

Safeguarding Update 1 – Autumn Term 2009/2010 (+!!)

Welcome to the first of many regular Newsletters in which we hope to keep you up to date with both national and local safeguarding issues. We are here to offer practical help, advice and guidance and we hope that you find these regular updates helpful. *Working Together to Safeguard Children* sets out how individuals and organisations should work together to safeguard and promote the welfare of children. Earlier this year HM Government issued new guidance on Information sharing, and in March the Laming Report 2009 was published – both highlighted that all the agencies have to work together and that outcomes for children are improved if we don't work in isolation.

Safeguarding Audits Thank you to all the schools that have now submitted their Audits. The purpose of the Audit is to assess the progress of each school against the statutory requirement to safeguard and promote the welfare of children under Section 11 of the Children Act 2004. It also provides an opportunity for you to review and update the position of your school against the standards. We hope you found completing them helpful in identifying any areas of policy, practice and procedure that you need to improve. The mammoth task of co-ordinating, collating and recording all the information is now well underway and we look forward to sharing some of the good practice that has already been identified with you in the next update. You will have seen in the letter that was sent with the audit that we will be visiting a number of schools as part of the audit process. Although part of the rationale for the visits is to 'quality assure' safeguarding practice and identify any possible areas which do not meet current national and local standards, we also aim to

- provide an opportunity for you to discuss your practice and any issues particular to your school
- give you support and specialist advice on your Action Plan
- learn about and share good practice in Devon schools

The schools, which have been selected at random, will be notified shortly. The individual schools will not be identified when we publish the findings from our school visits. Could all completed audits be sent in as soon as possible. By doing so you will be complying with the requirement to complete an annual review of safeguarding practice, which must be sent to the Local Authority and your GB.

Forums The Laming Report 2009 and recent Serious Case Reviews have all identified the need for supervision for senior designated officers for child protection/safeguarding. A Children's Trust working group is currently considering models for supervision including those which could be adapted for Senior Designated Officers. Whilst this work continues LDP are arranging some half-day forums when SDO's can get together and discuss safeguarding issues, changes in legislation, seek advice, hear from other agencies and more importantly network with colleagues. We aim to hold these termly in the north and mid, south and west and Exeter and east of the County. [*The inaugural forums were held in November and December.*] There is a cost £45 for these events to include light refreshments. A similar forum for independent schools was held on 6 October and the feedback was very positive about the value of holding these regular events. Bookings can be made on line at: www.devonldp.org/cpd

Handbook You should by now have all received a draft copy of the Safeguarding/Child Protection Handbook which was emailed to all schools. We have included a range of useful, basic information along side some useful pro-forma and guidance on topics such as record keeping, creating reports and information sharing. During this half term you will receive a hard copy which we will be updated on a regular basis. We will also be emailing a feedback form for schools to let us know what else you would like included in the handbook. Each school will receive one hardcopy of the handbook but can order additional copies for £10.

Policies The safeguarding audit has highlighted the need to have a definitive list of model policies, documents and guidance for educational settings. Across DCC there appear to be many documents covering similar areas of policy whilst other aspects of safeguarding are not covered at all. We have started work on bringing these policies together and plan to have a definitive list with links available on the LDP website under safeguarding as soon as possible. If anyone does have any policies which are up to date, fit and robust for purpose and would like to share them please email them to Jane Lake at jane.lake@devon.gov.uk.

