

**Briefing paper on Keeping Learners Safe Education Guidance**

1. **Background**

1.1. The purpose of this National Guidance is to help all Education Providers make sure they have effective systems in place to support the achievement of those objectives. It sets out the responsibilities of the Local Authority, Governing Bodies of all maintained schools (references to schools throughout the document also apply to Pupil Referral Units), Further Education institutions (FE institutions) and proprietors of independent schools to have arrangements for exercising their functions to safeguard and promote the welfare of children and young people in Wales.

1.2. This guidance is issued by the Welsh Ministers in exercise of their powers under **section 175 of the Education Act 2002.**

**Chapter 1** provides an overview of the legislative and governance frameworks for safeguarding in Wales.

**Chapter 2** sets out the roles and responsibilities of Local Authorities, schools of all kinds and FE institutions to safeguard and promote the welfare of children. It provides guidance on the organisational and management arrangements which need to be put in place to safeguard children in the Education Service.

**Chapter 3** sets out the safeguarding duties and responsibilities shared by all staff who work in an Education Setting when responding to safeguarding concerns in accordance with the All Wales Child Protection Procedures.

**Chapter 4** provides a summary of key safeguarding issues about which those in the Education Service must be aware, and details of where to access further advice and guidance.

**Chapter 5** provides guidance on safer recruitment and selection in Education Settings. This includes recruitment and selection best practice, and other human resources processes that help to recruit candidates who have the skills, knowledge and aptitudes to work, whether paid or unpaid, in the Education Services and help to deter, reject or identify people who are unsuitable.

**Chapter 6** provides summary guidance on the recruitment checks to be made in education settings under the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012 to support the delivery of the recruitment and selection processes set out in chapter 5. It sets out what checks must or should be undertaken and for which staff, whether paid or unpaid. It replaces *Preventing*

*Unsuitable People from Working with Children and Young Persons in the Education*

*Service* (October 2002) and *Criminal Records Bureau: Basic Facts for School*

1. **Chapter 1 – Overview and Practice Implications**

2.1. Chapter 1 provides an overview of the legal framework around Safeguarding in Wales. The important piece of new legislation that education providers in Conwy must be aware of is the Social Services and Well Being Act. The Act will be a pivotal delivery mechanism for implementing and strengthening key aspects of the Welsh Government’s Safeguarding agenda. The scope of the Act extends beyond Social Services.

2.2. Part 2 of the Act sets out the responsibilities in terms of the promotion of well-being and places a duty on Local Authorities to arrange or provide for services, which contribute to the prevention of abuse or neglect. The Act includes a new *duty to report* which will place a duty on relevant partners to report to relevant agencies, where they have suspicions that a child might be at risk of, or experiencing, abuse or neglect. It is anticipated that arrangements under the Act will be implemented from April 2016 and will require new guidance to replace or supplement **Safeguarding Children: Working Together under the Children Act 2004**

1. **Chapter 2 – Overview and Practice Implications**

3.1. Chapter 2 provides an overview of Safeguarding roles and responsibilities in the education service. This section of the guidance has the biggest implications for schools and the Education Department in Conwy, as it highlights the role of the, Local Authority, Headteacher, Lead School Governor for Safeguarding and the Designated Senior Person for Child Protection in the school.

3.2. The Local Authority should ensure that an appropriate Senior Officer within its Education Department is designated to have lead responsibility for discharging its safeguarding duties in education, with a particular focus on child protection. In Conwy, the Designated Lead Officer in Education is Noella Roberts.

3.3. In relation to the Education Department’s’ responsibilities in relation to safeguarding, the guidance identifies the need for strategic oversight, support and operational responsibilities.

3.4. The guidance highlights that the role of the Headteacher is to ensure that all staff are aware of Child Protection Procedures and that sufficient resources are allocated to work around safeguarding.

3.5. The Lead Governor for Child Protection in the school is responsible for ensuring that effective quality assurance systems are in place around Safeguarding and to be available to attend Child Protection meeting in relation to allegations against staff within the school.

3.6. The key role identified within the guidance is that of the Designated Senior Person (DSP) for Child Protection in Schools. The DSP should know how to recognise and identify the signs of abuse and neglect and know when it is appropriate to make a referral to the relevant investigating agencies. The role involves providing advice and support to other staff, making referrals to and liaising with the LSCB and working with other agencies as necessary. The DSP’s role is not to investigate allegations; but they must keep the Head teacher informed of all child protection issues in the establishment.

3.7. The DSP need not be a teacher, but must be a senior member of the school or FE institution’s Leadership Team with the status and authority within the organisation to carry out the duties of the post; including committing resources to child protection matters, and where appropriate directing other staff.

