



# Keeping children safe in education

It's 13 years since the horrific murders of Holly Wells and Jessica Chapman forced a rethink of the roles schools play in safeguarding. **Andrew Hall** shows how safeguarding has become mainstream since those days and asks whether the government's crusade against bureaucracy is turning the clock back.

In 2002, Holly Wells and Jessica Chapman were murdered by local school caretaker, Ian Huntley. In the subsequent investigation, it was clear that the lack of a nationally organised vetting scheme had allowed Huntley to move into a new area and secure a post in a school without the concerns about his past being known. Delays in passing the Humberside police's local intelligence allowed a killer to strike.

The 2004 Bichard Inquiry looked at the existing processes for vetting. While a fledgling Criminal Records Bureau had been set up in 2002, Bichard

recommended that a national registration scheme be set up, through which convictions and police intelligence could be shared. Ten years later, we now have the Disclosure and Barring Service. In 2011, there were 4.1 million applications, of which 20,000 were found to be unsuitable to work with children and vulnerable people.

## The governmental response

In 2002, partly as a response to the death of Victoria Climbié in 2000, the government outlined an

overarching strategy called 'Every Child Matters'. This encompassed safeguarding as a part of the government's commitment to looking after the whole child as part of an integrated service. Around the same time, the murders of Holly Wells and Jessica Chapman galvanised all sectors to work together in a much more integrated way. Following the **Richard report**, the government published ***Safeguarding Children and Safer Recruitment*** in 2006. Before then, the statutory duties of child protection concentrated on a child's home life and the school's responsibility was seen as ensuring that any harm brought upon a child was identified and passed on to social workers.

'Safeguarding Children and Safer Recruitment' emphasised that the school's role was also to ensure that children were safe while in school and prevent children from harm by adults that chose to work with them. Safeguarding didn't replace child protection, but widened the remit to encompass a much broader range of issues. These are outlined in recent statutory guidance on safeguarding in education, ***Keeping Children Safe in Education***, which describes the issues as: 'protecting children from maltreatment; preventing impairment of children's health or development; ensuring children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.'

### Safer recruitment

With the introduction of safer recruitment, vetting the adults who sought work with young people was taken seriously. The climate had changed. ***Safeguarding Children and Safer Recruitment*** set out a number of duties on schools and the concept of safer recruitment effectively led to a minimum standard of due diligence in vetting checks. Interviews were structured to test an applicant's motivation towards their work with children.

Safer recruitment is not, of course, foolproof. The grooming and sexual harm of young people continues to be an issue for schools as staff are arrested and charged. There are approximately 500,000 teachers in England and Wales and in 2012, 192 teachers were identified by the **Disclosure and Barring Service (DBS)** for sexual offences against children. In July 2013, the barred list contains over 49,000 names, although it is not known how many of those have teaching qualifications.

With the formation of a new government in 2010 and its desire for cutting what it saw as bureaucratic red tape and excessive vetting, the emphasis on safer recruitment and vetting checks started to wane. Safer Recruitment training fell into disuse and staggered on as online training.

The coalition government pledged to reduce bureaucracy and slash the pages and pages of advice the Department for Education had sent to schools. In the late-spring of 2013, the government sent out a consultation document to replace *Safeguarding Children and Safer Recruitment*. The consultation shocked those involved in safeguarding and child protection, not least because there was no reference to the continuation of Safer Recruitment training and it appeared that the emphasis on the vetting and barring of unsuitable people would also be less thorough.

In the event, *Safer Recruitment* was retained and, while the training will no longer be provided by the government, each interview panel must have at least one person who has completed the training. From September 2014, schools may choose any training provider they wish for this training, with the minimum standard being the delivery of the contents of 'Management of Safeguarding' from part two of the 'Keeping Children Safe in Education' document. The challenge here will be consistency of content and approach across the country. Previous training had required attendees to pass a test, but this seems to have now been dispensed with.

