

ANGUS COUNCIL

CONTRACT SERVICES COMMITTEE	21 April 1998
SOCIAL WORK COMMITTEE	21 April 1998
RECREATION & CULTURAL SERVICES COMMITTEE	23 April 1998
EDUCATION COMMITTEE	28 April 1998
PERSONNEL & PROPERTY SERVICES COMMITTEE	5 May 1998

JOINT REPORT BY THE DIRECTORS OF SOCIAL WORK, RECREATION SERVICES, CULTURAL SERVICES, EDUCATION AND PERSONNEL

Report No 408/98

**THE VETTING AND SUPERVISION OF ADULTS WORKING WITH CHILDREN AND YOUNG PEOPLE**

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**ABSTRACT**

This report has been prepared after full consideration of the Public Inquiry by Lord Cullen. It makes recommendations for vetting procedures for staff and volunteers working for the Council who have substantial access to children and young people.

**1 RECOMMENDATIONS**

It is recommended that the Contract Services, Social Work, Recreation & Cultural Services, Education and Personnel & Property Services Committees, each for its own interest,

- a) notes the content of this Report, which addresses the following areas:
  - definition of "substantial access to children and young people under 16 years of age".
  - identification of posts which offer such access.
  - essential elements of a Vetting Procedure.
  - review of existing procedures against requirements.
- b) approves the recommendations listed in Section 6.

**2 DEFINITION OF SUBSTANTIAL ACCESS**

- 2.1 For the purposes of identifying posts which offer substantial access to young people it is suggested that the Council adopts the definitions contained in paragraphs 6.1 to 6.5 within SED Circular 5/1989 and paragraph 11 of SWSG Circular SW9/1989 (which introduced procedures for using the Scottish Criminal Records Office - SCRO - to check whether those persons wishing to work with children within Education or Social Work Departments have a criminal record). The relevant extracts from these circulars are contained in Appendices 1 and 2 respectively.

## 2.2 Identification and Categorisation of Volunteers

It is necessary to identify all "volunteers" who have access to children and categorise them in order to determine which have "substantial access" and therefore what level of vetting should apply.

- A individuals who assist on a one-off basis in schools, centres etc and on away trips **and who are accompanied by and/or supervised by paid staff.** (SCRO check should not be necessary)
- B individuals who assist at any time and are neither accompanied by nor supervised by staff. (SCRO check **necessary**).
- C individuals who assist on a frequent or regular basis. (SCRO check **necessary**).
- D individuals who give assistance which will involves overnight stays with young people whether accompanied and/or supervised or not. (SCRO check **necessary**)

All volunteers in the categories B, C and D should be subject to a SCRO check.

(NB see section 5.5 below: this is not presently applied in all cases)

## 3 COUNCIL POSTS WHICH OFFER SUBSTANTIAL ACCESS

- 3.1 The two Council departments which are the principal employers of staff and users of volunteers who work with children and young people are Education and Social Work. These departments have identified current posts which offer substantial access and these are listed at Appendix 3. Also listed in Appendix 3 is information on posts in other departments which offer access.
- 3.2 The Council makes use of volunteers in a range of capacities. In some sections and departments, arrangements for the engagement of volunteers follow processes very similar to those applied to paid staff. In other areas the approach at present can be less rigorous, eg parent volunteers in schools.

## 4 ESSENTIAL ELEMENTS OF A VETTING PROCEDURE

- 4.1 All staff and volunteers, whether they will have substantial access to children and young people or not, should be subject to recruitment and selection procedures to ensure they are suitable to act on behalf of the Council. The degree of rigour required in these procedures will however vary with the responsibilities placed on the individuals. The remainder of this section suggests a model selection/vetting procedure for the appointment/engagement of those who will have substantial access to children and young people.
- 4.2 All staff and volunteers who fall into this category should be subject to the following selection regime:
  - a) completion of an application form giving full personal details, previous experience, qualifications etc. For paid employees, this would be one of the Council's standard application forms. For volunteer workers, a similar form should be used to obtain the necessary information.

- b) the submission of the names of two referees who can verify information given by the applicant and make informal and objective comment on the individual's experience/skills etc.
- c) an interview - for paid employees this would be in accordance with the Council's recruitment and selection procedures.

For unpaid volunteers etc the interview would still be for the purpose of assessing the ability etc of the "candidate" to carry out the work envisaged. Carried out by the manager to whom they would report, it would be less formal than an employment interview. However there must be some form of interview carried out by the manager to whom they will report or who will be responsible for their work. The nature of the interview will vary, with interviews for paid employment being more formal than for the appointment of volunteers. However there must be some form of interview to allow an officer on behalf of the Council to meet the individual, to assess her/his suitability, to explain roles and responsibilities and to confirm the nature of the relationship between the Council and the individual.

