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Next review April 2017

**KEEPING CHILDREN SAFE IN EDUCATION**  
**GUIDANCE FOR**  
**ST JOSEPH FOUNDATION UK SCHOOL AND COLLEGE**

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**ABOUT THIS GUIDANCE**

1. This guidance, by the Department for Education (DfE) and the Department for Business, Innovation and Skills (BIS), is about how schools and further education (FE) colleges should carry out their duties to safeguard and promote the welfare of children, in particular to help them safeguard children when carrying out their functions.<sup>1 2</sup>
2. This document comprises:
  - **guidance** on what schools **should** do. Under section 175 of the Education Act 2002,

<sup>1</sup> Recommendations for schools also apply to further education (FE) colleges, which includes sixth form colleges and 16 – 19 Academies. Legal duties and powers for schools differ in places from duties and powers for FE colleges.

<sup>2</sup> Separate DfE guidance (Working Together to Safeguard Children) covers action by all organisations, including schools, to protect children from risks of harm at home or in the community.

and for independent schools, under standards issued under 157 of that Act, schools and FE colleges are under a statutory duty to have regard to this guidance and should follow it unless they have compelling reasons for acting differently; and

- **information** on legal duties with which schools or colleges **must** comply.
3. This statutory guidance should be read and followed by maintained schools, non-maintained special schools, independent schools, Academies, Free Schools and colleges in the FE sector in England, to help them understand their safeguarding responsibilities and to enable them to put effective systems and policies in place. It is also relevant to supply agencies from whom schools must obtain confirmation that relevant checks on supply staff have been carried out by the agency.
  4. It is important that children receive the right help at the right time. For that to happen, everyone who comes in contact with children in school has a role to play in identifying concerns early, sharing information and taking prompt, informed action. Therefore all professionals in schools should be vigilant and act quickly when they suspect a child is suffering, or is likely to suffer, harm.

## **EXPIRY/REVIEW DATE**

April 2017

## **WHAT LEGISLATION DOES THIS GUIDANCE RELATE TO?**

5. Section 175 of the Education Act 2002 requires governing bodies of maintained schools and FE colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. Regulations made under s157 state that proprietors of independent schools (which include Academies and Free schools) must make arrangements to safeguard and promote the welfare of pupils and in doing so must have regard to any statutory guidance issued by the Secretary of State.<sup>3</sup> The Education (Non-Maintained Special Schools) (England) Regulations 2011 require non-maintained special schools to have arrangements for safeguarding and promoting the health, safety and welfare of the registered pupils at the school, and to have regard to this guidance. Details of other relevant legislation are at **Annex A**.

## **WHO IS THIS ADVICE FOR?**

6. This guidance is for school and FE college leaders, school staff, proprietors and governing bodies of all schools (including Academies and Free schools) and governing bodies of FE colleges.<sup>4</sup>

## **KEY POINTS**

- This guidance replaces *Safeguarding Children and Safer Recruitment in Education 2006*.<sup>5</sup>
- This guidance does not advise schools and FE colleges on every detail of what they should do when dealing with safeguarding issues or in relation to promoting the

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<sup>3</sup> See paragraph 7 of schedule 1 to the Education (Independent School Standards) (England) Regulations 2010.

<sup>4</sup> Governing Body includes Academy Trusts

<sup>5</sup> Which came into force on 1st January 2007



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welfare of children. While it is proper for the Government to lay down principles, it is for front line skilled professionals to use their own knowledge and judgement to safeguard and promote the welfare of children in their care, focusing on priorities and being clear about their individual responsibilities.

- All schools should have a child protection policy which sets out procedures and responsibilities for keeping children safe, including reporting allegations.
- Schools **must** check the barred status of all new staff before letting them start and must obtain a criminal records check as soon as possible, if staff have not moved directly from a similar post.<sup>6</sup>
- Schools will, in most instances, be able to ask for an enhanced criminal records check, if they think one is necessary, on other staff or volunteers. However this is not a requirement.

