

A survey of procedures for vetting school staff and other adults



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Her Majesty's Inspectorate
for Education and Training in Wales



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INVESTOR IN PEOPLE

The purpose of Estyn is to inspect quality and standards in education and training in Wales. Estyn is responsible for inspecting:

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- ▲ primary schools;
- ▲ secondary schools;
- ▲ special schools;
- ▲ pupil referral units;
- ▲ independent schools;
- ▲ further education;
- ▲ adult and community-based learning;
- ▲ youth support services;
- ▲ LEAs;
- ▲ teacher education and training;
- ▲ work-based learning;
- ▲ careers companies; and
- ▲ the education, guidance and training elements of Jobcentre plus.

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- ▲ provides advice on quality and standards in education and training in Wales to the National Assembly for Wales and others; and
- ▲ makes public good practice based on inspection evidence.

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Introduction

- 1 Over the last few years, a number of inquiry reports have raised serious concerns about arrangements for child protection in schools and children's homes in Wales. The recommendations from those inquiries have led to greater awareness of the need for appropriate arrangements to be in place to avoid having unsuitable people working with children and young people.
- 2 More recently, in England, further concerns have been raised about the possibility of unsuitable persons working in schools. Ministers in both Wales and England have responded to these concerns by announcing a range of measures to close existing loopholes and further tighten procedures for vetting and barring individuals who are found to be unsuitable to work with children. In Wales, Jane Davidson, the Minister for Education and Lifelong Learning, asked Estyn to carry out an urgent survey of existing vetting practice in a sample of schools and to report to her in the spring.
- 3 Estyn arranged for inspection visits to be made at short notice (in most cases, one hour) to 28 schools. Inspectors visited at least one school in every local education authority (LEA) in Wales and made additional visits to secure adequate coverage of all types of school. Most of the visits took place in the week beginning 27 February 2006, the remaining visits being made on 6 March 2006. In addition to the school visits, Estyn conducted a telephone survey of all 22 LEAs to check on the procedures they implement on behalf of their schools. The telephone survey was conducted in the week beginning 20 February 2006. Estyn also conducted telephone interviews with senior staff in four further education colleges and questioned a number of supply teaching agencies about their vetting procedures. The survey also takes account of Estyn's inspection evidence from other sectors of education and training, including work-based learning, independent schools and area inspections.

Main findings

- 4 In relation to all of the survey schools, there are satisfactory arrangements to:
 - confirm the identity of applicants for vacant posts;
 - take up applicants' professional and other references;
 - arrange for enhanced Criminal Records Bureau (CRB) checks to be carried out on job applicants whose work would involve contact with children; and
 - ensure that supply teachers have the necessary CRB clearance.
- 5 A small minority of schools do not have satisfactory procedures for:
 - checking applicants' academic and professional qualifications;
 - ensuring that newly appointed staff do not begin work until the school has received the necessary CRB or police check clearance; and
 - responding to information that casts doubt on the suitability of staff, or prospective staff.
- 6 Procedures are unsatisfactory overall in relation to:
 - ensuring that employees are medically fit;
 - checking that teachers are registered with the General Teaching Council for Wales (GTCW);
 - making checks on teachers from overseas;
 - keeping staff records;
 - safeguarding pupils of school age who receive some or all of their education and training off the school site; and
 - checking adults, other than teachers, who may have access to children on the school site.
- 7 Almost all head teachers have a generally clear understanding of their responsibilities for checking staff and other adults, but other staff, including deputy heads, do not have a good enough understanding of the required procedures.
- 8 Just over half of the schools are satisfied with the support and guidance their LEA provides. Six schools have not received effective advice or support from their LEA in relation to the guidance that the Welsh Assembly Government has provided. In a few instances, a school's understanding of certain aspects of vetting and related

procedures differs from that of its LEA, or the school is uncertain about the procedures.