Safer recruitment Please note the amendments to the School Staffing Regulations (England) 2009 below:

Summary:

The School Staffing (England) Regulations 2009 came into force on 2 November 2009 and replaces the School Staffing (England) Regulations 2003. Local authorities will need to make themselves familiar with the legislation so that they can apply the new regulations from 2 November. To view the regulations, visit the Office of Public Sector Information website at http://www.opsi.gov.uk/si/si2009/uksi_20092680_en_1. The regulations introduce a duty on the governing body to ensure that the headteacher complies with, and benefits from, entitlements laid out in the School Teachers' Pay and Conditions [Document](#). They also place a duty on the governing body to respect the work life balance of the headteacher and require that at least one person involved in the recruitment of school staff has undertaken [safer recruitment training](#). Other amendments remove minor inconsistencies, and clarify the intention of some of the regulations. Please note, safer recruitment training has been extended to all members of staff (not just teachers and governors) and is valid for a period of five years. The online training available through the CWDC is free of charge. LDP in conjunction with DSCB have also planned some one-day nationally accredited training events to help fulfil a growing need for bespoke training. These are:-

4 February 2010 - Tiverton Hotel 3 March 2010 - St Cuthbert's Conference Centre, Buckfast

All will be from 9am - 4pm at a cost of Cost: £82 per delegate *For any queries or further information please contact:* Linda Houlston Tel: 01392 386466 Email : linda.houlston@devon.gov.uk LDP will be providing additional training, as demand dictates, throughout 2010 and beyond.

Records Disclosure Service SCHOOLS & FE COLLEGES CRB GUIDANCE

1. CRB Criteria It is mandatory for enhanced CRB Disclosures to be obtained for all appointed school or college staff or volunteers. There is no requirement however to ask existing staff or volunteers who have been in post prior to the establishment of the CRB in March 2002 to be checked.

2. Record Keeping Every school or college must maintain a Single Central Record (SCR) of all recruitment and vetting checks. It will often be the first document Ofsted inspectors will ask to see and failure to produce a SCR evidencing that all the appropriate checks have been made will have an immediate and serious impact on the outcome of the inspection. This requirement has been in place since 1 January 2007 as documented in the DCSF guidance (Safeguarding Children and Safer Recruitment in Education) available at: https://www.schoolsrecruitment.dcsf.gov.uk/themes/default/pdfs/content/Safeguarding_Children_and_Safer_Recruitment_in_Education_Booklet.pdf. The SCR should contain details of all employed staff, supply staff, volunteers, governors and all others in regular contact with the children. A comprehensive template of a SCR is available from the Record Disclosure Service. This document is a template only, if existing records are in place containing the same core data this is acceptable.

3. List 99* Checks A check of list 99 can be undertaken independently from a CRB Disclosure. However an enhanced CRB will always include a check of List 99. List 99 checks are only required for those staff or volunteers employed prior to 2002 where a full CRB Disclosure has not been undertaken, or where an individual is required to start at the school or college prior to the full CRB Disclosure being returned (providing the appropriate safeguards are in place). All requests for a check of list 99 should be sent to disclose@devon.gov.uk stating all the person's previous surnames and their date of birth. From 12th Oct. 2009 List 99 ceased to exist and was replaced by the new ISA Children's Barred List. The processes will remain unchanged, however the terminology will change to be an 'ISA first' check instead of a 'List 99' check.

4. Rechecking CRB Disclosures Whilst there is no statutory requirement to undertake rechecks of CRB Disclosures, DCC has a corporate policy in place requiring CRB checks to be redone on a 3 yearly basis. The DCC CRB policy can be viewed at: <http://staff.devon.gov.uk/criminalrecordsbureau.htm>. New CRB applications should be made 3 months prior to the date the CRB is 3 years old to allow sufficient time for it to be completed. As above, schools or colleges do not have the entitlement to request checks of those staff employed

prior to March 2002, however these staff can be asked if they are willing to undergo a check if the school or college wishes.

5. CRB Portability CRB checks are portable between DCC schools or colleges, providing there is no significant change in post e.g. moving from a Classroom Assistant to a Teacher or from a Teacher to Head. Although there is no statutory requirement to recheck school or college staff from other local authorities, DCC would always apply for a new CRB check in this instance. The only instance where a CRB check is acceptable which has been undertaken by an organisation other than DCC is for agency workers, contractors or trainee teachers (see 7 & 8).

