

Practices in and attitudes towards staff vetting in children's residential centres in the Republic of Ireland

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Introduction

This paper documents a summary of research which was conducted as part of the requirements for the completion of an MA in Child, Family and Community Studies at Dublin Institute of Technology. The aim of the study was twofold; to explore the practices of residential child care centre managers in vetting staff for employment in residential child care, and to explore the attitudes of these managers towards current vetting requirements in the Republic of Ireland. A wide range of literature exists documenting all aspects of residential care provision for young people under the age of eighteen in state care. The material examined for the purposes of this research covers both Irish and UK perspectives as well as international practice and experience in the area. This literature has consistently highlighted the particular vulnerability of this group of young people. Also highlighted in within the literature is the need for a range of safeguarding measures for these young people because of this identified vulnerability. Not least amongst these measures are comprehensive vetting practices which have been highlighted particularly through various Inquiry reports both in the UK and Ireland (Warner, 1992; Department of Health, 1994; Department of Health 1996; Corby et al., 2001). The literature review undertaken for this study demonstrated that there has been little direct research conducted on vetting either in Ireland or elsewhere and, in particular research that examines the views of those responsible for this task.

An overview of available literature on residential provision and its associated issues for children in Ireland, the UK and elsewhere demonstrated that changes within service provision and in practice have consistently been reactive. Various Inquiry reports including in the UK the Report of the Staffordshire Child Care Inquiry [the 'Pindown Experience'] (Department of Health, 1991) and the Leicestershire Inquiry (Kirkwood, 1993), and in Ireland the Report on the Inquiry into the Operation of Madonna House (op. cit.) and the Commission to Inquire into Child Abuse (Department of Health and Children, 2009) each identified the importance of comprehensive staff vetting policies and procedures for children's residential services. Though their emphasis on particular aspects of vetting varied, the reports' recommendations included obtaining police/Garda checks, reference checks, comparison of employees'

records with references supplied, and the sharing of 'soft information' amongst relevant professionals in the area. The term 'soft information' was defined as information regarding people who may pose a risk to children but who do not have any criminal convictions for child abuse.

Currently, employers in the residential child care sector recruiting staff to work in their centres in Ireland are expected to comply with a circular issued by the Department of Health and Children in 1994 which details the requirements of employers in relation to the recruitment and vetting of staff in this area. As an Inspector of children's residential services the author has a vested interest in the subject matter being researched. In particular, the author was curious to understand the reasons for the low levels of compliance with current requirements as highlighted in annual reports of the inspections of children's residential centres. Of 92 statutory centres inspected by the Social Services Inspectorate in Ireland from 2001 to 2004, only 18 (19.5 percent) of these were in full compliance with the requirements for vetting staff. Though these statistics refer to centres specifically in the statutory sector, the author has experienced similarly low levels of compliance in the non-statutory sector. The author wanted to attempt to identify what, if any, factors could contribute to improving compliance rates in the area.

As the term vetting can have various interpretations, in order to allow for an in-depth focus of particular aspects of the vetting process, two distinct aspects of the vetting process were explored - the attainment of Garda checks and obtaining three written references which are then verified. The Department of Health and Children circular (op.cit) identified six distinct aspects pertaining to the process of recruitment and selection of staff. Of these six aspects were the need for a Garda enquiry form to be completed by the prospective employee in order for the Garda authorities to verify details provided, and a requirement for the prospective employee to nominate at least three persons as referees. One of these referees should be the most recent employer and should the candidate be provisionally selected for interview, these referees must be contacted both verbally and in writing by the prospective employer to advise on the candidate's suitability for the post.

The study reported in this paper aimed to explore current practice vis-à-vis these specific aspects of the vetting process as well as exploring the attitudes of centre managers towards current vetting practices within the non-statutory residential child care sector. As an Inspector of children's residential services working on behalf of the Health Services Executive (HSE) the author was aware from her own work that managers working in these centres have varying degrees of responsibility for the recruitment and vetting of child care staff employed to work in their centres. The author hoped that information on current practice in the area may give some indication of the difficulties experienced by managers

in completing the vetting process as per the expected requirements as well as helping to establish some of the reasons why the current guidelines on the area are not consistently adhered to in full by employers in the non-statutory residential child care sector. An exploration of attitudes may lend insight towards the value that these managers place upon vetting practices and may highlight some of the influences on these practices.

