

# **REPORT TO THE MINISTER FOR EDUCATION ON MEASURES TO STRENGTHEN ARRANGEMENTS FOR CHILD PROTECTION IN THE EDUCATION SECTOR IN NORTHERN IRELAND**

## **Background**

1. In your statement of 18 January following public concern about possible sex offenders working in schools, you announced an action programme to strengthen current arrangements for child protection in the education sector. While the process will necessarily continue, there is a commitment to report to you in February 2006.

## **Scope of Review**

2. In the announcement of 18 January you indicated that the action programme would include:-
  - strengthening the guidance and advice available to assist employers to make the right decisions on whom to employ;
  - closing any gaps identified in vetting; and
  - child protection training for Governors.

The review is set in the wider context of child protection but has focussed initially on preventing unsuitable persons from working with children in the education sector.

3. Two very productive workshops involving representatives from our principal education partners, other departments, NSPCC, PSNI and NIACRO were held on 26 January and 13 February. These workshops helped define the main issues and identify the critical actions, and the key partners and timescales for delivery. In addition, at a

separate meeting on 7 February, a representative of the Children's Commissioner set out their key areas of interest. These were:-

- actions following the NICCY review of vetting and the Bichard Bill;
- action against the Ruth Kelly recommendations tailored to Northern Ireland;
- clear simple guidance for employers;
- clarity in relation to the vetting of Governors and substitute teachers;
- guidance for parents on tutors; and
- a greater public awareness of how "unsuitable" lists operate.

Our work programme has taken these expectations into account. The actions are summarised in Annex A and have been benchmarked against recommendations in the NICCY review of vetting and the Parliamentary Statement by the Secretary of State for Education and Skills on Safeguarding Vulnerable Groups. That comparison is shown in Annex B.

4. The action programme over recent weeks has concentrated on identifying gaps and has focussed on immediate and interim action to prevent unsuitable persons from working with children in the education sector through the vetting and selection processes. Other issues associated with child protection have been identified such as the need for a risk assessment model for children who engage in sexually harmful behaviour, but these will be built into the longer term work programme to provide guidance, which is portable across the sectors.
5. We recognise that we are working against the background of implementing the full Bichard programme in Northern Ireland and this will radically change the child protection environment. Further work will be taken forward in the context of the new

Safeguarding Vulnerable Groups Bill and we will continue to strive with other organisations to achieve a more integrated and consistent approach to produce common guidance across the education, training and care sectors to ensure the maximum protection for children and young people. In taking forward that work we will take full cognisance of the wider issues in the NICCY review of vetting in Northern Ireland.

## **Employment Context**

6. The employment environment in the education sector in Northern Ireland is varied and complex. Teaching staff in the controlled sector are employed by the Education and Library Boards and those in the Catholic maintained sector by the Council for Catholic Maintained Schools. The Boards employ staff who work in support of schools in both sectors. Grant aided schools in voluntary, integrated and Irish medium sectors employ their own teaching and support staff. It is the responsibility of the employers to select and recruit suitable staff under guidance, advice and direction as appropriate from the Department of Education.
7. Independent schools also employ their own staff. They are not grant aided but they have to be registered by the Department of Education. It is a condition of registration that staff are vetted. The Department makes available its advice and guidance to independent schools on an information basis. In updating the regulations governing independent schools the Department will consider child protection issues.

## **Strengthening the Guidance and Advice**

### Pre-Employment Checking

8. Revised guidance on pre-employment checking, including interpreting the information from the vetting process, has been produced in conjunction with other statutory and voluntary agencies and employers. It will offer clear guidance to employers and to

schools on their duties in relation to the selection and vetting of persons for working in schools and on safer recruitment practices.

9. On the underlying principle that children see school as a safe place and the adults who work there as trustworthy, the approach taken is that anyone who works in a school, in a permanent or temporary, paid or unpaid capacity, will be subject to a pre-employment check. A single pre-employment check is carried out through the Criminal Records Office (CRO) which includes reference to the Disqualified from Working with Children List (DWC List ) and List 99. Where an individual has a previous address outside the jurisdiction checks are carried out with relevant police forces and the equivalent Protection of Children List in Department of Health and Department for Education and Science. The decision on whether to employ a person rests with the employer in light of full consideration of all the information available, but employers in the education sector are legally prohibited from offering work in any capacity to a person listed in the DHSSPS or DE lists as unsuitable to work with children or who has a Court imposed Disqualification Order.
10. The pre –employment check is repeated when there is a break in service and there are arrangements between PSNI and major employers in the education and care sectors to share concerns that emerge outside the vetting process.
11. Contact points are provided in the guidance for further advice where an employer is in any doubt about how to interpret the information given in a vetting check report. The guidance includes a summary of the implications of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 and of the new Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2006 (see below) and how the associated lists of persons unsuitable to work with children operate.
12. As noted above, where a candidate lives or has lived in another part of the United Kingdom or the Republic of Ireland, the CRO will make enquiries as part of the vetting process. PSNI are considering how to address the gaps in obtaining vetting on