6. Right to Work Checks Schools or colleges should ensure through their recruitment processes they have confirmation of all individuals' right to work in the UK. This information should be recorded on the SCR. This includes those born in the UK who should provide a UK passport or birth certificate which should be evidenced on the personal file. Storage of this ID bears no relation to the ID seen for CRB Disclosures. Further guidance in a DCC policy is available at: <http://staff.devon.gov.uk/eligibilitytowork.htm> There is no specific requirement to retrospectively have this in place for all school or college staff.

7. Qualifications & Registrations Schools or colleges must always verify that an individual has actually obtained any qualifications legally required for the job. A relevant certificate or diploma, or a letter of confirmation from the awarding institution should be seen. If the original documents are not available, a properly certified copy is acceptable. In addition, those requiring GTC registration must provide the school or college with evidence of registration. Evidence of qualifications and registration details for all staff must be detailed on the SCR and copies of the documents should be stored on the personal file.

8. Contractors The responsibility for undertaking CRB checks lies with the contractor. The contractor must supply the school or college with a list of the individuals working on site and confirmation that the CRB (and other appropriate checks) have been undertaken, which must be recorded on the SCR. There is no requirement for the certificate number or issue date to be provided, or a copy of the Disclosure to be seen. This information should be provided at least 20 days before they start work on site and should include any sub-contractors. This includes contract catering, cleaning and transport staff.

9. Supply Teachers Where the school or college employs supply staff directly, the relevant checks must be made and recorded as with all other employed staff. If supply staff are being taken on through a supply agency, the school or college must obtain written confirmation that CRB Disclosures have been undertaken and if it included any 'positive' information. Where there was 'positive' information the school or college must obtain a copy of the CRB Disclosure from the agency.

10. School Nurses It is the responsibility of the employer to undertake the CRB check and therefore for school nurses, this should be carried out by the Primary Care Trust. The school must gain confirmation from the PCT that the appropriate vetting checks have been carried out and store this information. If the CRB Disclosure contained 'positive' information the school have the entitlement to see the Disclosure and be involved with the suitability decision.

11. Work Experience Pupils out on work experience:

There is no requirement to vet all staff who come into contact with a student on placement. The only person who should be considered being CRB checked is the person having day-to-day responsibility for the student. Typically there will not be a requirement to CRB check even the person in sole charge of the student unless they fall into one of the following:

1. The student is identified by the school as being vulnerable
2. The placement is for more than 15 days
3. Regular lone working or isolated environments with 1:1 working
4. Placements involve a residential element

Pupils in other schools or colleges:

The following pupils would not require a CRB Disclosure:

- secondary pupils on key stage 4 work experience in other schools, colleges or nursery classes
- secondary pupils undertaking work in another school or college as part of voluntary service, citizenship or vocational studies

- key stage 5 or sixth form pupils in connection with a short careers or subject placement

12. Governors In-line with volunteers, governors in regular contact with the children should be CRB checked. All others should be asked to sign a declaration confirming their suitability to fulfil the role. This information must be stored on the SCR. The DCC policy on CRB rechecking also applies to governors.

13. The Vetting & Barring Scheme The new Independent Safeguarding Authority's Vetting and Barring scheme launched on 12th October 2009, with registrations to the Scheme starting on 26 July 2010. Schools will be required to begin registrations on return to the autumn 2010 term, however further guidance will be issued well in advance of this. There is a dedicated ISA area of the source available at: <http://staff.devon.gov.uk/cr/er/independentsafeguarding-authority.htm>. Dates of ISA information sessions are available on these pages and contact details for advice.

