



Fermanagh & Omagh
District Council

Comhairle Ceantair
Fhear Manach agus na hÓmaí

Child Safeguarding Code of Practice



September 2015

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Child Safeguarding Policy



September 2015.

1. Introduction.

Fermanagh and Omagh District Council believes that it is always unacceptable for a child to experience abuse or harm of any kind. Council recognises its responsibility to safeguard and promote the welfare of all children by making a commitment to protect them as far as is reasonably practicable.

2. Definitions.

- 2.1 A child, or children, is any young person under the age of 18.
- 2.2 Safeguarding means putting in place arrangements to take all reasonable measures to minimise the risks of harm to the welfare of children.

3. Aim.

The aim of the Child Safeguarding Policy is to demonstrate how the Council will meet its legal obligations and inform members of the public, service users, councillors, employees and people working on behalf of the Council of what Fermanagh and Omagh District Council can do to safeguard children.

4. Objectives.

By working in accordance with this Policy, Fermanagh and Omagh District Council will:

- 4.1 Ensure that training appropriate to the level of involvement with children is available for councillors, employees, and volunteers;
- 4.2 Implement robust recruitment, selection and management procedures;
- 4.3 Respond appropriately to concerns reported;
- 4.4 Develop and implement effective procedures for recording and responding to incidents, ensuring confidentiality is maintained where appropriate;
- 4.5 Develop and implement effective procedures for reporting any allegations or suspicions of harm or abuse;
- 4.6 Promote the welfare and wellbeing of children within Council services and facilities, including in the planning of services;
- 4.7 Maintain a good level of safe working practice at all times to minimise risk to children who come into contact with councillors, employees, volunteers and Agency Workers.

5. Definitions of abuse.

There are several different categories of abuse officially defined in government guidance and these are central to the statutory child protection system. Child abuse occurs when a child is neglected, harmed or not provided with proper care. Because children can be abused in a number of ways the harm caused cannot always be easily categorised. The Children (NI) Order 1995 defines 4 categories of abuse:

5.1 Neglect - the persistent failure to meet a child's physical, emotional or psychological needs, likely to result in significant harm.

5.2 Physical - the deliberate physical injury to a child, or the wilful or neglectful failure to prevent physical injury or suffering.

5.3 Sexual - involves forcing or enticing a child to take part in sexual activities.

5.4 Emotional - the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development.

5.5 Bullying - Although bullying has not been defined as abuse within the Children (NI) Order 1995, a child who is bullied may be suffering any type of abuse as defined. Bullying is defined as deliberately hurtful behaviour, repeated over a period of time, where it is difficult for those bullied to defend themselves.

It may take many forms but the main types are:

- physical (for example, hitting, kicking, theft),
- verbal (for example, sectarian or racist remarks, name calling), and
- indirect (for example, spreading rumours)
- cyber bullying (for example the use of e-mail, instant messaging, chat rooms, pagers, mobile phones)

It is not always easy to recognise a situation where abuse may occur or where it has already taken place. It is unlikely that employees will be experts and it should be stressed that in accordance with the Children (N.I.) Order 1995, the Health and Social Services have a statutory duty to ensure the welfare of a child. (The Code of Practice for Safeguarding of Children gives more details of the indicators and effects of abuse.)

6. Implementation.

6.1 The policy will be supported by a Child Safeguarding Code of Practice.

6.2 The Code of Practice gives further guidance in relation to Awareness of abuse, Reporting procedures, Supervision of Children, Code of Conduct and Code of Behaviour, Support and Training, Recruitment and Selection Guidelines, Use of photography.

- 6.3 Information leaflets with relevant contact details will be available for the public, for employees, for councillors and for contractors where appropriate.

7. Resourcing.

- 7.1 All necessary human, financial and material resources will be made available to implement the Policy, whilst being mindful of budgetary constraints.
- 7.2 Training will be provided to raise awareness of the Policy and Procedure among employees and to ensure its effective implementation.

8. Responsibilities.

To ensure the successful implementation of the Child Safeguarding Policy and Procedure, clear roles and responsibilities have been established.

Group or Individual	Role and Responsibilities
Councillors	<ul style="list-style-type: none">➤ Approve the Safeguarding Policy and subsequent amendments.➤ Attend any relevant training or awareness raising sessions.➤ Act in accordance with the Policy and Code of Practice at all times.
Chief Executive	<ul style="list-style-type: none">➤ The Chief Executive has ultimate officer responsibility for embedding safeguarding principles throughout the Council.
Senior Management Team	<ul style="list-style-type: none">➤ Allocate resources to enable the Council to meet its responsibilities.➤ Promote the integration of safeguarding principles into the culture of the Council.➤ Consider safeguarding issues at SMT meetings.
Heads of Service	<ul style="list-style-type: none">➤ Ensure employees are aware of this policy.➤ Notify the Designated Safeguarding Officers in strict confidence of any safeguarding issues that are brought to their attention.➤ Ensure that employees who have substantial contact with children attend the relevant training.
Head of Policy and Strategic Services	<ul style="list-style-type: none">➤ Raise the profile of Safeguarding within the Council, and develop initiatives to ensure the protection of children participating in, or affected by Council services.➤ Develop the Safeguarding Policy and Procedure with arrangements for periodic review➤ Provide advice and support as required

Group or Individual	Role and Responsibilities
	<ul style="list-style-type: none"> ➤ Continually improve and update safeguarding procedures based on current best practice and benchmarking results ➤ Co-ordinate audits as required by the Safeguarding Board. ➤ Ensure there are effective internal procedures to handle concerns. ➤ Ensure that the Council is represented at Safeguarding Network meetings.
Designated Safeguarding and Deputy Safeguarding Officers	<ul style="list-style-type: none"> ➤ Establish contacts and liaise with Social Services, PSNI and other agencies in relation to safeguarding issues within the Council ➤ Provide information and advice on safeguarding issues. ➤ Ensure that appropriate information is available at the time of the referral and that the referral is confirmed in writing under confidential cover. ➤ Ensure that relevant people within the Council are informed on a timely basis about any issues, concerns, action taken and any further action required, whilst ensuring that all records are maintained in a secure and confidential manner. ➤ Ensure that an individual case record is maintained of the action taken by the Council, the liaison with other agencies and the outcome. ➤ Advise on suitable training content.
All Employees/Volunteers	<ul style="list-style-type: none"> ➤ Take due care to ensure compliance with and to promote the Safeguarding Policy and Procedure. ➤ Act in a way that protects them from wrongful allegations of abuse as far as possible. ➤ Bring matters of concern about the welfare of children to the attention of a Safeguarding or Deputy Safeguarding Officer.

9. Monitoring.

The Council will monitor the implementation of the Policy at regular intervals and will respond in a positive fashion to both regional and local changes in circumstance or new initiatives.

10. Linkages.

10.1 This Policy provides the framework to guide the Council's practice in relation to the Safeguarding of Children.

10.2 The Policy operates in accord with the Council's Child Safeguarding Code of Practice.

11. Review.

11.1 The Child Safeguarding Policy will, under normal circumstances, be formally reviewed every three years.

11.2 The Policy will also be subject to routine scrutiny and, from time to time, updates and re-issues will be circulated.

11.3 The policy will be reviewed sooner in the event of any one or more of the following:

- A failure or weakness in the policy is highlighted.
- Changes in legislative requirements.
- Changes in Government/Council or other directives and requirements.

Section Two Awareness of Abuse

2.1 Signs and symptoms of abuse

Anyone may abuse or neglect a child by inflicting harm, by knowingly not preventing harm and also by failing to provide proper care. Abuse and neglect of children can happen in many situations including the home, school, communities and all forms of clubs and societies. Children are much more likely to be abused by someone they know, or more rarely, by a stranger.

There are different types of abuse, and a child may be abused in more than one way.

Some examples of abuse a child may suffer include:

Physical abuse

Physical abuse is deliberate physical injury to a child, or the wilful or neglectful failure to prevent a child's physical injury or suffering. This may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, confinement to a room or cot, or inappropriately giving drugs to control behaviour.

Emotional abuse

Emotional abuse is the persistent emotional ill treatment of a child, having severe and persistent adverse effects on the child's emotional development. It may involve making children feel they are worthless or unloved, inadequate, or only valued for what they can do for another person. Emotional abuse may also involve causing children frequently to feel frightened or in danger, or exploiting or corrupting them. Some level of emotional abuse is involved in all types of ill treatment of a child, though it may occur alone. Domestic violence, adult mental health problems and parental substance misuse may expose children to emotional abuse.

