

# Revised Guidance on Safeguarding Children and Safer Recruitment in Education

## Consultation Response Form

The closing date for this consultation is: 15 June  
2010

Your comments must reach us by that date.



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**Please tick if you want us to keep your response confidential.**

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If your enquiry is related to the policy content of the consultation you can contact Terry Hegarty on:

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Please select the box that best describes you as a respondent

<input type="checkbox"/> Local Authority	<input type="checkbox"/> School	<input type="checkbox"/> Trade Union or Professional Association
<input type="checkbox"/> FE College	<input checked="" type="checkbox"/> Children's Charity	<input type="checkbox"/> Voluntary Group
<input type="checkbox"/> Member of the Public	<input type="checkbox"/> Local Safeguarding Children Board	<input type="checkbox"/> Local Authority Designated Officer
<input type="checkbox"/> Health Services	<input type="checkbox"/> Police	<input type="checkbox"/> Other

Please Specify:

**The NSPCC:**

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC aims to end cruelty to children in the UK over future generations. In pursuit of our vision we will:

- Create and deliver services for children which are innovative, distinctive and demonstrate how to enhance child protection most effectively
- Provide advice and support to ensure that every child is listened to and protected
- Provide advice and support to adults and professionals concerned about a child and if necessary take action to protect the child
- Work with organisations which work with children to ensure they effectively protect children and challenge those who do not
- Campaign for changes to legislation, policy and practice to ensure they best protect children
- Persuade everyone to take personal responsibility for preventing cruelty to children
- Inform and educate the public to change attitudes and behaviours towards children
- Use our statutory powers as necessary to protect children.

The NSPCC works across a range of education settings and has expertise in child protection and safeguarding children at school. Our response draws on the experience of NSPCC education specialists working in England and the NSPCC Safeguarding Consultant within our human resources department. It is confined to issues of which we have working knowledge. NSPCC education specialists provide training and advice to teachers on a wide range of child protection-related areas. Their aim is to help school staff identify signs of possible abuse and give children the skills they need to protect themselves. They do this in a number of ways which include providing independent counselling, advice and support for children and young people and giving them the confidence to seek help. They also provide school staff with the opportunity to talk to a trusted professional in confidence if required. This work supports schools to fulfil their statutory duty to safeguard and promote the welfare of children, in accordance with s175 of the Education Act 2002.

Please note that where we have indicated that we do not agree with something, or are not sure about it, our detailed comments explaining the reasons for this are provided in the general comments box at the end of our submission, unless the formatting of the form has allowed us to give these earlier.

We are aware that the Government has announced a review into the scope of the vetting and barring scheme. Please note that the comments which follow were drafted prior to the announcement of the review. We will be contributing to the review of the vetting and barring scheme in due course.

We recognise that the guidance will need to be amended to reflect the recent decision to cease the operation of the General Teaching Council for England (GTCE). It is imperative that robust mechanisms remain in place to investigate cases of professional misconduct. Clarification is needed about who will investigate cases of professional misconduct and where records of GTCE disciplinary orders and decisions (including reprimands, conditional registration orders, suspensions and prohibition orders) will be stored and how these will be made available to prospective employees after the GTCE ceases to operate.

## Definitions

1 a) Do you find the Definitions section helpful?

Yes

No

Not Sure

1 b) Are there any other definitions that you believe should be included here?

Yes

No

Not Sure

Comments:

It would be helpful for this section to contain a simple description of 'regulated' and 'controlled' activity for ease of reference. This could be inserted before the term 'regular' is defined on page 10.

As outlined in more detail in our response to question 9d, there needs to be more clarity on the definition of the 'Local Authority Designated Officer' (LADO) including more detail on their key responsibilities. We recommend that the definitions section clearly sets out the role of LADO as distinct from that of the 'Local Authority Lead Officer' to avoid any confusion between the two.