Tara Hall, RDS Manager Oct 2009

Multi-Agency File audit In its inspection report of safeguarding practice in the Local Authority during the summer Ofsted observed that, whilst schools are generally well engaged with the safeguarding agenda, the quality of record keeping needs to improve: This judgement was mirrored by the second, DSCB commissioned, multi-agency child protection file audit which has just been completed. Seventeen education files were audited (these included files from schools, the EWS and EOTAS) and the audit found that the quality of record keeping in the majority of school child protection files remains poor. In many cases it was difficult to identify the child, what school they attended and the nature of the concern. Please remember that it is essential to have all core data visible at the front of the file – a print off from SIMS would suffice. This should be followed by a chronology and then all other reports. Please ensure that all entries are in date order, dated (including the year) and signed, with the name of the person making the entry clearly legible, followed by what actions were taken. A model file has been included in the handbook that will act as guidance although you may be using similar pro-forma which is perfectly acceptable.

Helpline The Education Welfare Service now offers a helpline service to Devon schools on all aspects of the Services' work - 01392 383903. This is staffed by Education Welfare Officers who should be able to offer advice or help on any safeguarding matters. However, both Beverley Dubash and Jane Lake are available if you require specialist advice. You may also contact the Referral and Threshold Consultation Service on 01392 388725/386961 for confidential advice on individual child protection concerns.

Update Dec. 16th Independent Safeguarding Authority (ISA) + Vetting & Barring Scheme (VBS) Changes

Earlier this year the Children's Secretary, Ed Balls, asked Sir Roger Singleton to review certain aspects of the VBS, as a result of significant concerns being raised about the interpretation of one aspect of the scheme: the degree of contact with children which should trigger the requirement to register with the ISA. Sir Roger Singleton has now completed his review of the VBS and detailed his recommendations in the report "Drawing the Line". These have all been accepted by Ed Balls who has agreed to make the necessary adjustments to the rules of the Scheme to ensure that it strikes the right balance between keeping the most vulnerable in our society safe from harm without being unnecessarily burdensome. The effect these changes will have on DCC will largely impact school/college settings. The changes to the frequent and intensive specifications will relax the proposed 'challenging' vetting requirements for volunteers and contractors, the changes to exchange visit requirements will alleviate apprehension about this being an end to this activity and the minimum age of registration being raised to 18 for those registering as part of their studies will help ease future impact on budgets. However, the majority of DCC paid staff and regular volunteers will not be affected by the changes and therefore our predicted impact remains largely unchanged. The ten accepted recommendations are outlined below. The first two are broad principals, followed by five specific changes and 3 proposed areas for further review. Items 9 and 10 could potentially have a significant impact although the DCSF have confirmed they will consider these very carefully.

Fundamental Guiding Principals:

1. Mutually agreed and responsible arrangements made between parents and friends for the care of their children will not be affected by the Vetting and Barring Scheme.

2. Where organisations such as schools, clubs or groups make the decision as to which adults should work with their children then the requirements to register will apply, subject to the frequent and intensive contact provisions.

Specific Adjustments to the Scheme:

3. The frequent contact test will be met if the work with the children or vulnerable adult takes place once a week or more. The intensive test will be met if the contact takes place on 4 days in one month or overnight.
4. Individuals who go into different schools or similar settings to work with different groups of children will not be required to register unless their contact with the same children is frequent or intensive.
5. The minimum age at which young people will be required to register should be raised from 16 to 18, where the regulated activity in which they are engaged is organised as part of their studies.
6. Overseas visitors bringing their own groups of children to the UK will have a 3 month exemption from the requirement to register.
7. Exchange visits lasting less than 28 days, where overseas parents accept the responsibility of for the selection of the host family, will be regarded as private arrangements and will not require registration.

Further Areas for Review (to be conducted in new year):

8. To review the registration requirements for self-employed private health practitioners and whether a duty should be placed on them to register with the scheme due to the intimate nature of medical treatments.
9. To review whether there is a continuing need for a separate class of work with different requirements, defined as “controlled activity”.
10. To review both the statutory requirements and its advice in relation to the continuing need for CRB Disclosures for safeguarding purposes once the VBS is in place.

Unfortunately, this is all the information we have to share currently and we are unsure what effect these changes may have on the criteria for CRB checking. The DCSF have confirmed this will be communicated as soon as possible.

