

Vetting Sports Coaches in Schools Northern Ireland only

Purpose of briefing paper

This briefing paper has been developed in response to a number of enquiries to the CPSU(NI) seeking clarification on who has responsibility for undertaking an AccessNI check for those sports coaches operating in schools and how often they require new disclosure certificates.

Background

Employers must not knowingly offer work in any capacity in any educational setting to a person who is barred from working with children. An AccessNI check is the only way to check if an individual is barred.

Many schools see the benefits of having skilled sports coaches working directly with young people in school but are concerned about their responsibility for ensuring the person has been vetted via AccessNI.

Current Problem

Currently the pre-employment vetting system does not automatically update records. Consequently schools cannot verify online the up to date position of potential employees or adults other than teachers (AOTs) who operate in a school on a paid or voluntary basis. Schools therefore believe they can only satisfy themselves of a sports coach's suitability by asking to see their latest AccessNI check or for coaches to undergo a new check. This check currently costs £30 each time a new one is required even if the person is volunteering their time within a school. The payment for the vetting check is a matter for discussion between the coach, the school and any possible deploying body.

All organisations are reluctant to specify a set lifespan of an AccessNI disclosure certificate, in case to do so, allowed an inappropriate person to "escape" detection because the person had been convicted of an offence during a three or five year lifespan of a check. Authorities would inevitably be criticised if such an arbitrary or rigid lifespan led to such a scenario.

Arrangements made directly between coach and school not under a contract

The school principal who as the person approving the regulated activity of the coach needs to consider what is acceptable and if they are going to accept a check undertaken previously by either another body or their own Education and Library Board (ELB). It may appear unreasonable to expect coaches who have been checked to provide new checks for every school they work in, which could be several schools or clubs simultaneously, but the school must reassure itself by taking all reasonable actions to ensure they are not knowingly appointing a barred person.

Even if a sports coach was checked annually by their governing body, schools can ask for a more up to date check, adopting a "belt and braces" approach to reassure school staff and parents. Ultimately the only way for principals to satisfy themselves that someone is not barred is to require new checks on individuals not being supplied as part of a contract.



Contracted-out services

Advice from DE circular 2006/06 states that it is not necessary to check an individual every time s/he works in an educational setting where a fixed term contract has been made which will involve the person working consecutively in a number of settings. However, such checks should be made at a minimum of one-yearly intervals, and employing authorities should keep note of the most recent check result.

Consequently, a balance needs to be found between providing reassurance for schools, and deciding what is a reasonable lifespan for a vetting check that will capture any recent relevant information.

Where schools or ELBs contract out services to the private sector, staff employed/deployed by private contractors to provide sports coaching should be subject to pre-employment checking where those staff will be engaging in regulated activity in educational settings or directly with children and young people.

In such circumstances, the school/ELB should make it clear at tender stage to private contractors, sports governing bodies (SGBs) or local council sports development officers (SDOs) that pre-employment checks must be carried out after a contract is awarded but before any coaching is undertaken. At the same time, the school/ELB should advise the contractors that an individual may be refused entry to an educational setting, where the check indicates that he/she is included in a barred list or has been convicted of a relevant offence and the school/ELB considers that individual to be unsuitable for the intended duties.

In order to facilitate such checks, the contractor should register with AccessNI and submit vetting requests through them. Where the contractor confirms that this has been done, the school/ELB should ask the contractor to provide, in writing, and as part of the contract, the names of each individual working on the contract, confirmation that a vetting check (with no relevant information) has been obtained in respect of each individual and the date the check was completed before that individual starts work. However it is still at the discretion of the school/ELB if they accept this check or require a new one.

Department of Education Guidance issued in 2006

The original DE guidance on vetting was contained in Circular 2006/06 and applies to posts not only in any school, but also in any outdoor centres run by an ELB as part of their education services to children in their area, including pupil referral units, music centres, or other residential centres, reading centres and Alternative Education Provision¹.

DE is aware that children, especially young children, commonly perceive all adults in schools or youth settings as safe and trustworthy. Therefore they advise schools to follow the steps listed below in all regulated activities:

- Recruitment advertising and all applicants' information, including the job description and person specification, should contain a prominent child protection statement.
- Where the job requires qualifications, proof of qualifications should be obtained, either by sight of originals or by confirmation with the accrediting authority if originals have been lost, before confirmation of appointment.
- At least one person on the interview panel should have been trained in child protection for recruitment purposes (employers should aim to have everyone who may sit on an interview panel for a post in an educational setting trained as soon as possible).

¹ DE Circular 2006/06 - www.deni.gov.uk/circular_2006_06.pdf



- Both the candidate's suitability to work with children and their suitability for the advertised post need to be explored at interview.
- Schools may wish to reserve the right to follow up written references with a personal call which may be more revealing.
- All coaches should have an induction which provides them with appropriate awareness of the schools child protection policy and procedures and identifies who the designated officer is in the school.

The following actions can be delegated to the responsibility of the SDO/SGB but there must be a formal contract confirming this responsibility between the school and the external employer or organisation deploying the individual:

- Applicants should be asked to supply the names of at least two referees, including a referee from their last post where they were working with children or young people.
- Any points of concern, such as gaps in employment history, need to be pursued and satisfactorily explained.
- Independent written references in respect of the preferred applicant must always be taken up. Rather than accept references or testimonials supplied by the applicant, the employer should supply referees with a form to complete which includes specific questions about the applicant's past performance and seeks any information which might indicate their unsuitability to work with children.
- An AccessNI application form should be completed by the sports coach, requiring him or her to list any previous convictions (spent or unspent) and pending prosecutions, and to give permission for a pre-employment check to be made.
- A pre-employment check through AccessNI should be conducted only on the preferred candidate and before the appointment/deployment is made.
- Applicants should be asked to bring photographic proof of identity, i.e. a passport, driving license or electoral identity card.
- The appointment/deployment should only be confirmed after all pre-employment checks have been completed satisfactorily.

Conclusions

Following reviews of the Vetting and Barring Scheme and the NI Criminal Records Regime, it is planned to introduce a revised system to enable disclosures to be more portable and updated online checking in Northern Ireland. Such a system should remove the requirement for multiple checks. Access to portability will not be introduced until 2013 at the earliest and advice in Northern Ireland is that it will require the individual to pay an annual fee to be part of the scheme even if they are a volunteer.

Until then, schools must decide what reasonable steps they should take to ensure that appropriate checks are carried out on individuals, including coaches, who will have access to children. The school may decide that it can discharge this responsibility to a third party (SGB/SDO), but it must ensure this is formally agreed through a written contract to ensure clear lines of responsibility and accountability.

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