Sexual abuse

Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or the production of, pornographic material, or watching sexual activities, or encouraging them to behave in sexually inappropriate ways.

Neglect

Neglect is the persistent failure to meet a child's physical, emotional and/or psychological needs, likely to result in significant harm. Neglect may involve a parent or carer failing to provide adequate food, shelter or clothing; failing to protect a child from physical harm or danger; failing to ensure access to appropriate medical care or treatment; lack of stimulation; or lack of supervision. It may also include neglecting a

child's basic emotional needs.

Bullying

Although bullying has not been defined as abuse within the Children (NI) Order 1995, a child who is bullied may be suffering any type of abuse as defined. It may take many forms but the main types are:

- Physical (e.g. hitting, kicking, theft)
- Verbal (e.g. name-calling, racist or sectarian remarks, threats)
- Emotional (e.g. isolating an individual from activities)
- Indirect (e.g. spreading rumours)

Cyberbullying

Cyber bullying is the use of e-mail, instant messaging, chat rooms, pagers, mobile phones, or other forms of information/communication technology to deliberately harass, threaten, or intimidate someone. Cyber bullying is often done by children, who have increasing access to these technologies.

The problem is compounded by the fact that a bully can hide behind an electronic veil, disguising his or her true identity. Cyber bullying can include such acts as:

- Making threats
- Sending provocative insults or racial/ethnic slurs
- Derogatory or inappropriate comments on gender or sexual orientation
- Attempting to infect the victim's computer with a virus, and
- Flooding an e-mail inbox with nonsense messages.

Within the ever-changing world of technology, new and innovative ways of Cyberbullying are forever emerging.

Please note, the above list of 'types of abuse', is not intended to be an exhaustive list as new ways of abuse, bullying and harassment are always emerging, particularly with regards to Cyberbullying and online technology.

2.2 Indicators and effects of abuse

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur or has already taken place. It is unlikely that our employees will be experts and we should also stress that under the Children (NI) Order 1995, the relevant Health and Social Services Trust has a statutory duty to ensure the welfare of a child.

It is our responsibility to provide a safe environment for children by employing people who are suitable to work with, or to have contact with, children. We do this by having effective and clear procedures for our employees to report any suspicions, through our own procedures, to the relevant Health and Social Services Trust.

Indications that a child may be suffering abuse include:

- ◆ Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if they are on a part of the body not normally prone to such injuries.
- ◆ An injury for which the explanation seems inconsistent.
- ◆ The child describing what appears to be an abusive act involving him or herself.
- ◆ Someone else - a child or adult - expressing concern about the welfare of the child.
- ◆ Unexplained changes in the child's behaviour over time e.g. becoming very quiet, withdrawn or displaying sudden outbursts of temper.
- ◆ The child showing inappropriate sexual awareness for their age.
- ◆ The child engaging in sexually explicit behaviour in games.
- ◆ Distrust of adults, particularly those with whom the child previously had, or would normally be expected to have, a close relationship.
- ◆ Reluctance to participate in physical activity or to change clothes for physical education, games or swimming.
- ◆ Difficulty in making friends.
- ◆ The child being prevented from mixing with other children.
- ◆ Displaying changes in their eating patterns, including overeating or loss of appetite.
- ◆ Loss of weight for no apparent reason.
- ◆ Increasingly dirty or unkempt appearance.

(This list is not meant to be complete, nor does the presence of one or more of these indicators prove that abuse is taking place. It is important to stress, however, that it is not the responsibility of employees or volunteers to prove that abuse is taking place. Instead, it is their responsibility to act on any concerns by reporting them to their line manager or the Designated Officer).

Section Three Reporting Procedures

3.1 How to react and what to do

Councillors, employees or volunteers are not responsible for deciding whether child abuse incidents have taken place. However they are responsible, both legally and morally, for reporting concerns to the relevant person(s) outlined within the Council's Child Safeguarding Policy and the Code of Practice.

There is not one simple set of rules to follow when you are dealing with suspected child abuse but a good guideline to remember is: -

- 1 Listen.**
- 2 Record** your suspicions or what you have been told, **and**
- 3 Report** to your line manager or the designated officer.

When dealing with a disclosure or concerns about possible abuse the following are some useful dos and don'ts:

Do	Do Not
Stay calm	Panic
Listen and hear - give the person time to say what they want to say	Ask leading questions Judge Probe
Reassure them that they have done the right thing in telling you	Promise to keep secrets
Record in writing what was said as soon as possible and keep this record safe and secure. It may be required by the Police or Social Services. To record, please use the 'Record of a Disclosure' form contained in Appendix 2, as well as completing the 'Child Protection Incident report Form' contained in Appendix 1.	Make the child repeat the story unnecessarily
Report the matter to your line manager or the designated officer	Try to take action yourself nor ask for details of the abuse – this is not your job and will be undertaken by Police and Social Services

Note: It is essential that you record the exact information (word for word if possible), rather than recording your interpretation of the child's statements. Confidentiality is essential and information should not be disclosed to any person other than those outlined in this policy.

3.2 How to report and respond to concerns of child abuse

Councillors, employees or volunteers could have their suspicion raised in a number of ways, for example:

- The conduct of a colleague.
- A child 'disclosing' abuse.
- Bruising, or other evidence of physical hurt.
- Unusual behaviour by a child.

If an employee has any such concerns they should report them immediately to their Line Manager in the organisation. Volunteers should report to an appropriate manager or to the Designated Safeguarding Officer. If a Councillor has any concerns they should report them immediately to either the Chief Executive or the Designated Safeguarding Officer.

In an emergency, where a child appears to be in immediate and serious risk and a Designated Safeguarding Officer, or your line manager, cannot be contacted, the police or social services should be contacted immediately.

Councillors, employees or volunteers, should be aware of who the Designated Safeguarding Officer is, as well as the Deputy Officers. They should ensure that they know their contact details in case they ever need to report an incident.

Incidents or concerns must be reported to the Designated Officer immediately, with some examples including:

- If someone has behaved in a way that has harmed a child, or may have harmed a child.
- If someone has possibly committed a criminal offence against or related to a child.
- If someone has behaved towards a child in a way that indicates s/he is unsuitable to work with children.

All Child Protection Incident Report Forms will be stored by the Council's Head of Human Resources and Organisation Development who also acts as a Deputy Safeguarding Officer.

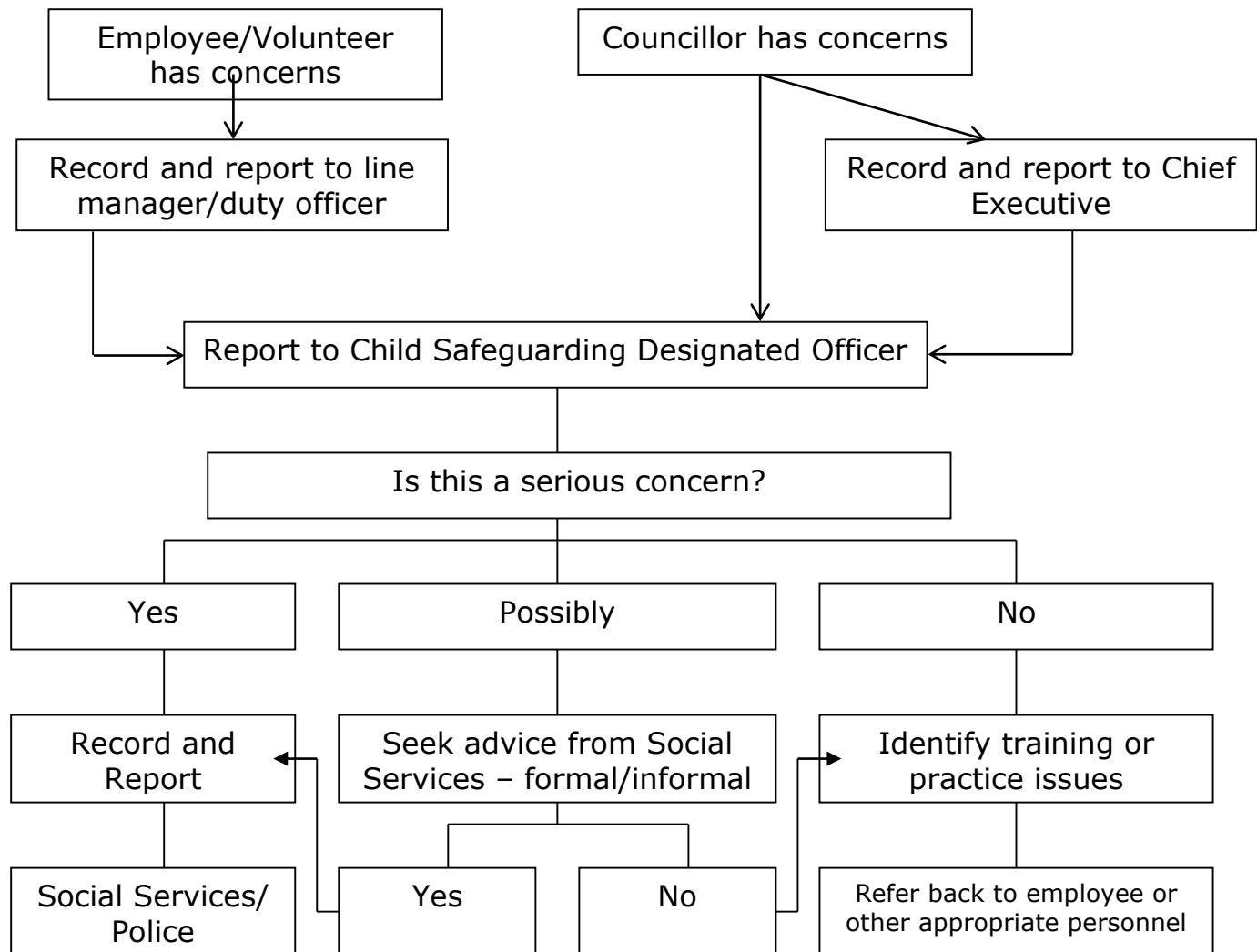
As the Safeguarding Officer and the other Deputy Safeguarding Officer receives the form(s), they will immediately begin to deal with the incident(s) as well as forwarding the form(s) on to the Head of Human Resources and Organisation Development for safe storage.

