



NOTTINGHAM CITY
Safeguarding
Children BOARD



Nottinghamshire
SAFEGUARDING
CHILDREN Board

Nottingham City and Nottinghamshire Safeguarding Children Boards

SAFER WORKING PRACTICE: Preventing Unsuitable People from Working with Children and Young People: Inter- Agency Practice Guidance

September 2007

1 Introduction.

- 1.1 The purpose of this guidance is to set out a model of good practice for all agencies to assist them in ensuring there are robust systems in place to safeguard children from people who are unsuitable to work with them.
- 1.2 In addition it sets out good practice expectations for responding to allegations/concerns which bring into question the suitability of a worker to work with children.
- 1.3 The term worker is used throughout this guidance, for convenience. In this context 'worker' covers the following:
 - an employee
 - a volunteer
 - a person contracted to provide services
 - a foster carer
 - a prospective adopter, i.e. someone that has had a child placed with them as part of a planned adoption where the adoption order has not yet been granted.

This guidance is written with reference to the Safeguarding Children Boards' Child Protection Procedures.'

- 1.4 It is consistent with the requirements of: "Safeguarding Children and Safer Recruitment in Education". "Safeguarding Children and Safer Recruitment in Education" contains statutory guidance for schools and agencies that operate in a school setting. The guidance is viewed as the benchmark against which all agencies should evaluate their own policies.

It is also consistent with "Guidance for Safe Working Practice for Adults who work with Children and Young People", produced by the National Network of Allegations Management Advisors

2 Agency Responsibilities

- 2.1 Agencies should have guidance for workers in place in relation to:
 - recruitment
 - personal conduct
 - whistle blowing
 - worker support and supervision
 - responding to concerns which indicate a worker may not be suitable to work with children.

2.2 Those agencies directly involved in providing care or education should also have policies and guidance for workers on:

- managing behaviour
- restraint.

2.3 All agencies should have effective arrangements in place to ensure that those working with children are able to work positively and are suitable to work with children. These include:

- awareness of duties under the Protection of Children Act 1999, and other legislation and regulations that disqualify people from working with children
- arrangements for pre-employment checks through the Criminal Records Bureau (*List 99 and/or the Protection of Children Act*)
- effective selection processes designed to *promote the welfare of children at every stage*, to ensure that applicants have the necessary experience, skills and qualities, and to exclude anyone unsuited to work with children
- arrangements for taking up references. Where this is for posts working with children, the reference request should include specific questions about the persons suitability to work with children, whether or not their work performance, conduct or behaviour has led to formal disciplinary action
- arrangements for probationary periods and supervision of practice and performance.

3 Vetting of Applicants Pre-Appointment.

3.1 Failing to vet workers comprehensively may result in persons who are unsuitable to work with children, either because of previous conduct when working with children or a relevant history of criminal activity against children, being appointed into posts where they have access to children and other vulnerable groups.

3.2 Pre-appointment vetting of course only identifies pre-established concerns. It is essential that organisations also have systems in place to safeguard children on an ongoing basis.

CRB Issues

Please see Appendix A

Taking up References

- 3.3 The taking up of references prior to appointment is essential in the sharing of information between employers about previous conduct that may indicate concerns about a person working with children.
- 3.4 References should contain specific questions to check out attitudes and values about working with children and elicit information about an applicant's previous experience with children, relevant to the nature of the post. (See Appendix A). For example:
- details of any concerns raised with the candidate related to work performance, conduct or behaviour, e.g. allegations of a child protection nature proven or unproven. (please state outcome)
 - the individual's ability to relate to and communicate effectively with children and young people
 - the applicant's ability to develop appropriate relationships with parents
 - the strength and weaknesses of the candidate in relation to the job description
 - would you re-employ this person? If not why not?
- 3.5 Reference proformas for groups of workers working with children should specifically ask the referee whether there is any information which indicates concerns about this person's suitability to work safely with children and that this should include previous allegations.
- 3.6 Organisations should ensure that they have systems in place to verify the origin of the reference, should ensure that the reference is completed by the applicant's current line manager and that any gaps in career history are checked out. References should be obtained on headed paper from the current or most recent employer. If a reference proforma is used then the agency providing the reference should be asked to take some measure to indicate that it endorses the contents of the reference, e.g. via the use of an official stamp. Photocopies should not be accepted. It is not acceptable to rely solely on a reference or testimonials provided by the candidate.
- 3.7 In the case of volunteers, where people may not have been in recent or relevant employment, it may be necessary to agree acceptable criteria for referees before recruitment. Things to consider include the capacity in which referees know the applicant, how long they have known them, and to what extent they may be able to comment objectively on the applicant's suitability. Some volunteers (e.g. asylum seekers) may be completely unable to provide references. In such cases, a risk assessment should be