It would be useful for this section to include a description of the Independent Safeguarding Authority (ISA) as the guidance is being updated to reflect changes arising from the introduction of the ISA. The definition could be a simplified version of the description given on page 48 of the guidance.

Definitions of the different types of school should be outlined in this section, including 'maintained', 'non-maintained', 'foundation', 'voluntary-aided' and 'voluntary-controlled' schools. This section should also include a description of a 'community school' as this term is used on page 12 of the guidance without being fully defined. This section will also need to contain the term used to describe the new 'free schools' (independently run schools within the state sector) proposed by the coalition government.

It would also be helpful for the definition of 'malicious' and 'unfounded' allegations to be inserted into the introduction to the section of the guidance that covers allegations made against teachers (page 77 of the guidance). The term 'unsubstantiated' should also be defined in order to reflect the draft practice guidance 'Handling Allegations of Abuse made against Adults who Work with Children and Young people' (DCSF, 2009).

**The next two questions relate to Chapter 1**

2 a) Do you find Chapter 1 helpful?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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2 b) Does it explain the legal issues clearly?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure
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**The next two questions relate to Chapter 2, Safeguarding Children in Education**

3 a) Do you find Chapter 2 helpful?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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3 b) Does it sufficiently explain the roles of the various agencies with a role in delivering safeguarding in the education sector?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Sure
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4 Do you find Chapter 3 helpful?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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**The next eight questions relate to Chapter 4**

5 a) Do you find Chapter 4 helpful?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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5 b) Do you find the explanations of regulated and controlled activity helpful?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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5 c) Do you find the explanations of the role of the Independent Safeguarding Authority and the Vetting and Barring Scheme helpful?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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5 d) Is there a need for further CRB checks once a person has registered with the ISA and is subject to continuous monitoring?

Yes

No

Not Sure

Comments:

It is essential that individuals continue to be subject to CRB checking on a regular basis, even where they are monitored by the ISA. CRB checks provide detailed information on each individual about a range of convictions, cautions, reprimands and warnings, and this information enables organisations to make more holistic risk-assessed decisions about recruitment and staff retention in relation to specific roles. In contrast, schools will only receive information from the ISA if an individual deregisters or if they are found to have committed an offence which is serious enough to trigger an assessment by the ISA about whether the individual should be barred, so this does not lend itself to a detailed risk assessment of suitability. Further to this, the ISA check will only confirm whether an individual is registered: it will not give details of any previous criminal convictions that may be relevant to the position applied for if those convictions did not lead to that individual being barred.

For staff member who may have had a recent CRB check or are moving between schools, *Safeguarding children and safer recruitment in education* should provide further guidance on acceptance of CRB checks from other agencies. This should specify: within what period a CRB check is still acceptable and how it should be verified. It should also state whether a 'basic check,' such as those currently offered in Scotland would be appropriate in these circumstances to enable employers to examine unspent convictions as part of the recruitment process.

There is the need for more clarity at paragraph 4.17 which states that, "ISA will notify employers of new offences which do not lead to barring." The guidance should outline exactly what information will be transferred by ISA, including whether this will include cautions, reprimands and non-child related convictions.

We are aware that this specific question is currently also being consulted on by the Department. Please also refer to the NSPCC's response to the 'Consultation on statutory requirements and advice, for CRB disclosures for safeguarding purposes, on workers already registered with the Independent Safeguarding Authority' which closes for submissions on Friday 9<sup>th</sup> July.

5 e) Do you find the example Single Central Record useful?

Yes

No

Not Sure

5 f) Do you think it is still good recruitment practice to ask candidates to declare their criminal record even if they are no longer required to undertake CRB checks once they are registered with the ISA?

Yes

No (please explain)

Not Sure

Comments:

We consider that employees should still be required to declare their criminal record during the application process as part of good recruitment practice. This is a vital part of building trust between the employer and the prospective employee and for this reason the information that candidates volunteer themselves is as important in terms of vetting as factual formal checks carried out to verify suitability. The information can also be used to determine whether a CRB check might be necessary as part of identifying risk.

