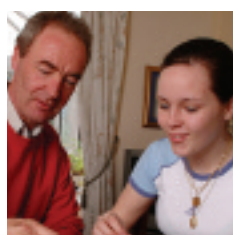


# Safeguarding Children and Safer Recruitment in Education

Comes into force 1 January 2007



Every Child Matters  
Change For Children

department for

**education and skills**

creating opportunity, releasing potential, achieving excellence



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# Executive Summary



This document sets out the responsibilities of all local authorities, schools and Further Education (FE) colleges in England to safeguard and promote the welfare of children and young people. It sets out recruitment best practice, some underpinned by legislation, for the school, local authority, and FE education sectors. This guidance is also relevant for supply agencies who supply staff to the education sector, contractors who work in education establishments responsible for under 18s, as well as other providers of education and training for those under 18 funded by the Learning and Skills Council (LSC). The document also details the process for dealing with allegations of abuse against staff.

This guidance does not cover the requirements of the new vetting and barring scheme to be introduced under the Safeguarding Vulnerable Groups Act 2006. These will be phased in from 2008, and updated guidance will be prepared in due course.

This guidance replaces:

- *Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service;*
- *Criminal Records Bureau: Managing the Demand for Disclosures;*
- *Safeguarding Children in Education;*
- *Safeguarding Children: Safer Recruitment and Selection in Education Settings;*
- *Dealing with Allegations of Abuse against Teachers and Other Staff* (November 2005).

It also replaces the guidance contained in *Checks on Supply Teachers* which was issued in September 2004, Circular 7/96, *Use of Supply Teachers*, and in the associated *Guidance Notes for Teacher Employment Businesses and Agencies*.

Chapter 1 provides brief information on the responsibilities of local authorities, schools and FE colleges and details of relevant legislation. It confirms the scope and audience for the guidance and sets out details of superseded documents.



































































































































































# Appendix 3: Broad Areas of Responsibility Proposed for the Designated Senior Person for Child Protection



## Referrals

- Refer cases of suspected abuse or allegations to the relevant investigating agencies.
- Act as a source of support, advice and expertise within the educational establishment when deciding whether to make a referral by liaising with relevant agencies.
- Liaise with head teacher or principal (where role not carried out by the head teacher) to inform him or her of any issues and ongoing investigations and ensure there is always cover for this role.

## Training

- To recognise how to identify signs of abuse and when it is appropriate to make a referral.
- Have a working knowledge of how LSCBs operate, the conduct of a child protection case conference and be able to attend and contribute to these effectively when required to do so.
- Ensure each member of staff has access to and understands the school's child protection policy especially new or part

time staff who may work with different educational establishments.

- Ensure all staff have induction training covering child protection and are able to recognise and report any concerns immediately they arise.
- Be able to keep detailed accurate secure written records of referrals and or concerns.
- Obtain access to resources and attend any relevant or refresher training courses at least every two years.

## Raising Awareness

- Ensure the establishment's child protection policy is updated and reviewed annually and work with the governing body or proprietor regarding this.
- Ensure parents see copies of the child protection policy which alerts them to the fact that referrals may be made and the role of the establishment in this to avoid conflict later.
- Where children leave the establishment ensure their child protection file is copied for the new establishment as soon as possible but transferred separately from the main pupil file.









