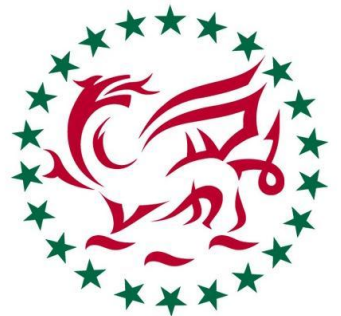




Petition P-04-552 Diogelu
Plant / Child Protection
August 2014



WLGA • CLILC

Introduction

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales. The three fire and rescue authorities and the three national park authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.

General Comments

3. Given the recent media coverage of high profile cases related to sexual abuse of children and young people by those in positions of authority or with celebrity status, it is inevitable that concerns will be raised about the robustness of safeguarding arrangements that are currently in place. It is important to recognise that a number of the cases highlighted in the media involving those with celebrity status are historic cases. Awareness of and application of safeguarding processes have improved considerably over time and the situation now bears little resemblance to that of two or three decades ago. For example, the All-Wales Child Protection Procedures were written in 2002, and substantially revised in 2008. They are kept up-to-date by the All-Wales Child Protection Review Group (AWCPPRG). The group has a mandate and representation from all of Wales' Local and Regional Safeguarding Children Boards and partner agencies. The group also produces supplementary protocols and practice guides, on an All-Wales basis, and provide a platform for sharing good practice across Wales.
4. In addition under the Education Act 2002 a legal duty was created for all local authorities, schools and further education institutions in Wales to exercise their functions in a way that takes into account the need to safeguard and promote the welfare of children. Guidance was issued under this Act to support local authorities and governing bodies in fulfilling this role and this has recently been updated and consulted upon by the Welsh Government. The guidance recognises that whilst people who may visit schools to attend meetings, to deliver goods or carry out maintenance tasks do not routinely need to be vetted before being allowed on to school premises, they do need to be managed by school staff. They should be:

- signed in and out of the school by school staff;
 - if appropriate, be given restricted access to only specific areas of the school;
 - where possible, they should be escorted around the school premises by a member of staff;
 - if left unattended, they should be clearly identified with visitor/contractor passes; their access to pupils restricted to the purpose of their visit; and
 - if carrying out building, maintenance or repair tasks their work area should be cordoned off from pupils for health and safety reasons.
5. The guidance also states that whilst school governors are no longer required to have an Enhanced Disclosure Certificate as a condition of their appointment schools still have an option to request an EDC check without a barred list check, and any governor giving cause for concern should also be asked to obtain an Enhanced Disclosure. All others should be asked to sign a declaration confirming their suitability to fulfil the role. Governors in positions that include regular work in the presence of children, or who care for, train, supervise or are in sole charge of children should be asked to obtain an Enhanced Disclosure (in line with other volunteers).
6. These arrangements underline the fact that common practice now means that the positions and roles referred to in the petition should never have unsupervised access to children and young people simply by virtue of their position and / or position of trust. The reality is that any direct contact with children and young people by Councillors, Champions, Governors, etc is organised, managed and supervised by Officers who are fully aware of their safeguarding responsibilities. Councillors and Governors receive safeguarding training and both groups are key when the LA/LEA are inspected by CSSIW or Estyn.
7. Good practice has also been shared across local authorities regarding safeguarding practices. For example, the Vale of Glamorgan have developed a Safe Recruitment policy which has been shared across Wales. This policy was developed following a CSSIW and Estyn report into the handling and management of allegations of professional abuse and the arrangements for safeguarding and protecting children in education services in Pembrokeshire County Council. The report raised a number of serious issues including reminding councils of their responsibilities for carrying out thorough safeguarding pre-employment checks on staff working with children (in particular that the appropriate level of CRB/DBS disclosure and written references are obtained). The Safer Recruitment policy helps councils and its schools strengthen safeguarding arrangements, providing a more comprehensive and consistent approach, building on the existing arrangements and taking account of the legislative

changes to provide a consistent and robust process on checking the suitability of applicants who will have access to children and / or vulnerable people.