#### **Safeguarding arrangements that schools and FE colleges should have in place**

7. Governing bodies and proprietors are accountable for ensuring their school has effective policies and procedures in place in accordance with this guidance and for monitoring their school's compliance with them. They should ensure that an appropriate senior member of staff is designated to take lead responsibility for dealing with child protection issues, providing advice and support to other staff, liaising with the local authority and working with other agencies. The broad areas of responsibility for the designated person are detailed in **Annex B**.
8. FE colleges, non-maintained special schools and independent schools are different from maintained schools in some respects. The statutory responsibilities for safeguarding and promoting the welfare of children in FE colleges only apply in relation to students who are under 18 years old. All non-maintained and independent schools, including Academies and Free Schools, should work closely with local authorities and other organisations on safeguarding issues as part of the inter-agency safeguarding procedures established in the area by the relevant Local Safeguarding Children Board (LSCB).
9. Schools and FE colleges should have in place systems and processes designed to:
  - prevent people who pose a risk of harm from working with children;
  - ensure children are kept safe and allow for poor and unsafe practice to be challenged;
  - foster a culture of trust between adults who work at the school and children who attend it;

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<sup>6</sup> From 2013-14 (date to be announced), schools must also check barred status of new, unsupervised volunteers.

- contribute to effective partnership working between all those involved with providing safeguarding services for children; and
  - work with partners to provide a co-ordinated offer of early help when additional needs of children are identified.
10. In particular, governing bodies and proprietors should ensure that the school and FE college takes the following specific actions:
- has a child protection policy and procedures in place that are in accordance with local authority guidance and locally agreed inter-agency procedures;
  - ensures that the child protection policy and procedures are made available on the school website or to pupils, students and parents on request;
  - operates safe recruitment procedures including making sure that statutory duties to check staff who work with children are complied with and statutory guidance relating to volunteers is followed, that proportionate decisions are taken on whether to require any checks beyond that and recruitment panel members are properly trained;
  - has procedures in place for dealing with complaints about safeguarding arrangements which should be accessible to staff, pupils and parents;
  - has procedures in place for dealing with allegations of abuse against members of staff or volunteers that follow any guidance from Government, the local authority and locally agreed inter-agency procedures;<sup>7</sup>
  - designates an appropriate senior member of staff to take lead responsibility for dealing with child protection and whose duties include providing advice and support to other staff, liaising with the local authority and working with other organisations as necessary;
  - arranges for the headteacher, principal of an FE college or proprietor of an independent school and all other staff and volunteers who work with children to undertake appropriate training to equip them to carry out their responsibilities for child protection effectively and are made aware of the school's arrangements for child protection and their responsibilities;
  - identifies any instance where there are grounds for concern that a child is suffering or likely to suffer significant harm either at school or at home and immediately refers any concerns to the local authority children's social care services; and
  - nominates a member of the governing body or any other body managing the school or FE college to be responsible for liaising with the local authority and/or partner agencies, as appropriate, in the event of allegations of abuse being made against the headteacher, the principal of an FE college or proprietor of an independent school.

### **Inter-agency working**

11. In addition to having a designated senior member of staff who liaises with the local

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<sup>7</sup> Dealing with Allegations of Abuse against Teachers and Other Staff, guidance for local authorities, head teachers, school staff, governing bodies and proprietors of independent schools.



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authority and other relevant organisations all schools should contribute to safeguarding and promoting children's welfare by:

- being involved in the planning and, where appropriate, delivery of an inter-agency safeguarding plan; and
  - having regard to the *Working Together to Safeguard Children* statutory guidance issued by the Government for the wider children's workforce.
12. The school's designated senior member of staff is responsible for referring cases of suspected abuse or neglect to the relevant statutory agencies. The designated person should act as a source of support, advice and expertise for school staff when discussing with the relevant agencies whether to make a referral.
13. Schools and FE colleges should ensure that their own safeguarding arrangements take into account the procedures and practice of the local authority. Section 10 of the Children Act 2004 obliges local authorities to make arrangements to promote co-operation between itself and its 'relevant partners' and other organisations who are engaged in activities relating to children. This is with a view to improving the well-being of children in its area which includes protection from harm and neglect. The 'relevant partners' include maintained schools, Academies and Free Schools and FE colleges which are under a duty to co-operate with the local authority in the making of such arrangements. The arrangements made by local authorities under section 10 would extend to other types of independent and non-maintained schools (i.e. other than Academies/Free Schools) as such schools engage in activities relating to children. However, schools and FE colleges can have safeguarding procedures or policies which are different from, or additional to, arrangements made by the LA, provided that they do not impede or conflict with them. Ideally, the local authority and all organisations should work together to ensure agreement and consistency.