- 9 The great majority of schools express a need for further clarification or guidance.
- 10 Out of the 10 independent schools that have had a full inspection since September 2004, all except one meet the standard required to comply with the Independent Schools Standards Regulations 2003 in relation to CRB and other checks on staff. However, staff in most of these schools have not received enough training to ensure they have a satisfactory awareness of their school's child protection policy and procedures.

Recommendations

- R1 Schools, with the support of their LEAs, should adhere to published Welsh Assembly Government guidance, in particular for:
- ensuring that prospective employees are medically fit;
 - checking that teachers are registered with the GTCW;
 - making checks on teachers from overseas;
 - keeping staff records;
 - safeguarding pupils of school age who receive some or all of their education and training off the school site; and
 - checking adults, other than teachers, who may have access to children on the school site.
- R2 Schools should not allow any new employee to work with children before the necessary clearance has been received in relation to CRB and other relevant checks.
- R3 Schools, with the support of LEAs, should ensure that all school governors have up-to-date enhanced CRB clearance.
- R4 LEAs should ensure that all schools in their area, whether maintained or otherwise, are fully aware of the LEA's role and detailed procedures for vetting staff and others who have access to children.
- R5 LEAs should provide clear advice to schools on the alternative arrangements they should make when a school does not receive CRB or police check clearance before the date on which a new employee is due to start work.
- R6 The Welsh Assembly Government should provide clear guidance and recommendations to schools and LEAs about the procedures to be followed to safeguard pupils who receive some or all of their education and/or training at premises other than a school site.
- R7 The Welsh Assembly Government should make arrangements for all school staff, including existing employees, to receive enhanced CRB clearance in accordance with the timescale to be agreed for implementing new vetting and barring legislation.
- R8 The Welsh Assembly Government should give urgent attention to reviewing the checks that are made on overseas teachers, with a view to making these checks more rigorous and consistent.

- R9 The Welsh Assembly Government, in collaboration with the Department for Education and Skills (DfES), should introduce a single list of 'unsuitable persons' which is kept up-to-date and can be consulted via a single point of enquiry, in accordance with the future vetting and barring scheme.
- R10 The Welsh Assembly Government should issue guidance to LEAs on the frequency and nature of training they should provide to update schools on matters relating to checks on adults who may have access to children.
- R11 The Welsh Assembly Government should issue clear guidance to schools and LEAs on the actions they should take when they receive information that casts doubt on the suitability of existing staff or prospective employees. This guidance should draw attention to the need to observe locally agreed safeguarding procedures.

Findings of the survey

- 11 The main source of guidance on preventing unsuitable people from working with children and young persons in the education service is published in Welsh Assembly Government Circular No 34/2002. The first section of the survey's findings, relating to pre-appointment checks, follows the order of the relevant sections of this Circular. The second section addresses other relevant issues and the final section identifies examples of good practice and unsatisfactory practice.

1. Pre-appointment checks

(a) Teaching and non-teaching staff

Identity

- 12 In all of the schools, satisfactory arrangements are in place to confirm applicants' identity before appointment. The most common form of identity check is carried out as part of CRB vetting which LEAs arrange on behalf of their schools, except in the rare cases where a school makes its own arrangements for CRB vetting. Although the CRB vetting includes adequate verification of identity, ten of the survey schools carry out their own, additional checks on applicants' identity.

Academic and professional qualifications

- 13 Satisfactory procedures are in place in all except three of the schools to ensure that applicants' academic and professional qualifications are checked before appointment. Eight schools rely on their LEA to carry out these checks and the others either require candidates to show certificates at interview (12 schools), or else make their own checks with GTCW (two schools).
- 14 Procedures are unsatisfactory in three schools. One of these schools 'trusts the applicant' and one gave no additional information about its procedures. The third school checks the qualifications of newly-qualified teachers, but not of other teachers.

Professional and character references and previous employment history

- 15 All schools either take up written references themselves or ask their LEA to do this. Many schools verify the written reference with a follow-up telephone call.