3.3 Roles and Responsibilities of Council Employees and Councillors

To ensure the successful implementation of the Child Safeguarding Policy and Code of Practice, clear roles and responsibilities have been established.

These can be seen in the Child Safeguarding Policy on page 7 of this Code of Practice document.

3.4 Reporting diagram for concerns of Child Abuse



Outside normal working hours

If an employee, or Councillor, has a concern about the safety and/or welfare of a child outside of working hours, they should immediately contact either the PSNI Child Abuse Investigation Unit (via 028 6632 1562 or 101) or the NSPCC (via 0808 800 5000).

3.5 Confidentiality

Confidentiality is about managing information in a respectful, professional and purposeful manner and this should be maintained at all times when dealing with issues and people involved in concerns about the safety and welfare of a child.

This type of information has to be treated in a careful and sensitive manner and should be discussed only with those who need to know. Giving information to others on a “need to know” basis for the protection of a child is not a breach of confidentiality.

Fermanagh and Omagh District Council will balance the right to confidentiality with the legal principle that the welfare of the child is paramount. The aim is to protect both the rights of the child and of the alleged perpetrator by ensuring that only those who need to know are given the relevant information.

3.6 Anonymous Complaints

Anonymous complaints can be difficult to deal with, however they should not be ignored. They should be taken seriously and brought to the attention of the Designated Safeguarding Officer who will treat them in accordance with the Child Safeguarding Policy.

The information will be checked out and handled in a confidential manner. Any anonymous complaints relating to child protection concerns will be handled as far as possible in accordance with the procedures outlined in these guidelines.

3.7 Child Protection Incident Report Form

The ‘Child Protection Incident Report Form’ is included within this Code of Practice as Appendix 1, or it can also be accessed online at: www.fermanaghomagh.com.

The ‘Record of a Disclosure’ form is also included within this document as Appendix 2. This form should be filled out in conjunction with the ‘Child Protection Incident Report Form’ contained in Appendix 1.

Both forms are available on the Council’s Intranet, or from the Designated Safeguard Officer / Deputy Officers.

Section Four Supervision of Children

One of the best ways to minimise the opportunities for children to suffer any harm while in your care, is to make arrangements for the proper supervision of all children.

Our 'Duty to Care', which is recognised as the standard for good practice in Child Protection in Northern Ireland, suggests that when you organise journeys, visits or trips, you should follow the guidelines below.

4.1 Planning Activities

When planning and organising Council events or activities, consideration must be given to the following:

- The number of participants.
- The age of participants and the age range.
- The type of activity.
- The environment where the activity will be undertaken.
- The particular needs of individual participants.

4.2 Supervising children

The following basic principles must be taken into account when making and supervision arrangements:

- Children should not normally be left unattended.
- Employees should know, at all times, where children are and what they are doing.
- Any activity using potentially dangerous equipment should have constant adult supervision.
- Children will be safer if supervised by two or more adults.
- Dangerous behaviour by children should not be allowed.

4.3 Adult to Child Ratios.

Supervision must be adequate, whether at a Council venue or on a Council organised journey or visit. As a leader, when you decide how many adults you will need for supervision, you must consider a range of practical matters, including:

- The number of participants in the group.
- The nature of the site or venue.
- The activities to be undertaken - if an activity is hazardous, e.g., mountain climbing, there are specific ratios of adults to children that you must follow. You can check these ratios by contacting the relevant governing bodies, or the Education Authority's Youth Service.
- It is important that each individual supervisor knows their responsibilities.
- It is recommended that at Council organised events, journeys and/or visits there should be at least two adults in attendance, one of whom must be a Council employee.

- It is up to the leader in charge to decide on the level of supervision.
- If a party consists of both girls and boys, you should, where possible, provide both male and female supervision.
- If an activity involves swimming children under eight years of age must be accompanied by an adult at the following ratios:
 - Aged 0 – 4 One adult to two children
 - Aged 4 – 7 One adult to three children
- Where activities are governed by specific sporting or other governing body guidelines we will follow their supervision ratios. Where no specific guidelines apply the following ratios should be used:
 - 0-4 years of age: One adult to a maximum of 4 children (a maximum of 1 baby under the age of 2 to each supervising adult)
 - 5 - 7 years of age: One adult to a maximum of 10 children
 - 7 years of age and over: One adult to a maximum of 20 children
- The ratio for children with special needs should be assessed on the basis of the individual child's needs and if necessary should be 1 adult to 1 child.

4.4 Guidance on the Supervision and Control of Children

Children are primarily the responsibility of the adults in whose charge they are. However, on occasion it may be necessary for an employee of the Council to assist in the control of a child.

Reasonable steps should be taken to minimise a child from:

- a. Committing an offence.
- b. Causing personal injury to, or damage to the property of, any person (including the child herself or himself).
- c. Engaging in any behaviour prejudicial to the maintenance of good order and discipline.

The right of a member of employees to assist in the control of a child applies only:

- Where both the child and the member of employees are on Council premises.
- Where the child's responsible adult is not present and cannot reasonably be found to exercise control.
- Where the child's responsible adult fails to exercise his/her authority to control the child and there is no other alternative in the circumstances.

The need for an employee to assist in the control of a child should be extremely rare and arise only in the most exceptional circumstances. It is emphasised that corporal punishment is unlawful, and nothing in the Council's Child Safeguarding Policy and Code of Practice in any way authorises employees to use any degree of physical contact that is deliberately intended to cause pain or injury or humiliation. The application of physical intervention to prevent injury to the child or others is only to be used as a last resort, when other behaviour management strategies have failed.

This guidance does not, however, prevent any person from exercising their right under common law to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. The purpose of this guidance is to make it clear that authorised employees are also entitled to intervene in other, less extreme, situations.

Should an employee decide on physical intervention, they will have to give consideration to the circumstances of each case. There are three relevant considerations to be borne in mind:

- The **use of physical intervention** can be regarded as reasonable **only** if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore, physical force could not be justified to prevent a child from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- The **degree of force** employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.
- Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, level of understanding and sex of the child, along with any physical disability he/she may have.

Employees should, whilst taking due account of their duty of care to children, always try to deal with a situation through other strategies before using any physical intervention. All employees need to be aware of strategies and techniques for dealing with difficult children and situations which they can use to defuse and calm a situation.

Remember, children are primarily the responsibility of the adult(s) in whose charge they are and employees may intervene only in a case of absolute necessity.

In a situation where other behavioural management strategies have failed to resolve the problem, or are inappropriate (e.g. in an emergency situations), there is a wide variety of circumstances in which physical intervention might be appropriate, or necessary, to restrain or control a child. They will fall into two broad categories:

- Where action is necessary in self-defence or because there is an imminent risk of injury.
- Where there is significant damage to property; in this case police should be informed.