#### **Pre-employment vetting checks**

#### **Regulated Activity: work that a barred person must not do**

14. In order to help protect children, the Government bars people who are known to pose a risk of harm to children from doing certain work (paid or unpaid) with them. Work that a barred person must not do is called "regulated activity". From September 2012, the amended definition of regulated activity relating to children comprises, in summary:
- a. unsupervised activities: teaching, training, instructing, caring for or supervising children; or
  - b. providing advice/ guidance on well-being; or

- c. driving a vehicle that is being used solely for the purpose of transporting children and their carers/escorts; and
  - d. work carried out in and for the purposes of a limited range of establishments, where that work gives the opportunity to have contact with children: e.g. work in schools, children's homes, childcare premises. This does not include work by supervised volunteers.
15. Work under (a) or (b) is regulated activity only if done regularly, with the exception of the provision of health care or certain types of personal care (e.g. helping a child dress) which is always a regulated activity.
  16. The scope of regulated activity has been reduced as part of moves to scale back disclosure and barring arrangements to common-sense levels. Most work in a school (and teaching children in an FE college) is work that individuals must not do if they are barred.<sup>8</sup> In a school a supervised volunteer who regularly teaches or looks after children is not in regulated activity. DfE has published statutory guidance (**Annex C**) to help managers decide if activity is 'supervised' for the purposes of deciding whether it is regulated activity or not.
  17. If a school knows that an individual is barred the school commits an offence if it allows the individual to carry out any form of regulated activity. There are also penalties of up to five years in prison if a barred individual is convicted of attempting to enter such work. Full information on the definition and a link to general guidance on disclosure and barring arrangements, published separately by the Government, are at:

[www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring](http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring)

### Checks on New Staff

18. DfE regulations for schools contain a statutory duty that schools must obtain a barred list check with an enhanced criminal records check for newly appointed staff. The criminal records check is only for staff who within the three months before their appointment have not worked in:
  - a school in England in a post which brought them into regular contact with children or any post they were appointed to since 12 May 2006; or
  - an FE college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18.
19. A school or FE college must not request a barred list check on a worker who is not in regulated activity as such a check would be unlawful.

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<sup>8</sup> Where an FE college can reasonably demonstrate that it is wholly or mainly for the full-time education of children during the daytime, it is an 'establishment' within the new definition of regulated activity.



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### Referring Cases to the Disclosure and Barring Service (DBS)

20. Schools and FE colleges must refer to the DBS anyone who has harmed or poses a risk of harm to a child and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.<sup>9</sup> The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. Guidance on referrals, including contact details and where to send documents, is at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.
21. Professional misconduct cases should be referred to the relevant regulatory body.

### Recruitment, Selection and Pre-Employment Vetting

22. The measures described in this section (para 23-28) on recruitment, selection and pre-employment vetting should be applied in relation to everyone who works in a school or FE college (not just those in regulated activity) who as a result of their work:
  - a) is responsible, on a regular basis, in any setting for the care or supervision of children; or
  - b) regularly works in a school at times when pupils are on school premises. Even though a person's work at a school (e.g. caretaker, reception staff) may not be a role that requires interaction with children, such work will provide an opportunity to have contact with children and such workers will be seen as safe and trustworthy because of their regular presence in the setting. This may include workers not on the payroll, e.g. staff employed by contractors and unpaid volunteers; or
  - c) in an FE college, regularly comes into contact with students under 18 years of age.
23. The employer should have a written recruitment and selection policy and procedures which are linked to the child protection policy and procedures.