5 g) Should the Government remove the requirement for new appointees working in schools and FE colleges (where they are regularly caring for, training, supervising or being solely in charge of persons aged under 18) to undergo an enhanced-CRB check because the individual is already ISA registered?

Yes

No (please explain)

Not Sure

Comments:

New appointees should also have to undergo an enhanced-CRB check in addition to being registered with the ISA. When employers run a check of the ISA register, this will only alert them to whether the individual has been barred from working with children. It will not provide them with enough information to make a full assessment of a prospective employee's suitability. This is because an enhanced CRB check provides much more detailed information on which to base employment decisions. For example, an enhanced CRB check would include other information which may be relevant to the protection of children but which the ISA would not consider, including a full range of convictions, cautions, reprimands and warnings. For example, this could include records of drink/dangerous driving offences for individuals whose role involves transporting children. The threshold for ISA barring decisions will therefore be much higher than the threshold an employer is likely to use to decide appropriateness to work with children in a specific role in a specific organisation.

5 h) Should the Government remove the recommendation in guidance for new volunteers working in schools to undergo an enhanced-CRB check because the individual is already ISA registered?

Yes

**X**

No (please explain)

Not Sure

Comments:

Please see our response to question 5g above. We consider that volunteers should undergo an enhanced-CRB check in addition to a check of ISA registration. This is because the information made available through an enhanced CRB disclosure provides more detailed information that is essential to properly risk assess an individual in relation to a specific role. For example, an enhanced CRB could reveal records of previous theft offences, which would be relevant when deciding whether to appoint an individual to a position of trust.

6 Do you find Chapter 5 helpful?

**X**

Yes

No

Not Sure

7 a) Do you find Annex A helpful?

Yes

No

Not Sure

7 b) Are there any other topics you think should be included in Annex A?

Yes

No

Not Sure

Comments:

We are concerned that there is insufficient balance between outlining measures for safer recruitment and broader measures to safeguard children in schools. Compared to the 2006 version of the guidance, the document is predominantly about vetting and barring, and contains less information on broader preventative measures aimed at safeguarding pupils. NSPCC practitioners who work with young people in schools have found that any children and young people with underlying issues can often struggle to fully engage with learning until they have been supported in dealing with their social and emotional problems. For this reason, the emphasis on broader well-being and safeguarding is essential to improving educational outcomes across the board as well as improving the life chances of the most vulnerable children and young people. We therefore strongly recommend that these aspects should be given more emphasis throughout the guidance. Annex A being should be part of the substantive document, and should provide clear indicators about which elements are statutory or non-statutory.

In addition, the material that is currently Annex A should include a section on bullying, which is a serious safeguarding issue for children and young people in schools. A survey commissioned by ChildLine in 2003 found that half of primary school children and more than one in four secondary school students said they had been bullied (See Oliver, C. and Candappa, M. Thomas Corum Research Unit (2003) *Tackling bullying: listening to the views of children and young people* London: Department for Education and Skills). Bullying remains the single biggest reason that children and young people call the ChildLine service. This section should also include a reference to the two suites of non-statutory guidance on bullying: *Safe to Learn* and *Safe from Bullying*.

This section should also outline the potential dangers posed to children by the internet and specifically the use of social networking sites by pupils including the potential for internet grooming. This should include references to the Social Networking best practice guide from the UK Council for Child Internet Safety (UKCISS) and the work of the Child Exploitation and Online Protection Centre (CEOP), including the *thinkuknow* programme as sources of

information and guidance for schools.

There should be more information about the needs of Looked After Children (LAC) in this section, including the need for a designated member of staff for LAC under the Designated Member of Staff for Pupils Looked After by a Local Authority (England) Regulations 2009.