Criminal record check and List 99

- 16 All schools arrange for enhanced CRB checks to be carried out on applicants whose work would involve contact with children. Almost all schools rely on the LEA to arrange for CRB checks to be carried out on their behalf. One of the survey schools organises its own CRB checks. Occasionally, offers of employment are made subject to receipt of satisfactory clearance of relevant checks.

- 17 A few schools report that completion of police checks and CRB clearance can be very slow in some cases, especially when the whole process is arranged and administered by the LEA. In exceptional circumstances, when the school does not receive a prospective employee's clearance before s/he is due to start work in the school, the head makes a risk assessment and, depending on various factors such as the employee's previous history, may decide to allow him/her to start work. This occasionally happens even in LEAs that claim this practice is not permitted.
- 18 All schools satisfy themselves that supply teachers have the necessary CRB clearance before allowing them to work with classes of pupils. Five of the survey schools insist on seeing the CRB disclosures of all supply staff. All of the remaining schools accept the assurance of the LEA or the supply teaching agency that their supply teachers have the necessary clearance. The evidence provided by LEAs and supply teaching agencies indicates that these assurances are reliable.

Health

- 19 There is little commonality or clarity about procedures for ensuring that employees are medically fit to work with children or young people. Four schools require a pre-employment medical examination and nine require a signed declaration of health and fitness. Six schools report that the LEA secures the necessary assurance on their behalf. Six other schools that do not carry out their own checks are uncertain about the procedures their LEA implements. The remaining schools gave little or no information about their procedures.

(b) Teachers

Qualified teacher status

- 20 Before an applicant can be offered employment as a teacher, it is necessary to check with the GTCW in order to confirm that s/he has qualified teacher status and is registered with the GTCW. Almost all schools have procedures in place to confirm that their teachers are registered with the GTCW. However, 15 of the survey schools rely on an annual check which, in relation to newly-appointed teachers, may not take place until after their appointment. Four schools assume that the LEA makes the necessary check but are not certain that this is the case. Six schools, appropriately, make their own direct checks with GTCW. Two of the survey schools are unable to provide any assurance that satisfactory checks are made. There is not enough clarity or consistency about where the responsibility for checking teachers' registration with GTCW rests.

Overseas teachers

- 21 Levels of awareness in schools and LEAs about procedures for making checks on teachers from overseas are inconsistent, mainly because most schools and quite a few LEAs have little or no direct experience of dealing with teachers from overseas. Only seven of the survey schools have had direct experience of employing overseas staff. Two of these schools checked employment and career histories, but had not made police checks. The other five had arranged for all the relevant checks to be made, either by the LEA or through an agency. There is little commonality about the

responses of the remaining schools, although four state that they would make the necessary checks themselves and eight say they would rely on their LEA to do so. Three schools feel the matter does not apply to them.

- 22 Only eight out of the 22 LEAs provide guidance to schools on employing staff from overseas, although five others state that they would provide guidance on request. Four LEAs gave unsatisfactory responses on this point and five gave little or no information. In these nine LEAs there is a need to raise officers' awareness of the procedures to be followed.

2. Other issues

Checks on off-site settings

- 23 There are inadequate arrangements to protect pupils who receive some or all of their education or training on premises other than school sites, where they may come into contact with unsuitable adults. Of particular concern is the total lack of arrangements to protect pupils on work experience placements.
- 24 Arrangements for protecting children and young people from older adult students in colleges of further education are inconsistent. In two of the four colleges where inspectors interviewed senior staff by telephone, satisfactory arrangements are in place. One college states that appropriate arrangements are in place but its detailed account of these arrangements does not provide satisfactory assurance. The remaining college does not have arrangements to protect learners aged under 16 from older adult students and expresses a need for further guidance in this area.