### Pre-Appointment Checks

24. An offer of appointment to the successful candidate should be conditional upon satisfactory completion of pre-employment checks. Schools and FE colleges must:
  - verify the candidate's identity. Photographic ID and proof of address should be seen except where for exceptional reasons none is available. The DBS requires that a person's identity has been properly verified for the purposes of an application for an enhanced criminal

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<sup>9</sup> Section 35 of the Safeguarding Vulnerable Groups Act 2006

records check;

- verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission then prospective employers or volunteer managers should contact the UK Border Agency's immigration enquiry bureau at [UKBApublicenquiries@ukba.gsi.gov.uk](mailto:UKBApublicenquiries@ukba.gsi.gov.uk);
  - for staff the school employs, receive a barred list check; and
  - verify the candidate's medical fitness. It is the statutory responsibility of employers to satisfy themselves that individuals have the appropriate level of physical and mental fitness before an appointment offer is confirmed.
25. The above checks, when required, must be completed before a person takes up the position. An enhanced criminal records check must be obtained before or as soon as practicable after appointment. Pending arrival of a criminal records check the school and FE college have the discretion to employ the person with appropriate safeguards. The flowchart at Annex D sets out duties, powers and guidance for barred list and enhanced criminal records checks on (or escorting of) people who will work in or visit a school or FE college.

#### **Checks on Existing Staff**

26. If a school or FE college has concerns about the suitability of an existing staff member to work with children, or a person moves to work in regulated activity and for their previous work they were not checked, then the school or FE college should carry out all relevant checks as if the person was a new member of staff.

#### **Checks on Contractors**

27. Schools and FE colleges should have arrangements in place with contractors to make sure that for any of the contractor's staff working regularly in the premises with the opportunity for contact with children, the contractor has obtained a barred list check and an enhanced criminal records check. For contractor's staff who do not work regularly at the school but may have contact, it is up to headteachers and principals to use their professional judgment to decide whether to request a criminal records check and how far to supervise these workers. Generally, contractors who have not been checked by their employers should be supervised.

#### **Checks on Visitors**

28. Schools and FE colleges cannot undertake barred list or enhanced criminal records checks on visitors e.g. MPs or relatives on sports day. Headteachers and principals should use their professional judgment about escorting and supervising visitors.



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### **Checks on Individuals who have Lived or Worked Abroad**

29. Newly appointed staff who have lived or worked abroad must first undergo the same checks as for all other staff in schools or FE colleges. In addition schools and colleges must make such further checks as they consider appropriate due to the person having lived outside the United Kingdom and take extra care when taking up references.

### **Checks on Proprietors of Independent Schools and Governing Bodies of Academies**

30. The proprietor of an independent school, or its chair where a body of persons is the proprietor (including the chair of the board of governors/directors of an Academy/Free School Trust), or the chair of the governing body of a non-maintained special school must obtain, prior to becoming the proprietor or being appointed as a chair, an enhanced criminal records check which is countersigned by the Secretary of State.
31. Enhanced criminal records checks must be made for all other members of the governing body and the governors/directors of the Academy/Free School Trust or members of a proprietor body by the chair. These checks must have been completed before a governor/director takes up his/her position. Where the chair or members of the governing body also engage in regulated activity the enhanced criminal records check must include a barred list check.
32. Academy/Free School Trusts have the same responsibilities as all independent schools in relation to carrying out criminal records checks in relation to both staff and supply staff.

### **Checks on Agency Staff**

33. Schools must ensure that the agency provides written notification that they have carried out the checks required by DfE regulations.-

### **Checks on Volunteers**

34. Schools are not allowed to check supervised volunteers against the barred list and there is no duty for an enhanced criminal records check to be obtained on them, although schools and colleges may choose to request one as they judge necessary. Volunteers who regularly teach or look after children on an unsupervised basis are working in regulated activity: the school should obtain a barred list and an enhanced criminal records check.<sup>10</sup> For existing volunteers who are unsupervised and continuing with their current duties, unless the school or college has cause for concern, they should not request a barred list check or an enhanced criminal records check because they should already have been checked.

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<sup>10</sup> From 2013-14 (date to be announced), all organisations will have a duty that they must obtain a barred check on a volunteer entering regulated activity.