This section should also set out the specific needs of deaf and disabled children in relation to safeguarding. This should acknowledge the fact that deaf and disabled children are more likely to suffer abuse than their non-disabled peers (For more information see: Sullivan, P and Knutson, J (2000) 'Maltreatment and disabilities: A population based epidemiological study' in *Child Abuse and Neglect* 24 (10), pp. 1257-1273). They are also more likely to be the victims of bullying (See Mencap (2007) *Don't stick it Stop it! Bullying Wrecks Lives* London: Mencap, which found that 8 out of 10 children with a learning disability are the victims of bullying). This section should also make reference to the Education (Non-maintained special schools) (England) Regulations 2010 and the National Minimum Standards for Boarding Schools and Residential Special Schools.

Paragraph 1 (Voluntary community service by pupils) needs to reflect the fact that pupils need to be carefully matched to community service placements. This should include considerations such as whether the young person in question is known to have committed any behaviour which is a cause for concern, such as sexually harmful behaviour which may place other children at risk. These considerations are covered in more detail in Appendix 9 and there should be more cross-referencing to this section.

Paragraph 25 (drug/alcohol abusing parents) contains a reference to the need to complete a Common Assessment Framework (CAF). The guidance should also consistently highlight other circumstances in which the completion of a CAF becomes necessary where children and young people have additional needs related to their development, education, health, social welfare or other areas.

Paragraph 45 (parental involvement) should make reference to the DCSF Information sharing guidance and principles: *HM Government information sharing guidance* London: DCSF, 2008.

Paragraph 48 (Safeguarding children and young people in contact with Higher Education institutions) should link to the 2007 guidance *Safeguarding Children: Guidance for English Higher Education Institutions (HEIs)*, issued to Higher Education Institutions from the Department for Innovation, Universities and Skills.

At paragraph 55, the guidance should include the full reference to the *Safer Practice, Safer Learning* guidance (2007, NIACE for the DfES).

8 Do you find Appendix 1 helpful?

Yes

No

Not Sure

9 a) Do you find Appendix 2 helpful?

Yes

No

Not Sure

9 b) Is the role outlined in this Appendix still relevant?

Yes

No (please explain)

Not Sure

Comments:

In order to avoid any potential confusion, the guidance should be much clearer throughout about the role of the Local Authority Designated Officer (LADO) as distinct from the Local Authority Lead Officer. The guidance should use a consistent definition of the roles throughout. This should also be clarified in Appendix 2 of the guidance.

More detail should be provided to define exactly what is meant by 'specific issues which may have a child protection dimension as several key groups are excluded including unaccompanied asylum seeking children, children excluded from mainstream education, looked after children and children who are suffering as a result of bullying.

10 Do you find Appendix 3 helpful?

Yes

No

Not Sure

11 Do you find Appendix 4 helpful?

Yes

No

Not Sure

12 Do you find Appendix 5 helpful?

Yes       No       Not Sure

13 Do you find Appendix 6 helpful?

Yes       No       Not Sure

14 Do you find Appendix 7 helpful?

Yes       No       Not Sure

15 a) Do you find Appendix 8 helpful?

Yes       No       Not Sure

15 b) Do you find it helpful to have the case studies together in a single Appendix?

Yes       No       Not Sure

15 c) Are there case studies you would like included here? If yes please suggest some scenarios.

Yes       No       Not Sure

Comments:

The case studies included in the guidance are helpful. However, the case studies provide a focus only on scenarios involving volunteers. This section could be made more relevant and useful to schools if some scenarios included teaching staff within both schools and Further Education institutions. There should also be case studies which include scenarios involving school governors and featuring visits from external visitors.

The example provided in case study number 8 is inappropriate and we recommend either removing it from the guidance, or revising it. In the scenario outlined, it would not be safe recruitment practice to employ a person within an FE college who has committed offences which are serious enough to result in a ban. Based on what is known about the individual in question, there should

be a risk assessment about his suitability and this should include an enhanced CRB check. We recommend that case study 8 is replaced with another scenario which examines checks conducted on non-teaching staff in FE colleges. Where case studies involve individuals who have been banned, this should include whether the ban is on working with children and/or vulnerable adults as this will influence the risk assessment process.

