

**Response to
Northern Ireland Office**

**Consultation on
Safer Recruitment in
Northern Ireland**

**Children in Northern Ireland
(CiNI)**

Introduction

Children in Northern Ireland is the regional umbrella body for the voluntary child care sector in Northern Ireland.

CiNI represents the interests of its 90 member organisations, providing policy, information, training and support services to members' in their work with children and young people. CiNI has a diverse membership with member organisations working with and for children from their early years to young adolescence and with those who are particularly vulnerable and in need of safeguarding and protection.

CiNI welcomes the opportunity to respond to the Northern Ireland Office consultation on Safer Recruitment in Northern Ireland recognising that employment checking is a crucial element of good employment practice for all our members who have both paid staff and unpaid volunteer staff working with and for children and young people. NICVA's last State of the Sector report in 2002 provides some indication of the make-up of the sector which is useful to consider in light of this present consultation. In the voluntary and community sector the paid workforce numbered 29,168 and there were a total of 72,908 formal volunteers actively engaged in the voluntary and community sector.

CiNI was disappointed not to have been involved in the NIO's interactive consultation event on Reforming Employment Checking in Northern Ireland in November 2004. We have come to value involvement in consultation at the earliest possible opportunity so that our members can inform and influence the development of Government proposals. We would welcome early involvement in future consultation exercises on legislation and policy that impacts on children and young people.

Northern Ireland Commissioner for Children and Young People (NICCY)

CiNI notes that NICCY is carrying out a separate review which is critically examining the policies and practices in place to support and direct the checking of staff who work with children. CiNI would recommend that the outcome of thereport should feed into the process of implementing Part 5 so that all the necessary evidence and advice is available to the team in their work.

Consideration of Options for Implementation of Part 5

CiNI welcomes the consideration given in the consultation document to the three options for implementation of Part 5. We do recognise that the NIO has indicated its preference for enhancing existing systems and has therefore based its proposals firmly around this preference. However, given that the three options have been presented in the consultation document CiNI members were keen to examine the options to identify which option or/and specific features of options would best meet their needs. We would ask that the NIO consider this in redeveloping their proposals in light of this public consultation.

The expectations of CiNI members for a new system which would implement Part 5 naturally focused on their concerns with the existing system and their desire that these concerns would be addressed by any new system. Currently the turnaround time for a

check is a significant concern with member organisations waiting between 6-8 weeks to have checks returned. In some cases by the time a check has come through the applicant has moved on and no longer wishes to take up the post. CiNI members were keen that the legislation would introduce statutory time limits or, at the least, that guidance on turnaround of checks would be provided in codes of practice. It was also acknowledged that improvements were needed to ICT, and there were major concerns expressed regarding international, particularly EU checking.

The option of enhancing existing systems was attractive to members mainly due to the benefits associated with a local system in terms of accessibility and local control. There was much support for an enhanced existing system that would address the concerns referred to above, but that would also be flexible enough to incorporate elements of the systems operating in GB that worked well and meet the needs of Northern Ireland customers, for e.g. the international checking functions operated by CRB.

It was also questioned whether or not enhanced existing systems would be flexible enough to incorporate significant Bichard reforms, for example, would Northern Ireland's enhanced system be able to cope with the recommendation for a national intelligence computer system.

However there was a sense from the consultation document that financial considerations were an over-riding factor in opting for enhancing existing systems, and whilst we recognise the importance of value for money particularly in the current financial climate, we would question whether enhanced existing systems would be sustainable in the long-term. We would suggest that an additional investment at this point, particularly to incorporate aspects of the systems operating in GB, may prevent extra money being poured in over the long run to adapt/maintain a system that, as the consultation document itself notes, is not sophisticated enough nor designed for the specific tasks (page 56).

Volunteers from EU Member States

A number of CiNI member organisations rely on volunteers from EU member states and highlighted that with the expansion of the EU the already significant percentage of migrant workers/people in Northern Ireland would be likely to increase in the future so that any system must be capable of meeting the need to employment check EU nationals. This was identified as a particular concern that organisations experienced in relation to the current system of employment checking where there was no robust and effective system for employment checking international applicants, with the process being very piece-meal and ad-hoc which was far from satisfactory for either those genuinely seeking work and those organisations that were reliant on international volunteers. As referred to above members had expressed their preference for a system which would incorporate into an enhanced local system elements of those systems operating in GB that worked well. CiNI notes from the SWOT analysis on enhancing existing systems there is no reference to any potential to make international links. CRB, however, has established facilities for obtaining and exchanging conviction and in some cases, other information, with police forces within the EU, EEA, Canada, Australia and the Philippines. Also CiNI understands that the Central Registered Body in Scotland runs an Overseas Inquiry Line which provides general advice relating to countries which are

part of a Fax Back Service that provides 'Certificates of Good Conduct'. CiNI recognises that the NIO is keen to 'increase the scope of the system and be able to respond to the challenges of the future' (page 23) and we believe that the increase in international applicants will be one of the challenges of the future which the new system must be capable of meeting. Therefore we would be keen to see similar appropriate facilities integrated within enhanced existing systems for Northern Ireland. Again we believe this is an important issue and one which is likely to become more significant with increasing migration particularly from the EU and therefore should be addressed as part of the process of moving towards implementation of Part 5.

