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Consultation – summary of responses

Revised guidance on safeguarding children in education

Date of issue: January 2015



Revised guidance on safeguarding children in education

Audience	Local authorities; headteachers and governing bodies of maintained schools; headteachers and governing bodies of voluntary aided and foundation schools; teachers in charge of pupil referral units; church diocesan authorities; proprietors of independent schools; principals of further education institutions; school staff unions; Governors Wales; Careers Wales; higher education authorities and Local Safeguarding Children Board Chairs. It should also be read by staff within those organisations that have a lead responsibility for safeguarding children.
Overview	This document contains the summary of responses from stakeholders regarding the <i>Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002</i> .
Action required	None – for information only.
Further information	Enquiries about this document should be directed to: Debbie Campbell Diverse Learners and Safeguarding Team Department for Education and Skills Welsh Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 5807 e-mail: keepinglearnerssafe@wales.gsi.gov.uk
Additional copies	This document can be accessed from the Welsh Government's website at www.wales.gov.uk/consultations
Related documents	<i>Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002</i> Welsh Assembly Government Circular No: 005/2008 (2008) <i>Revised guidance on safeguarding children in education – Chapter 6: 'Responding to allegations of abuse against teachers and other staff'</i> (2014)



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Background

The Welsh Government consulted on the revised 'Safeguarding Children in Education' guidance between the 27 August and the 25 October 2013. The guidance was revised to up-date the guidance to take account of changes in safeguarding arrangements since the current guidance was published in 2008, including the introduction of the Disclosure and Barring arrangements.

Section 175 of the Education Act 2002 came into force in Wales on 1 September 2006. This created a legal duty on all local authorities, maintained schools and further education institutions to exercise their functions in a way that takes into account the need to safeguard and promote the welfare of children.

The Welsh Government issued Circular No: 005/2008 *Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002*, to provide guidance on how to give effect to this statutory duty. The public consultation on the draft revised *Safeguarding in Education* guidance provided the opportunity to gather views about whether our revisions to the guidance were helpful, whether the new structure and format was user-friendly, and whether there was anything else that needed to be included. This summary of responses sets out the main comments and views provided by stakeholders.

The consultation

The consultation document asked thirteen specific questions on the revised guidance document, and one general question providing respondents with the opportunity to provide any further comments.

Responses received

In total 84 written responses to the consultation were received. The responses were received from the following sectors:

Respondent type	Number of responses
Local authority (including social services departments)	7
Head teachers/schools/FE colleges	8
Governors	2
Parents/carers	18
Teaching unions	4
Local Safeguarding Children Boards	7
Charity or voluntary organisations	9
Other	29
Total	84

This document highlights key issues and themes arising from the consultation exercise, and does not attempt to address each and every point raised in consultation. We are though very grateful for the level of engagement that we have received through this process. It is very much appreciated. As ever, in drafting the final guidance it has been a process of judgement and balancing views.

Response to consultation questions

In total, 84 responses were received. A number reported positively, and in that the guidance was a comprehensive and detailed source of information. However, many expressed concerns over the length and complexity of the guidance. It was recommended that the guidance should be redrafted to reduce duplication and ensure it is more concise and accessible, signposting guidance document. A number of inaccuracies were also identified.

In April 2014, chapter 6 of the draft guidance was published as stand alone guidance on *Dealing with Allegations of Abuse Against Teachers and other members of staff*. A summary of responses was published alongside this guidance.

1. Does the glossary in the Preface provide clear, useful definitions of relevant key terms? If not, what could be improved and how?

	Total
Number of respondents	84
Yes	24 (29%)
No	2 (2%)
Not sure	3 (4%)
Blank	55 (65%)

The majority of respondents who provided a response to this question said definitions were clear, as was the glossary in the preface. Overall respondents suggested that the glossary was clear and concise and consistent with definitions provided in other important safeguarding documentation such as the All Wales Child Protection Procedures.

2. Does Chapter 1 make clear the statutory duties and guidance that apply to education providers in relation to safeguarding? If not, how could it be improved?

	Total
Number of respondents	84
Yes	21 (25%)
No	2 (2%)
Not sure	4 (4%)
Blank	58 (69%)

The majority of responses indicated that this chapter was clearly set out, though overly-long and detailed. A number questioned whether so much information was required in a guidance document (while others suggested additional information to be added). There was one key issue raised regarding the Social Service and Well-being (Wales) Bill. Respondents suggested that proposed changes could potentially significantly impact on this revised guidance and there was some concern that there was a risk that the guidance would be quickly outdated once the legislation came into force,

requiring the guidance to be updated again. One respondent who also expressed this view suggested that the guidance should be defined as 'interim' to flag up the Welsh Government's intention to review the guidance in light of the implementation of the Social Services and Well-being (Wales) Act 2014. Respondents also recommended that the guidance should be kept as an e-document so it can be easily updated.