Methodology

The target group identified for the purpose of the research was managers of children's residential centres in the non-statutory sector in the Republic of Ireland. The author had relatively easy and quick access to this group through work colleagues nationally. The providers of residential child care within the non-statutory sector vary significantly in their organisational structure and practice in the process of vetting staff for employment. These variances presented an opportunity to ascertain and highlight difference in practice across organisations and attitudes amongst the managers as a result.

The participants in the study were chosen by means of purposive sampling. Phase one of the research consisted of eight semi-structured interviews and the second phase of the research consisted of the distribution of a self-completion questionnaire to 69 managers of children's residential centres out of a total of 70 agencies nationwide. One manager was excluded on the basis of potential bias as the author was involved with this service in her professional capacity at the time of the research being conducted. Forty-three completed questionnaires were returned giving a response rate of 62 percent.

The semi-structured interview questions focussed on the manager's awareness of the wider practice of vetting staff in children's residential centres, vetting practices within the centre, and the manager's experience of vetting as a safeguard for children in residential care. An analysis of the data obtained from the semi-structured interviews informed the development of the self-completion questionnaire which formed the second phase of the research. This second research method was chosen on the basis that it enabled access to a sample in a relatively short timeframe. It also provided an opportunity to assess the applicability of the qualitative findings from phase one to this sector on a nationwide basis. The questionnaire drew on themes and practices which emerged from the interviews and focussed on these in an attempt to ascertain the validity of these findings across a larger and national perspective.

In the process of data analysis, which was mainly informed by the grounded theory approach (Glaser and Strauss, 1967), a system of coding was applied to the responses and information gathered in the interviews. The answers presented in the survey were subject to content analysis, which consists of

identifying key themes and establishing the frequency with which these themes are present in the data accumulated.

Findings and Discussion

In order to focus the discussion in a thematic way, the author identified three themes from the two phases of the research, the interviews and the survey, which encapsulated the overall findings from the data. These themes are discussed below under the relevant headings.

Adequacy of the current system of vetting

The findings from the study showed that around half of all research participants were of the view that the current vetting arrangements – consisting of a Garda check together with three written references – are adequate, without the need to source additional information. However these managers also referred to other practices within their centres, including supervision and induction, which would supplement the vetting process. The remaining half of research participants indicated that in their view the current requirements are not adequate. They expressed a dependency on the honesty of the prospective employee in completing necessary paperwork; they identified their own lack of willingness to rely on Garda checks which they believe highlight convictions only and not suspicions of inappropriate behaviour; and they referred to reliance upon previous employers to provide accurate and honest information when writing references. This reliance upon the accuracy and appropriateness of information provided in references led to a further point of discussion regarding the use of pro-forma documents in writing references and the potential for these to be more purposeful than generic letters of reference.

Given that half of those surveyed were of the view that current vetting practice is inadequate on the basis that it does not provide sufficient information on prospective employees, one interesting finding within this research presented a dichotomy. Managers in both phases of the research referred to the need to obtain as much reliable and detailed information in a reference on a prospective employee and the dependency on trust in the author of the reference for all relevant information. On the other hand, some of those same managers did indicate reluctance on their own part to make some matters of concern known to prospective employers either in writing or verbally on the basis that their preference was to move the person on from their service. This information could be interpreted as ‘soft information’ and would strengthen the argument for the need to introduce legislation to support the transfer and sharing of such relevant information between concerned parties.

Vetting as a safeguard for children in residential care

In general, the findings from the research indicated that only half of participants were of the view that the process of vetting staff is a safeguard for children in residential care and within this group there was emphasis on stating that it is not the only safeguard. Managers who expressed the view that vetting is a safeguard also tended to be of the view that safeguarding is a combination of systems and practices, of which vetting is an important component. Some managers in their interviews alluded to this issue suggesting that they placed more value on other aspects of safeguarding, such as supervision of staff, a process over which they felt they had control.