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## New guidance

Initially the new statutory guidance, *Keeping Children Safe in Education*, was due to be published in September 2013, but it was not until April 2014 that the document came out. To the great relief of many, the new statutory guidance didn't ignore the improvements made over the previous decade and the heart of safeguarding and safer recruitment remained along with important updates. While the government seems to have listened to the many concerned contributors to the consultation document, what is perhaps more important is that the writers have looked at and incorporated the recommendations of serious case reviews from the late-2000s.

It is clear to see where those recommendations that have found their way in to the guidance. Lessons have been learned and are included as a stark reminder that sometimes things could have been done to prevent children being harmed, or at least alleviate their suffering sooner. The underlying theme of this guidance, that children can be harmed anywhere and that schools should think the unthinkable is reinforced throughout the document. However, this theme does create a tension for schools: it is oft repeated that anybody can make a referral to social care. This is not new, but it is easy to see why it needs saying and saying loudly – think Daniel Pelka, Nigel Leat and Jeremy Forrest. All cases in which those looking on, albeit with the benefit of hindsight, could not understand why no-one had appeared to speak out.

Should the child's situation not improve, this latest guidance underlines the need to be tenacious in reporting concerns and the referrer 'should press for reconsideration'. Although that is a noble aim, **NSPCC research** suggests that 'the threshold for accepting a referral is being set at a much higher level than many professionals would expect'. There are concerns that child protection is now an emergency service.

## Vetting

Vetting people who work with children using a national DBS has been a political challenge to maintain a balance between the need to keep children safe, at the same time as allowing for personal privacy. This government has felt that excessive checks are a barrier to adults volunteering to work in schools, coach football and be guide and cub leaders. Tired of hearing cases of people who have five or six CRB checks, the government was keen to introduce a one-off check that would eliminate the need to do so many. The DBS Update service was created to meet this need and since June 2013, it has been available, but there is no statutory obligation for it to be used, by either the school or the person being checked.

A deep mythology has grown up around CRB checks (now DBS checks) that the government wished to minimise. One long held 'truth' about CRB checks is that they expire and need repeating every three (or five) years. While this was never true, many schools and local authorities had this in their policies and procedures. In an attempt to clarify the position and reduce the numbers, Ofsted told inspectors in one of their 'Inspecting Safeguarding' briefings that schools who did repeat checks every three years should be challenged about providing poor value for money.

Interestingly, in the new guidance, the government has seemed to backtrack on three-yearly DBS checks and says that schools should 'take proportionate decisions on whether to ask for any checks beyond what is required' (paragraph 38), having said that, schools are only required to check new staff if they worked in their previous role prior to May 2006, or if they have had a break of three-months or more from working in a school. In terms of existing staff, *Keeping Children Safe in Education*, says that the requirement to recheck should be restricted to only those staff about which there are concerns. So although there is no requirement to do so, there is nothing to prevent a school from having a three-year cycle of repeat DBS checks, but they would have to show that having such regular checks was proportionate for the given risk factors.



Many heads I speak to favour a belts-and-braces approach and are continuing some level of repeat DBS checks. In fact, some cases of potential harm have come to light only because repeat checks have been undertaken. Rev. Gordon Rideout, jailed in 2013 for 36 sexual offences against children in the 60s and 70s, was a vicar and chair of governors. In 2010, the Church of England applied for a CRB for Rideout and discovered information about offences from over 40 years ago. Although the Church of England immediately suspended him from church work, he remained as chair of governors for another fourteen months.

### Types of checks

While avoiding being prescriptive about DBS checks, *Keeping Children Safe in Education* does offer headteachers and governors more scope to adapt to local needs and risks factors. There are three types of DBS check: Basic, Enhanced and Enhanced with a Barred List Check. Barred list checks can only be requested for people who undertake 'regulated activity'. In practice, 'regulated activity' means working with children without supervision either overnight or more than three times a month. The legal definition of 'regulated activity' is clearer in the new statutory guidance and an accompanying graphic offers a flowchart to aid a school's understanding of when a vetting check can include the barred list. School governing bodies must reflect their decision-making in their Safeguarding Policy. Schools must remember that under the Protection of Freedoms Act (2012), it is illegal to request a barred list check for someone who is not in regulated activity.