Examples of situations that fall into these categories are

- A child attacks a member of employees, a member of the public, or another child.
- Children are fighting.

- A child is causing, injury or damage by accident, or by misuse of dangerous materials, substances or objects;
- To encourage and assist a child to take action to prevent an accident which is likely to injure themselves or others.

However, some practical considerations also need to be taken into account:

- Before intervening physically an employee should seek to deploy other behavioural management strategies. Where these have failed, the employee should, wherever practicable, tell the child who is misbehaving to stop, and what will happen if they do not. The employee should continue attempting to communicate with the child throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and an employee should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the child.
- Sometimes an employee should not intervene in an incident without help (unless it is an emergency), for example, when dealing with an older child, or a physically large child, or more than one child, or if the employee believes they may be at risk of injury. In these circumstances the employee should remove other children who might be at risk, and summon assistance from a colleague or colleagues, or where necessary telephone the police. The child should be informed that they have sent for help. Until assistance arrives the employee should continue to attempt to diffuse the situation orally, and try to prevent the incident from escalating.

Section Five Code of Conduct

5.1 Code of Conduct

It would be impossible to lay down hard and fast rules that will cover all the circumstances where Councillors or employees interact with children, or where opportunities for the conduct of Councillors or employees could be misconstrued.

In many cases Councillors or employees will have to exercise their best judgement but this document is designed to give advice and points of guidance on how best to interact with children and to deal with any child protection issues which may arise.

All Councillors and employees will be expected to observe the expected standards of conduct and follow the procedures and guidance contained in this policy document. If the expected standards of conduct, procedures and guidelines are not adhered to, employees may be subject to appropriate disciplinary action or reported to other authorities when considered necessary.

Please note that the 'Code of Conduct for Local Government Employees' includes a section on Whistle Blowing which states that:

"If an employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the Council's confidential reporting procedure, or any other procedure designed for this purpose."

The Child Protection Policy will apply to **all** employees of Fermanagh and Omagh District Council with the term 'employees' referring to:

- Full-time employees
- Part-time employees
- Seasonal workers
- Coaches
- Standbys/Casual Employees
- Student placements
- Volunteers.

Adults who interact with children are in a position of trust and influence and as an officer of Council they have a duty of care to safeguard the health, safety and welfare of any child they come into contact with during the course of their duties. Councillors and employees must always be mindful that they hold a position of trust and their behaviour towards children must be above reproach.

We need to work together to ensure the protection of the children with whom we come into contact either directly or indirectly through our work for Fermanagh and

Omagh District Council. If we have any concerns about the protection of children we have a duty to act and the safety of children should always be of paramount concern.

5.2 Code of behaviour - Employees and Volunteers

All Councillors and employees must follow the Council's Child Safeguarding Policy, along with the associated Code of Practice, in the interest of creating a safe environment, which protects children as well as employees and volunteers who work with them.

The following points are the **minimum** standards, which we expect all Councillors and employees to conform with when dealing with children.

Councillors and employees **must always**

- ◆ Treat everyone with respect
- ◆ Respect a child's right to personal privacy
- ◆ Remember that actions can be misinterpreted.
- ◆ Recognise and take action in the event of inappropriate behaviours such as:
 - Petting or fondling
 - Inappropriate physical contact between an adult and a child
 - Sexually explicit behaviour in games, etc.
 - Adults behaving suspiciously e.g. watching children in changing area/cubicle/toilet area when there is no obvious reason for their presence.
 - Those who are spending an inordinately long time in changing area/cubicle/toilet area.
 - Adults who have strayed into an area restricted for children only.
 - Those who are seen looking over/under cubicles.
 - Adults whose behaviour is causing distress to children e.g. rough play, horseplay.
 - Use of inappropriate language in the presence of children.

Councillors and employees **must never**:

- ◆ Engage in rough, inappropriate games including horseplay with children.
- ◆ Allow, or engage in, inappropriate touching of any kind. (Appropriate touching should always be in response to the child's needs, be appropriate to the child's age and stage of development and it should always be with the child's permission.)
- ◆ Physically restrain a child, unless it is to:
 - prevent physical injury to the child, to other children, to visitors or employees, or to themselves
 - prevent damage to any property
 - prevent or stop the child committing a criminal offence.

In all circumstances, physical restraint must be appropriate and reasonable. If not, your action can be defined as assault.

- ◆ Make sexually suggestive comments to, or within earshot of, a child.
- ◆ Do things of a personal nature for children that they can do for themselves, or that their parent or the group leader can do for them.

Councillors and employees **must not**, except in emergencies:

- ◆ Have children on their own in a vehicle, unless parents have been notified and extreme caution is taken.
- ◆ Take a child to the toilet unless another adult is present, or is told about it (this may include a parent or group leader).
- ◆ Spend time alone with a child on their own - if you find yourself in this situation, make sure that you can be clearly seen by others.

5.2 Implications for employees

Employees who breach any of the above standards will be subject to the Council's disciplinary procedure.

If there are concerns raised or an allegation is made against a member of our employees, this will be dealt with under the reporting procedures as outlined in section 3 of this policy.

5.3 Dealing with allegations of Child Abuse

If an employee has any such concerns they should report them immediately to their Line Manager in the organisation. Volunteers should report to an appropriate manager or to the Designated Safeguarding Officer. If a Councillor has any concerns they should report them immediately to either the Chief Executive or the Designated Safeguarding Officer.

If, however, the allegation involves the line manager, a report must be made to the next level of management.

The Designated Officer should also be informed.

Where an allegation of child abuse is made against an employee or volunteer this must be reported to the Social Services and/or the police in the interests of protecting both the child and the employee/volunteer.

Following advice from Social Services/PSNI consideration will be given to:

- (i) Whether the employee should be suspended from work while an investigation is carried out.

- (ii) Whether or not the Council need to carry out their own review of practice.

If gross misconduct is suspected, the employee will be suspended from work on full pay pending disciplinary action.

5.4 Guidance for Hirers.

We aim to ensure that children are safe while visiting any of our properties. In addition to our responsibilities, we ask that hirers or other external organisations or persons using Council facilities exercise their own responsibilities and follow our Child Protection Policy and adhere to the following **minimum** standards.

In particular, you must:

- Make sure you have adequate employees supervision taking account of the number and age of the children participating and relevant good practice guidelines;
- Ensure that you supervise the children at all times;
- Never abuse a child in any way;
- Ensure adequate insurance cover for the group and leaders;
- Explain to your group what standards of behaviour you expect from the group while using the Council's facilities;
- Keep up to date with the necessary technical skills, qualifications and insurance and undertake relevant child protection training;
- Treat all service users equally, and with respect and dignity;
- Always put the welfare of each child, before winning or achieving goals;
- Demonstrate exemplary behaviour in order to protect children in your care and yourself from false allegations;
- Inform the Council of any concerns raised or allegations made of child abuse occurring on Council property;

You have the primary responsibility for the welfare of the children at all times.

Expected standards of behaviour from groups using council facilities

We expect all our visitors and service users to show courtesy and respect for others and for our property at all times.

You should therefore not allow members of your group to:

- Make any sectarian, sexist, racist or other offensive remarks towards any person in their group or any other group;
- Vandalise Council property;
- Leave litter in or around Council property;
- Use bad language;
- Smoke, drink alcohol or engage in substance abuse;
- Bully (verbally or physically);
- Use threatening, abusive or violent behaviour;
- Engage in rough, physical or sexually provocative games including horseplay;
- Share a room/tent/changing room/bath or shower with a child;

- Reduce a child to tears as a form of control;
- Allow allegations made by a child to go unchallenged, unrecorded or not acted upon;

If any of the above standards are not followed, we have the right to refuse future requests to hire or use our facilities, and we can ask the group to leave.

5.5 Contractors.

It is not the Contractor's responsibility to determine whether abuse is taking place. However, it is their responsibility to pass on any concerns that are raised by their employees.

When a Contractor is hired, or brought in, and before any work is commenced the Project/Centre Manager should inform them of their responsibilities regarding Child Safeguarding. If the Contractor does not have a Child Safeguarding / Child Protection Policy in place, they should adhere to the Council's Child Safeguarding Policy and Code of Practice.

All procurement procedures should include arrangements and wording regarding the Safeguarding of Children where appropriate.

Section Six Support and Training

The Council recognises that working with children is both worthwhile and fulfilling; however it is also challenging.