Overall managers felt strongly that although vetting did provide a safeguard it was a minimum in terms of safeguards that could be applied and vetting alone could not be depended upon to provide a flawless safeguard to young people in residential care. The vast majority of participants indicated that the inclusion of soft information on all prospective employees, exchanged in a safe and structured environment, would act as an additional safeguard for these young people. Most managers felt that ultimately any additional information that would lead to the increased protection of children should be shared. However this view was given with the caveat that soft information should not be used in isolation and most participants expressed the need for caution when using such information. Given the general view amongst managers of a need to obtain as much relevant information on prospective employees as possible, it was somewhat surprising to find that almost half of respondents to the survey indicated that they do not consistently follow the same vetting process for students as they do for staff despite the fact that students also have access to young people in residential care - though admittedly this is supervised access, at least in theory.

Influencing factors on the vetting process

Four distinct factors emerged from the interviews as influencing managers to comply with vetting requirements. In order of influence, these factors were

- a. the legal aspect of vetting;
- b. an awareness of past abuse in residential care settings;
- c. the registration and inspection process enforced by the Health Service Executive;
- d. knowledge obtained by staff members in college on the matter.

The first three of these impacted in significant numbers. The fourth did arise in two of the interviews in the first phase of the research but did not present significantly throughout the survey.

Though the Department of Health and Children circular referred to earlier requirements that all staff working in children's residential centres be vetted, there is no statutory basis for vetting and current Garda vetting arrangements are continued on an administrative basis only. The issue of Garda vetting, in particular the delays that managers experience through the process, continues to be a significant difficulty for service providers. The delays experienced impact upon service delivery and also lead to the premature recruitment of staff without having completed the vetting process. Only 27 percent of managers in this study indicated that they would not employ an individual without having completed the entire vetting process.

Awareness amongst managers of past abuse that occurred in residential settings was the second most influential factor on vetting largely created by the publication of inquiry reports including the Madonna House Inquiry Report in Ireland (Department of Health, 1996), and numerous inquiry reports of a similar nature and findings in the UK. The publication of the Ryan Report (Government of Ireland, 2009) reflects a very dark chapter in the Irish history of residential care for children. It has once again brought residential care provision for children under close scrutiny by governmental departments as well as lobby groups and organisations that have child protection and welfare at their core. In its recommendations, the Ryan Report highlighted the need to ensure the vetting of staff and volunteers; ensure that staff are well trained, matched to the nature of the work to be undertaken and progressively trained so as to be kept up to date; and also ensure that there is ongoing supervision, support and advice for all staff. Given that there is awareness amongst managers of these reports and Inquiries, it is worrying that levels of compliance are so low amongst the managers in this study.

The role of the HSE Registration and Inspection Service was a significant influence on managers in terms of complying with the expected requirements in the vetting process. Managers referred to this both in their interviews and in the survey. While it is somewhat reassuring to know that a regulatory body does have an impact in ensuring compliance with requirements, it is not influential enough to ensure full compliance rates across the sector.

Factors which managers stated prevented compliance with the vetting requirements included delays experienced in implementing the process of vetting, specifically the delays they experience in processing Garda checks through the Central Vetting Unit. Staffing issues in the centre leading to staff shortages which would place pressure on management to replace staff was another issue as well as difficulties in obtaining references for a variety of stated reasons.

Conclusion and Recommendations

The findings from this research point to a number of areas for improvement in practice as well as amendments to current regulation in the area of residential child care. The findings of an inquiry into the murders of two ten year old girls by a school caretaker in Soham in the UK in 2002 (Bichard, 2004) prompted changes in legislation in the UK which led to the establishment of a single independent agency responsible for the vetting of all categories of staff wishing to work with vulnerable people in England. The Independent Safeguarding Authority (ISA) was established in 2008 and it is the cornerstone of the Vetting and Barring Scheme in England which requires all those working with vulnerable groups to undergo an enhanced vetting procedure before commencing duties. Included in this change in legislation is the duty on employers, social services personnel and professional regulators to notify the ISA of relevant information that identifies individuals as posing a threat to vulnerable groups. The ISA works in partnership with the Criminal Records Bureau (CRB) which was established in 2002 and is responsible for the vetting application process and also has a monitoring function. The CRB makes available information on an applicant including convictions, cautions and reprimands.

Changes which have occurred in the Irish context on the basis of recommendations in Inquiry reports have been much slower to be implemented and have also had a less definitive link to findings of Inquiry reports. The Department of Health and Children circular which sets out the requirements for practice in the recruitment and vetting of staff to children's residential centres was not developed in response to findings or recommendations of Inquiry reports; rather it was to fulfil the requirements of the Child Care Act 1991 and is directly related to superannuation of staff.