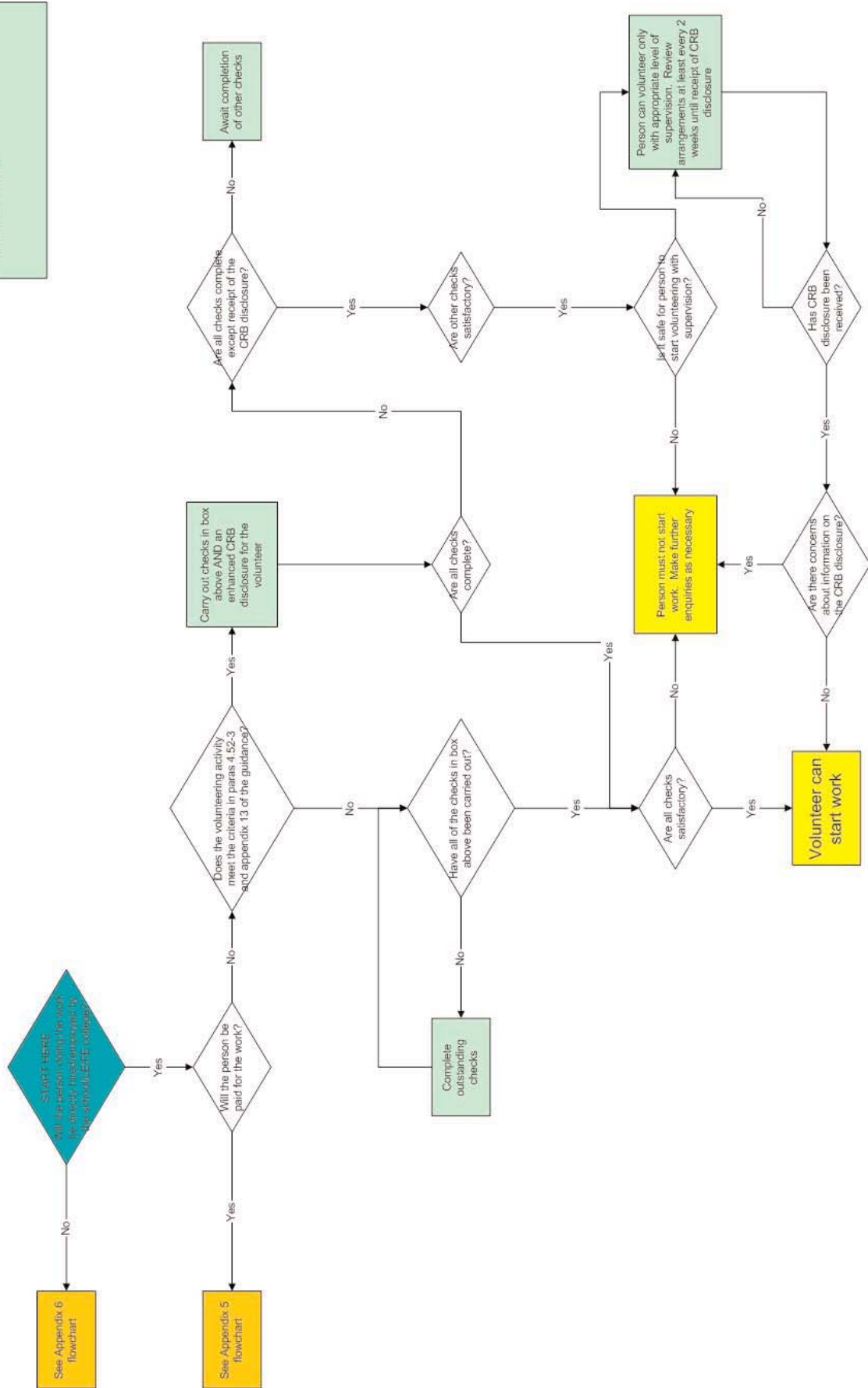


# APPENDIX 7 - VOLUNTEERS FLOWCHART

\*\*This flowchart and associated guidance refers to recruitment practices for work to be carried out in schools, FE colleges or in an education services for a local authority\*\*

**BOX - CHECKS REQUIRED FOR ALL VOLUNTEERS**

- References
- No concerns raised by others in school community
- Informal interview

















The CRB website contains guidance for employers on judging the suitability of applicants.

### **Where can I find out more about the CRB?**

Further information about the CRB and its service can be found at: [www.crb.gov.uk](http://www.crb.gov.uk). Alternatively, the CRB can be contacted by post or telephone. The CRB's address is PO Box 110, Liverpool L69 3EF. The information line number is: 0870 90 90 811 and the registration application line for organisations wishing to register to authorise checks is 0870 90 90822.



### **What information should be provided to the Department?**

The information to be provided to the Department is listed in schedule 1 to the Education (Prohibition from Teaching or Working with Children) Regulations 2003 (SI 2003/1184). Employers are required by the Regulations to report the facts of the case and provide all relevant information, relating to the circumstances of the dismissal or resignation to the Secretary of State. When a person has not been convicted of an offence, the Secretary of State can only act if the allegation of misconduct has been substantiated by other means. It is particularly important that, wherever possible, reports about these cases contain copies of any supporting evidence, such as statements relating to the misconduct, notes of any interviews with the person and minutes of any disciplinary interviews. Employers should also inform the staff member that their case is being reported to the Department and advise them to retain any relevant paperwork which they may need if it is necessary to consider their case further.

### **Will information provided to the Department be disclosed to anyone else?**

Yes. Any information that we receive will be disclosed to the teacher or worker whose case we are considering. If it is appropriate to obtain a medical report from a consultant forensic psychiatrist or from the person's treating physician, the information will also be disclosed to the

Department's Medical Advisor and to the consultant or physician. Information may also be disclosed to the Department's expert panel, who advised the Secretary of State on issues around employment and barring.

In addition, if a teacher appeals to the Care Standards Tribunal against a decision by the Secretary of State to bar or restrict their employment or against a decision not to remove their name from List 99, any information provided about the case may be passed to the Tribunal.