successful applicants from Europe and further afield. In the meantime employers will be given advice within the new guidance.

13. The guidance Circular 2006/06, which is a revision and expansion of the Circular 1990/28 (Disclosure of Criminal Background of Persons with Access to Children), will be available to education sector employers, and all schools, on Friday 3 March in time for use in schools' annual recruitment round which starts in March.

#### Private Tuition for Children and Young People

14. It is recognised that a pattern of academic tuition has grown up alongside extra curricular activities. The NSPCC has been invited to work in partnership with the Department to produce guidance for parents on the engagement of tutors. This will cover both academic tutoring and tutoring in areas of extra curricular activities such as music, dance and sport. There is some readily available material and it is hoped the text of the guidance, which will take the form of a leaflet and web based advice with associated publicity, will be available in about 3 weeks. Our target for publication is the first week of the summer term. The material will be distributed widely through the schools and possibly the Parents Advice Centre.
15. In the meantime the NSPCC is reprinting its leaflet "Have Fun Be Safe" which contains a range of keep safe advice for parents. It will be disseminated to all P1 children through the Council for the Curriculum, Examinations and Assessments (NI).

#### **Closing Gaps in Vetting**

##### Listing of Persons Unsuitable to Work with Children

16. At present the Northern Ireland section of List 99 contains only the names of teachers who have had their eligibility to teach removed. Other persons were referred to the DHSSPS list. As from 3 April 2006 the Department of Education will be in a position to create a single list of teaching and non-teaching staff found to be unsuitable to work

with children. The Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2006, which set out the arrangements for the Department to list persons as unsuitable to work with children, were made on 16 January and will come into operation on 3 April 2006. The purpose of the Regulations is to ensure that persons found unsuitable to work with children cannot move around child related employment positions. A check against the list will be part of the pre-employment check through the CRO. By the end of March in time for the operative date of 3 April 2006 employers will have guidance on the associated administrative systems and guidance, including how individual cases are listed and the arrangements for participation of independent experts in the decision making process.

17. The Department has conducted an internal review of its current procedures for listing people from whom we are withdrawing eligibility to teach (List 99). A separate submission will be provided by 31 March 2006 on the proposed revised procedures and will include proposals for a panel to replace the existing mechanism whereby the Head of Branch takes these decisions.

#### Programme to Extend the Vetting Coverage of Persons Working with Children

18. A programme to promote full vetting coverage of **all** staff permanent and temporary, paid or unpaid, working in grant aided schools has been agreed with the Criminal Records Office and will be delivered on a staged basis covering all employing authorities with a target date for completion of 1 September. A second phase dealing with all other employees who work with children will run to December. Members of Boards of Governors are dedicated and valued volunteers and are seen as integral to the life of a school and defined as regulated positions under POCVA. As a consequence a third phase of the programme from January to March 2007 will cover vetting of school Governors. The overall timetable will allow the Criminal Records Office to cope with an estimated 1,000-2,500 staff in each Education and Library Board and CCMS and in excess of 10,000 school Governors, who may not have been through the criminal record checking process prior to its introduction in 1990. The employing authorities will deal with information from the vetting process in phases 1

and 2 and apply the principles of the new guidance. A separate system for handling the information from the vetting of Governors will be necessary due to the sensitivities involved. The feasibility of processing requests centrally through the Department is being assessed.