January Update

1. CRB Confirmation from Devon Primary Care Trust (PCT) Further to our recent guidance we confirm that 'other health professionals/visiting staff' such as school nurses are not required to be CRB checked by each school, or for schools to view the CRB disclosure, or seek written confirmation individually from the PCT. However as stated in the DCSF and Ofsted guidance there is a requirement for written confirmation from the supplying organisation to be retained by the school. DCSF and Ofsted have stated it is acceptable for such confirmation to be in the way of a covering letter from employers setting out their vetting practice. Attached is a copy of such letter from Devon PCT. Please store a copy of this letter with your CRB records.
<http://www.devon.gov.uk/sc-dec094501a.pdf>

2. Catering & Cleaning Staff The above staff who are employed on central LA contracts (DDS) are not required to be CRB checked by schools directly, nor is individual written confirmation required. DCSF and Ofsted have confirmed this in writing. Any required written assurances that the staff have been checked and details of our vetting practices should be evidenced via the corporate CRB policy <http://staff.devon.gov.uk/criminalrecordsbureau.htm> . Spot records can be viewed any time by inspectors via the records disclosure service.

3. Unique Reference Number Further to some recent communication many schools have been asking what is meant by the 'Unique Reference Number' quoted on the recent guidance. This is the CRB Disclosure number. Ofsted apologise for any confusion this may have caused.

Beverley Dubash Letter to HTs and CoGs 1 December 2009

CRB Single Central Record

1. LA COMPLIANCE MONITORING

The new Ofsted Inspection Framework with regard to Safeguarding in schools has highlighted the importance of maintaining a single central record of CRB checks. In order for the LA to be assured that all schools are legally compliant the following monitoring activity will now take place:-

- Audit will exercise “zero tolerance” on CRB testing and any missing CRBs will be reported in the top level audit option to the school
- The audit programme will be amended to bring together CRB testing for governors and staff etc into one area in the report, which will assist subsequent monitoring of recommendations and follow-up action
- Notable absence of CRB checks will be notified to Beverley Dubash, Safeguarding Lead Officer (Education) for follow-up action
- Audit will produce a list of all school audit recommendations on CRB checks over the last 12 months for the Safeguarding Lead Officer to follow up
- Audit will complete a data matching exercise from the Record Disclosure database to school staff payroll records and governor database to identify any/all missing CRB clearances
- Audit options will remain confined to the completeness of CRB records and the use of a single central record at schools

An annual report on schools’ compliance and follow-up action by the LA will be compiled and presented to the Devon Safeguarding Children Board.

2. RECORDS DISCLOSURE SERVICE

The Records Disclosure Service is currently experiencing a significant increase in demand from schools which has resulted in turnaround times increasing to five days or more. This increase in demand is a national issue and discussions are taking place with Ofsted to try and alleviate the situation. In the meantime can I remind you that:

- Individuals employed prior to the introduction of CRB in 2002 do not have to be CRB checked but must have an ISA first check (List 99)
- There is no statutory requirement to recheck every three years – this is a local DCC policy and therefore of lower priority than ensuring new staff are checked

3. LATEST GUIDANCE FROM OFSTED

- i. Supply staff: Visiting staff (e.g. supply teachers, sports coaches) should be CRB checked by their providing organisation. It is sufficient for schools to seek written confirmation that appropriate checks have been carried out and by whom.
- ii. Contracted staff: Staff employed on central LA contracts that come into regular contact with children such as cleaning, caretaking and kitchen staff do not have to be included on the single central record (only if the school employs direct). For agency staff see (i) above.
- iii. Social workers and other visiting professionals: These staff should be CRB checked by their ‘providing’ organisation so schools should treat them in the same way as (i) above. A letter from the PCT will be coming to all schools to state that their staff are all appropriately checked. If schools are checking ID badges and keeping a register of visitors, this is sufficient.
- iv. Retention of documents: Schools do not need to retain documents evidencing identity, once these have been verified and the single central record records the name of the person who did so. However, it is advisable to retain the right to work ID on the file.
- v. Unique reference number: Schools must ask for the unique reference number of staff appointed before 1 January 2007.
- vi. Staff employed before 2002: If there are no concerns, staff recruited before March 2002 are not required to have CRB checks. They must be checked against List 99 (ISA first check).
- vii. 3 Year Rolling Programme of CRB checks: This is not a statutory requirement; it is DCC local policy.
- viii. Entering information on the single central record: Anyone identified by the school as responsible for doing so can enter the information then sign and date the record to verify that they have checked the individual’s details.
- ix. Recording the date when checks are carried out: The SCR should show the date on which each check was completed or the relevant certificate obtained and should show who carried out the check.