Once we have recruited our employees and volunteers, we need to ensure that they are all well informed, trained, supervised and supported, so that they are less likely to become involved in actions that can cause harm or be misunderstood.

Councillors, all full time, part time, seasonal and on call employees, agency employees, student placements and volunteers, will receive training appropriate to their needs and their job/role.

This process should include the following:

6.1 Induction

New employees will receive guidance from their supervisor/Line Manager(s) on child protection matters relevant to their position. All new employees will be issued with an information leaflet highlighting the main features of the Child Protection policy and guidance on where to get further information if needed.

Volunteers will receive guidance from the Manager who is supervising their placement where appropriate.

Councillors will receive information on induction and all councillors will be issued with an information leaflet highlighting the main features of the Child Protection policy and guidance on where to get further information if needed.

6.2 Probationary or trial period

During their probationary period all employees will be monitored and for those in regulated positions particular attention will be paid to their suitability for working with children. Employees on seasonal or short term contracts will have their suitability assessed within an early stage of their contract.

6.3 Training

We recognise the importance of continual training and development for all employees. Training is an ongoing process, and relevant to the roles that people play in the organisation.

The Council will provide suitable training in child protection for all relevant employees, this training will have three levels: -

- 1) General awareness training for all employees and volunteers;
- 2) Training for employees who work with children or those in

- regulated positions;
- 3) Comprehensive training for the Designated Safeguarding Officer / Deputy Officers, Line Managers and Duty Officers.

Section Seven

Recruitment and Selection Guidelines

Fermanagh and Omagh District Council operates transparent and clearly defined recruitment and selection procedures in line with legislative requirements and best practice, set out by the Local Government Employees Commission.

There are thorough procedures in place to help screen out those who are not suitable to work with children and young people.

A policy for the Employment of People with Convictions is under review and will contain the procedure to be applied in these circumstances. In the interim period, the policy which applied in one of the Legacy Councils, Fermanagh District Council, will be used as a point of reference. (Appendix 5)

Access NI

Access NI is a criminal history disclosure service in Northern Ireland. It supplies criminal history information to organisations and individuals on three levels of 'Criminal Record Check' i.e. Standard, Enhanced and Basic Disclosures.

The level of checks required will be determined at the beginning of the recruitment process and the related procedures will be managed by the Councils Human Resource Department.

An Access NI Enhanced Disclosure with Barred List Check is legally required for employees and volunteers for all posts designated as regulated activities ie those posts which work with children and vulnerable adults (as defined under the SVG (NI) Order 2007 (as amended by the Protection of Freedoms Act 2012)). Therefore, before advertising a post or a volunteering role, Fermanagh and Omagh District Council will make the decision if a position falls into the category of regulated activity. An Enhanced Disclosure without a barred list check is available for other specific posts which are not designated as regulated activity.

During the Council's recruitment and selection procedures candidates must give consent for the relevant Access NI Disclosure Check to be requested, if they are considered to be the preferred candidate for a post and have been conditionally offered the job/role subject to the results of the appropriate check.

Regulated Activity (definition)

This is defined as a position which invariably requires working closely, regularly and unsupervised with children and is defined in law in Schedule 2 of the Safeguarding Vulnerable Groups (NI) Order 2007, as amended by the Protection of Freedoms Act 2012.

Regulated positions include those whose normal duties require them to care for, train, advise, counsel, or are in sole charge of children, or have unsupervised contact with children, as well as the supervisors/managers of individuals in regulated

positions.

If an applicant refuses to give consent for the check or if they are found to have withheld information this will be sufficient grounds for the Council to refuse to consider their application.

7.1 Identification

The Council will require all those applicants who have to complete the Access NI check to produce evidence of their identity; e.g., a long birth certificate. This is important as Access NI can only make thorough checks if the person's identity is confirmed.

7.2 Access NI Disclosures

The disclosures will be returned to the Council's Nominated Officer who will then decide, in conjunction with the interview panel, on a candidate's suitability for working in a regulated position. The Council will not confirm any offer of employment in a regulated position until they are satisfied with the results of the Access NI check.

Whilst these checks provides valuable information to employers and is an essential part of the recruitment process for regulated positions, it is no substitute to good practice, in terms of the management and supervision of employees. Managers must ensure that employees do not commence work until Enhanced Disclosures are received.

The effective management of employees and volunteers ensures that everyone within the Council is clear about what we are trying to achieve and what their particular job/role is. The Council wants to prevent harm to the children and young people we support through our facilities and/or services. The provision of on-going appropriate training, support and supervision of employees and volunteers helps to achieve this.

7.3 Posts Requiring Access NI Disclosures

Recruitment, whether permanent, temporary or casual, to the following posts will require a Disclosure Certificate

Posts		
Enhanced Disclosure (exc. Barred List)		
Chief Executive	Directors	Heads of Service
Enhanced Disclosure (inc. Barred List)*		
Community, Health and Leisure: Leisure Centre Manager, Duty Officer/Manager, Supervisor, Senior Recreation Attendant, Leisure Assistant, Recreation Attendant, Instructor/Coach, Creche Employees, Active Communities and Activity Referral Employees, Sports Development Employees, Summer Scheme Leader/Assistant, Geopark Manager, Geopark Development Officer, Senior Guide, Education Assistant, Education Officer, Museum Assistant, Events Employees, Front of House Manager/Officer, Operations Manager – Theatre, Arts Culture Manager, Manager – Museum Services, Development Officer Community and Good Relations Employees and Community Centre Employees		
Corporate Services & Environment & Place: HR employees and Waste Educational Officer		
Basic Disclosure		
Environment & Place: Public Convenience Attendants and Street Orderlies, Animal Welfare Officers, Enforcement Officer, Dog Control Employees		
Community Health & Leisure: Tobacco Control Officer, Home Assessment Officer, Visitor Services Advisor, Information Assistant, Maintenance Officer, Administrative Officer, Receptionist, Arts Technician, Cleaner		
Corporate Services and Governance: Registration Employees, Finance Employees ie. Accountants/accounts officers/payroll and procurement; IT Employees, Senior Caretaker/Caretaker, Catering Employees, Cook		

*Regulated posts requiring an Enhanced Check, inclusive of the barred lists, have contact with children and/or adults in particular capacity such as caring for, supervising, training or being in sole charge.

Please note: The above list is not a definitive checklist. In determining where a new post should require a Disclosure Certificate, the criteria for determining whether posts require enhanced disclosure detailed in Appendix 3 of the Policy for the Employment of People with Convictions.

7.4 References

The Council will ask for at least two referees who are not family members, at least one of which should be a present or most recent employer. Where a post involves work with children the Council may request references from any other previous employment, which would have involved working with children.

7.5 Agency employees

The Council will ensure that any agency employees working in regulated positions have been checked by the Agency prior to their commencement.

7.6 Volunteers

Where volunteers work in our premises (e.g. community centres, leisure centres, parks and play areas), and may have unsupervised access to children, the Council will adopt the following procedures:

- Consider the skills needed for the job – is the person suited to the task?
- Ask all volunteers to complete a short application form.
- Confirm their identity (e.g., with a long birth certificate).
- Ask all volunteers for written references.
- Interview the volunteer, go through the information on their application form, and make sure they are aware of our Child Safeguarding Policy and other induction materials.
- If this post is a regulated position the Volunteer will be required to give permission to apply for an Enhanced Disclosure.
- Carry out training and reviews in the same way as for paid employees.

Section Eight

Child Protection and Photography

8.1 Photography in Council Facilities

Child protection is clearly a concern for all facility operators and must be very carefully considered. Implementing severe restrictions on the general public will deprive families of the opportunity to capture key moments in their child's development and instil into future generations an idea that 'no-one can be trusted'.

This, however, has to be balanced with the chance of someone breaking a child's trust and misusing photographic images.

Photography should only be allowed with the written authorisation of centre/facility management. As a result, photography within Leisure Centres will only be permitted by the facility manager and upon receipt of a completed 'Photography Permission Form' which is attached in the Appendix 3 of this document.

The use of all forms of photographic and recording equipment (including mobile phones) for photographic purposes, should be forbidden within all areas of any Leisure Centre.

(Please note, other areas can be added to this list at the discretion of the Centre/Facility Manager, Designated Safeguarding Officer or Head of Service).

8.2 Vigilance by the general public

No matter what arrangements are put in place to prevent the use of cameras, videos or mobile phones with digital image recording, the very nature of "peeping tom type photography" make it difficult to police. Managers should encourage all users to be vigilant by the use of signage in appropriate locations.