3. Does Chapter 1 explain clearly the multi-agency safeguarding structures in Wales? If not, how could it be improved?

	Total
Number of respondents	84
Yes	21 (25%)
No	0 (0%)
Not sure	3 (4%)
Blank	60 (71%)

Respondents generally found this section comprehensive and helpful. However, others also felt that the volume of information on legislation and multi-agency structures to be confusing.

A number of respondents referred to the removing of Local Safeguarding Children Boards and using the term Regional Safeguarding Children Boards otherwise the document may be outdated as soon as it is released. In this context, as statutory guidance, it is necessary to refer to Boards in the context of the legislation under which they are presently governed – the Children Act 2004. new terminology introduced under the Social Services and Well-being (Wales) Act 2014 – Safeguarding Children Boards (not 'Regional') will be considered when the new guidance is reviewed post April 2016.

4. Is the guidance in Chapter 2 on the roles and responsibilities of different agencies clear, accurate and helpful? If not, how could it be improved?

	Total
Number of respondents	84
Yes	20 (24%)
No	5 (6%)
Not sure	2 (2%)
Blank	57 (68%)

Overall there was consensus that the layout of the chapter was clear. There were, however, a number of specific concerns reported. In particular it was proposed that the role of governors and the governing body should be clarified and strengthened.

A number of respondents raised concerns around the role of the Local Authority Designated Officer (LADO) and how the term is used inconsistently throughout the document. Respondents said that the section relating to the

LADO was not fit for purpose. The LADO was a term used in England, through statutory guidance issued by the UK Government, but the role only had a context in terms of cases of professional abuse and not in broader safeguarding arrangements. This role was also one that should be located in social services, not in education. Retaining the designation would introduce considerable confusion to arrangements in Wales and should be removed. We were persuaded by these arguments.

5. Is the information provided in Chapter 3 clear and helpful? If not, how could it be improved?

	Total
Number of respondents	84
Yes	22 (26%)
No	4 (5%)
Not sure	1 (1%)
Blank	57 (68%)

The majority of respondents found chapter 3 to be clear and helpful with many respondents, particularly schools, welcoming its level of detail. Overall, there was a positive response, but concerns were expressed about the overall length and duplication with existing guidance. Respondents were concerned that by duplicating existing guidance there was a danger of the guidance becoming quickly outdated or confusing and this would be negated by hyperlinks provided which should negate the need for so much information. Again, we were persuaded by this view and agree that having too many sources of guidance might be confusing to practitioners. Where existing guidance already existed, it should be clearly signposted though additional detail could be provided where there was no guidance currently in existence.

Comments were made particularly in respect of home education. A number of respondents said there were inappropriate or incorrect references to home education which should be redrafted.

Respondents provided a number of proposed amendments to individual paragraphs within this chapter. All amendments proposed have been considered by the Welsh Government.

6. Are there any other safeguarding issues that should be included in Chapter 3?

	Total
Number of respondents	84
Yes	11 (13%)
No	8 (10%)
Not sure	3 (4%)
Blank	62 (73%)

Most respondents found chapter 3 to be comprehensive however, there were requests for additional information such as neglect, domestic abuse and teenage intimate relationships and where we consider additions are appropriate additional information has been added.

7. Is the guidance in Chapter 4 on recruitment processes, pre-appointment checks and post-appointment induction and monitoring clear and helpful? If not, how could it be improved?

	Total
Number of respondents	84
Yes	20 (24%)
No	1 (1%)
Not sure	1 (1%)
Blank	62 (74%)

In general this chapter was found to be very useful and detailed, though a number said that it was more about 'recruitment' rather than 'safer recruitment'. Specific issues for further consideration included requests to clarify guidance around the requirements of the Rehabilitation of Offenders Act 1974. Comments provided suggested the section be amended to make reference to the introduction of the filtering process which the DBS will use to filter information about past criminal convictions. Again, a very thorough section which will prove helpful for operational activity as well as training.

Respondents provided a number of proposed amendments to individual paragraphs within this chapter. All amendments proposed have been considered by the Welsh Government.

8. Does Chapter 5 provide clear, useful guidance on the new disclosure and barring arrangements and how these apply to staff and volunteers working in education services? If not, how could it be improved?