The case studies provided should be amended following a decision about continuous CRB checking for individuals who are registered with ISA.

The case studies should more clearly reflect the fact that a check of ISA registration for new staff and volunteers is no substitute for the completion of an enhanced CRB check which should also be carried out prior to the individual commencing their new role.

16 Do you find Appendix 9 helpful?

Yes

No

Not Sure

17 Do you find Appendix 10 helpful?

Yes

No

Not Sure

18 Do you find Appendix 11 helpful?

Yes

No

Not Sure

### General questions on the guidance document

19 a) Does this guidance contradict any other guidance that you are aware of? If yes please specify.

Yes

No

Not Sure

Comments:

The guidance does not contradict any other guidance as far as we are aware.

19 b) Based on feedback from users we have removed the flowcharts from the guidance. Do you agree with this approach?

Yes       No       Not Sure

19 c) Should Chapters 3 and 4 be combined?

Yes       No       Not Sure

19 d) Do you have any further comments you wish to make on the draft guidance?

Yes       No       Not Sure

Comments:

*Chapter 1*

Chapter 1 of the guidance clearly outlines the legislative context in which the guidance is written. However, where the guidance outlines relevant regulations on page 14, for ease of reference it would be useful if there were a short outline of the type of duties introduced under each regulation. This could be set out in the same way that legislative duties are outlined at 1.9. Further information should also be included about the main features of the 'other legislation relevant to the guidance' which is outlined at 1.10.

Section 1.5 should outline in more detail exactly which schools are covered under the guidance and whether it is mandatory or best practice for each setting. There is also a need for some clarification about whether smaller, part-time school settings are covered by the guidance. Section 1.8 should state whether providers such as madrassa and supplementary schools should have regard to the guidance.

Section 1.9 (relevant legislation) should contain a reference to the National Minimum Standards for Boarding schools and Residential Special Schools as these contain safeguarding requirements for schools.

## *Chapter 2*

At 2.12, the terms 'lead officer' and 'senior officer' are used interchangeably to describe the role of the Local Authority Lead Officer. To avoid any confusion about which role is being referred to, there is the need for more consistent terminology throughout the guidance so that this role is understood as being distinct from that of the LADO or school designated lead for child protection.

In relation to sport specifically, the local authority will have some responsibility for managing School Sports Partnerships (SSP), County Sports Partnerships (CSP) and the implementation of the government's PE & Sport Strategy for Young People (PESSYP), which involves providing all pupils with the opportunity for at least a further three hours of sport beyond the school day delivered by a range of school, community and club providers. Section 2.14 should also include a requirement that partner agencies adopt service level agreements with activity providers (such as sports coaching from external agencies delivered as part of school Physical Education provision) which include clear safeguarding criteria. The guidance should also highlight sources of support for Local Authorities such as the Clubmark accreditation; the Sport Unlimited *High Quality Community Sport for Young People* guidance and the forthcoming PE and Sport Strategy for Young People (PESSYP) guidance for activity commissioners which is currently being developed by the NSPCC Child Protection in Sport Unit (CPSU). For more information about the CPSU please see: [www.thecpsu.org.uk/](http://www.thecpsu.org.uk/)

2.21 should state clearly that it is established best practice for schools to appoint a governor with special responsibility for safeguarding. This governor should have an overview of the duties and expectations of the school in relation to safeguarding and, in consultation with the headteacher, be able to advise other governors on these issues.