19. Submission to a criminal records check, while voluntary, is an accepted part of the pre-recruitment processes. This same leverage does not apply to staff or appointees already in post, but we will be pressing for action based on the need to sustain parents' and public confidence in our systems to protect children and in the knowledge that comprehensive vetting has the support of key education partners. We will explore mechanisms to make vetting mandatory (and the scope for retrospection) within the Bichard proposals. A Departmental Circular 2006/09 about the arrangements will issue to employers and all schools on Friday 3 March. Should any concerns arise as the result of this process, employers will carry out a risk assessment taking advice from the relevant agencies, before deciding on the appropriate course of action.
20. There has been some criticism by NASUWT in England about the expense of blanket retrospective vetting and the distress caused to teachers. In Northern Ireland there are no costs falling directly on schools. Recent contacts with schools indicated that many are planning action to ask all staff to go through the vetting process. The Department's proposals will ensure that this is a managed process, which avoids overloading PSNI, CRO. As key partners recognise the benefit of this action to further reassure parents and the public we should proceed, indeed the Bichard proposals may result in mandatory vetting including that of current staff.

#### Substitute Teachers and other Temporary Staff

21. Substitute teachers are engaged by school principals direct from the Northern Ireland Substitute Teachers Register (NISTR) from agencies or from local lists of available teachers known to them. The employer for such teachers are as follows:
  - a. controlled schools, the relevant board;

- b. Council for Catholic Maintained Schools, that Council;
- c. voluntary schools (other than a Catholic maintained school), the managers of that school; and
- d. grant-maintained integrated schools, the Board of Governors of that school.

Schools will have been told in a Circular 2006/07 to issue on 3 March that as from 1 September 2006 substitute teachers must be drawn only from NISTR and all substitute teachers recruited through employment agencies must have their names on the register. That will ensure that only vetted (and qualified) substitutes are used. We will sample check temporary teacher returns from schools to Teachers Pay and Administration Branch to ensure that this direction is being adhered to. We estimate that between now and then an additional 2,500 temporary teachers will need to join the Register, where initial vetting happens on registration and again at 2-yearly intervals. In the interim the protocol with PSNI referred to above applies. Reference will be included in the guidance on pre-employment checking.

- 22. The new guidance will also advise that temporary staff working in other capacities in schools must be vetted. The only exception will be emergency situations where it is accepted that staff or contractors will have to be brought in prior to the check. In those instances the individual must be identified as a visitor, not left unsupervised with children, and work in restricted locations within the school.

#### Security and Integrity of Vetting Process

- 23. In addition, the Department has arranged for vetting of staff who have access to information from the vetting process and is considering other departmental staff who may need to be vetted. The new guidance above advises employers that their staff whose work involves the appointment of staff to schools and handling of pre-employment checks must be vetted. It is a matter for the employer to ensure the vetting is done and both the Department and the employers will include this requirement in their risk management processes.

### Safeguarding Vulnerable Groups Bill (Bichard)

24. The Department has a secondee in the interdepartmental team working on implementation of Part V of the Police Act (a disclosure service for NI). We are also monitoring closely the implementation of the Safeguarding of Vulnerable Groups Bill (Bichard), which Ruth Kelly is bringing forward on 1 March 2006 and which will create a vetting and barring scheme for England, Wales and Northern Ireland. This legislation is being extended to Northern Ireland by negative resolution procedure and will involve the creation of a Northern Ireland list of people who are barred from working in regulated positions.

### **Training for Governors Involved in Selection of Staff**

25. A Circular 2006/08 will issue on 3 March 2006 to all education sector employers advising that as from 1 September 2006 at least one Governor on every school recruitment and selection interview panel should have received training in recruitment and selection, including child protection issues. The timescale is necessary to allow a programme of training to take place. The child protection service within the Education and Library Boards, which is currently being enhanced, will deliver training and will be in a position to monitor uptake and progress. As from 1 September 2006 school inspections will include an assessment of the procedures for staff recruitment and selection.

### **Wider Child Protection Context**

26. It is widely recognised that vetting alone or even good employment practices will not ensure the safety of children. They are only elements of wider child protection policy and good practice. The existing comprehensive guidance on child protection in schools (issued under cover of Circular 1999/10), which covers issues such as a code of conduct for staff, identifying abuse, complaints, links with other agencies remains largely relevant, but it is being brought up-to-date in line with legislative and procedural

developments with a web based version in a more accessible frequently asked questions format. Work on the section on the use of precautionary suspensions where allegations of abuse are made against members of staff will be completed by Easter and that on photographic images by June. The full revision will be completed by December 2006.