A report on an examination of the arrangements for vetting staff working with children found that the level of vetting carried out in Ireland falls far below the standard within Northern Ireland and the UK, as well as in many European countries (Peyton, 2002). The report explicitly stated that ensuring that those with convictions for offences against children are not able to access employment in childcare services is an essential safeguard. The Working Group on Garda Vetting Report was of the view that the current administrative vetting process was inadequate and required remedial measures including placing the Garda vetting process on a legislative footing (An Garda Síochána, 2004). This report also identified the need for the inclusion of a two-tiered system distinguishing between 'hard' and 'soft' information in the vetting process. The Ryan report (2009) recommended that management at all levels should be accountable for the quality of services and care being provided. Ryan specifically pointed to the responsibility of managers for vetting of staff and volunteers. In the HSE's response and Implementation Plan to the Ryan Report, the HSE indicated that there are a number of bodies currently preparing legislation to place Garda

vetting on a legislative footing (Department of Health and Children, 2009). This legislation will also provide for the use of 'soft' information as part of the vetting process. The response also highlighted that a culture of offering minimal information by way of references has developed and that managers must be supported to provide accurate references. Despite these various recommendations, legislation has yet to be introduced and implemented on this matter.

On the basis of the findings of this research the author made a number of recommendations for changes in practice in the area of vetting including that one person within an organisation should be assigned the responsibility of completing staff vetting for a residential centre. This would allow for consistency of practice, confidentiality regarding information collected and reduce the likelihood of gaps occurring in the vetting process. This person should preferably be the centre manager who is in the unique position of knowing the characteristics, including the qualifications, skills and experience, required to fill the vacancy. The author recommended that the Garda Central Vetting Unit establish and agree a realistic and prompt timeframe within which Garda checks will be returned to employers. This timeframe should be cognisant of the needs of managers in providing an adequate level of staffing in their centre to appropriately meet the needs of the young people placed there. A suggested timeframe would be four weeks.

Vetting of staff should be placed on a legislative basis as a matter of priority. This legislation should allow for the exchange of 'soft information' amongst professionals working in the area of residential child care in order to further safeguard young people.

Whilst the author acknowledges that vetting is only one aspect of the safeguarding process for young people in residential care, it is imperative that expected requirements for vetting staff is stringently adhered to at all times. Current regulations for child care could be amended in order to strengthen the requirements for vetting and thereby create enforcement opportunities for Inspectors.

References

- An Garda Síochána. (2004). *Working group on Garda Vetting report*. Accessed on 14th November 2008 at www.justice.ie/en/JELR/GardaVetting.pdf/Files/GardaVetting.pdf
- Richard, M. (2004). *The Richard Inquiry report*. London: The Stationery Office
- Corby, B., Doig, A. & Roberts, V. (2001). *Public inquiries into abuse of children in residential care*. London: Jessica Kingsley.

Department of Health (1991). *The Pindown experiences and the protection of children: A report of the Staffordshire Child Care Inquiry*. London: HMSO.

Department of Health (1994). *Recruitment and selection of staff to children's residential centres operated by voluntary bodies*. Dublin: Government Publications Office.

Department of Health (1996). *Report on the inquiry into the operation of Madonna House*. Dublin: Government Publications Office.

Department of Health and Children (2009). *Report of the Commission to inquire into child abuse. Implementation Plan*. Dublin: The Stationery Office.

Glaser, B.G. & Strauss, A.L. (1967). *The discovery of Grounded Theory: Strategies for qualitative research*. Chicago: Aldine Publishing Company.

Government of Ireland (2009). *The Commission to inquire into child abuse (The Ryan Report)*. Dublin: The Stationery Office.

Kirkwood, A. (1993). *The Leicestershire Inquiry 1992*. Leicester: Leicestershire County Council.

Peyton, L. (2002). *Advice to the Minister on implementation of Children First and Vetting*. National Children's Advisory Council. Accessed on 14th November 2008 at www.ncac.ie/online_documents/Child_Protection_and_Vetting_2003.pdf

Warner, N. (1992). *Choosing with care: Report of the Committee of Inquiry into the selection, development and management of staff in children's residential homes*. London: HMSO.