carried out. It may be possible to change the nature of the volunteer role or the level of supervision to reduce risk.

- 3.8 On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered or the reference is vague or unspecific, the referee should be telephoned and asked to provide written answers or amplification as appropriate.
- 3.9 The information given should be compared with the application form to ensure that the information provided about the candidate and his/her previous employment by the referee is consistent with the information provided by the applicant on the form. Any discrepancy in the information should be taken up with the applicant.
- 3.10 It is the organisation's responsibility to ensure that agency/supply workers have been checked prior to them being taken on. Confirmation that the supplying agency has undertaken the requisite checks should always be sought in writing.
- 3.11 There should be a written policy on who within the organisation is authorized to complete references for workers and how this reference will be stored for future use.
- 3.12 There is an example of a local authority reference template at Appendix A.

Medical Checks

- 3.13 All candidates working for a local authority must complete a health questionnaire before any formal offer of employment is made. Based on the questionnaire a medical examination may be necessary. The panel should follow the process agreed within their agency for making this decision.

Proof of Eligibility to live and work in the UK

- 3.14 Newly appointed staff that have lived outside the United Kingdom must undergo the same checks as for all other staff. This includes a CRB Disclosure and List 99 check. In addition, employers must make such further checks as they consider appropriate due to the person having lived outside the United Kingdom. These further checks must be completed prior to an individual starting
- 3.14 CRB Disclosures will not generally show offences committed by individuals whilst living abroad (except in the case of service personnel and their families). Therefore, in addition to an enhanced CRB Disclosure,

- additional checks such as obtaining certificates of good conduct from relevant embassies or police forces are necessary. The level of information contained in these certificates varies from country to country: some are complete extracts from the criminal record; others are partial.
- 3.15 In the case of staff who have lived abroad, if, in the opinion of the employer Disclosure is unlikely to provide sufficient information, based on how long the individual has been in the UK, then other checks, including obtaining certificates of good conduct from relevant embassies or police forces as appropriate, should be completed prior to the individual starting work or volunteering activity.
- 3.16 Further information about the criminal record information which may be obtained from overseas police forces and countries, is available from the CRB at www.crb.gov.uk.
- 3.17 Where an applicant is from or has lived in a country where criminal record checks cannot be made for child protection purposes, or is a refugee with leave to remain in the UK, and has no means of obtaining relevant information, employers must take extra care in taking up references and carrying out other background checks. For example, additional references should be sought, and references followed up by phone as well as letter. Following up references with telephone calls is good practice for all recruits.
- 3.18 The Asylum and Immigration Act 1996 requires organisations to ensure that candidates possess documentary evidence of their eligibility to live and work in the UK. All documents should be photocopied and the copies kept on file.
- 3.19 Although asylum seekers are not permitted to enter 'paid or unpaid employment' the Home Office does make an exception for volunteering where it is undertaken 'on behalf of a charity, voluntary organisation or body that raises funds for either'.

Work Permits

- 3.20 All successful candidates who are not EU or EEA nationals and do not have leave to remain and work in the EU must have a work permit. Employers are responsible for making the necessary application to the Home Office. Guidance on making the application and the criteria for obtaining a work permit can be found on the Home Office website. You must ensure that the candidate has a work permit, as it is unlawful to employ someone without a valid work permit.

- 3.21 An information sheet on volunteers from overseas; 'Accepting volunteers from outside the UK' is available on the Volunteering England's website

www.volunteering.org.uk/managingvolunteers/goodpracticebank

- 3.22 Work permits are not transferable between employers. Candidates who hold a work permit for another employer will require a new work permit for your organisation.