Application Form/Proof of Identity

While CiNI appreciates that photographic proof of identity is an important mechanism for verification of identity we would highlight that not all applicants may have photographic identity, particularly those who commonly volunteer including younger and older age groups. We would therefore propose that the list of those proof of identity documents that include a photograph should be expanded to include for example electoral registration cards and in particular include EU work permit identification.

Introduction of a Fee Paying System

CiNI recognises that with the implementation of Part 5 the most significant change for Northern Ireland is the introduction of fees, and we appreciate that the NIO has recognised that the 'heaviest impact' of charging will be felt by the voluntary sector as it will be one of the core users of the new scheme, accounting for an estimated 50% of all checks under the new system. Furthermore we believe that in considering the issue of fees it is also important to remember that under POCVA checking will be effectively mandatory for many of our organisations, and should the Bichard recommendation that all people working with children (not just those with substantial access) must be checked to enhanced level, is both accepted and implemented this will place an even greater financial burden on the voluntary sector. There were real anxieties regarding the imposition of fees on paid employees in an already under-resourced voluntary sector when employment checking is effectively a mandatory requirement put in place by the Government with no additional resources identified.

While it is welcome that no fee will be charged for checks of unpaid volunteers in the voluntary sector, we would also highlight that there is a significant proportion of paid employees in the voluntary sector (noted above in NICVA's State of the Sector Report 2002) and under the proposals checks for these employees will have to be paid for. We understand that the levels of such fees are to be specified in regulation and we would therefore recommend that for paying customers operating in voluntary/not for profit bodies that fees for standard and enhanced disclosures, which will be used most commonly, should be set at a reasonable, accessible level in recognition that the voluntary sector is the largest and growing customer base given the mandatory requirement on the sector to employment check.

CiNI members felt that in determining the levels of such fees that there should accompany criteria to the different levels that would consider issues including the

number of paid employees in an organisation; turnover of employees and current and projected usage of the system.

Central (Umbrella) registered body for the voluntary sector

CiNI understands that the establishment of a central registered (umbrella) body for the voluntary sector has been proposed in response to concerns expressed at the interactive consultation event in November that smaller voluntary bodies lacked sufficient administrative capacity to cope with the existing system. It was acknowledged that an umbrella body may be beneficial for smaller voluntary bodies, however it was felt that such a body would not meet the needs of all bodies in the voluntary sector. Medium to large sized voluntary bodies already have systems in place that operate effectively in response to employment checking. These systems are an important part of the overall human resources function of the voluntary body. It was suggested that such a scheme should be an optional consideration for bodies in the voluntary sector. We note that the Central (Umbrella) Registered Body in Scotland was established to provide free checks for volunteers working for a not for profit organisation. We would favour a model such as this which is optional for organisations in the voluntary sector.

There was some concern that the central (umbrella) registered body would add another layer of bureaucracy to the process and the NIO was asked to ensure that such a body would not further delay the processing of applications.

The lack of guidance and support for organisations using the current employment checking process figured strongly in discussions. CiNI notes from the SWOT analysis that both CRB and DS have in place arrangements to give advice and guidance on key disclosure issues and also have arrangements in place for giving feedback and awareness training to individual customers and organisations. CiNI would recommend that this is also a key feature of any new system for Northern Ireland.

There were a number of currently unmet support needs that respondents felt could be effectively addressed by the new checking body/central registered body. However, the central role played by both VDA and NIACRO in providing training sessions on the use of PECS was recognised and valued.

As well as responding effectively to any new system which would include the provision of training on using any new system and help with interpreting/applying new codes of practice, support was also identified as necessary in areas including:

- Monitoring of employment checks
- Re-checking
- Role of disclosure in good employment practice

Separate record of those who apply for enhanced checks

CiNI welcomes the proposal to keep a separate record of all those who apply for enhanced checks which could be continually checked against updated criminal and police records. We would welcome such continual checking against updated criminal records across the UK and we would also recommend that this record is also continually

checked against the PECs list and List 99. CiNI member organisations stated that the monitoring and re-checking practices associated with the current system were very unclear and regarded practices as such a fundamental part of monitoring employment checking that guidance should be provided in codes of practice accompanying the legislation.

Protection of Children and Vulnerable Adults (POCVA)

CiNI members had expressed some initial concerns regarding how any new system would sit alongside arrangements under the Protection of Children and Vulnerable Adults (NI) Order 2003. However, upon clarification we understand that the PECs system is to be replaced by the new checking arrangements, so there will be a single, one-stop checking body which will simplify and streamline the process of employment checking. We understand that while the new arrangements are being developed and agreed that PECs registrations are to be maintained. CiNI members are keen to be kept informed of developments and would appreciate advance notification of the change over and accessible advice and guidance to support organisations that will be affected by the replacement of PECs with the new Part 5 checking system.