3.8. The DSP does not have to be an expert in the area of Child Protection but will take responsibility for the establishment’s Child Protection practice, policy, procedures and professional development, working with other agencies as necessary.

3.9. The Headteacher should ensure that the DSP:

* + is given sufficient time and resources to carry out the role effectively, which should be explicitly defined in the post holder’s job description
  + has access to required levels of training and support to undertake the role
  + Has time to attend and provide reports and advice to case conferences and other interagency meetings as required.

1. **Chapter 3 – Overview and Practice Implications**

4.1. The focus of Chapter 3 sets out the process for managing safeguarding issues within schools. The Chapter refers to the All Wales Child Protection Procedures and highlights practice responsibilities around identifying concerns and the referral process. The guidance contains no significant changes to current practice around the referral process.

4.2. In relation to the role of Education Staff, the guidance highlights, that it is essential that schools/ education providers ensure that staff have sufficient time to:

* + Assist in the Child Protection section 47 of the Children’s Act 1989 enquiries
  + Attend the Child Protection conference
  + Provide a written report for the Child Protection Conference
  + Contribute to the initial and core assessments, and attend Core Group meetings.

4.3. The Chapter includes further guidance around information sharing responsibilities. It is essential that staff understand the purpose of sharing information to safeguard and promote children’s welfare. The role of the LSCB is identified as crucial for supporting staff around information sharing responsibilities.

1. **Chapter 4 – Overview and Practice Implications**

5.1. Within Chapter 4 is a summary of key Safeguarding issues about which those in the Education Service must be aware; and details of where to access further advice and guidance. The Chapter makes reference to a number of National Protocols in relation to specialist areas in safeguarding e.g. Child Sexual Exploitation.

5.2. To support Education Staff in the future, it will be important that the I.T link for the regional LSCB website is available for all education providers to access these protocols. The Designated Senior Person’s training should focus around some of the protocols.

1. **Chapter 5 – Overview and Practice Implications**

6.1. Chapter 5 provides guidance on safer recruitment and selection in Education settings. This includes recruitment and selection best practice, and other human resources processes that help to recruit candidates who have the skills, knowledge and aptitude to work, whether paid or unpaid, in the education services and help to deter, reject or identify people who are unsuitable.

6.2. For Schools/ Education providers it is essential to liaise with the Education HR department. Further information is contained within the Safe Recruitment Guidance that Education HR can provide.

6.3. In relation to the type of questions that should be asked at the interview stage of recruitment, the document attached to this report provides some pro –forma questions and the type of response that the interview panel should be looking for.

1. **Chapter 6 – Overview and Practice Implications**

7.1. **Chapter 6** provides summary guidance on the recruitment checks to be made in education settings under the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012 to support the delivery of the recruitment and selection processes set out in chapter 5. It sets out what checks must or should be undertaken and for which staff, whether paid or unpaid

7.2. It is essential that Schools/ Education providers liaise with the Education HR department in particular around Volunteers and School Governors engaged in a regulated activity. Head teachers and Governing Bodies will need to identify those Governor posts (i.e. those with Child Protection responsibilities or those who have regular and unsupervised access to children) that meet the definition of regulated activity and arrange for the completion of the DBS check.

7.3. The changes in the DBS process are highlighted throughout the guidance. Clear standards around recruitment of the person with criminal records and record keeping are highlighted.

1. **Conclusion**

8.1. To ensure compliance with the guidance, the following recommendations are made:

* Further presentation to be given to Headteachers/ Education providers around the key points within the guidance, in particular around roles and responsibilities
* Ensure the Safeguarding training provided to schools make reference to the new duties under the Social Services and Well Being Act. Also that Schools/ Education providers have access to information around the Act prior to April 2016.
* The role of the Designated Senior Person is essential but Schools/ Education providers will need to ensure that sufficient resources are allocated to the role.
* It is a requirement for the Chair of Governors and the Designated Governor to undertake child protection training. All governors should be given access to safeguarding and child protection training to ensure a basic and consistent level of awareness.
* The Regional NWSCB website link to be sent to all schools, so that staff have access to the relevant links to national protocols
* Education HR department to issue the Corporate Safeguarding Safe Recruitment Guidance to all schools in Conwy. Essential that interviews do include some questions around motivation to work with children.
* Head teachers and Governing Bodies will need to identify those Governor posts (i.e. those with Child Protection responsibilities or those who have regular and unsupervised access to children) that meet the definition of regulated activity and arrange for the completion of the DBS check.

**David Lewis**

**Safeguarding Section Manager**

**June 2015**