35. If the volunteer is not in regulated activity the school or college should undertake a risk assessment and use their professional judgement and experience when deciding whether to require an enhanced criminal records check. They should consider:
- the nature of the work with children;
  - what the establishment knows about the volunteer including formal or informal information offered by staff, parents and other volunteers; and
  - whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability.
36. Under no circumstances should a volunteer who is proposing to work in regulated activity and in respect of whom no checks have been obtained be left unsupervised with children.

### **Single Central Record**

37. Schools must keep a single central record so they have evidence to demonstrate to inspectors that they have carried out the range of checks required by the law on their staff (for FE colleges this relates only to staff providing education to children). A copy of the documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file. Schools do not have to keep copies of vetting documents in order to fulfil the duty of maintaining the single central record.
38. The school must have a record of the following people:
- all staff who are employed to work at the school; and those in FE colleges providing education; and
  - all staff who are employed as supply staff to the school or as supply staff providing education to the FE college whether employed directly by the school, FE college or local authority or through an agency.
39. Details of what needs to be included in the "register" can be found for maintained schools in The School Staffing (England) Regulations 2009 and for independent schools The Education (Independent School Standards) (England) Regulations 2010.

<http://www.legislation.gov.uk/ukxi/2009/2680/contents/made>

<http://www.legislation.gov.uk/ukxi/2010/1997/contents/made>

### **Special Circumstances**

#### **Checks on adults who supervise work experience by pupils**

40. Schools and FE colleges organising work experience placements should ensure that policies and procedures are in place to protect children from harm.

#### **Short-term private fostering for schools exchanges (Host Families)**

41. Schools or FE colleges will generally not have to check when arranging (for example on a school exchange) for a child to stay in England or Wales with a "host family" (private fostering). There will be no duty to



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do a barred list check on foster carers so long as the child's parents approve the choice of carers, and carers are unpaid volunteers. If a placement is 28 days or longer, the school/college and the carers have a statutory duty to notify the local authority, which inspects the fostering arrangements. Where carers are paid, for example under arrangements made by a private language school, from 2013-14 the organisation will have a duty to carry out a barred check on any new carer. A barred person would be committing an offence if they provided foster care in any case.

#### **Annex A**

#### **Statutory Framework**

The legislation relevant to safeguarding and promoting the welfare of children is set out below.

#### **Main Acts of Parliament**

The Children Act 1989;  
Education Act 2002;  
The Children Act 2004;  
Safeguarding Vulnerable Groups Act 2006 as amended;  
Protection of Freedoms Act 2012.

#### **Main Secondary legislation**

The Non-Maintained Special Schools Regulations 1999;  
The Further Education (Providers of Education) (England) (Regulations) 2006;  
The School Staffing (England) Regulations 2009;  
The Education (Independent School Standards) (England) Regulations 2010.

In addition, DfE secondary legislation duties to obtain criminal records disclosures or barred checks rely on powers to check which are in the Police Act 1997 Criminal Records regulations, and Rehabilitation of Offenders Act 1975 Exceptions Order - both as amended.

## **Annex B**

### **Broad areas of responsibility proposed for the Designated Senior Person for child protection**

- The designated person must have the status and authority within the school management structure to carry out the duties of the post including committing resources and where appropriate directing other staff. In many schools a single designated person will be sufficient but a deputy should be nominated to act in the designated person's absence.

### **Referrals**

- Refer cases of suspected abuse or allegations to the relevant statutory agencies (children's social care or the police).
- Act as a source of support, advice and expertise to staff within the educational establishment when deciding whether and when to make a referral to relevant statutory agencies.
- Seek advice from and share information with relevant statutory agencies before seeking consent or informing parents of a referral unless to do so would place a child at increased risk of harm, for example in cases of suspected forced marriage.
- Liaise with the headteacher or principal (where the role is not carried out by the headteacher or principal) to inform him or her of any issues and ongoing enquiries under section 47 of the Children Act 1989 and police investigations and ensure there is always cover for this role.

