

# Safe recruitment: what steps need to be taken?

## South Sudan Hub webinar

### Question & Answer

17 November 2021

**1. In the face of challenges of obtaining criminal records and since many incidents are not reported, in what ways do you obtain information about the applicant's safeguarding record and attitude towards safeguarding.**

There are a number of ways an employer can find out whether a candidate is suitable for a particular job without obtaining a criminal background check. This includes, through reference checks with previous employers, informal background checks and interviews with the candidate themselves. Do, however, consider whether a criminal background check is something that the candidate can provide themselves, if the organization is unable to obtain it.

All new hires should be subject to robust reference checks, and the best practice is to develop one common reference check form, covering all areas (performance, sexual exploitation, abuse and sexual harassment (SEAH) cases and other misconduct) to be used for all hires. If you have a reason to question the referees listed by the job applicant, for example if they have excluded a recent or long term job, you can request these contact details.

You can also conduct informal checks using social media. Professional platforms, such as LinkedIn or similar, may provide more information. However, these checks should be informal and by no means should replace any part of the formal referencing process but may serve as a source of additional information.

You should include questions related to safeguarding in your interview with the candidate to check that they share the values of your organization and test their understanding of safeguarding.



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Finally, you can consider signing up to the Misconduct Disclosure Scheme, which is a global tool enabling organisations to request information related to sexual misconduct that may not have been formally investigated by police.

**2. There are situations where SEAH occurs and is reported but the host organisation transfers the perpetrator to another location or country instead of taking action against him/her? How can such issues be solved?**

SEAH condoned at the organisational level requires an external intervention. That intervention may be local mechanism for coordinating and regulating NGOs work such as the NGO Forum, Public NGO regular or if they failed the case can be reported to the police as a measure of last resort.

This is an example of harmful practice, which unfortunately happens all too often – we all have a role to play in ensuring that all allegations are investigated and documented and that staff who commit SEAH are not transferred to another post.

**3. Please share examples of specific safeguarding questions to be included in reference checks, and what specific shortlisting criteria can be used.**

Please look at this note for some suggested interview and reference questions that you can include as part of the recruitment process:

[https://safeguardingsupporthub.org/sites/default/files/2021-08/RSH\\_Safeguarding%20interview%20and%20reference%20check%20questions.pdf](https://safeguardingsupporthub.org/sites/default/files/2021-08/RSH_Safeguarding%20interview%20and%20reference%20check%20questions.pdf).

For a note on general safe recruitment practices for civil society organisations in development and humanitarian settings:

<https://safeguardingsupporthub.org/documents/tip-sheet-safe-recruitment>.

**4. Is the data of sexual misconducts segregated by sex of the abusers?**

By using the Misconduct Disclosure Scheme, the Implementing Organisations conducted more than 10,000 checks resulting in 75 applications being rejected at the final stage of recruitment (more information:

<https://www.schr.info/implementation-data>



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SCHR holds only top-line data, which is not disaggregated based on the sex of abusers. All new hires should be subject to robust reference checks, as mentioned above in question 1.

**5. Since some of the criminal cases are not captured in the system (Bridger insight) and sometimes the reference checks miss out this safeguarding information, what steps should be taken?**

In addition to the suggestions in question 1, you can also ask new recruits to sign a declaration form as part of their employment contract confirming that they understand and agree to abide with the organisations code of conduct and safeguarding (and other relevant) policies. The declaration should include that they are free of criminal convictions.

Offering employment contracts with probation periods can also provide a window for close supervision and grounds for terminating the contract if unacceptable behaviours are detected,

The Misconduct Disclosure Scheme also helps addressing this issue – it adds an additional layer of security and helps request information related to past cases of sexual misconduct which haven't been criminalised/investigated by the police.

**6. How can organisations sign up for the Misconduct Disclosure Scheme? What are the procedures to follow?**

To sign up to the scheme and become an Implementing Organisation, organisations must contact MDS Coordinator ([mds@challiance.org](mailto:mds@challiance.org)) from the official email account of the head of the organisation (usually the CEO, President or Secretary-General) confirming that they formally endorse the **Scheme** and commit their organisation to implementing it. Further information: <https://www.schr.info/how-to-sign-up>

**7. What does 'legal issues' mean in your slide on weighing the costs and benefits of being part of the scheme?**

While considering the implementation of the Misconduct Disclosure Scheme, very often the data protection/employment law is being incorrectly perceived as a barrier to implementation. While in some countries (e.g. Germany) this is indeed

an issue, in majority of locations the Scheme can be implemented in line with all applicable regulations. More information can be found here: <https://www.schr.info/legal-frameworks>

#### **8. What's your view about doing checks on digital platforms e.g social media?**

While these can't be used as formal check, it can be a good source of information about your new hire. Especially professional platforms, such as LinkedIn or similar, may provide more information. These checks should be informal and by no means should replace any part of the formal referencing process but may serve as a source of additional information.

#### **9. Would you be able to share the self declaration form?**

A self-declaration form should cover any criminal offences, sexual misconduct (ideally outlining the definitions of sexual exploitation, abuse and harassment the organization is using), fraud and any other forms of misconduct.

#### **10. If not confidential, could it be possible to know from the results of 2020 statistics, the types of organizations (local, national, international) that submitted answers to the survey/enquiry and were there any of the rejected candidates who engaged in a suing those organisations?**

More information about annual reporting can be found on our website here: <https://www.schr.info/implementation-data>

In 2020, the Scheme has been implemented mostly by NGOs, the list of our members is also available on the website here: <https://www.schr.info/the-misconduct-disclosure-scheme>

There were no lawsuits/complaints related to the Scheme – in my opinion, if a former staff member would be unhappy with the outcome of the investigation, they would sue the employer at the time investigation was concluded rather than wait until this was disclosed in referencing. However, the Misconduct Scheme has been designed to take this into account and to avoid this risk it is important to ensure that the process is properly documented and shared with the relevant persons involved in the process.



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