- d) all "applicants" must be asked to complete a proforma giving details of any criminal convictions against them. All criminal convictions must be detailed as, under the terms of the Rehabilitation of Offenders Act 1974, no convictions can be regarded as spent.
  - e) for the successful applicant, a further check must be made with the Scottish Criminal Records Office about convictions to ensure that the individual has been truthful in their declaration. (However, this is not always possible at present - see 5.1.3 and 5.2 below.)
- 4.3 All documentation used in the recruitment/selection process should be retained in respect of the successful candidates. For those who are unsuccessful the records should be kept for at least six months following an unsuccessful application.
  - 4.4 In respect of paid employees clearly records will be kept. However for volunteers also there should be a continually updated list of "approved" individuals with appropriate personal details.
  - 4.5 The above elements address only the recruitment stage. It should also be emphasised that a "clean bill of health" - including a satisfactory SCRO check - at the recruitment stage is no guarantee that the individual is suitable. There is therefore a need for ongoing supervision and support of both paid staff and volunteers.
  - 4.6 This ongoing "vetting" will include normal supervision but should also encompass periodic meetings to give encouragement, guidance and feedback on performance. There should of course be immediate investigation if any indications of unsatisfactory work arise.
  - 4.7 Consideration should be given to a proposal that employees and volunteers should be required to notify the Council of any conviction against them occurring during the course of their employment.

## **5 REVIEW OF EXISTING ARRANGEMENTS**

### **5.1 Employees in Established Posts**

- 5.1.1 All employees recruited to established posts are subject to selection procedures which involve:

- the completion of an application form
- declaration of previous convictions (unless spent under terms of Rehabilitation of Offenders Act)
- the calling of two references
- interview and any other appropriate selection test to assess experience/qualifications, aptitudes and attitudes.

5.1.2 Applicants for posts which will offer "substantial access" to children and young people within the Social Work and Education Departments undergo the selection processes outlined in 4.2 and additionally are required to consent for a check to be made, through the Scottish Criminal Records Office, for any previous criminal convictions. The concept of a "spent" conviction does not apply for applicants to such posts. The SCRO check is made only in respect of the applicant deemed successful after interview/selection tests.

5.1.3 Although some posts in other departments eg Recreation, Contract Services and Cultural Services afford their occupants substantial access to children and young people these are not subject to SCRO checks. Unlike England where the "eligibility" for checking is determined by the nature of the job, in Scottish local authorities, posts eligible for checking are limited to the Social Work and Education Departments.

## 5.2 **Comment**

The existing systems of recruitment and selection to posts with substantial access to children and young people within the Social Work and Education Departments appear to be sufficiently rigorous. However procedures are only as good as the individuals operating them and all relevant staff require regularly updated training, particularly in the skills of interviewing.

It is an anomaly that SCRO checks cannot be made on posts which offer substantial access to children and young people but are not within the Social Work or Education Departments. Although it can be possible, in certain circumstances, for such posts to be checked through the Education or Social Work Departments, this approach requires to be put on more regular footing in consultation with the Scottish Criminal Records Office.

## 5.3 **Paid Sessional/Seasonal Relief/Supply Workers**

5.3.1 Both the Education Department (within the Community Education Service) and the Social Work Department employ a range of sessional workers in areas which give substantial access to children. These are paid employees and are subject to recruitment and selection procedures which mirror those for applicants to established posts - including SCRO vetting. In both departments the procedures followed are well established.

5.3.2 In other departments where such workers are employed (eg Contract Services Department), recruitment and selection procedures are the same as for applicants to established posts and therefore SCRO checks are not usually undertaken.

## 5.4 **Comment**

The position in respect of paid seasonal/sessional workers is the same as applicants to establish posts ie existing procedures appear to be satisfactory except that SCRO checks can normally be made only in respect of Social Work or Education posts.

## 5.5 **Volunteers**

- 5.5.1 Within the Social Work Department there is a specific Voluntary Services Section to deal with the "engagement" of volunteers. All such volunteers are required to complete an application form customised for the purpose. They are questioned regarding previous convictions, none of which can be regarded as "spent", are required to give the names of two referees and also their GP for checking purposes. Those who will have substantial access to children and young people are subject to SCRO checks and all applicants are interviewed to assess suitability.
- 5.5.2 Unpaid volunteers within the Community Education Service are subject to all selection checks which apply to paid sessional workers within that service.
- 5.5.3 Many schools - particularly primary schools - make use of volunteers (often parents) in a number of activities. These volunteers have, until now, not been the subject of any systematic vetting procedures.
- 5.5.4 Systems and procedures for recruitment and selection for volunteers in other departments and sections vary from department to department, and SCRO checks cannot generally be sought.
- 5.6 It is in this area that procedures are least formalised - with the exception of the arrangements outlined in 5.5.1 and 5.5.2 above. It is also perhaps where there would be the greatest sensitivity to the extension of vetting, especially of parents. However individuals assisting on an unpaid basis have access to children and young people and consequently the opportunity to abuse this position.