3.23 **Checking the status of migrant workers**

The Borders and Immigration Agency and has offers a helpline. The Helpline can provide general advice and guidance about employing migrant workers and the types of documents that you should ask for. The Helpline also offers an Employer Checking service which allows you to check if the migrant worker has an outstanding application or appeal with the Border and Immigration Agency (BIA) and as a result cannot provide you with the documents you require.

Employer Helpline 0845 010 6677

Young People's Contribution

- 3.24 Young people can give a valuable perspective in recruitment processes. Organisations should consider whether it would be relevant and appropriate to involve young people in the recruitment process for key posts, e.g. by involving a young person's panel at interview, and should ensure that young people are adequately prepared and supported.

4. Induction

- 4.1 In order to help workers settle into their new environment and start to perform effectively induction and probation arrangements are important.

Induction training needs to cover the following:

- information about the immediate environment, introducing new colleagues
- information about the organisation, its purpose, aims, structure, policies, procedures, priorities
- their role and responsibilities in the workplace
- their terms and conditions of employment/ involvement

- introduction to child protection policies and procedures including roles and responsibilities
- information about the ongoing training available on child protection. The Safeguarding Children Board offers a wide range of free child protection courses and seminars for people working with children and young people
- familiarisation with local policies, procedures and resources.

Probationary or Trial Period

- 4.2 All agencies should have clear guidelines about probationary periods. It is suggested that permanent workers complete a 6-month probationary period. It is recommended that volunteers should also complete this probationary period for roles which are ongoing or long-term. It is important to use this time productively to monitor and review whether the person is suitable for the post and suitable to work with children. Attention should be given to the new worker's approach to working with children, their behaviour and attitudes and commitment to them. Training is important to develop skills and knowledge and should cover child protection.

Supervision

- 4.3 Supervision with workers should take place regularly and written records kept of all sessions. Procedures need to be in place which ensure regular feedback, offer support, draw attention to areas of concern and let managers / supervisors know of any difficulties. Supervision is used as means of protecting children, discussing worries and keeping records of action points and concerns.
- 4.4 Workers on short-term / limited hours contracts also need to be properly supervised and monitored. Any concerns need to be recorded. Failure to meet required standards or procedures applies to all workers.
- 4.5 In 2005 the Government issued national Children's Workforce Standards, which outline the basic skills, and knowledge needed by people (including volunteers) whose work brings them into regular contact with children, young people and families. These are set out in the Common Core Prospectus under six main headings and can be downloaded at:

www.everychildmatters.gov.uk

- 4.6 Any concerns about the safety of workers should to be referred to managers / supervisors. Workers / volunteers should be encouraged to

raise concerns about colleagues in confidence. Managers / supervisors should attend training on risk assessment and how to handle concerns.

Failure to meet required standards

- 4.7 Organisations should have a process in place to monitor, review and, if required, take action where standards are not met or not maintained.

5 Allegations Against Workers

5.1 Chapter 7 of the Inter-agency Child Protection Procedures contains a detailed account of the responsibilities agencies have in relation to this area of practice. This procedure is based on the guidance within Working Together 2006 and applies to a wider range of allegations than those in which there is reasonable cause to believe a child is suffering or likely to suffer, significant harm. It also caters for cases where the allegation or concern might indicate the person is unsuitable to continue to work with children in their present position, or in any capacity.

5.2 The concern/allegation will usually relate to the person's work or their role as a volunteer. However, in some circumstances it may relate to their behaviour outside this setting, e.g. an allegation that an individual has harmed, or failed to protect, their own child; an individual whose children are placed on the child protection register; an allegation that an individual has been involved in some form of criminal activity, such as downloading abusive images of children.