8.3 Use of Professional Photographers.

If officers are commissioning professional photographers or inviting the press to an activity or event it is important to ensure they are clear about the Council's expectations of them in relation to child protection. They should be issued with identification, which must be worn at all times. Athletes and their parents should be informed that a photographer will be in attendance at an event, and their consent obtained to both the taking and publication of photographs.

8.4 General Advice on the Photography of Children

When considering photography and the safeguarding of children, the following information should also be considered:

- No personal detail of children should be listed in any promotional or editorial material or photography.
- Ensure content of the photo cannot be used or adapted for inappropriate use.
- Permission (from a parent or guardian) must be obtained in order to use an image. This will ensure that parents and/or guardians are aware of the way the image is to be used.
- Images of individuals in appropriate dress should only be used. This will further reduce the risk of inappropriate use.



Private and Confidential

Child Protection Incident Report Form

Name of Employee making report: _____

Job Title: _____

Location: _____

Name of Child: _____

Date of Birth: _____ Age: _____

Home Address: _____

Contact No: _____

Details of Incident (including date, time and location):

Signature: _____

Date: _____

NB: If a disclosure has been made the Record of a Disclosure should also be completed and attached to this form.

Action Checklist

Report to Designated Officer _____ (Date)

Advice from Social Services _____ (Date)

Action Taken _____

Referral to Social Services/PSNI _____ (Date)

This form should **always** be used in conjunction with the Child Protection Incident Report Form



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Appendix 2

Record of a Disclosure

When was the disclosure made (dates and times)?

What were the immediate circumstances leading to the disclosure?

Were there others present at the time of the disclosure?

Yes ☐ No ☐ Don't Know ☐

If Yes, please state who (name and position) and what role they played.

**Exactly what did the child say and what did you say?
(Remember do not lead the child – record actual details.
Continue on a separate sheet if necessary).**

2. Signs

Describe any factual signs of physical injury evident on the child:

Describe any factual signs of behavioural changes displayed by the child:

Has the child alleged that any particular person is the abuser? (If so, please record the details below)

Was the child informed to any future course of action?

3. Signatures

Signed:

Date:

_____ (Person reporting concern)

_____ (Line Manager)

_____ (Designated Officer)



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Child Protection Photography Permission Form

Data Protection: Under the Data Protection Act, Fermanagh and Omagh District Council has a legal duty to protect any information, which we collect. The information will not be disclosed to any third party unless law or regulation compel such disclosure or unless we have been specifically asked to do so by the Data Subject.

Details of Photographer:

Name: _____

Address: _____

Telephone: _____

Name/s of subject: _____

Relationship of photographer and subject

The reason (or event) the images are intended (e.g. family record).

I declare that the information provided is valid and the images will only be used for the reasons given. If any customer complains or expresses concern, I respect the rights of other people and will stop taking photographs.

Signed: _____

Date: _____

The Manager gives permission for (name)..... to use a camera/video camera on (date)

Signed _____

Date _____

A copy of this page will be given to the person as proof of authorisation.

Useful Contacts

Family Intervention Centre - Enniskillen

2 Coleshill Road
Enniskillen
County Fermanagh
BT74 7HG

Telephone: 028 6634 4000

Family Intervention Centre - Omagh

Unit 4 Bankmore Business Park
Bankmore Road
Omagh
County Tyrone
BT79 0BE

Telephone: 028 8225 4500

Sports NI

House of Sport
Upper Malone Road
Belfast
BT9 5LA

Telephone: 028 9038 1222

Fermanagh and Omagh District Council**Child Safeguarding Officer**

Liz Wilson
Telephone: 0300 303 1777 ext. 21170
Email: liz.wilson@fermanaghomagh.com

Deputy Child Safeguarding Officers

Emma McManus
Telephone: 028 6632 4121
Email: emma.mcmanus@fermanaghomagh.com

Amanda Whiteman
Telephone: 028 8224 6711
Email: amanda.whiteman@fermanaghomagh.com

Damian Maguire
Telephone: 028 6772 1299
Email: damian.maguire@fermanaghomagh.com

PSNI Child Abuse Investigation Unit

Omagh PSNI Station
1 Derry Road
Omagh
BT78 5DR

Telephone: 101

**Enniskillen South West Acute Hospital
(Out of Hours)**

124 Irvinestown Road
Drumcoo
Enniskillen
County Fermanagh
BT74 6DN

Telephone: 028 6638 2000

**NSPCC Child Protection Helpline
(24 hours, Freephone)**

Helpline: 0800 800 5000
Telephone: 028 9035 1135
Textphone: 0800 056 0566

**Childline (Northern Ireland)
(24 hours, Freephone)**

Freephone: 0800 1111
Telephone: 028 9032 7773

Education Authority for Northern Ireland

1 Hospital Road,
Omagh
County Tyrone
BT79 0AW

Telephone: 028 8241 1411



Fermanagh District Council

Code of Practice on the Employment of People with Convictions

October 2012.

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Introduction.

The Rehabilitation of Offenders (Northern Ireland) Order 1978 enables criminal convictions to become 'spent' or ignored after a rehabilitation period. This means that once the rehabilitation period has expired an ex-offender is not obliged to mention their conviction when applying for a job. It is aimed at helping people who have been convicted of a criminal offence but who have not re-offended since.

The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 sets out occupations and positions where there is a valid need to see a person's full criminal record (including 'spent' convictions) in order to assess their suitability for a position. These are called 'exempted' posts.

This document sets out:

1. Fermanagh District Council's Policy on the Employment of People with Convictions (pages 5-12), and
2. A Code of Practice to provide guidance on the implementation of the Policy and to ensure that Fermanagh District Council meets its legal obligations in relation to the recruitment and employment of people with convictions.



Fermanagh District Council

Policy on the Employment of People with Convictions

October 2010

1. Introduction.

Fermanagh District Council is committed to the principle of equality of opportunity and, subject to the over-riding consideration of protecting children and vulnerable adults, undertakes to treat all applicants for employment fairly and not discriminate unfairly against anyone on the basis of conviction or other information revealed.

Information about criminal convictions will be taken into account only when the conviction is considered materially relevant to the role; this includes conflict related offences that pre-date the Belfast (Good Friday) Agreement (April 1998). Any disclosure will be considered in the context of the job description, the nature of the offence and the responsibility for the protection of children and vulnerable adults.

2. Aim.

The aim of the Policy on the Employment of People with Convictions is to ensure that the Council focuses on an applicant's merit and ability to do the job whilst also operating in accordance with the Guidelines produced by Access NI in response to legislative requirements. (Appendix 1)

3. Scope.

The Policy will apply to existing employees of the Council and all potential job applicants.

4. Objectives.

By working in accordance with the Policy and associated Code of Practice, Council intends to

- i. ensure that all those involved in recruitment and employees management processes have been trained to identify and assess the relevance of Disclosure information.
- ii. establish a framework to guide the Council's practice in relation to the protection of children and vulnerable adults;
- iii. agree and publicise a Policy Statement (Appendix 2) to inform existing employees and potential job applicants.

5. Responsibilities.

The Chief Executive has overall responsibility for the implementation of the Policy on the Employment of People with Convictions. Councillors and employees are expected to follow this policy and take the appropriate action to meet the aims and objectives.

6. Linkages.

This Policy links into the associated Code of Practice, the Codes of Conduct for Councillors and Employees, the Disciplinary Procedure, the Data Protection Policy, the Equal Opportunities Policy and the Local Government Employees Commissions Code of Practice on Recruitment and Selection.

7. Review.

The Employment of People with Convictions Policy will, under normal circumstances, be reviewed every three years and from time to time, updates and re-issues may be circulated.

However, the policy will be reviewed sooner in the event of any one or more of the following:

1. Failure or weakness in the policy is highlighted.
2. Changes in legislative requirements.
3. Changes in Government/Council or other directives and requirements.

Relevant Legislation.

Part V of the Police Act

Sections 112 to 127 of the Police Act 1997

Enhanced criminal record certificates: prescribed purposes

The Police Act 1997 (Criminal Records) (Disclosure) (Amendment No.2)
Regulations (Northern Ireland) 2009

The Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern
Ireland) 2008

The Police Act 1997 (Criminal Records) (Registration) Regulations (Northern
Ireland) 2007

The Safeguarding Vulnerable Groups Act 2006 and the Safeguarding
Vulnerable Groups (NI) Order 2007

Rehabilitation of Offenders (Northern Ireland) Order 1978

Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979

Data Protection Act 1998

**Fermanagh District Council
Policy Statement on Employing People with Convictions.**

1. Statement for posts requiring Access NI Disclosure.

Having a criminal record will not necessarily prevent you from working with Fermanagh District Council. This will depend on the nature of the position, together with the circumstances and background of your offence(s) or other information contained on a disclosure certificate or provided directly to us by the Police. Failure to disclose information on a criminal record may disqualify you from appointment.