Section 2.22 would be strengthened by providing a greater level of prescription about the need for a deputy designated member of staff for child protection. In order to ensure that this vital role is covered at all times, larger schools or those with a high level of child protection cases should ensure that there are

deputy members of staff with responsibilities for child protection. We therefore suggest that the wording of this section be strengthened by stating that: “In large establishments, or those with a large number of child protection concerns, it *will* be necessary to have a number of deputies to deal with the workload.”

At 2.26, changes resulting from the recent consultation on Amendment Regulations for Independent Schools; consolidated regulations for Non-Maintained Special Schools; and revision of National Minimum Standards for Boarding Schools and Residential Special Schools should be incorporated.

There should be some clarification at paragraph 2.30 (Extended services) about where responsibilities lie for schools other than those in the maintained sector that provide extended services.

Paragraph 2.33 refers to the safeguarding requirements that apply to third party providers of extended services and suggests that there should be written agreements for accountability for undertaking safe recruitment checks and storing records. Our view is that third party providers should have more responsibilities in relation to safeguarding, including having written safeguarding policies and procedures. We would like this section to state that these wider responsibilities should also be part of contractual arrangements between the school and the provider.

Paragraph 2.36 outlines the duty to make a referral to the ISA where there are grounds to believe that an individual may be unsuitable to work with children. This section should also state that schools should have an ISA referral procedure in place, which names members of staff responsible for making a referral and states how information should be recorded and stored. Paragraph 2.36 should also link to chapter 5 of the guidance for more information on handling allegations.

In general, chapter two has a rather narrow definition of partner agencies and neglects to mention other sectors that operate within schools such as the youth sector, the voluntary sector and sports organisations. For example, there is currently no reference to the role of the sports sector in the delivery of services to schools. This section of the guidance would be strengthened by making reference to the need for effective safeguarding by external providers of sporting activities. It should also outline how schools should check that external providers of this type have been properly vetted.

Chapter 2 does not make reference to the role of Ofsted in safeguarding children. We suggest that it should make specific reference to the Ofsted evaluating framework for safeguarding (2009) and the ‘Briefing for Section 5 inspectors on safeguarding children’ as these documents contain essential information for schools.

### *Chapter 3*

At 2.34, the guidance should state whether the SureStart Children's Centres governance guidance is statutory and also the date on which this was published.

In section 3.10, bullet point 8 could usefully include 'clarifying any gaps in employment history' as this is an important part of safe recruitment processes.

At 3.36 (Checks before Interview) there is a need for clarification about how the information checked should be used in relation to decision-making. This should include how the information is communicated to candidates, whether this would form part of providing references and any implications for the process related to the Data Protection Act 1998.

3.38 states there is a need for face-to-face interviews for those applying to work with children. It is currently unclear whether this rule should be applied only to staff who work directly with children or if it should also be applied when recruiting other roles in the school that do not involve regular contact with children. We consider that a face-to-face interview should be part of the process when recruiting to all roles in the school.

At 3.40, where the guidance states that successful candidates should complete a CRB application straightaway, there is a need to clarify exactly when the employers should start this process. For example, it could be amended to say, "the person will be required to complete an application for a registration and/or a CRB disclosure straightaway *after an offer of employment has been made.*"

Section 3.46: it would be useful to be clear that, as past behaviour is the best indicator of future behaviour, asking candidates for examples of times when they have had concerns about a child's welfare and how they responded or what action they took would be a more valuable indicator of attitudes/values than asking hypothetical questions. The NSPCC has worked to develop a comprehensive programme of Value Based Interviewing (VBI) for staff and would be happy to discuss this with the department (For more information see Cleary, K. and Golokoz, V. (2008) *NSPCC value based interviewing research: final report 2008*. London: NSPCC.

Point 3.54 should make a specific mention of the need for training in the management of allegations against school staff.

## Chapter 4

Our practitioners regarded chapter 4 as less accessible than the earlier chapters although they considered that this reflects the complexity of the new scheme. In order to more clearly outline schools' responsibilities we suggest that a table is produced within the guidance which clearly sets out the new duties and the timelines for fulfilling these.