### **Training**

- Recognise how to identify signs of abuse and neglect and when it is appropriate to make a referral to other agencies.
- Understand the assessment process for providing early help and intervention, for example through locally agreed common and shared assessment processes, such as the Common Assessment Framework (CAF).
- Have a working knowledge of how local authorities conduct a child protection case conference and a child protection review 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 and procedures, especially new or part-time staff who may work with different educational establishments.
- Ensure all staff have induction training covering child protection and



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are able to recognise and report any concerns about children's safety and welfare 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.

#### **Raising Awareness**

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

#### **Annex C**

##### **Statutory guidance: Regulated Activity (children) - supervision of activity with children which is regulated activity when unsupervised**

1. This document fulfils the duty in legislation<sup>i</sup> <sup>ii</sup> that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, FE colleges, youth groups and sports clubs.
2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.
3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation

decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- there must be supervision by a person who is in regulated activity<sup>iii</sup>;
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

4. Supervision by a person in regulated activity / regular and day to day: supervisors must be in regulated activity themselves<sup>iv</sup>. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

5. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual’s work (or, in a specified place such as a school, the individual’s opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
- how many workers would be supervised by each supervising worker.

6. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

## **EXAMPLES**

### **Volunteer, in a specified place**

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr Jones is not in regulated activity.

### **Volunteer, not in a specified place**

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time.



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The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

### **Employee, not in a specified place**

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 5 of this guidance; and if it is a specified place such as a school:
  - consider whether the supervised worker is a volunteer<sup>v</sup>.

### **Department for Education / Department of Health, Social Services and Public Safety (Northern Ireland), September 2012**

#### End-notes

- i Safeguarding Vulnerable Groups Act 2006, amended by Protection of Freedoms Act 2012: Schedule 4, paragraph 5A: guidance must be "*for the purpose of assisting*" organisations "*in deciding whether supervision is of such a kind that*" the supervisee is not in regulated activity.
- ii Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Schedule 2, paragraph 5A, is as above on guidance on "supervision" for Northern Ireland.
- iii If the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.
- iv From 2013-14, the Government plans to commence a statutory duty on an organisation arranging regulated activity (under the 2006 Act or 2007 Order, both as amended) to check that a person entering regulated activity is not barred from regulated activity; and plans to commence a stand-alone barring check service by the new Disclosure and Barring Service.
- v A volunteer is: in England and Wales, a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives; in Northern Ireland, a person engaged, or to be engaged, in an activity for a non-profit organisation or person which involves spending time unpaid (except for travel and other approved out-of-pocket expenses) doing something which amounts to a benefit to some third party other than, or in addition to, a close relative.

## Appendix 1

### First Aid and Administration of Medication

It is expected that adults working with children and young people should be aware of basic first aid techniques. It is not however, a contractual requirement and whilst adults may volunteer to undertake such tasks, they should be suitably trained and qualified before administering first aid and/or any agreed medication. Health and Safety legislation places duties on all employers to ensure appropriate health and safety policies are in place and an appropriate person is appointed to take charge of first aid arrangements. Therefore all schools must have trained first aiders/appointed persons. Appropriate regard should be paid to current guidance:

- Managing medicine in schools and Early Years (Ref 1448 – 2005)
- DfES guidance for first aid in schools 1988
- [www.teachernet.gov.uk/whole school/health and safety/first aid](http://www.teachernet.gov.uk/whole%20school/health%20and%20safety/first%20aid)

Pupils may need medication during school hours. In circumstances where children need medication regularly a health care plan should have been established to ensure the safety and protection of children and the adults who are working with them.

Depending upon the age and understanding of the child, they should where appropriate (and with the permission of the parents as necessary) be encouraged to self administer medication or treatment including, for example any ointment, use of inhalers. Where possible the view of the relevant GP should be obtained.

If a member of staff is concerned or uncertain about the amount or type of medication being given to a pupil this should be discussed with the appropriate senior colleagues at the earliest opportunity. All administrations of medicine should be recorded. When administering first aid, staff should try to ensure that another adult is present or aware of the action being taken. Parents should always be informed when first aid has been administered.