1. Fermanagh District Council complies fully with the Code of Practice, issued by the Department of Justice, in connection with the use of information provided to registered persons, their nominees and other recipients of information by Access NI under Part V of the Police Act 1997, for the purposes of assessing Applicant's suitability for employment purposes, voluntary positions, licensing and other relevant purposes. We undertake to treat all applicants for positions fairly and not to discriminate unfairly or unlawfully against the subject of a Disclosure on the basis of conviction or other information revealed.
2. This policy is made available on the Council's website and on request to all applicants for posts requiring an Access NI Disclosure.
3. Fermanagh District Council is committed to equality of opportunity, to following practices, and to providing a service which is free from unfair and unlawful discrimination. We ensure that no applicant or member of employees is subject to less favourable treatment on the grounds of religious belief, political opinion, racial group, age, marital status, gender, disability or dependant's status. Council is also committed to providing equality of opportunity for those people with an offending background **unless** that background is materially relevant and manifestly incompatible with the post applied for.

4. Fermanagh District Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications from a wide range of candidates, including those with criminal records. The selection of candidates for interview will be based on those who meet the required standard of skills, qualifications and experience as outlined in the Job Description.
5. We will request an Access NI Disclosure only where this is considered proportionate and **relevant** to the particular position. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not a Basic or Enhanced Disclosure is required for the position in question. Where an Access NI Disclosure is deemed necessary for a post or position, all applicants will be made aware at the initial recruitment stage that appointment to the position will be subject to a Disclosure check and that Fermanagh District Council will request the individual being offered the position to undergo an appropriate Access NI Disclosure check.
6. In line with the Rehabilitation of Offenders (Northern Ireland) Order 1978, Fermanagh District Council will only ask about convictions which are defined as "unspent" within the terms of that Order, unless the nature of the post is such that we are entitled to ask questions about an individual's entire criminal record.
7. We undertake to ensure an open and measured discussion on the subject of any offences or other matters that might be considered relevant for the position concerned e.g. the individual is applying for a driving job but has a criminal history of driving offences. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of the conditional offer of employment.
8. Fermanagh District Council may consider discussing any matter revealed in a Disclosure Certificate with the person who is the subject of that Disclosure. We are only able to discuss what is contained in a Disclosure Certificate with the subject of that Disclosure before considering withdrawing a conditional offer of employment.
9. We ensure that all employees in Fermanagh District Council who may participate as a member of the Disclosure Assessment Panel have been suitably trained to identify and assess the relevance of Disclosure information. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g. the Rehabilitation of Offenders (Northern Ireland) Order 1978).
10. We undertake to make every subject of an Access NI Disclosure aware of the existence of the Code of Practice, and to make a copy available on request.

2. Statement for posts not requiring Access NI disclosure

Information on the Rehabilitation of Offenders (NI) Order 1978

Under this Order you are required to disclose details of previous convictions, until a certain length of time passes and the convictions become "spent". You do not need to provide details about either minor motoring offences or previous convictions once they become "spent". The period for assessing whether or not a conviction has become "spent" will be calculated up to the date you sign the application form.

The information you provide will be treated as strictly confidential. Having a conviction will not necessarily prevent you from working with Fermanagh District Council. This will depend on the circumstances and background to the offence(s) which will be taken into account when considering how suitable you are for the type of work involved, should your application be successful. Failure to disclose any "unspent" convictions may result in the offer of employment being withdrawn. If already appointed, you could be dismissed without notice.

The following sentences become 'spent' after fixed periods from the date of conviction:

Sentence	Aged 18 or over at conviction	Under 18 years at conviction
Absolute Discharge	6 months	
Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order	Date Order ceases OR 1 year – whichever is longer	
Attendance Centre Order Juvenile Justice Centre Order	1 year after Order expires	
Hospital Order under the Mental Health Act	5 years or 2 years after the Order expires – whichever is longer	
Fine, Community Service Order, Combination Orders, Youth Conference Order, Reparation Order, Community Responsibility Order	5 years	2 ½ years
Prison – (immediate or suspended) OR Young Offenders Centre – sentence of 6 months or less	7 years	3 ½ years
Prison – (immediate or suspended) OR Young Offenders Centre over 6 months up to and including 30 months	10 years	5 years
NB: Custodial Sentence of more than Two and a Half Years (30 months) can never become spent		

Notes:

- Consecutive prison sentences count as a single term when calculating the rehabilitation period.
- If more than one sentence was imposed for an offence, the longer rehabilitation period applies.
- If a person receives a new conviction during a rehabilitation period:
 1. for a summary offence (ie : can only be tried at Magistrates Court) both rehabilitation periods expire separately.
 2. for a more serious offence (ie: which could be tried at the Crown Court) neither conviction will become spent until the longest period expires.
- Cautions, reprimands and final warnings are not considered to be convictions and become 'spent' immediately unless relevant to 'Excepted' posts.
- A spent conviction will remain on your criminal record.
- Any conviction for a conflict-related offence that pre-dates the Good Friday Agreement (April 1998) will not be taken into account unless it is materially relevant and manifestly incompatible with the post applied for.

Code of Practice on the Employment of People with Convictions

Posts requiring Access NI Disclosure.

Recruitment, whether permanent, temporary or casual, to the following posts will always require an Enhanced Disclosure Certificate:

Regulatory Services Department.

Director

Head of Environmental Health

Home Assessment Officer.

Leisure Development and Arts Department.

Director

Geopark Development Officer

Geopark Manager

Neighbourhood Renewal Co-ordinator

Museums Assistant

Education Assistants

Activity Referral Co-ordinator

Senior Guide

Leisure Centre Employees -	Manager
	Supervisor
	Administrative Officer (Forum)
	Senior Recreation Attendant
	Instructor
	Recreation Attendant
	Recreation and Events Attendant
	Creche Leader.

Coach

Cleaner – Basic Disclosure

Receptionist – Basic Disclosure

This is not a definitive checklist. In determining whether a new post should require a Disclosure Certificate, the Criteria for determining whether posts require enhanced disclosure detailed in Appendix 3 should be used.

Recruitment and Selection Guidelines.

1. All Posts within the Council.

Applicants will be asked to declare if they have any unspent criminal conviction(s) at the time of the application for employment. This information will be treated in strict confidence and will only be shared with the Disclosure Assessment Panel if the candidate has been selected for appointment.

Where a conviction is disclosed, or information is provided by Access NI, a Disclosure Assessment Panel consisting of at least two officers who were not involved in the original recruitment decision will be established to determine whether this is materially relevant or not for that particular post, using the procedure at Appendix 4.

If the panel consider the conviction/disclosure is not materially relevant, then the appointment is made.

If the Panel consider the conviction/disclosure is or could be materially relevant and is manifestly incompatible with the post, then the appointment is not immediately offered and the candidate is invited to meet the Panel to discuss the issue. After this meeting, if the Panel still considers the conviction/disclosure to be materially relevant and manifestly incompatible, their decision will be reported back to the Recruitment and Selection Panel. The candidate will be informed of the outcome of the process and offered a right of appeal to the Chief Executive. If an appeal fails then the position will be offered to the next highest ranked candidate.

Additional procedures are required to deal with recruitment to those posts which require Access NI Disclosure Certificates as detailed below.

2. Posts which require Access NI Disclosure Certificates

The Safeguarding Vulnerable Groups Act 2006 and the Safeguarding Vulnerable Groups (NI) Order 2007 aims to improve existing safeguards for

children and vulnerable adults by preventing unsuitable people obtain work, in any capacity, whether paid or unpaid, with children or vulnerable adults. The Council have put in place robust recruitment and employees selection procedures to ensure only those people with the necessary skills, knowledge and experience are considered suitable for work with children and vulnerable adults, whilst ensuring those whose behaviour could be a threat to the safety and well-being of children and vulnerable adults are screened out.

A **regulated position** is defined in detail in the legislation and includes those whose normal duties require them to care for, train, advise, counsel, or are in sole charge of children and vulnerable adults, or have unsupervised contact with children and vulnerable adults, as well as the supervisors/managers of individuals in regulated positions.