5.3 Relevant concerns are those that indicate an individual may have:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved in a way that indicates s/he may not be suitable to work with children

For actions to take in the event of allegations/concerns please see the procedure set out in Chapter 7 of the inter-agency child protection procedures. The procedures can be accessed at:

www.nottinghamshire.gov.uk/home/social_care/childrenandfamilies/childprotection/nscb.htm

or

www.nottinghamcityscb.org.uk

Work Experience

- 5.4 Guidance about this is given in annex A of Safeguarding Children and Safer Recruitment in Education. This guidance covers not only the responsibilities of schools but also those agencies that provide work experience placements

Contact with children and young people outside of the agency setting

- 5.5 Workers should not establish or seek to establish social contact with children and young people for the purposes of securing a friendship or to pursue or strengthen a relationship. This would include a wide range of behaviour such as:
- the giving of gifts or presents to individual children
 - developing a friendship with the child's family or carers, where such a relationship was not already in existence
 - Sending personal letters or cards to an individual child.
- 5.6 Particular care should be given to the principles set out governing communication between workers and children and young people using information and communication technology, e.g. mobile phones, email. Workers personal contact details should not be given to children and young people unless this is necessary to fulfill the responsibilities of the workers position, and only then with the agreement of managers.

For further details please see:

“Guidance for Safe Working Practice for Adults who work with Children and Young People”.

6. Whistleblowing

- 6.1 The Public Interest Disclosure Act 1998 provides legal protection, in certain circumstances, to workers making disclosures in good faith about malpractice.
- 6.2 The Act makes it unlawful for an organisation to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.
- 6.3 Policies should be in place in all organizations that include:

- principles, including agency support and protection for workers wishing to report concerns
- clear principles and procedures for reporting of concerns
- simple procedures for addressing concerns
- personal responsibility for safeguarding children
- named senior officer to receive concerns about abuse or poor practice
- external or independent element
- outcome and improvement to practices/procedures.

7. Commissioning Services from another agency/organization

- 7.1 Organisations must ensure that any other agency or individual from which they commission a service has in place and effectively implements safer working practice guidelines. Written confirmation of this must be provided. If the agreement is the subject of a contract this should be reflected in the contract.
- 7.2 The same principle applies where an organization allows another organization to provide services from, or within, their premises.

CRB ISSUES

1. The Criminal Records Bureau (CRB) was established under Part V of the Police Act 1997 and the Disclosure service was introduced in on 1st March 2002. On behalf of an employer the CRB acts as a central access point for records held on the Police National Computer, Local Police Force records, and records held by the Department of Health and Department for Education and Skills. A Disclosure check will determine there is information held by those agencies contacted which would be relevant when considering applicants for posts that work with children or who have regular contact with vulnerable adults.
2. The aims of the CRB are to:
 - a) increase access to information to help organisations provide protection to children and vulnerable adults against those who may wish to harm them
 - b) allow more informed recruitment decisions to protect our customers, workers, volunteers and our organisations.
3. Voluntary organisations can seek checks on proposed volunteers through local voluntary organisations who are acting as Umbrella organisations or through the service set up in partnership with the Children's Fund at NCVS. In addition individuals can apply direct to the CRB for disclosures (but individuals still have to apply via an umbrella agency aimed at freelance workers or similar). The CRB website provides a search facility to allow organisations to select an umbrella organisation. This can be accessed via the quick links option at the top of the CRB home page at:

www.crb.gov.uk/
4. The CRB will issue a Disclosure "free of charge" if the person for whom a Disclosure is required satisfies the following criteria:

"a volunteer is person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives".

Please note although the CRB check itself may be free many umbrella organisations charge an administration fee for processing the application
5. The CRB offers two levels of disclosure; Standard and Enhanced disclosures for a fee.

Appendix A

6. Enhanced checks are available to anyone involved in regularly caring for, training, supervising or being in sole charge of children or vulnerable adults. It is also available for certain licensing purposes and judicial appointments.
7. For those agencies not covered by statutory guidance re the level of check required it is strongly recommended that the enhanced criminal record check is used for the purposes of considering the applicant's suitability for a position (paid or unpaid) involving direct and regular contact work with children and young people under 18. For 16-17 year olds? (open to discussion...)This applies to a position where the individual will be providing a service to children and young people, rather than a situation where the individual will be line managing the young person in paid or voluntary work.
8. Young people involved in paid or voluntary work providing services to other children and young people should undergo a check.
9. Determination of groups subject to checks is a matter for the employer who must operate within the requirements of any specific guidance covering their area of work. More information re those groups for who checks can be made is available on the CRB website.
10. Agencies should think broadly about groups of workers needing to be checked and should include workers/volunteers who work with children or vulnerable adults and who could develop relationships with parents and children that could be intimate, unsupervised, characterized by significant trust and dependency and/or that can be conducted in the family home. The vast majority of workers in these groups would never seek to abuse this trust; however, there is clearly the potential to do so.