There is a typing error in paragraph 4.10 which states, "...for example where staff live on the premises other adults living with them in their households."

The description of the vetting and barring scheme in 4.16 and of regulated and controlled activity from 4.20 onwards should be consistent with the descriptions provided in the vetting and barring guidance published in March 2010: *The vetting and barring scheme guidance* London: The Home Office.

Part of the description of regulated activity at 4.21 should be clarified. It is not currently clear what is meant by "any form of teaching, training or instruction of children (unless the teaching, training or instruction is *merely incidental* to teaching, training or instruction of adults)." In this section also, the definition of a chatroom as 'a public electronic interactive communication service' is unnecessary and should be removed.

Paragraph 4.31 makes reference to the fact that staff already employed in regulated activity should be invited to register with the ISA after 1st November 2010. However, the latest guidance states that the date for registration will be after April 2011 so this section should be amended (See page 8 of *The vetting and barring scheme guidance* London: HM Government, 2010).

The definition of 'intensive' provided at 4.94 is incorrect and should be consistent with the definition provided on page 10, to avoid any confusion.

We consider that the requirement outlined at 4.122 is disproportionate. As public sector staff must be registered to carry out regulated activity, it is safe to assume that the primary employer will have checked that they are suitable to work with children. Schools should therefore not be required to immediately register an interest in public sector staff who visit the premises regularly; this responsibility should sit with the primary employer who should inform the school if the status of the employee's ISA registration changes or if any new information comes to light. Dual registrations should take place when the individual has been in post for a whole term (roughly three months) although more clarity will be needed about which agencies have the responsibility to act when new information is sent from the ISA about the individual.

However, when schools make use of private sector contractors (such as individuals working on a freelance basis) they *should* be required to seek confirmation that checks have been conducted at the start of the period of employment. Where the school has a contract with an employment agency, this should also state that the agency must conduct pre-employment vetting to check the suitability of staff. Dual registration with ISA should also take place after the staff member has been employed in the school for over three months.

We welcome the strong emphasis on the contractual arrangement between schools and third party service providers to ensure they take proper responsibility for safeguarding arrangements stated at 4.129.

We consider that in the example Single Central Record provided on page 65 of the guidance, a section should be added to indicate that satisfactory references have been taken up and by whom. The record should also indicate the type of role applied for such as: staff employed by the school, volunteers, supply staff, visitors and contractors.

Throughout this chapter and in the guidance as a whole the document should be careful to outline the difference between applying for a CRB check and checking ISA registration. For example, at 4.135 the guidance states that the status of registered childcare providers could be checked either by an enhanced CRB check or a check of ISA status. These two mechanisms should be presented as distinct, and not a substitute for one another, as they both play an important role in the safeguarding of children.

#### *Chapter 5*

Definitions of 'malicious' and 'unfounded' allegations should be included at the start of the section on allegations against teachers on page 77. The term 'unsubstantiated' should also be defined in order to reflect the draft practice guidance 'Handling Allegations of Abuse made against Adults who Work with Children and Young people' (DCSF, 2009).

There is a mistake in the guidance at 5.37 where it states, "the LADO should inform the local authority designated officer straightaway."

This section of the guidance does not make any reference to the potential for students sexually harming other students. This section could link to the information provided on this issue in Annex A on page 91.

#### *Appendix 4*

The recruitment and selection checklist in Appendix 4 should be simplified in order to make it more usable for practitioners. It should also include a section which states whether the decision was made to appoint and the reasons

behind each decision.

#### *Appendix 7*

For ease of reference, this section should contain information about how to apply for ISA registration. Although this would repeat instructions contained elsewhere in the guidance, employment agencies would benefit from having all of the relevant information in one place.

#### *Appendix 9*

Point 13g on page 129 should be amended to state that a CRB check should be requested in order to help the employer determine an employee's suitability in light of their previous convictions. This section should also make reference to the Quality Standard for Work Experience (DCSF reference D35/3863/0608) and schools should be advised to use this framework.