- x. The name of the person carrying out the check: This is the individual given responsibility for checking ID and submitting the CRB application.
- xi. Amount of detail required (qualifications): It is sufficient for the SCR to record that a teacher holds Qualified Teacher Status and the teacher reference number against staff names where appropriate, with the initials of the person who checked this.

For further queries regarding CRB checks and/or vetting and barring please contact the Records Disclosure Service on 01392 382206 or Internal Audit on 01392 382586.

For enquiries of a general safeguarding nature please contact the Education Welfare Service Helpline on 01392 383903. However, both Beverley Dubash and Jane Lake are available if you require specialist advice.

Anne Whiteley Letter to HTs and CoGs 9 November 2009

Safeguarding children and compliance with statutory obligations

Dear Colleagues,

Recently I wrote to Headteachers and Chair of Governors drawing your attention to my concerns about the need for schools to ensure that safe practices are in place for children to use the internet and other modern technology.

(<http://www.devon.gov.uk/sc-oct0934026.pdf>)

As I said in that letter, I have a statutory responsibility for the safeguarding of children and young people in all Devon schools, and I will give you regular and direct updates on the position in Devon to help to inform your own policies and procedures. I hope you will find this helpful, and that it will generate learning across schools.

First, on the South West Grid for Learning: following last week's meeting with the Headteacher Association Chairs I asked Nick Pearce to undertake some benchmarking so that everyone did not need to do the same time-consuming exercise. At this stage I can confirm that Sidmouth College have been able to do 'like-for-like' (not apples and pears) market comparison options for internet managed services available for secondary schools, and could not better the SWGFL offer. I will circulate the Sidmouth detail to secondary schools. We know of another situation where the SWGFL cost for moving a cable (£3k) was £9k below the comparator quote. Nick is currently looking for any further evidence to inform your choices. I reiterate that I do not want to usurp your entitlement to choice; my particular interest is to ensure that value for money includes the security arrangement we need to keep children safe.

We have seen the public outcry and parental concerns following the recent case of the nursery worker in Plymouth. Headteachers and Governing Bodies must ensure that they can provide evidence that anyone associated with their school who meets the criteria for the necessary checks is fully validated to work with children. This includes volunteers. You will be aware that school Ofsted inspections include safeguarding practices; the school could be placed in a category if these are unsatisfactory. Recent experiences demonstrate that a visible commitment to fulfilling this legal responsibility, and demonstrable systems in place, are of paramount importance.

For clarification, the requirements are:

- Headteachers and Governing Bodies **must** ensure that appropriate administrative practices are set up in schools so that legally required checks are completed and a **central school record** is in place.

A single central record of recruitment and vetting checks for governors or any others who are in regular contact with the children, has been required since 1 January 2007. The central record must indicate whether or not the following have been completed:

- identity and qualification checks;
- checks of permission to work in the UK;
- ISA First Checks (old List 99 checks);
- enhanced CRB Disclosure information and overseas criminal record checks (where appropriate)
- the date on which each check was completed and who carried it out

If Headteachers need further information, help or guidance on any issue relating to safer recruitment and/or checking processes, please contact the Schools' Personnel Helpline on 01392 384567 or mailto:

schoolspersonnelhelpline@devon.gov.uk