Consequently it is suggested that the identification and categorisation of volunteers described above in 2.2 should be undertaken.

## 5.7 **Bus Drivers and Escorts**

- 5.7.1 A number of children are transported to school on vehicles contracted by the Council. Drivers of these vehicles, and also escorts who are provided for a small number of children with specific needs, are subject to SCRO checks at present.

## 5.8 **Comment**

The procedures for checking drivers/escorts is currently under review. A further report on this specific issue will be submitted to the appropriate Committees of the Council in due course.

## 6 **RECOMMENDATIONS FOR ACTION**

- 6.1 The guidelines for defining "substantial access" to children and young people (detailed in Appendices 1 and 2) should be confirmed for adoption by all departments of the Council in the context of Section 2 above.
- 6.2 The vetting and supervision regime set out in 4 above should be adopted by the Council as a minimum standard for the appointment/engagement of any staff/volunteers who will have substantial access to children; all departments should review and, as necessary, revise existing procedures to meet this standard, this review to be undertaken in conjunction with Recommendation 6.8 below.
- 6.3 All staff involved in the appointment/engagement of such staff/volunteers should be adequately trained in the agreed recruitment procedures and their application.

- 6.4 All departments should review existing jobs whether established or seasonal/sessional/relief/supply against the "substantial access" definition to identify those which should be subject to the vetting procedure, and maintain accurate lists of jobs which meet this description.
- 6.5 All departments should identify any volunteers engaged by them whose duties would give them substantial access. (Note: the classification of volunteers in 2.2 above should assist departments to identify volunteers who will require vetting)
- 6.6 Any students engaged in a placement which offers substantial access as part of their professional training must be subject to vetting either by the Council or in liaison with the relevant educational body.
- 6.7 The current review of procedures for checking drivers and escorts should be completed timeously and a detailed report presented to the appropriate committees.
- 6.8 The Council, through CoSLA, should seek to address the anomaly whereby employees with substantial access to children, but employed by a department other than Education or Social Work, cannot be SCRO checked.

## **7 FINANCIAL AND OTHER ORGANISATIONAL IMPLICATIONS**

There are no financial implications arising directly from consideration of this report. There may be implications for some departments (including increased administration costs, staff training, and possible inbuilt delays to appointment procedures) if the proposals outlined above result in significant numbers of individuals being referred for SCRO checks, and in these circumstances further reports will be submitted to the relevant committees detailing these implications.

## **8 CONSULTATION**

The above report has emerged from discussions undertaken in a short-life working group which has included representation from Tayside Police and the following Council Departments:

Chief Executive's, Cultural Services, Education, Law and Administration, Personnel, Recreation Services and Social Work.

In addition, the Chief Executive, the Directors of Planning Transport & Economic Development, Law & Administration and Finance, the Contract Services Manager, the Managing Director of Tayside Contracts, and the Chief Constable of Tayside Police have been consulted in the preparation of the final report.

J Anderson, Director of Education  
 W B Robertson, Director of Social Work  
 J Torbet, Director of Personnel

G Drummond Director of Cultural Services  
 J Zimny, Director of Recreation Services

## **BACKGROUND PAPERS**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

## **APPENDICES 3**

**DEFINITION OF SUBSTANTIAL ACCESS  
EXTRACT FROM SED CIRCULAR 5/1989 - SECTION 6**

In making their decisions, authorities may find the following points helpful:

**1 Does the position involve one-to-one contact?**

If it does, and especially if such contact is likely to be away from the child's home or separate from other children or adults, then access should be regarded as substantial, even if contact is only for short periods.

**2 Is the position supervised?**

It is possible for a person to spend considerable amounts of time with children, but under close supervision. This should not normally be regarded as substantial access.

**3 Is the situation an isolated one?**

There is a greater risk to a child who is living away from home. Similarly, care should be taken where there is opportunity to take children singly, or in a group, away from family surroundings (for example, on holiday).

**4 Is there regular contact?**

The more regular contact a person has with the same child or a group of children, the greater the opportunity to put the child at risk. This is especially so if the contact is unsupervised, or occurs away from other children. Intermittent contact, for example parent helpers for school trips, would not normally be regarded as having substantial access for the purpose of requesting checks (although there may be exceptional instances of parent helpers in schools whose access to children might be judged substantial in terms of these guidelines). Checks should not be carried out simply because an individual works at, or visits, schools, or other local authority establishments where children are present, as part of their duties, unless those duties would normally bring them into unsupervised direct contact with children. In view of this, delivery men (for example) would not normally be subject to checking.