Similarly, both medical evidence and advice provided by the Department's medical adviser may be provided to the Care Standards Tribunal, but withheld from the teacher or worker concerned. In these circumstances, the information may be made available to the person's representative.

### **What about teachers who are registered with the General Teaching Council for England or the General Teaching Council for Wales?**

When we receive a report about a teacher who is registered with the General Teaching Council for England or the General Teaching Council for Wales, we will determine whether the case involves issues relating to the safety and welfare of children and, if it does not, we will pass the papers to the relevant Council, which will then consider the case under its disciplinary functions.



# Appendix 11: Guidance for Employment Agencies supplying Staff to Schools and FE Colleges



## a) Summary

Under the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (the Conduct Regulations), employment agencies and employment businesses are not allowed to introduce or supply a work seeker to a hirer unless they have made checks to ensure that both work seeker and hirer are aware of any legal or professional body requirements, which either of them must satisfy to enable the work seeker to work for the hirer. So in the case of employment agencies and businesses supplying staff to schools or FE colleges, the agency should check that any supply staff have the qualifications required for the post the hirer is seeking to fill.

Schools must require agencies to provide a written confirmation (direct not via the person being hired) certifying that all the checks required have been satisfactorily completed. Where the CRB Disclosure contains information, a copy of the CRB Disclosure must be supplied to the head teacher, principal or appropriate designated HR person. This can be faxed

but agencies should first confirm by phone that a fax is being sent; and should, for security, first fax a blank sheet of paper and confirm receipt by the designated individual, to ensure it has been sent to the correct fax number. Recipients should be aware of the CRB code of conduct when handling disclosures, as copies must be handled in the same way as originals; see [www.crb.gov.uk](http://www.crb.gov.uk). If a CRB Disclosure is pending, this fact must also be notified to the head teacher or principal, with details of when the disclosure was sought. Subsequent clearance should then be notified to the head teacher or principal with a copy of the certificate if it contains information; and where a disclosure raises concerns, an individual must be withdrawn pending further inquiries. School and FE colleges must have confirmation from supply agencies that the required checks have been undertaken.







# Appendix 12: Criminal Justice and Court Services Act 2000



The Criminal Justice and Court Services Act 2000 is published by The Stationery Office Limited, ISBN 0 10 544300X. It can also be found at [www.hmso.gov/acts/acts2000.htm](http://www.hmso.gov/acts/acts2000.htm).

Meaning of “regulated position”.

(1) The regulated positions for the purposes of this Part are -

(a) a position whose normal duties include work in an establishment mentioned in subsection (2),

(b) a position whose normal duties include work on day care premises,

(c) a position whose normal duties include caring for, training, supervising or being in sole charge of children,

(d) a position whose normal duties involve unsupervised contact with children under arrangements made by a responsible person,

(e) a position whose normal duties include caring for children under the age of 16 in the course of the children’s employment,

(f) a position a substantial part of whose normal duties includes supervising or training children under the age of 16 in the course of the children’s employment,

(g) a position mentioned in subsection (6),

(h) a position whose normal duties include supervising or managing an individual in his work in a regulated position.

(2) The establishments referred to in subsection (1)(a) are -

(a) an institution which is exclusively or mainly for the detention of children,

(b) a hospital which is exclusively or mainly for the reception and treatment of children,

(c) a care home, residential care home, nursing home or private hospital which is exclusively or mainly for children,

(d) an educational institution,

(e) a children’s home or voluntary home,

(f) a home provided under section 82(5) of the Children Act 1989.

(3) For the purposes of this section, work done on any premises is treated as not



and Personal Social Services (Northern Ireland) Order 1991,

(c) member, or chief education officer, of an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986.

(9) Any reference in subsection (7) to a committee includes a reference to any sub-committee which discharges any functions of that committee.

(10) For the purposes of subsection (1)(h), the holder of a position –

(a) only supervises an individual if he supervises the day-to-day performance of the individual's duties, and

(b) only manages an individual if the individual is directly responsible to him for the performance of his duties or he has authority to dismiss the individual.

(11) For the purposes of this section, a charity is a children's charity if the individuals who are workers for the charity normally include individuals working in regulated positions.

(12) For the purposes of this section, an individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this subsection do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.

(13) For the purposes of this section, the following are responsible persons in relation to a child –

(a) the child's parent or guardian and any adult with whom the child lives,

(b) the person in charge of any establishment mentioned in subsection (2) in which the child is accommodated, is a patient or receives education, and any person acting on behalf of such a person,

(c) a person registered under Part XA of the Children Act 1989 for providing day care on premises on which the child is cared for, and

(d) any person holding a position mentioned in subsection (6).