Record-keeping

- 25 Approaches to keeping and updating records of staff checks are not consistent. Most of these records are kept by local authorities, but the authorities have provided little specific detail about their procedures. Seven LEAs expect schools to retain some of the records (eg CV details, proof of qualifications), but the survey evidence suggests that not all schools in these LEAs are aware of what is expected of them. Where schools keep their own records, there is considerable variation of practice in relation to which records they keep, but most schools keep relevant information in a secure place or in electronic form with restricted access. There is a need for greater consistency and clarity about who keeps the various records, and how, and for how long, they are stored.

Checks on adults who may have access to children

- 26 Practice relating to checks on adults who may have access to children is inconsistent. Those who have authority to enter a school, and therefore have access to children, include teaching and ancillary staff (including visiting staff), governors, caretakers, grounds staff, minibuses drivers, escorts, volunteers (including parent helpers) and visiting speakers. Others who may have access to the school site include parents who attend Family Literacy sessions and adults who use public footpaths across the school grounds.

- 27 Only 11 of the survey schools confirm that they vet all adults who may have access to children. Most of the remaining schools report that visitors, including parent helpers, are not left on their own with children. Schools where outside contractors provide catering and cleaning services are not certain whether the staff concerned have obtained CRB clearance. Only three schools confirm that members of their governing body have obtained CRB clearance, although six LEAs report that all their school governors have done so. Seven other LEAs state that their school governors have not obtained CRB clearance. In many of the remaining LEAs, the situation is unclear. Overall, there is a need for greater clarity and consistency in relation to vetting procedures for school governors, non-teaching staff, visitors to schools and other adults who may have access to children.

Concerns about the suitability of staff and other adults

- 28 All schools confirm that they would seek immediate advice from the LEA if any of the checks on staff or prospective staff were to reveal information that cast doubt on their suitability. In the case of current employees, some schools said that they would, as an interim precautionary measure, ensure that the employee concerned was not left alone with children. One school reported that it would activate investigative procedures, convene a Disciplinary Panel and suspend the member of staff concerned. The actions proposed by this school would be inappropriate if, as seems likely, they were in conflict with locally agreed child protection procedures.
- 29 In circumstances where a school receives information suggesting that a person might be unsuitable, all except two schools state that they would seek guidance from the LEA. Two schools state that they would immediately suspend any member of staff about whom information of this kind was received. All schools would take immediate steps to ensure that the person was not left alone with children. Several schools express concern about dealing with allegations which might turn out to be malicious.
- 30 All schools confirm that adults for whom no checks are made are not allowed to be alone with children. If they have cause to be concerned about any of these adults, they will not employ them or allow them on the school site. In addition, they will inform the LEA of their concerns.

Schools' understanding of their responsibilities and awareness of relevant guidance

- 31 All except three of the survey schools confirm that they have a clear understanding of their responsibilities for checking staff and visitors to their school. One of the three other schools expresses particular concern about the situation relating to 14-19 Learning Pathways and placements outside the school setting.
- 32 All except five of the survey schools state that they are familiar with Circular 34/2002. Fifteen schools state that they receive good support and/or guidance from their LEA, but six schools express dissatisfaction with the level of support and guidance they receive from their LEA. Three of the six schools have received no additional guidance from their LEA about the content of the Circular. The other three schools have received LEA training on the Circular but do not have a good understanding of

its content. In some LEAs there is a need to provide more support and guidance for schools.

- 33 Thirteen of the survey schools report that there are no aspects of their role that they find confusing, but fifteen say they need further clarification or guidance in certain areas. The areas in which schools identify a need for improvement are:
- confirmation that the LEA vets schools' cleaning and catering staff;
 - confirmation that appropriate checks have been carried out on staff who come into contact with pupils on work experience;
 - more joined-up working and sharing of information with other agencies;
 - more guidance on dealing with allegations of misconduct and procedures relating to suspension of staff;
 - clarification of responsibility for vetting outside agencies using school premises;
 - clarification of the role of the school in relation to that of the LEA; and
 - advice to schools on how to proceed when police checks and CRB clearance are slow to come through.
- 34 The great majority of schools (22 of those inspected) would like to receive further guidance on various issues relating to the suitability of staff. The area of greatest concern was dealing with allegations (malicious or otherwise) about members of staff. Schools would also welcome:
- a single list of persons who are prohibited, or a 'one-stop shop';
 - guidance (eg in flowchart form) to deal with 'what-if?' scenarios; and
 - clarity about the need for checks on longer-serving staff.

