the child' but this has generally been a reference to the abused child.

"Here the very nature of the abuse, grooming and exploitation, made it unlikely that the victim would raise concerns."
Professional Perpetrators

92% aware of their sexual interest in children by age 21
67% offended* by the age of 21
15% chose career only to abuse, 41% cited abuse as a motivation in choosing a career
77% arranged meetings outside work to abuse – with 67% taking children away overnight
41% had a ‘reputation’ – e.g. ‘touchy’ or ‘pervy’
Average of 49 victims admitted


* Offended, not necessarily convicted.
The Church of England are committed to the safeguarding and protection of all children, young people and adults, and the care and nurture of them within our church communities.

We will carefully select, train and support all those with any responsibility within the church in line with safer recruitment principles.
1. Who is responsible?

- Responsibility for appointing clergy and licensed or approved lay ministers normally rests with the Bishop.

- Responsibility for paid posts, in the diocesan office, is usually with the Diocesan Secretary, on behalf of the Diocesan Board of Finance.

- In local churches the responsibility for appointments and approval of paid officers and volunteers rests with the PCC.
2. Policy Statements

Ensure that your organisation has a safeguarding policy (which is followed) and that a statement about the organisation’s commitment to safeguarding is included in all recruitment and selection materials.

From October 2016 the House of Bishops’ safeguarding policies must be held in due regard.
6. Confidential Declaration

The confidential declaration form asks if there is any reason why an applicant should not be working with children and adults experiencing, or at risk of abuse or neglect.

**Purpose:**
- To deter unsuitable people from working with children/adults at risk.
- To give candidates an opportunity to share relevant information at an early stage.
- To allow information to be discussed and considered before the DBS disclosure.

Having a criminal record may not necessarily be a bar to working with children or adults experiencing, or at risk of abuse or neglect.

**Should the applicant not wish to complete the Confidential Declaration, which is entirely their choice, the application must not proceed further and the application must be terminated.**

The **Safeguarding Team** must be contacted if an applicant discloses *any information* on their confidential declaration.
9. Induction & Review

It is good practice to induct new volunteers and staff, to ensure supervision and support is in place and to conduct a review regularly as the role requires.

Employees and volunteers could be appointed with a period of ‘probation’ set for the start of the role, during which their suitability and capability can be assessed. This period should be reviewed at the mid-point and end and those reviews should contribute to the decision to formalise the appointment.

Employees or volunteers whose roles involve working with children and adults experiencing, or at risk of abuse or neglect must receive relevant safeguarding training after starting their role, regardless of previous experience. They must also attend regular updates every three years.

During induction of all new staff set clear expectations of acceptable behaviour and the boundaries of their role
9. Induction & Review

Ensure staff have all the relevant training they require to be safe and effective in their role

Carry out regular one to one supervision meetings with all staff and focus on their attitudes, values and behaviours as well as what they do

Ensure clear policies and procedure exist and are accessible, telling staff what to do if they have any concerns about a child or the behaviour towards a child

Respond quickly and appropriately to any allegations about the behaviour of a member of staff towards a child or vulnerable person

DBS Checks MUST be renewed every 5 years – when a DBS expires that person MUST NOT continue in their role until a new check is completed – therefore it is important to seek revised checks in good time
Open: no secrets
Belief that ‘it could happen here’
Clear procedures for reporting concerns
Supports raising of concerns
Commits to taking action
Sets acceptable standards of behaviour
Policies and procedures put into practice
Induction and probationary periods include safeguarding training
Appraisal process includes safeguarding review
Commitment to safeguarding and an ongoing culture of vigilance

Safeguarding is an integral part of everyone’s role
Any allegations made to an employer in respect to cases where the staff member has:
- behaved in a way that has harmed, or may have harmed a child;
- possibly committed a criminal offence against, or related to, a child;
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

...must be passed to the Safeguarding Team as soon as possible - we act as the ‘designated manager’ for the Diocese and will provide a lead in these cases.
You must tell the Safeguarding Team:

If you receive an allegation concerning a church officer (anyone working, whether paid or unpaid on behalf of the church)

If you become aware of someone who may pose a risk to children or adults – for example someone included on the Sex Offenders Register or arrested for an offence.

Support is available from the Safeguarding Team:

You receive information about or observe a safeguarding situation involving a child or adult at risk of harm which doesn’t involve a ‘church officer’
Diocesan Safeguarding Team

01245 294490