#### *Appendix 10*

A checklist of key documents for school is a good idea and potentially very useful for schools. However, from the list provided at Appendix 10 it is not obvious whether the list is referring to written policies or to broader procedures. For example, stating 'countering bullying' is ambiguous and it is unclear whether this refers specifically to school's written anti-bullying policy.

The list at Appendix 10 should also include policies and procedures on intimate care. It should also state that schools should have an 'e-safety' policy which sets out how pupils will be kept safe whilst using technology as part of their learning.

The new requirement to record incidents of serious and persistent bullying should be included to the list on page 136. It should also include attendance records and records of children who are missing from the school roll.

#### *Appendix 11*

The following should be added to the end of the example child protection policy on page 137: Date of approval, date for review and by whom.

The phrase 'social services' in the example policy should be replaced by 'children's social care' to reflect changes made through the Children Act 2004.

### *General comments*

Due to the length and complexity of the guidance and the fact that it is written for several different audiences, we consider that it would be useful if the department provided shorter summary versions to clearly outline the responsibilities of each group, such as for teachers, headteachers and local authorities. These could be similar to the booklet currently distributed to all school governors: *A guide to the law for school governors* London: DCSF, 2009.

We consider that the flowcharts should be re-instated. Flowcharts would be a simple way of setting out the new processes, which are complex. School staff working with the NSPCC regularly request that information is set out in the form of a flowchart for ease of reference and clarity. Including flowcharts would also be consistent with other guidance such as 'What to do if you're worried a child is being abused.'

The guidance should be checked to ensure that it does not refer to documents that are out of date. For example, the guidance on the use of force in schools is referred to on page 82, although this has now been replaced: 'Use of force to control or restrain pupils' (DCSF, April 2010). The guidance should also reflect changes made in the 2010 version of the Working Together to Safeguard Children guidance. It should also reflect changes made following the consultation on Amendment Regulations for Independent Schools; consolidated regulations for Non-Maintained Special Schools; and revision of National Minimum Standards for Boarding Schools and Residential Special Schools.

The Department may wish to signpost schools to the NSPCC's 'Improving Safeguarding in Schools' (ISIS) resource. ISIS is the first online self-assessment and development resource for schools in England. It has been developed to enable schools to enhance the quality of their safeguarding policy and practice and meet their statutory requirements to safeguard and promote well being. This includes the areas of evaluation in the Ofsted self-evaluation form, selected elements of National Healthy Schools Standards and requirements of the behaviour and attendance strategy.

ISIS also aims to: support and increase the skills and confidence of staff and governors with respect to their safeguarding responsibilities; reassure parents and carers that the school is taking significant steps to keep their child safe and, finally, demonstrate the benefits of the active involvement of pupils in the assessment process and school development planning. More information about the ISIS tool can be found at:

[http://www.nspcc.org.uk/Inform/resourcesforteachers/qit/qit\\_wda62638.html](http://www.nspcc.org.uk/Inform/resourcesforteachers/qit/qit_wda62638.html)

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

**Please acknowledge this reply X**

Here at the Department for Children, Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes  No

All DCSF public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DCSF consultations are conducted, please contact Donna Harrison, DCSF Consultation Co-ordinator, tel: 01928 794304 / email: [donna.harrison@dcf.gsi.gov.uk](mailto:donna.harrison@dcf.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

Completed questionnaires and other responses should be sent to the address shown below by 15 June 2010

Send by post to: SCSRE Consultation Responses, Safeguarding Children Policy Unit, Department for Children, Schools and Families, Ground Floor, Area E, Mowden Hall, Staindrop Road, Darlington, DL3 9BG.

Send by e-mail to: [SCSRE.consultation@dcf.gsi.gov.uk](mailto:SCSRE.consultation@dcf.gsi.gov.uk)