Starting workers prior to return of CRB Disclosure

11. On *exceptional* occasions due organisational requirements agencies may consider starting workers prior to the disclosure being returned from the CRB. In all cases risk assessments for the individual will be required. Responsibility for drawing up a risk assessment is with the individual's line manager. In the case of volunteers this would be the lead person/ line manager responsible in the area that an individual was based. Risk

assessments should be reviewed as new information becomes available or at agreed frequencies if no additional information is received. The risk assessment, and review process, will be required until CRB disclosures are received. The following guidance should be followed when drawing up risk assessments.

12. Workers in general can be broken down into the following categories:
 - i) **HIGH RISK** – Newly appointed workers from outside the organisation without any previous checks. Internal workers who currently do not work in a similar capacity (e.g., workers not currently working with service users or in a position of trust.) Workers with less than 12 months in another similar position in an equivalent agency should be classed as HIGH RISK. Workers with less than 12 months without previous police checks will be classed as HIGH RISK
 - ii) **MEDIUM RISK** – External workers with at least 12 months service, with verified previous police checks and working in a similar capacity
 - iii) **LOW RISK** – Internal workers with at least 12 months service, who currently work in a similar capacity and/or have previous police checks.

HIGH RISK

- If the post involves unsupervised contact with service users, agencies should **not** allow workers to commence in post.
 - If the post can be supervised and/or generally involves supervised contact, managers **must** ensure that the employee has 2 satisfactory references, one of which **must** include their current employer, who has commented on their ability to undertake the job. Managers must also ensure that any gaps in employment history or reasons for leaving previous posts are adequately explained. If a manager has any doubts, or information is missing, the employee must wait for a CRB check.
- 13 All requests to commence HIGH RISK workers in post should be approved by a senior management at Directorate level or equivalent (to be specified by each agency) and all decisions must be documented.

MEDIUM RISK

14. Where possible, for unsupervised posts, safeguards or supervision should still be put in place. However as a minimum the normal reference and application checks outlined in HIGH RISK (See above) should take place. If the worker was previously employed by a local authority, the manager must also make contact with the employing authority and receive confirmation of a previous clear police check. Where a manager has any

doubts, or information is missing, the employee should not commence in post without a CRB check.

15. All requests to commence MEDIUM RISK workers in post should be approved at a Service Manager level (to be specified by each agency) and all decisions documented.

LOW RISK

16. Once again, all the appropriate reference and application checks should be made. Also, if applicable, the relevant personnel section should be contacted to verify a previous police check. It is acknowledged that certain posts historically did not police check workers, therefore where the workers member does not have a check, the individual should be professionally known to the manager concerned. Where a manager has any doubts, or information is missing, the employee should not commence in post without a CRB check.
17. All requests to commence LOW RISK workers in post must be approved by the appropriate Manager (to be specified in each agency) and all decisions documented.
18. There is an obligation on employees (but not volunteers) to notify their employer of any arrests or convictions for relevant offences whilst in their employment, and this should be included in contracts of employment, and volunteer agreements where possible. This requirement should be reinforced during induction.
19. In the course of their investigations into relevant offences, Nottinghamshire Police will ask alleged perpetrators their current employment status and about any voluntary work. If it is established that a person works with children, Nottinghamshire Police will notify the employer and Local Authority Designated Officer. However, this process does not necessarily apply to offences that are committed outside Nottinghamshire and investigated by other Police forces.
20. It is extremely important that a record should be kept of all Pre-employment checks. This should identify who confirmed an individual's identity and qualifications and on what date. It should also identify when CRB disclosure forms were returned and who viewed these. The CRB unique reference number should also be recorded.