Although it sounds counter-intuitive, without the requirement for unsupervised access to children or the time restriction, a Barred List Check cannot be requested. Although this sounds like a loophole, in practice, it is extremely unlikely that the enhanced check would be clear, if there was an offence of such seriousness, that it had led to the person appearing on the barred list (although not impossible).

Serious Case Reviews have frequently found that despite there being concerns about the conduct of members of staff, headteachers can be somewhat tardy in reporting their concern outside the school – some headteachers have even not done so at all, and children have been seriously harmed. Prior to this new guidance, allegations about staff in a school should be taken to the headteacher alone. *Keeping children safe* is clear that concerns can also be shared with the Designated Safeguarding Lead (DSL), not least as it is identified in the role of the DSL. This way there are two potential people to raise concerns and the responsibility of managing an allegation is shared. This should ensure, in conjunction with the whistleblowing policy, that allegations are taken outside the school to the Local Authority Designated Officer (LADO) for further discussion – DSLs must liaise with their headteacher. The new statutory guidance is equally clear that such concerns about staff are passed on ‘immediately’. The previously separate document, ***Managing Allegations against Staff***, has now being subsumed into *Keeping Children Safe in Education*.

### New risks and dangers

When *Safeguarding Children and Safer Recruitment* was published in 2006, the challenges of child sexual exploitation and Female Genital Mutilation (FGM) were not generally understood. Where there was awareness, the language of the time did not identify the significant harm that these areas brought and perhaps implied a false sense of choice by the child. The phrase ‘child pornography’ has been replaced with the more appropriate child abuse images, and child prostitution is now clearly child abuse (although current



legal definitions use these terms for the time being). FGM now brings clarity and accuracy to the former label 'female circumcision'. Both child sexual exploitation and Female Genital Mutilation must now be referred to in the school's safeguarding policy.

Child sexual exploitation disproportionately affects children in the looked-after system and young people who have previously been abused, but the anonymous nature of the internet and the ability for offenders to masquerade as a teenager leaves all young people open to the risks. Aside from online predators, young people living against a background of high gang activity can be affected by sexual exploitation, particularly girls.

Female Genital Mutilation is not a new issue. It has been illegal to conduct FGM in the UK since 1985 and illegal to take someone overseas to have this done since 2003. However, there were no

prosecution until March 2014. The significance of FGM is now starting to develop and the Home Office and Department for Education has made a commitment to tackling FGM seriously. This is reflected in the new *Keeping Children Safe in Education* document.

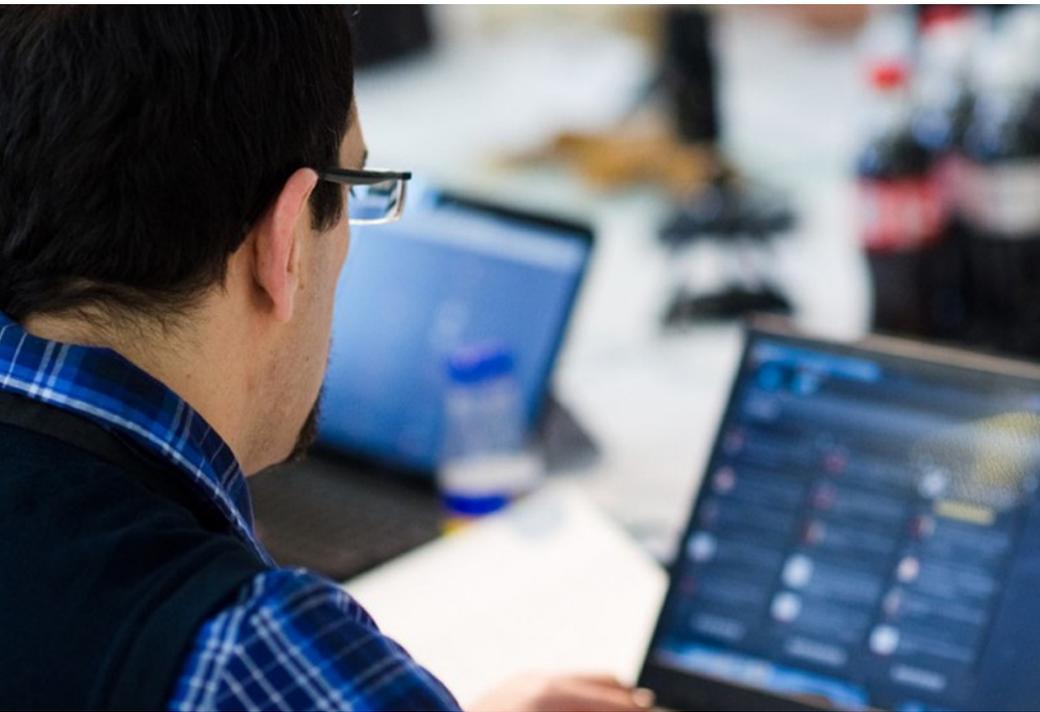
FGM is a cultural practice (not a religious one) and affects girls and women mostly from central and North Africa. In the majority of cases, the child being affected is between five and eight years old. At-risk communities are those with a large population of people from Egypt, Sudan, Ethiopia and Somali. The summer holiday is the most likely time for a girl to be taken abroad for FGM to take place.