**5 Are the children particularly vulnerable?**

Younger children are more vulnerable than older children and generally less able to protect themselves, but the nature of the risk must also be considered. Younger children may be more at risk of sexual abuse; older children from drugs. Children with a physical or mental handicap, or who have social or behavioural problems are likely to be more vulnerable than those whose health is sound and/or come from a stable home background.

**DEFINITION OF SUBSTANTIAL ACCESS  
EXTRACT FROM SWSG CIRCULAR SW9/1989****SUBSTANTIAL ACCESS - SECTION 11**

Most of those in the groups listed (in paragraph 8) will generally have substantial access to children and should therefore be checked through the new arrangements. In some cases, however, the amount of access may be less clear, especially in relation to volunteers. In these cases, those responsible for the protection of the children must make a judgement on whether the amount of access to the children can be regarded as substantial and whether it is necessary to request a check. Judgements of "substantial access" cannot be absolutely precise, but answers to the following questions should enable a reasonable assessment to be made.

**Does the position involve one-to-one contact?**

If it does, and especially if such contact is likely to be away from the child's home or separate from other children or adults, then access should be regarded as substantial, even if contact is only for short periods.

**Is the position supervised?**

It is possible for a person to spend considerable amounts of time with children, but under close supervision. This might not necessarily be regarded as substantial access, though the scope for development relationships which could be exploited outside working hours should be kept in mind.

**Is the situation an isolated one?**

There is a greater risk to a child who is living away from home, eg in residential care, possibly for lengthy periods, and the risks may increase the further the child is from the parental home or where parental visits are infrequent. A similar situation could arise where there is opportunity to take children singly, or in a group, away from family surroundings (for example on holiday).

**Is there regular contact?**

The more regular contact a person has with the same child or a group of children, the greater the opportunity to put the child at risk. This is especially so if the contact is unsupervised, or occurs away from other children. Equally, opportunities for regular social contact, such as between a child and domestic staff in a residential home, might be seen as providing substantial access.

**Is overnight care involved?**

Where children stay overnight in care they are more vulnerable to risk of abuse than during waking hours, because of the increased opportunities for offences to take place.



## POSTS OFFERING SUBSTANTIAL ACCESS TO CHILDREN AND YOUNG PEOPLE

### Social Work

Service Managers	All services
Welfare Rights Officer	Based Bruce House - Angus wide remit
Clerical Assistant	Child & Family Centre of Children's Home
Senior Social Worker	Child Care or Criminal Justice
Social Worker	Child Care or Criminal Justice
Senior Resource Worker	Various
Resource Worker	Various
Senior Care Manager	Various
Care Manager	Various
Community Assessment & Review Officer	Bruce House - Angus wide remit
Outreach Worker	Various
Social Work Assistant	Childcare
Social Care Officer	Childcare
Senior Social Care Officer	Childcare
Centre Manager - Child & Family	East Mary Street, Arbroath
Centre Worker - Child & Family	"
Assistant Centre Worker - C&F	"
Residential Resource Manager	Childcare
Residential Resource Worker	Childcare
Residential Care Worker	Strathmore Avenue, Forfar
Cook 1, 2, 3 & 4	Child & Family Centre or Children's Home
Office Cleaner/Domestic	"
Home Help (Child Care)	"
Gardener/Handyperson	Child & Family Centre or Children's Home

Social Work also engages a variety of volunteers to undertake unpaid work with children and young people.

### Occupational Therapy

Senior Occupational Therapist	Base Bruce House - Angus wide remit
Occupational Therapist	Based at sub-offices in responsibility centre
Occupational Therapy Assistant	"

### DARA/Acquired Brain Injuries Project

Senior Project Worker	Angus wide remit
Project Worker	"

### Criminal Justice Service

Assistant Head of Service	Fergus Square, Arbroath - Council wide remit
Research & IT Officer	"
Community Service Officer	"
Community Service Supervisor	"
Supervised Attendance Order Officer	"

## **Education**

Teachers	Music Instructors
Community Education Workers - including sessional staff	School Crossing Patrollers
Education Welfare Officers	Pool Attendants
Educational Social Workers	School Auxiliaries
Janitors/Caretakers	Lunchtime Supervisors
Nursery Nurses	Escorts and Drivers of Vehicles contracted to undertake school transport (via Transport Unit)
School Librarians & Assistants	
School Technicians	
Community Education Stewards	
Clerical Staff in Schools and Community Education Centres	
Training & Care Assistants	

The Education Department also engages a variety of unpaid volunteer workers, including parents of school children.

## **Recreation Service/Contract Services**

Sports Coaches  
Leisure Attendants  
Assistants in summer/holiday programmes  
Sessional Workers in Country Parks  
Pool Attendants  
Countryside Rangers

## **Cultural Services**

Librarians and other Cultural Services Staff and Volunteers are involved in a range of activities which involve children and young people.

Any student undertaking a placement which offers substantial access to children or young people must be included in the vetting arrangements.