Re-checking

21. For some Workers, e.g. Children's Social Care Social Workers dealing with adoption, there is a requirement that a CRB check is undertaken

Appendix A

every 3 years. For all other workers this process is discretionary unless concerns arise about a workers suitability at which point a CRB check should be undertaken.

22. The same principle would apply to staff employed prior to the commencement of the CRB in March 2002. There is no requirement that workers in this position complete a CRB check unless concerns arise about their suitability.

References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee. Those making appointments should not rely on references or testimonials provided by candidates as there have been instances of candidates forging such references.

At the end of this appendix is an example of a reference questionnaire. This may not be suitable for all agencies but the following is a list of the information that is essential for any effective reference

- How long, and in what capacity, the referee has known the candidate
- Whether the referee is satisfied that the candidate has the ability to undertake the job in question
- Whether the referee is satisfied that the candidate is suitable to undertake the job in question
- Whether the referee is satisfied that the candidate is suitable to work with children, and if not what specific concerns the referee has
- Specific, verifiable comments about the candidates work performance and conduct
- Details of any disciplinary procedures the applicant has been subject to
- Details of any allegations or concerns about the candidate that relate to the safety or welfare of children
- Information about the candidate's current position, including salary and sickness record.

In addition to this information reference requests should remind the referee that

- They have a responsibility to ensure that the reference is accurate and does not contain any material inaccuracy or omission
- Relevant information will be discussed with the candidate

REFERENCE QUESTIONNAIRE

Please complete as fully as possible.

Name and Candidate:
Post applied for:
Post Ref No:
Base:

SECTION 1

1. How long have you been acquainted with the candidate?

(a) Personally
Since: To:

(b) Professionally
Since: To:

2. Which posts did the candidate hold whilst under your line management (*if applicable*)?

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3. Date(s) employed in each post:-

From: To:
From: To:
From: To:
From: To:

4. **For current employers only**

Has the candidate had a CRB check during the course of their employment with you **YES/NO**

If the answer to question 4 was yes please indicate

Was the level of check enhanced or standard

Date of Check

Disclosure number

SECTION 2

1. Please give details of any concerns raised with the candidate related to work performance, conduct or behaviour.

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2. Has the candidate ever received a formal warning or some other formal disciplinary outcome in relation to work performance, conduct or behaviour (including 'spent' action)? If so, please specify the nature and outcome of the case(s)?

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3. Does your organisation have a policy of expunging disciplinary records from personal files?

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4. Have you every referred the candidate to:-

(a) The Protection of Children Act List (POCA List)?
(Formally the Department of Health Consultancy List)

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(b) The Department for Education and Skills "List 99"?

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SECTION 3

1. Please comment on the candidate's suitability to form and sustain positive relationship with colleagues.

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Appendix B

2. Please comment on the candidate's knowledge of childcare law, procedures and planning.

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3. Please comment on the individual's competence and aptitude for professional childcare and their ability to work with children, parents and carers.

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4. Please comment on the applicant's ability to relate to and communicate with children.

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5. Please comment on the applicant's ability to adhere to an adult/child relationship in respect of children.

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6. Please comment on the candidate's ability to work under pressure in what can be a stressful and challenging environment.

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7. Please comment on the candidate’s oral and written communication skills.

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8. Please comment on the individual strengths and weaknesses of the candidate in relation to the job description and person specification provided (*where not already covered by the above*).

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9. If known, would you kindly state the reason why the candidate left, or is leaving, your organisation?

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10. Would you re-employ the candidate? If not, why not?

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SECTION 4

1. Please provide any other information / comments which you think are relevant (*if not mentioned elsewhere this should include, convictions for criminal offences and any arrests, cautions or charges in relation to any offence against a child or children or vulnerable adults*).

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Signed:

Position:

Organisation:

Date:

Other Sources of information

Voluntary sector organizations

Risk Toolkit: How to take care of risk in volunteering A guide for organisations

www.volunteering.org.uk/NR/rdonlyres/2B108CBD-0BBD-4DB3-A4D2-D987B885D1F3/0/Risk_toolkit.pdf

On the safe side Risk, risk management and volunteering

www.volunteering.org.uk/NR/rdonlyres/D5794A79-4075-4B08-A434-152C10BEEC1C/0/On_the_safe_side.pdf