Applications for regulated positions

Before making an appointment to a regulated post, the Council is required to make a Disclosure Certificate application to Access N.I. This enables us to ensure that individuals who might be a risk to Vulnerable Groups are not appointed. If an applicant is selected for appointment, they will be asked to give consent to this check and complete an Access N.I. Disclosure Certificate application form. Failure to comply with this process will mean that Council cannot consider an application further.

Identification

When an applicant is required to complete an Access NI Application Form, it will be necessary to produce evidence of their identification to the Council as laid down by Access NI. The Council will issue them with guidance notes on the type of ID necessary.

Access NI Checks

The Access NI checks will be returned to the nominated officer within the Human Resources Department. The nominated officer will decide, in conjunction with the Disclosure Assessment Panel, on a candidate's suitability for working in a regulated position. The Council will not confirm any offer of employment in a regulated position until they are satisfied with the results of the Access NI check. In determining the relevance of an issue which gives cause for concern, the Head of Human Resources will nominate a Disclosure Assessment Panel to make an assessment based on the criteria shown in Appendix 4. In refusing employment, the onus of proof rests with the Council to show material relevance.

If the panel consider the conviction/disclosure is not materially relevant, then the appointment is made.

If the Panel consider the conviction/disclosure is or could be materially relevant and is manifestly incompatible with the post, then the appointment is not immediately offered and the candidate is invited to meet the Panel to discuss the issue. After this meeting, if the Panel still considers the conviction/disclosure to be materially relevant and manifestly incompatible, their decision will be reported back to the Recruitment and Selection Panel. The candidate will be informed of the outcome of the process and offered a right of appeal to the Chief Executive. If an appeal fails then the position will be offered to the next highest ranked candidate.

Whilst the Access NI check provides valuable information to employers and is an essential part of the recruitment process for regulated positions, it is no substitute to good practice, in terms of the management and supervision of employees.

References

We will ask for at least two referees who are not family members, at least one of which should be a present or most recent employer. Where a post involves work with children and vulnerable adults, the Council, may request references from any other previous employment, which would have involved working with children and vulnerable adults.

Agency employees

The council will ensure that any agency employees working in regulated positions have been Access NI checked prior to commencement.

Volunteers

Where we employ individuals as volunteers to work unpaid in our premises (e.g., community centres, leisure centres, parks and play areas), where they may have unsupervised access to children and vulnerable adults we will adopt the following procedures:

- Consider the skills needed for the job - is the person suited to the task?
- Ask all volunteers to complete a short application form.
- Confirm their identity (e.g., with a long birth certificate).
- Ask all volunteers for written references.
- Interview the volunteer, go through the information on their application form, and make sure they are aware of our Children and Vulnerable Adults

Protection Policy and other induction materials.

- If this post is a regulated position we will seek an Enhanced Disclosure check.
- Carry out training and reviews in the same way as we do for paid employees.

Handling, Use and Storage of Disclosure Information

Fermanagh District Council will comply with Access NI's Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure Applications and Disclosure information. The Council will also comply with its obligations under the Data Protection Act 1998 and other legislation pertaining to the safe handling, storage, retention and disposal of Disclosure information.

Disclosure information will be kept securely, in a lockable, non-portable storage container with access strictly controlled and limited to those who are entitled to see it as part of their duties.

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties except where an individual has given their express permission for their information to be divulged to third parties. The Council maintains records of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Disclosure information is used only for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Once a recruitment (or other relevant e.g. regulatory or for licensing purposes) decision has been taken, Disclosure information will not be kept for longer than necessary. Information will not be retained and will be destroyed within 6 months of a decision, recruitment or otherwise, being made.

Once the retention period has elapsed, the Council will ensure that any Disclosure information is immediately destroyed by secure means. The Council will not keep any photocopy or other image of the Disclosure or representation of the contents of a Disclosure. However, the Council may keep a record of the date of issue of a Disclosure, the name of the subject, the type of disclosure requested, the position for which the Disclosure was requested, the Access NI

unique reference number of the Disclosure Certificate and the details of the recruitment decision taken.

Disclosure of Criminal Records by Existing Employees

Existing employees are required to inform their manager if, during the course of their employment or between checks where relevant, they obtain a new criminal conviction. Any matters disclosed by the employee or revealed through such Disclosure, will be discussed with the employee to determine their suitability to continue working in the post.

Depending upon the nature of the conviction, the matter may be dealt with in accordance with Fermanagh District Council's Disciplinary procedure. Failure to reveal such information may also lead to disciplinary action being taken.

Criteria for determining whether posts require enhanced disclosure.

Does the post involve one to one contact with children or vulnerable groups?
Are there any other legal constraints? e.g. motoring convictions for driving posts.
What level of supervision will the post holder receive?
Does the post involve any direct responsibility for finance or items of value?
Does the post involve direct contact with the public?
Will the nature of the job present any opportunities for the post holder to re-offend in the place of work?

Risk Assessment Procedure.

1. Having received copies of all relevant documentation from the Head of Human Resources, the Panel consider whether the conviction/disclosure is or could be materially relevant and is manifestly incompatible with the post. If they find that this is the case, the Panel will meet with the candidate for the post in order to determine whether the appointment should proceed.
2. In completing the Risk Assessment pro-forma, the Panel will consider the following Criteria in determining the relevance of the Disclosure Information:
 - i. The seriousness of the offence and its relevance to the safety of service users, other employees and property.
 - ii. The impact on the Council in the event of a further offence occurring, including the impact relating to service delivery and reputation.
 - iii. The length of time since the offence occurred.
 - iv. Any relevant information offered about the circumstances which led to the offence being committed, for example, the influence of domestic or financial difficulties.
 - v. Whether the offence was a one off, or part of a history of offending.
 - vi. Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely.
 - vii. The degree of remorse or otherwise expressed by the applicant and their motivation to change.

Risk Scores

(i) Likelihood

Score	Degree of Likelihood	Definition
High	Likely	This uncertainty is likely to occur in the next 2 years
Medium	Unlikely	This uncertainty is unlikely to occur in the next 2 years
Low	Extremely unlikely	This uncertainty is extremely unlikely to occur in the next 2 years

(ii) Impact

The impact criteria are based on the following Key Areas.

Score	Finance	Employees/Public	Department	Reputation
High	Additional expenditure / associated costs of between 5% < 12.5% of service revenue	Impacts on particular group	Serious disruption in service standards. Significant impact on some employees in department.	Affects more than one group of stakeholders with widespread medium-term impact on reputation
Medium	Additional expenditure / associated costs of between 1.5% < 5% of service revenue	Impacts on individual and family members	Moderate fall in service standards. Impact on a number of employees.	Affects more than one group of stakeholders but only short-term impact on reputation
Low	Additional expenditure / associated costs of < 1.5% of service revenue	Impacts on individual	Small fall in service standards. Impacts on 1 employee only.	Affects only one group of stakeholders with minimum impact on performance

Appointment of Post of.....

Risk Assessment - Proceed with appointment

Area of Risk	Panel Member 1			Panel Member 2			Comments
	Low	Medium	High	Low	Medium	High	
Likelihood							
Finance							
Employees/ Public							
Service							
Reputation							
Overall							

Appointment of Post of.....
Risk Assessment - Do not proceed with appointment

Area of Risk	Panel Member 1			Panel Member 2			Comments
	Low	Medium	High	Low	Medium	High	
Likelihood							
Finance							
Employees/P ublic							
Service							
Reputation							
Overall							

	Proceed with appointment			Do Not Proceed		
	Low	Medium	High	Low	Medium	High
Name 1						
Name 2						
Total						

Fermanagh District Council
Risk Assessment – Appointment of to the post of

Panel:

A. Background.

1. The Panel met with on to establish background information to the conviction. A copy of the report is attached.
2. The Panel also considered:
 - i. The Basic Disclosure Information
 - ii. Any other relevant information
 - iii. Job Description for post of
 - iv. application for post of

B. Findings.

3. Following the meeting with and having given consideration to all relevant information, the Panel completed a Risk Assessment process to determine the level of risk associated with the appointment. Copies of the report are attached.
4. The Panel found that:

C. Conclusion.

The Panel consider that the appointment of to the post of should be confirmed/should not be confirmed. (Set out details.)

D. Recommendation.

Having considered all the above, the Panel recommend that the appointment of to the post of should be confirmed/should not be confirmed.

Signed	
Date	
Signed	
Date	