8. It is also important to recognise the checks that can be undertaken as part of safeguarding measures. The Disclosure & Barring Service (DBS) is in place across England and Wales and there is national legislation through the Police Act 1997 and Rehabilitation of Offender Act 1975 which dictates for whom a registered body (employer) can request a DBS check, formerly, a Criminal Records Bureau (CRB) check. Most volunteers working with children would qualify for DBS check. The petition statement references the Jimmy Savile case which in many cases pre-dates this legislation and work undertaken by volunteers in schools, hospitals, etc. would now be covered. The Ian Watkins affair is different in that he did not work as a volunteer and so there would have been no reason to undergo a DBS check.
9. The legislation is there to ensure that a blanket approach where everyone has a DBS check regardless of the propensity to come into contact with children and / or vulnerable adults is not taken. The DBS system works on intelligence and therefore a DBS check is only as good as the intelligence behind it. The check is just a snapshot at that time, if there is no information, or the information changes, then the check will not show anything. This would not have prevented the Ian Watkins situation as he did not hold any position to warrant a check – he just had celebrity status.
10. There have been previous efforts to widen out the registration scheme for people who wished to work or volunteer in certain specified roles with children or vulnerable adults, most notably through the Vetting and Barring Scheme (VBS). The VBS would also have introduced a secondary type of activity (which could be either paid employment or volunteering), called 'Controlled Activity,' where individuals working in ancillary posts or who had access to sensitive information relating to children or vulnerable adults would also have had to be checked. This would have covered, for example, receptionists in outpatient clinics, catering staff and caretakers in further education colleges and hospital records clerks. Originally, 11 million individuals would have been required to register with the VBS, as their work would have fallen within the definition of Regulated Activity with children or vulnerable adults.
11. The Coalition Government, however, believed that the VBS was a disproportionate response to the risk posed by a small minority of people who wished to commit harm to vulnerable people, creating a complex and cumbersome central bureaucracy which brought far too many people within its scope, and argued that the VBS had the counter-productive effect of deterring well-meaning adults from working with children

and vulnerable adults. It believed that the VBS shifted the responsibility for ensuring safe recruitment too much away from the employer and towards the state, and that this encouraged risk-averse rather than responsible behaviour from employers by giving the impression that this central Scheme could manage all risk out of the system used for pre-employment checking. Instead the new DBS arrangements came into force in September 2012. They retain some of the features of the VBS including the duty to make referrals and the prohibition of engaging a barred person in regulated activity. However, the new disclosure and barring arrangements no longer requires registration or monitoring and only covers those who may have regular or close contact with vulnerable groups, defined as "Regulated Activity" in legislation – repealing the "Controlled Activity" activity category. However, for those individuals who do not work in regulated activity but nevertheless work, paid or unpaid, with vulnerable people, employers can, but will not be required to, obtain criminal records checks.

12. Other changes to disclosure and barring arrangements were introduced in June 2013, including certificates being issued only to applicants rather than registered bodies, and the launch of the DBS 'Update Service'. This subscription service enables individuals to apply to have their criminal record check kept up to date so they can take their DBS certificates with them when they move from role to role. Employers can then carry out free, instant online Status Checks of an individual's certificate to see if any new information has come to light since the DBS certificate's issue.
13. Whilst safeguarding arrangements have clearly improved in recent times we are always able to learn lessons and as a result we continue to review procedures and improve practice. There is an on-going inquiry into whether Ian Watkins' celebrity status prevented him from being brought to justice as a child sex abuser earlier. There have also been calls for a public inquiry into how Jimmy Savile evaded justice for so long and the reports into his activities in relation to hospitals / hospice premises have been published by the relevant hospital trusts. An inquiry into abuse by Jimmy Savile on BBC premises is also due to report in September. It will be important to take any learning out of these inquiries and see how practice can be improved as a result.

Conclusion

14. It is understandable that due to the recent high profile abuse cases that have received media coverage that questions are raised around the safeguarding arrangements in place. It is important to note that many of these cases are historic and that in fact significant improvements have been, and continue to be made in relation to

safeguarding arrangements across local government. Local government, with partners, have developed and put in place both national and local policies and procedures to support them in their safeguarding role, e.g. *All Wales Child Protection Policy and Procedures* and *Safer Recruitment Policies*. Local arrangements support the fact that in the main any direct contact with children and young people by Councillors, Champions, Governors, etc, is organised, managed and supervised by Officers who are fully aware of their safeguarding responsibilities. In addition Councillors and Governors receive safeguarding training to support them and help them to understand their roles and responsibilities.

15. The new Disclosure and Barring Service (DBS) was introduced in 2012 and this scaled back some of the original intentions in the Vetting and Barring Scheme (VBS), though the reasons for doing so are understandable, i.e. it was too complex and bureaucratic. The reality is that any DBS checks undertaken are not full-proof, they are just a snapshot at that time, we therefore need to be careful about extending the need to carry out DBS checks further and examine the merits of doing so.
16. There is a need to learn from any findings that come out of the inquiries being undertaken and a need to continue to review all elements of safeguarding, including the still fairly new DBS scheme. We need to be mindful, however, not to take any local or regional responses that may undermine the national DBS approach. Therefore at this time it is the WLGA's view that we do not currently need to seek any changes to current arrangements as set out in the petition.

For further information please contact:

Stewart Blythe, Policy Officer Social Services & Health
Stewart.blythe@wlga.gov.uk

Welsh Local Government Association
Local Government House
Drake walk
Cardiff
CF10 4LG

Tel: 029 2046 8600