### **Other Education Settings**

27. While the focus over the past few weeks has been on addressing child protection in the context of schools, it is important to highlight that we have examined the policies and practices in the pre-school and youth sectors. Further analysis of the position on joining up child protection policies in statutory and voluntary/private pre-school providers will be completed within three months. The Child Protection Working Group within the youth sector will convene in March to build on existing work by developing an effective model which addresses the needs within both the statutory and voluntary parts of the youth service and to ensure that common standards and practices are imbedded within the youth sector on child protection.
28. Both DEL and DCAL have participated in the deliberations of recent weeks and will apply the measures as appropriate within their own sectors. DARD have also asked to be copied in to papers.

### **Notification to Employers and Schools**

29. The above measures will be communicated to employers and schools by way of a special package to be issued on 3 March 2006 and clearly marked for their immediate attention. The documents will also be made available to independent schools.

## **Acknowledgements**

30. The Department would like to acknowledge the assistance of the Commissioner for Children and the National Society for the Prevention of Cruelty to Children as well as the other organisations and departments listed in the Annex C to this report.

**EDDIE ROONEY**  
**Department of Education**  
**February 2006**

## ANNEX A

### STRENGTHENING ARRANGEMENTS FOR CHILD PROTECTION IN THE EDUCATION SECTOR

#### ACTION PLAN

OBJECTIVE	ACTION	TIMESCALE
To strengthen guidance and advice	<p>Revised guidance on pre-employment checking</p> <p>PSNI considering how to address gaps in obtaining vetting.</p> <p>Guidance for parents on engaging private tutors.</p>	<p>3 March 2006</p> <p>Ongoing</p> <p>Text by 20 March. Issue by week beginning 24 April 2006</p>
To close gaps in vetting	<p>Education (Prohibition from Teaching or Working With Children) Regulations (NI) 2006</p> <p>Guidance on Regulations</p> <p>Internal review of procedures for listing people from whom withdrawing eligibility to teach.</p> <p>Programme to promote full vetting of:</p> <p>staff working in schools</p> <p>staff working in support of schools</p> <p>school Governors</p> <p>substitute teachers to be drawn only from NI substitute Teachers Register</p> <p>other temporary staff must be vetted</p>	<p>Made on 16 January 2006 Come into operation on 3 April 2006</p> <p>end March 2006</p> <p>March 2006</p> <p>March-1 September 2006</p> <p>September-December 2006</p> <p>January-March 2007</p> <p>1 September 2006</p> <p>Immediate effect</p>

	<p>staff handling vetting process to be vetted</p> <p>Members of selection panels to be trained in selection process including child protection</p>	<p>Immediate effect</p> <p>1 September 2006</p>
To ensure holistic child protection arrangements	<p>Guidance on child protection in schools to be revised on staged basis:-</p> <p>Precautionary suspension where allegation of abuse against members of staff.</p> <p>Photographic images</p> <p>Completed</p> <p>Analysis of position in pre-school sector</p> <p>Child Protection Working Group in Youth sector to convene</p> <p>Guidance for schools sector made available to DEL, DCAL, DARD and DOE</p>	<p>Easter 2006</p> <p>June 2006</p> <p>December 2006</p> <p>May 2006</p> <p>March 2006</p> <p>3 March 2006</p>
To apply in Northern Ireland as appropriate the provision of the Bichard programme of Child Protection	Implement with other departments and key partners the provisions of the Safeguarding of Vulnerable Groups Bill	Timetable to be determined by passage of bill

**NICCY Review of Vetting – Recommendations which specifically cite DE or Government departments in general**

Recommendation	Action
<p>(1) There is a need for an ongoing review of the development and implementation of the vetting system as the various reforms are implemented. This should be carried out by DHSSPS, DE and NIO as the departments responsible for vetting, through a continuing steering group with responsibility for overseeing arrangements</p>	<p>Other Departments have been closely involved with the work to strengthen child protection arrangements in the education sector. DE is represented on the inter-departmental fora for considering the provisions of Safeguarding Vulnerable Groups Bill. This collaboration will continue with a view to more integrated approaches.</p>
<p>(4) Department of Education needs to consider devising a framework for the operation of List 99 which includes procedural safeguards prior to the listing decision</p>	<p>From 3 April 2006 under new regulations those persons (teaching and non-teaching) who are to be listed by the Department as unsuitable to work with children will be advised prior to listing and have an opportunity to present their case. There will also be a right of appeal under the new arrangements in specified circumstances.</p>
<p>(22) The difference in the posts included in the Northern Ireland section of List 99 and those in England and Wales needs to be reconsidered by DE.</p>	<p>From 3 April 2006 DE will establish a single list of persons, both teaching and non-teaching, deemed to be unsuitable to work with children. This list will be accessible through the vetting arrangements operated through PSNI, Criminal Records Office.</p>
<p>(23) DHSSPS, NIO, DE and PSNI should collaborate to ensure that there is a consistent statutory definition of the type of contact with children which warrants a check being carried out; and the concepts used in the Police Act 1997 as amended, in the Protection of Children and Vulnerable Adults (NI) Order 2003, the list of exceptions under the Rehabilitation of Offenders (Exceptions) Order (NI) 1979, and the basis for inclusion in List 99, should be compared with a view to ensuring consistency.</p>	<p>This will be addressed in the context of work on the Safeguarding Bill and related guidance for employers.</p>