This means that schools should:

- Ensure there are trained and named individuals to undertake first aid responsibilities.
- Ensure training is regularly monitored and updated.
- Always ensure that arrangements are in place to obtain parental consent for the administration of first aid or medication.
- Ensure that staff understand the extent and limitations of their role in applying basic care and hygiene tasks for minor abrasions and understand where an injury requires more experienced intervention.

This means that staff/adults should:

- Adhere to the school's safety policy (and policy for administering first aid or medication).
- Adhere to the school's intimate care policy.
- Make other staff aware of the task being undertaken.
- Comply with the necessary reporting requirements.
- Report and record any administration of first aid or training.
- Always act and be seen to act in the child's best interest.
- Ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities.
- Explain to the child what is happening.



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- Have regard to any health plan which is in place.

## **Appendix 2**

### **Whistle-blowing**

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

Staff should acknowledge their individual responsibilities to bring matters or concern to the attention of senior management and/or external agencies. This is particularly important where the welfare of children may be at risk.

The Public Interest Disclosure Act 1998 encourages individuals to raise concerns about malpractice in the workplace. The Authority's confidential reporting code also referred to as the 'whistle blowing' policy, makes it clear that employees can raise serious concerns without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable employees to raise those concerns within the Council, rather than overlooking a problem.

As a first step, concerns should normally be raised with an individual's immediate manager or their superior. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if an individual believes that management is involved, they should approach the Chief Executive, Chief Finance Officer, Monitoring Officer or the Assistant Director Audit and Risk

## **Appendix 3**

A formal Local Authority Escalation Procedure Resolution of professional disagreements relating to the safeguarding of children & the escalation of professional concerns (2010) is available on the LSCB website and should be consulted in the event of professional disagreements. However, some general principles are shown below.

- If you feel that a decision made by another professional leaves a child at risk of harm:
- Articulate your views.

- Ensure that the fact that you do disagree with the decision is recorded in writing; both by you and where possible on relevant case papers held by other professionals involved.
- Ask for the other professional to provide written confirmation of their decision and their reasons for it.
- Discuss the case with a fellow safeguarding professional, (whilst taking care to observe the bounds of confidentiality) this may help to clarify matters and identify the best way forward.
- Don't be afraid to challenge the decision but be ready to justify your reasons and where possible support with evidence. (Record details in writing.)
- Where the threshold for significant harm has either not been met or is no longer being met, continue to refer new information around risks or concerns which come to light. New information may alter the level of identifiable risk and tip the balance in favour of intervention.
- If you believe that a decision made by another professional exposes a child to risk/ continuing risk of significant harm **NEVER DO NOTHING!** That you should challenge is not just 'ok'; it's expected.

In line with *Resolution of professional disagreements relating to the safeguarding of children & the escalation of professional concerns* (2010), the usual protocol is that where matters are escalated, discussions take place between individuals of similar levels of seniority. Therefore it might be that representations are made by a more senior member of staff on behalf of the Designated Person, for example, the Head Teacher.

## Appendix 4

### Definition of Private Fostering

A private fostering arrangement is one that is made privately (that is to say without the involvement of the LA) for the care of a child:

- under the age of 16 (under 18 if disabled)
- by someone other than a close relative
- with the intention that it should last for 28 days or more.
- private foster carers may be from the extended family such as a cousin or great aunt.



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However a person who is a relative under the Children Act 1989 i.e. a grandparent, brother, sister, uncle or aunt (whether full or half blood or by marriage) or a step parent will not be a private foster carer.

A private foster carer may be a friend of the family, the parent of a friend of the child or someone previously unknown to the child's family who is willing to privately foster a child.

The period for which the child is cared for and accommodated by the foster carer should be continuous - but that continuity is not broken by the occasional short break. A break in the period e.g. for a child to visit his/her parents at the weekend would not affect the nature of the placement as a private foster placement. For a break to restart in calculating the period it must result from the ending of one arrangement prior to the start of a new arrangement.

Where a child is under 16 years old and is a pupil at an independent school and lives at the school during the school holidays for a period of more than 2 weeks, he/she will be subject to private fostering regulations unless one of the exemptions below applies.

