



**Dim mwy o greulondeb i blant. DIM.  
Cruelty to children must stop. FULL STOP.**

**NSPCC CYMRU/WALES  
RESPONSE TO:**

**SAFEGUARDING CHILDREN IN EDUCATION:  
THE ROLE OF LOCAL AUTHORITIES AND GOVERNING  
BODIES UNDER THE EDUCATION ACT 2002**

NSPCC Cymru/Wales  
13<sup>th</sup> Floor  
Capital Tower  
Greyfriars Road  
Cardiff  
CF10 3AG  
Tel: (029) 20267011  
Email: [simonjones@nspcc.org.uk](mailto:simonjones@nspcc.org.uk)

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- 1.1 NSPCC Cymru/Wales welcomes the opportunity to respond to this consultation on the safeguarding in education.
- 1.2 The NSPCC's purpose is to end cruelty to children. Our vision is of a society where all children are loved, valued and able to fulfil their potential.
- 1.3 We seek to achieve cultural, social and political change – influencing legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

**1. Can you suggest other ways by which we might make head teachers, school staff, chairs of governors and other relevant individuals aware of the updated guidance?**

NSPCC Cymru/Wales believes that hard copies of this guidance should be sent to all maintained schools, special schools, FE institutions, pupil referral units, LEA's and proprietors of independent schools. Schools should also be required to provide copies to governors and it should be a matter for discussion annually at governor's meetings. It is particularly important that parent governors are aware of the new guidance.

We would also welcome a more proactive roll out including workshops and seminars for the groups of professionals, including governors, discussed in this guidance. It is vital that there is a well established understanding among professionals about what everybody's role is. NSPCC Cymru/Wales has expressed concern previously at the level of child protection and safeguarding training that it provided to education professionals in initial training, we believe that the publication of this guidance is an opportunity to supplement the training these professionals receive.

**2. Does the executive summary clearly summarise who the guidance is for and what is expected of them? If no, is there anything which should be added or removed?**

NSPCC Cymru/Wales welcomes the publication of this vital guidance, but we wish to take this opportunity to express our concern at the length of time it has taken to develop it. We recognise that it was important to ensure that the recommendations and lessons from the Children Commissioner for Wales' *Clywch Inquiry* were taken into account, but believe that this guidance should have been forthcoming much sooner. This is of particular concern as the previous guidance Circular 52/95 was extremely out of date. We hope that the Welsh Assembly Government will take notice of this point and ensure that all those whom this guidance is relevant to receive notice and adequate training on how to implement it.

**3. Do you agree this introduction accurately and succinctly reflects the objectives of everyone involved in working with children to keep them safe? If no, is there anything which should be added or removed?**

NSPCC Cymru/Wales believes this section should contain specific reference to the UN Convention on the Rights of the Child, making clear the links between this guidance, the role of those adults associated with education and making the UNCRC real for children and young people in Wales. The UNCRC has already been acknowledged as the basis for all Welsh Assembly Government policy for children and young people so should be specifically referenced in this introduction.

**4. Does this section clearly set out the roles and responsibilities of local authorities? If no, is there anything which should be added or removed?**

Overall these roles and responsibilities are quite succinct and seem to cover most of the areas of relevance. The Welsh Assembly Government need to acknowledge that there may be a need to provide training and support for some LEA's in order to ensure that they fully understand their duty and responsibility with regard to safeguarding.

NSPCC Cymru/Wales would welcome a clearer statement around "allocate resources" to LSCB's, making it clear that this includes the pooling of funding. Across Wales we have seen variable levels of financial commitment from education to the pooled funds of LSCBs.

NSPCC Cymru/Wales would also expect the Welsh Assembly Government, in light of the *Clywch Inquiry* and if necessary using the new powers under the Government of

Wales Act 2006, to make a stronger statement with regard to recommendation 21.23 of *Clywch* than local authorities should “consider” the appointment of a full time, dedicated post for child protection and safeguarding. We are concerned that this role will be added into someone’s job description, without them having the time or necessary training to carry out the vital work. We would strongly recommend the Welsh Assembly Government re-think the application of recommendation 21.23 in this guidance and make every effort to ensure that every LEA has a dedicated post at a senior level to deliver child protection and safeguarding across the LEA area.

NSPCC Cymru/Wales welcomes the emphasis on training for all professionals to ensure that they can fulfil their responsibilities in respect to child protection effectively. We would urge the Welsh Assembly Government to provide dedicated funding to each local authority to ensure that this vital training is delivered and that there is an effective partnership between the lead officer in the LEA and the LSCB, recognising the value of inter-agency training and providing sufficient time and resource for this.