Schools' understanding and awareness of relevant legislation

- 35 All of the schools have used the relevant Circulars, or the All-Wales Child Protection File, or LEA guidance which has clearly been influenced by the legislation. Eighteen survey schools confirm that the Circulars have directly influenced their policies and procedures. A small minority of the schools do not appear to have a policy in place, including a few which appear to be unaware of the Circulars. Fifteen of the survey schools report that staff are aware of the content of the Circulars and their implications for child protection issues.
- 36 Sixteen of the survey schools are aware of the specific requirement to report a person's unsuitability or misconduct, even when that person has resigned or been dismissed. Six of the remaining schools state that they would seek guidance from their LEA. The other six schools offer no satisfactory assurance. There is clearly a

need in a significant proportion of schools to raise their awareness of the requirements.

- 37 The findings of this survey suggest that there may be a need for the Welsh Assembly Government to issue guidance to LEAs on the frequency and range of training they should provide to update schools on matters relating to checks on adults who may have access to children, including the specific requirements for reporting a person's unsuitability or misconduct.

Procedures in independent schools

- 38 Out of the 10 independent schools that have had a full inspection since September 2004, nine meet the standard required to comply with the Independent Schools Standards Regulations 2003 in relation to CRB and other checks on staff. The other school had not carried out any checks and is required to provide the Assembly with an action plan. Staff in most of these schools have not received enough training to ensure they have a satisfactory awareness of their school's child protection policy and procedures.

3. Examples of good practice and unsatisfactory practice

(a) Good practice

- 39 In more than half of the schools visited (16), effective links with their LEA regarding vetting procedures are a particularly strong feature. Links with other agencies are identified as a major strength in nine schools. In six of the schools, school policies and procedures which are well understood are particular strengths.
- 40 While procedures in LEAs are satisfactory overall, certain aspects of provision in a few LEAs are particularly strong. In three LEAs, the guidance provided to schools is of particularly good quality because it gives clear, comprehensive advice covering a full range of circumstances. Two LEAs have appointed a dedicated officer specifically to oversee vetting procedures. One LEA has arranged for all its school governors to undergo CRB checks.

(b) Unsatisfactory practice

- 41 Five schools have no relevant policy or procedures in place regarding vetting. These schools are unaware of Circulars 34/2002 and 33/2005. One of the schools has no list to confirm which staff have received CRB clearance and another one of these schools does not obtain confirmation of applicants' academic and professional qualifications. These findings raise significant concerns about the ability of these five schools to prevent unsuitable persons from gaining access to pupils.
- 42 In one school, inspectors interviewed the deputy head in the absence of the head. The nature of the responses provided in this school gives little confidence that, in the absence of the head, the school would implement appropriate procedures effectively. It is clearly possible that this situation might occur in other schools when the head is absent. There is a need to ensure that all teaching staff have full awareness and

understanding of the policy and procedures to be followed in order to prevent unsuitable persons from gaining access to children.

- 43 Three schools report dissatisfaction with partnership arrangements with other agencies.
- 44 In several schools, there is uncertainty concerning aspects of the procedures to be followed. The areas of uncertainty are:
- whether the LEA carries out checks on catering and cleaning staff;
 - whether the LEA carries out specific parts of the checks that are required for teaching staff, including employment history, GTCW registration and medical fitness; and
 - whether it is the LEA or the school that is responsible for obtaining and storing relevant documents.
- 45 One school reported that it would activate investigative procedures if it received information that cast doubt on the suitability of a member of staff, or prospective member of staff. This response would almost certainly contravene locally agreed child protection procedures.