<p>(27) Each relevant Department needs to ensure that there is appropriate monitoring of organisations who are required to carry out checks and on what posts</p>	<p>ETI do check as part of normal inspection of pastoral care. DE will conduct a survey of schools every 3 years on child protection matters (including vetting). ELB risk management strategies to cover child protection.</p>
<p>(31) There is an urgent need for guidance and awareness raising about the effect of PoCVA among government departments, public bodies, other organisations and groups working with children, and among parents and children.</p>	<p>Information needs will be covered in DE circulars and training programme for members of selection panels will cover duties under POCVA.</p>

**PARLIAMENTARY STATEMENT BY SECRETARY OF STATE FOR EDUCATION AND SKILLS ON SAFEGUARDING  
VULNERABLE GROUPS ON 19 JANUARY 2006**

<b>Content of Statement</b>	<b>Position on related action in NI</b>
Bar from working with children all those who are now convicted or cautioned for any sexual offence against children whether the individual is on the sex offenders register or not.	GB Regulations which set out offences for automatic barring apply in NI.
Bring forward regulations which will automatically enter on List 99 anyone who is convicted or cautioned for a sexual offence against a child.	ditto
Automatically bar individuals for a range of serious sexual offences against adults.	ditto
Individuals will have a right to make representations but they will need to prove that they are not a threat to children before they can work in a school or other education establishment.	Education (Prohibition from Teaching or Working with Children) Regulations (NI) 2006 makes provision for appeals to the Department and/or Care Tribunal.
Mandatory Criminal Records Bureau Checks for all newly appointed school employees replacing the current guidance.	DE Circular (1990/28) and the revised version requires checks - and has authority but is not mandatory. Safeguarding Bill will require mandatory checks.
Ofsted will carry out an urgent survey of existing vetting practice in a sample of schools and report to me in the spring.	ETI do check as part of normal inspections of pastoral care provision. DE will conduct a survey of schools every 3 years on child protection matters (including vetting status).
Write to all schools setting out how the checking system will work and informing them of the change to mandatory CRB checks	New circular to issue on 3 March.
Ensure that all DfES staff who are part of the vetting process receive appropriate training, support and advice in child protection issues.	DE staff (small numbers) are fully aware of child protection dimension to work and their posts will now be designated as requiring vetting. Vetting of postholders will be undertaken within next month.

<p>Establish a panel of independent experts to oversee the whole List 99 process [advise on current cases and review previous cases].</p>	<p>Arrangements, through administrative action, will be put in place to include independent expertise on the panels which make decisions about listing persons as unsuitable to work with children. The same process/procedure will be used for teaching and non teaching staff where suitability to work with children is at issue.</p>
<p>Replace List 99 entirely with a new, better system as quickly as possible.</p>	<p>This will be covered as part of the 'Bichard' implementation.</p>
<p>Legislate to give independent experts the final decision on who should be barred.</p>	<p>Read across of Safeguarding Bill provisions will be assessed.</p>

## ANNEX C

### ORGANISATIONS REPRESENTED AT WORKSHOPS ON 26 JANUARY AND 13 FEBRUARY 2006

Belfast Education and Library Board

North Eastern Education and Library Board

Southern Education and Library Board

South Eastern Education and Library Board

Western Education and Library Board

Catholic Council for Maintained Schools

Comhairle na Gaelscolaíochta

Northern Ireland Council for Integrated Education

Governing Bodies Association

General Teaching Council

National Society for Prevention of Cruelty to Children

Northern Ireland Association for the Care and Resettlement of Offenders

Police Service for Northern Ireland

Education and Training Inspectorate

Department of Culture and Leisure

Department of Education

Department for Employment and Learning

Department of Health, Social Services and Public Safety

Northern Ireland Office

Office of the First Minister and Deputy First Minister