When highlighting the role of the LEA in vetting, barring and recruitment, this guidance should reference and signpost to Welsh Assembly Government Circular 34/02 entitled *Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service*. The important role that the different levels play in recruitment should be stressed throughout this document, as should the duty to follow these procedures. This is particularly in light of the Estyn survey into procedures for vetting school staff and other adults. The extremely worrying findings indicated that procedures were not being followed and that this had the potential to place children and young people at risk. NSPCC Cymru/Wales believe that throughout this report there should be reference to the recommendations made in the Estyn survey to focus the minds of LEA’s and other bodies involved in recruitment.

We note with concern that there is no discussion under this section in relation to whistle-blowing. This is particularly concerning in respect of the publication of *Children don’t complain...* by the Children’s Commissioner for Wales, which clearly highlighted five recommendations that needed to be urgently addressed by local authorities. We strongly urge the Welsh Assembly Government to ensure that the recommendations of this report are implemented in this guidance.

- 4a. **Do you find it helpful to have a list of roles/responsibilities available for staff with designated responsibility for child protection either at local authority or school level such as the ones attached at appendix A and B?**
- 4b. **Are the roles and responsibilities clear and complete? If no, is there anything that could be added or removed?**

NSPCC Cymru/Wales believes that these appendices are useful in providing designated professionals with a broad outline of their roles.

- 5. **Does this section clearly set out the roles and responsibilities of governing bodies of schools? If no, is there anything which should be added or removed?**

NSPCC Cymru/Wales would strongly urge that this guidance is strengthened to ensure that every governing body has a dedicated person to champion child protection issues and provide a point of contact with the school. We are disappointed that this valuable role has not been more widely recommended in the guidance. To suggest that this role is merely “helpful” underplays the importance it has in focussing the minds of governing bodies on their safeguarding responsibility. We would urge a change to this section.

As with the section on local authorities we are concerned that there is no discussion about whistle-blowing in this section. We would welcome clearer guidance for governing bodies in relation to this.

There should also be mention in this section of the independent investigation service set up by the Welsh Assembly Government following the *Clywch Inquiry*. There has been a considerable amount of concern and misunderstanding about the role and remit of this service. This guidance provides an opportunity to clarify the role of this service, making it clear that the child protection policies of the school must still be followed and the process completed before the service can be used. This would help governing bodies to be clear when they can access the service and its subsequent role. We note with concern that the opportunity to clarify this has not been taken in this guidance.

**6. In schools should the responsibility for child protection always be delegated to a senior member of the teaching staff or should the requirement be reworded more flexibly along the lines suggested?**

NSPCC Cymru/Wales believes very strongly that the designated person should always be a senior member of staff who is a member of the schools leadership team and has experience of dealing with staff at all levels in school and also parents. NSPCC Cymru/Wales would welcome more detail on who the Welsh Assembly Government would propose holding this role if not a senior teacher.

We are concerned that if the designated person is not of sufficient seniority then this could lead to them and their safeguarding role being sidelined. We are keen to ensure that the education establishment is aware and supported to carry out their vital safeguarding role. In light of this we would be deeply concerned by any situation that sought to downgrade the seniority of the designated professional for child protection and safeguarding. This also needs to be viewed through the Children Act 2004 and subsequent guidance, which makes quite clear that those professionals with responsibility for safeguarding should be at a senior level. We urge the Welsh Assembly Government in the strongest terms to ensure that this role is not watered down.

**7. Does this section clearly set out the roles and responsibilities of governing bodies of FE institutions? If no, is there anything which should be added or removed?**

As with the responses above we are concerned at the lack of information about whistle-blowing.

**8. Should the responsibility for child protection always be delegated to a senior member of the teaching staff or should the requirement be reworded more flexibly along the lines suggested?**

We direct you to the response we gave to question 6

**9. Does this section clearly set out the roles and responsibilities of headteachers and principles of FE institutions? If no, is there anything which should be added or removed?**

Whilst this list is short it contains a large area of responsibility from implementing policies and procedures to ensure awareness. NSPCC Cymru/Wales believes that there should be more support for professionals who have a designated safeguarding responsibility, in order to help them carry out their duty. We would welcome more detail on what support is available to professionals who have these responsibilities. We would also welcome more detail on what is actually meant by implementing policies and “sufficient resources and time”. These are phrases that could be viewed as subjective and lead to differing interpretations.

NSPCC Cymru/Wales does recognise that this is the first time in the whole guidance that whistle-blowing is mentioned and urges the Welsh Assembly Government to provide more information and rectify this situation in the previous sections.

**10. Does this section clearly set out the roles and responsibilities of proprietors of independent schools? If no, is there anything which should be added or removed?**

The roles and responsibilities for independent schools are clearly laid out, but again there is a need to ensure that these are properly communicated to this sector and that support is available if needed to help them fulfil their duties.