A new aspect of safeguarding has been introduced in *Keeping Children Safe in Education* – paragraph 40 says that governors 'should ensure that there are procedures in place to handle allegations against other children'. In most instances, the conduct of students towards each other will be covered by the school's behaviour policy, but some allegations may be of such a serious nature that they may raise safeguarding concerns. These allegations are most likely to include physical abuse, emotional abuse, sexual abuse and sexual exploitation. It is also likely that incidents dealt with under this policy will involve older students and their behaviour towards younger students or those who are vulnerable in some way. In areas where gangs are prevalent, older students may attempt to recruit younger pupils. Young people suffering from sexual exploitation themselves may be forced to recruit other young people under threat of violence.

### Serious case reviews

Although serious case reviews often recommended that better training is needed, Ofsted reports into those schools have often indicated that safeguarding was good, or even outstanding. Training is taking place in schools, but in some settings, deep learning is not taking place to ensure that day-to-day practice is improved. The publication last year of *Working Together to Safeguard Children* removed the eight levels of training and,

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perhaps more importantly, removed the statutory timescales for refresher training for all staff, although the biennial training for Designated Safeguarding Leads remains. To be most useful, training must be relevant, contribute to identifying risks factors in the school and how they can be minimised.

To be effective, safeguarding strategies need to be regularly discussed. One way to do that is by having it as a standing item in staff meetings or briefings where short reminders can be given to ensure there is consistency amongst the staff in the school and issues can be raised. A staff that talks about safeguarding together is likely to create an atmosphere where a potentially unsuitable member of staff would not feel comfortable. The safeguarding policy itself needs to be easily accessible and to help this, it is

now one of the mandatory policies to be available on the school's website.

'Keeping Children Safe in Education' emphasises the importance of induction training for safeguarding and child protection. Every member of staff in the school needs to have a copy of the following documents:

- the school's safeguarding policy
- *Keeping Children Safe in Education*
- information for all school and college staff
- the staff code of conduct. Not all schools have such a code, but this is now a statutory document.

## Social media

Social media has allowed the blurring of professional boundaries and any staff code must make it clear that teachers and children 'friending' each other is not appropriate. However, some schools are using social media as a very valuable teaching and learning tool, but this needs to be separate from personal accounts, be subject to clear boundaries and be used in a transparent manner.

The Designated Safeguarding Lead person must now be a member of the school's senior leadership team. While DSLs are often senior teachers, occasionally the role is taken by someone who is not a teacher, but may have related background and skills, perhaps as a social worker, nurse, police officer or a learning mentor. In aiming to place safeguarding at the heart of the school ethos, keeping children safe tries to ensure that the person leading on safeguarding in school has the authority to effect change, can deploy resources, both financially and in terms of personnel, and can ensure that when the senior team meet to discuss new initiatives, they look appropriately at any safeguarding issues as part of the impact analysis.

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