Where a child under 16 is studying at a language school for more than 28 days and stays with a host family he/she will be subject to private fostering regulations.

### **Exemptions**

These are covered in Schedule 8 of the Children Act 1989 but the main exemptions are covered below.

Children will not be privately fostered:

- Where the arrangements last for less than 28 days and are not intended to extend beyond that period
- Where the child is looked after by a LA
- Where the child is living in a children's home or accommodation provided by/on behalf of a voluntary organisation
- A school in which he/ she is receiving full time education (either during term time or residing there less than 2 weeks of any school holiday)
- Where the child is placed by an adoption agency in the care of a person who proposes to adopt him/her or s/he is a protected child under the Adoption Act 1976 (section 32).

### **Appendix 5**

## Chronology Template

In the front of the child protection file should be a 'chronology'. This is like a diary which lists in chronological order each relevant event & includes details such as date, time, name of person involved/spoken to, rationale for decision making and paperwork generated (see example below).

## Sample Chronology Template

<b>Time/Date</b>	<b>Event</b> (A brief overview of the event but should include the names of those spoken to/involved)	<b>Outcomes/ actions carried forward, rationale for decisions made</b> (particularly around information sharing) or general comments	<b>Records/paper Work generated</b>	<b>Entry made by</b> (print name)

## Appendix 6

### Equality & Diversity Issues in Safeguarding & Child Protection

This appendix highlights how equality and diversity issues and characteristics can impact on the safety and well being of pupils.

#### General/Factors to consider

- Communication difficulties may exist as a result of language barriers, physical & learning disability or age. Children and young people with communication difficulties may not easily be able to let someone know that they are being abused.
- Some Ethnic Minority families are less likely to understand the role of Social Services, often because of language or cultural differences.
- The personal care or behaviour management of a child with disabilities may leave some families more vulnerable to accusations of abuse. Some practices, such as personal care, medical interventions, or restraint may be seen to be abusive.
- Parents and carers with a disability / health issue (including learning disabilities, mental health and addiction problems) may be unfairly viewed as less able to care for their children.
- Parents in same – sex relationships may have concerns that their sexual orientation will be seen as a risk factor for their child.



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- An Ofsted evaluation of serious case reviews April 2008 to March 2009 concluded that issues of disability often masked child protection concerns and that in half of cases involving children with disabilities, there was a failure to recognise the increased vulnerability of disabled children, for example to child sex abuse.
- Children who grow up in poverty are less likely to get qualifications or go on to higher education, and are more likely to become young parents. People with low levels of educational achievement can expect to be less employable, therefore poorer, therefore less healthy and probably less likely to participate in civic activity. The kinds of people who are less likely to be employed are also more likely to be involved in crime, to have shorter life-spans and to have less fulfilling family lives. Whole families can be locked into cycles of deprivation.
- Racial harassment is often not seen as a child protection issue or as a factor in neighbours maliciously reporting concerns.
- Women are more likely to report, consult for and be diagnosed with depression and anxiety.
- Boys are four times as likely as girls to be identified as having a behavioural, emotional and social difficulty (BESD).
- It is possible that depression and anxiety are under-diagnosed in men. Suicide is more common in men.
- All forms of substance abuse are more common in men.
- Alcohol disorders are twice as common in men, although binge drinking is increasing at a faster rate among young women.
- Incidence rates of most sexually transmitted infections are rising, with the increase being greater in women than men.
- An estimated 66,000 women living in the UK have undergone female genital mutilation and 21,000 girls under 16 are currently at risk. (HO & WRC)
- In 2008 the Forced Marriage Unit received over 1600 calls to its helpline on suspected incidences of forced marriage. (HO)

### **Bullying & Discrimination**

- There is a need to **educate children about diversity** from lower school level and to **teach young children not to stereotype and to respect differences.**

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- Eight out of ten children with learning disabilities have been bullied at school and six out of ten have been physically hurt.
- Disabled children and those with visible medical conditions can be twice as likely as their peers to become targets for bullying behaviour.

**Annex D Barred and DBS checks: duties, powers and guidance**