(14) In this section – "area committee" has the same meaning as in section 18 of the Local Government Act 2000, "detention" means detention by virtue of an order of a court or under an enactment, "education functions", in relation to a local authority, means any functions with respect to education which are conferred on the authority in its capacity as a local education authority, "education functions", in relation to a local authority, means any functions with respect to education which are conferred on the authority in its capacity as a local education authority, "executive", in relation to a local authority, has the same meaning as in Part II of the Local Government Act 2000, "social services functions", in relation to a local authority, has the same meaning as in the Local Authority Social Services Act 1970.















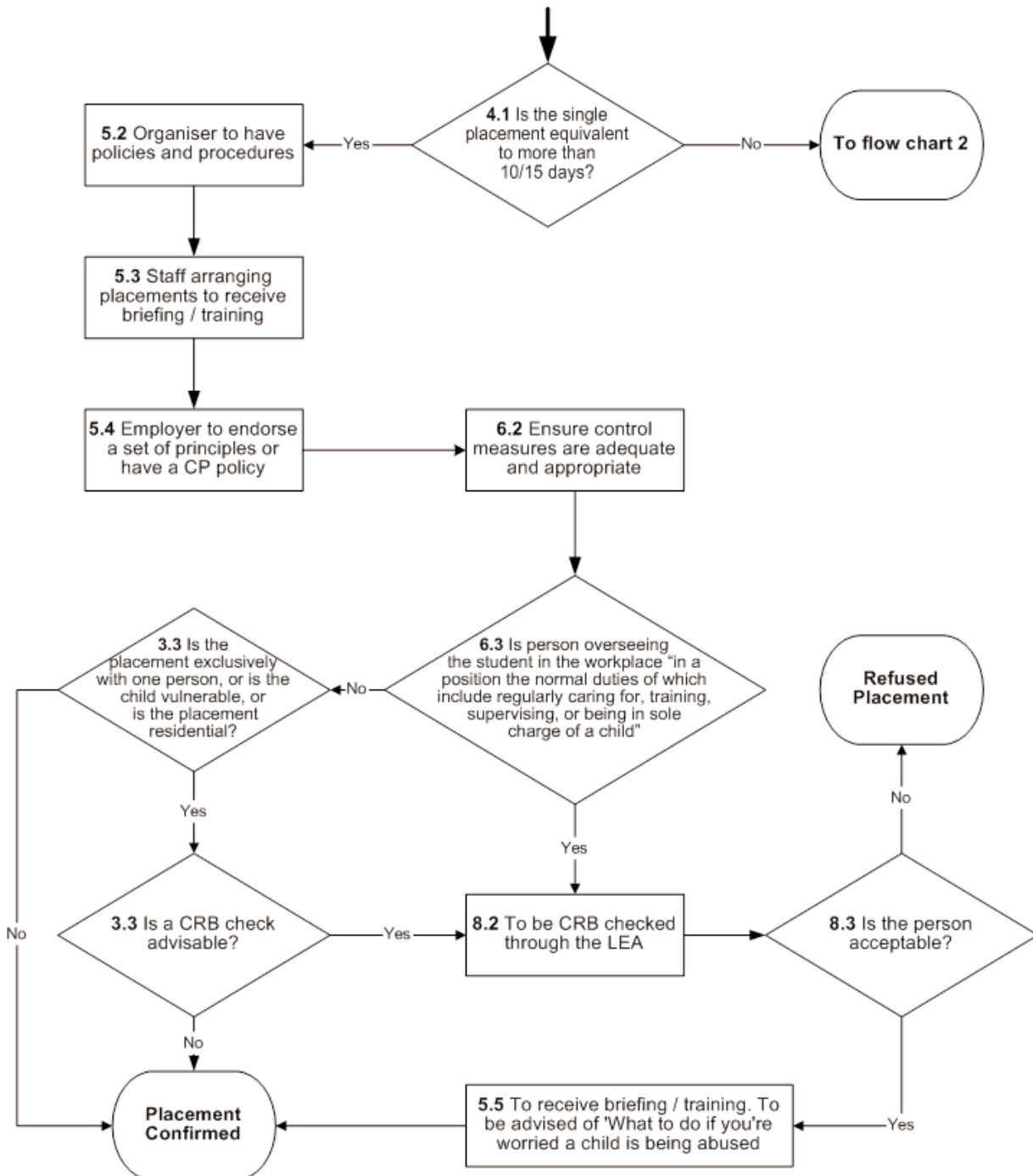








**Safeguarding Children and Safer Recruitment in Education**  
**Work Experience for under 18s**  
**Supplementary DfES Guidance November 2004**  
**Flowchart: Long Term Extended Work Experience**











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