	Total
Number of respondents	84
Yes	19 (23%)
No	1 (1%)
Not sure	2 (2%)
Blank	62 (74%)

The majority of respondents were content with this section and found it to be clear, providing a source of useful information. Some respondents however, did comment that the background information added little value and just increased the size of the guidance document.

Respondents commented that the section was clearly written and that the information and guidance presented was very useful.

9. Does Chapter 6 explain clearly the process for handling allegations of abuse against teachers and other staff or volunteers in the education service? If not, how could it be improved?

A summary of responses relating to this chapter can be found on:

<http://wales.gov.uk/consultations/education/revised-guidance-on-safeguarding-children-in-education/?lang=en>

10. Does Chapter 7 explain clearly the process for making referrals to the Disclosure and Barring Service? If not, how could it be improved?

	Total
Number of respondents	84
Yes	24 (29%)
No	0 (0%)
Not sure	2 (2%)
Blank	58 (69%)

The response to this question suggested that broadly the process was set out clearly. In particular use of the flow chart within this section was welcomed by respondents who also felt that adopting this technique in other chapters of the document would reduce the volume of the guidance. However, like the approach adopted in re-drafting Chapter 3 of the consultation draft, our view is that the range and detail of draft might result in confusion, especially where there might be changes to the Disclosure and Barring Service which would not be reflected in the Welsh Government’s statutory guidance. The scheme is non-devolved, so the approach taken has been to more strongly signpost those in need of advice and guidance to the DBS, while providing a summary of the overall service provided.

There were a number of amendments suggested which have been considered in redrafting of the final guidance.

11. Are the model notes for staff, parents/carers and learners and the child protection policy included in the Appendices useful? If not, how could they be improved?

	Total
Number of respondents	84
Yes	21 (26%)
No	3 (3%)
Not sure	1 (1%)
Blank	59 (70%)

Respondents said that the model notes were useful. In particular, respondents welcomed the model child policy and the model note for staff.

It was reported that providing an example of a safeguarding policy for individual educational settings was useful. Respondents also said that the model policy could help to obtain a consistent approach across Wales. There were concerns from some respondents that the model notes should be identified as a template upon which to build and to personalise to make them more relevant for the educational setting in question. We have made it clear in the final guidance that these draft policies are ‘model’ only, and are not part of the statutory guidance so that practitioners have flexibility to amend as necessary.

12. Does the structure, style and tone of the document as a whole aid ease of understanding, access and reference? If not, how could it be improved?

	Total
Number of respondents	84
Yes	19 (23%)
No	3 (4%)
Not sure	1 (1%)
Blank	61 (72%)

A number of responses to this question said that respondents were of the view that the document was too long, potentially confusing, contained too much background information to other legislation and the hyperlinks provided should overcome the need for so much unnecessary background. There was a strong call for the guidance to be edited to ensure a more concise and user friendly document.

13. The Equality Act 2010 prescribes the following ‘protected characteristics’: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex; and sexual orientation. Do you have any views on potential impacts that this guidance may have on people in Wales with protected characteristics?

	Total
Number of respondents	84
Yes	6 (7%)
No	8 (9%)
Not sure	6 (5%)
Blank	66 (78%)

Relatively fewer detailed comments were received from respondents in response to this question. Overall respondents reported that they didn’t believe that the guidance provided will impact negatively on people in Wales with protected characteristics. In fact, the guidance has been written in a way that reflects a sensitive approach to any person with protected characteristics.

14. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

This question provided the opportunity for respondents to raise any other issues that they felt needed to be addressed. Respondents reported that there is a probability that those responsible for child safety and protection at a school level will not have the time to work through the vast amount of guidance that has been produced. As a result aspects of the guidance could be overlooked. While having the guidance in its entirety as an important and useful reference, it would be worth considering editing in size and including more flow charts of practical steps that need to be put in place to provide an easier guide for practitioners. It was also suggested that an easy read version of the guidance would be helpful to ensure accessibility of the document.

There was some concern raised about clarity as to how the guidance will be updated/cross referenced when Bills are released, such as the End Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill and Social Services and Well-being (Wales) Bill, as well as future legislation which may coincide with this document.

Next steps

The new, revised guidance entitled *Keeping Learners Safe* will be published on the Welsh Government website.

The Welsh Government has undertaken significant further work to strengthen the guidance in light of the feedback received to ensure it is more concise, accurate and made more user-friendly.

All of the comments received, including specific drafting proposals have been considered in amending the document. A number of requests for additional information have been made. These were considered in the context of balancing the desire to provide comprehensive guidance encompassing a range of issues and the need to ensure the document is accessible and user-friendly.

The list of respondents can be made available upon request.

A final version entitled *Keeping Learners Safe* will be published in due course.