**11. Are the flowcharts in Appendix C helpful? Should they be included as part of the final guidance?**

In general the flowcharts are useful, although it may be worth ensuring that the terms that are used are clearly understood by professionals within education. The terms in the flowcharts currently are quite social care orientated and this might make them difficult for some education professionals to follow. We would welcome WAG taking further consultation among education professionals over how easily understood these charts are.

**12. Are the model advice notes and policies in the appendices helpful, clear and complete? If no, is there anything which should be added or removed?**

**12a. Would you find it helpful if they were included in the appendices to the final guidance?**

NSPCC Cymru/Wales believes that these are very valuable appendices that should appear in the final guidance. The final guidance should also urge schools to ensure that these documents are made available to parents and to pupils.

We believe that in the model policy on p.35 in the section on prevention there should be an additional section that acknowledges recommendation 21.30 of the *Clywch Inquiry*, which states that “children are informed in their school of the availability and purpose of relevant services, including ChildLine, the NSPCC Child Protection Helpline, social services, the Children’s Commissioner for Wales and advocacy services” (p.190). This clearly fits with ensuring that abuse is prevented as it provides children and young people with someone to turn to and provides them with information about the options available to them. We would be particularly disappointed if there is not a commitment to provide children and young people with information about ChildLine, as this is a “model” policy and quite clearly fits with both prevention and best practice.

On p.36 point 3.2 (c) should also include staff and governors being aware of and knowing how to refer any concerns they have through the appropriate route. Also under this section (m) on p.37 contradicts the earlier section on p.13 that suggests this designated governor role is optional. As recommended previous, under question 5, we would recommend that this guidance is altered to make clear the vital role that a designated governor plays.

The statement on p.37 4.1 is very disempowering and we would welcome the Welsh Assembly Government developing new wording here that recognises the potential vulnerability of pupils experiencing abuse, but seeks to take an empowering approach.

The model notes are a good idea and are to be welcomed. In saying this, the notes will only be as good as how they are used. We would welcome the Welsh Assembly Government monitoring how the notes are used in order to encourage best practices

amongst schools. This is particularly relevant to Appendix G on p.43. It is vitally important that this is information that is proactively communicated to pupils. NSPCC Cymru/Wales also note that the number for our helpline on p.43 is the 24 hour number not the Welsh bi-lingual child protection helpline, which is 0808 100 2524. We would also be grateful for the e-mail address to be included [helplinecymru@nspcc.org.uk](mailto:helplinecymru@nspcc.org.uk). We would appreciate it if this information could be altered.

The note for pupils should also include information about school counselling services and advocacy services where available.

**13. Are the appendices covering further advice and guidance helpful? Should they be included as part of the final guidance?**

NSPCC Cymru/Wales believes that these appendices are particularly important and we believe that it would be worth placing them as either the primary appendices or placing them in the guidance, making it clear that this is best practice or non-statutory guidance. These are probably the sections that will be of most use to professionals in carrying out their duties with regard to protection and safeguarding. The area of information sharing is particularly important and is often one that is misunderstood by professionals. We would urge the Welsh Assembly Government to ensure that these sections have a more prominent place in the guidance if possible.

At some stage in the guidance the All Wales Child Protection Procedures should be referenced, along with how they can be used to support education professionals when they have a concern about a child.

We would further welcome Appendix H having a clearer link to the UNCRC and the articles relating to protection, making it clear that it is a pupils right to protection. This section does talk about the 7 core aims, but not the UNCRC. We hope that this can be rectified in order to continue the Welsh Assembly Government's use of the language of rights in its guidance.

We would further welcome the acknowledgement in this section of the role that the voluntary sector can play in providing, in partnership with schools, specific materials or interactive talks on sensitive subjects. Some schools work closely with the voluntary sector to supplement PSE sessions and we would welcome this being encouraged within this guidance.

**14. Are there other issues, supporting information or web-links that you would like to see as part of this guidance?**

From our previous work in schools and with a wide range of education professionals we believe that more training needs to be made available, both at initial teaching training stage and ongoing throughout their careers. This guidance should also signpost to where teachers can get advice about specifically vulnerable children and young people, such as those with a disability, where abuse might be harder to recognise. NSPCC Cymru/Wales offers advice and support through a variety of our services including our all Wales Education Advisor, the NSPCC Cymru/Wales bi-lingual child protection helpline and through our training and consultancy work. We would be grateful if we can be referenced as a resource that may be of use to educational institutions and professionals.

Simon Jones  
NSPCC Policy Advisor for Wales  
(029) 20267011  
[simonjones@nspcc.org.uk](mailto:simonjones@nspcc.org.uk)