
Work-related Learning and Child Protection



Legal updates from Tony Johns – September 2009

FAO: UK Schools, Local Authorities, Colleges, 14-19 Partnerships, Education Business Organisations, Young Apprenticeship partners, Diploma Partnerships and planning groups, Training Providers, Work Experience Providers, Child Protection Teams, Mentoring Projects, Enterprise Advisers. **Please find below useful updates – please cascade to your email network:**

Vetting & Barring latest:

Further to my August 2009 comments on the ISA and DCSF Vetting & Barring plans for work experience placements, I have received a number of useful emails from subscribers and the following useful communication from John Sheridan at the DCSF. I am sending out the Sept update early because the email traffic on this topic indicates there is a lot of concern and confusion.

“Your enquiry has been passed to me, as I have responsibility in DCSF for the application of the vetting and barring scheme in the workplace. The position remains firmly as set out in our May 2008 report (link below) further to a consultation on the policy on vetting and barring. I reproduce paras 47 and 48 here:

*47 We propose that in the case of children in employment aged under 16, including those in work experience, an employer would commit an offence if they knowingly used a barred person to instruct, train or teach such children where there are arrangements in place (whether in a job description or otherwise) for the employee to do this; and a barred individual would commit an offence if they put themselves forward for such an activity. **However we propose that there should be no mandatory requirement on anyone in the setting to be ISA registered.** The employer or the work experience placement organiser would decide who should be checked. At present in the case of work experience that decision is taken on a risk-based approach and these arrangements work well currently. Current guidance in the area of work experience will be updated to take into account the new ISA scheme.*

48 We have reached this conclusion partly from our appraisal of the proportionality of the full impact of the ISA scheme in the context of economic and volunteering activity; and partly because workable safeguarding and health and safety measures are already in place in the work environment.

We plan to achieve the position set out above by using secondary legislation to make the workplace an exception to the normal rules which will require those supervising children on a frequent or intensive basis to register with the scheme.

I hope this is helpful. We will be producing some sector-specific guidance in the near future which will set this out for those who have an interest. “

John Sheridan

New link <http://www.dcsf.gov.uk/consultations/downloadableDocs/ISA%20scheme%20consultation-%20Govt%20response%20300508.doc>

I am now working on some clarification on the need for ISA Registration for students themselves who will be working with children, the vulnerable and elderly. Post the Huntley murders Circular CP5 - *Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service - Circular 337/2002* stated:

“Pupils who undertake short periods of work experience that involve contact with children in other schools or education establishments need not be checked. However, students who are required to work with children as a necessary part of a training course, e.g. student teachers, nursery nurses, etc, will need to be checked when they are accepted onto the course.”

This has been widely interpreted that all students on ‘job readiness’ (e.g. NVQ style) courses, including those under the Minimum School Leaving Age (MSLA), should be CRB checked on the basis that they are ‘eligible’ and will need to be checked at some stage anyway. Those on *general courses* not leading to a recognised qualification, including those for students in Yrs 12 and 13, have been considered ‘not eligible’ and the risk assessment recognises they are under almost always under direct supervision. A further facilitating adjustment was made in a Sept 2008 DCSF Circular enabling any student on a *general course* to be considered ‘eligible’ for CRB disclosure if the nursery, care home or other employer insisted on the basis of their risk assessment. Examples of *general courses* might sensibly include Applied GCSE in Health and Social Care, Diploma’s in Society Health and Development and a myriad of short taster courses that are an essential part of the UK engagement offer.

Breaking News

BBC News 7.45am Friday 11th Sept 2009 - *Parents regularly transporting other people’s children to sports or social clubs will have to be CRB checked.* I wonder who risk assessed this? I am looking forward to having sight of the stats regarding the number of relevant incidents involving carloads of sweaty adolescent rugby players or brownies on their way to the local guide hut with a mum. As volunteers the CRB check will be free. However, a 2007 study I conducted in central London indicated the internal organisational administrative costs of an enhanced CRB came to around £135 a time! I can only hazard a guess at the costs of this additional group requiring a CRB. I predict many parents with irrelevant convictions will opt out or not be bothered, will not risk the potential £5,000 fine and only take their own kids. The definition of ‘regularly transport’ means more than once a month there are huge implications at a time when we are encouraging both car sharing and more sport involvement for children. Watch this space!

Corporate Manslaughter Act:

I have been receiving many questions and concerns from a wide range of senior management, particularly from LA’s, school governors, work experience organisations and activity centre managers. They are all concerning the implications of the new Act for incorporated and not incorporated schools, colleges, universities and providers helping our young people with exciting opportunities. The 2007 Act became effective on April 8th 2008 and puts the law on corporate manslaughter (in Scotland, corporate *culpable homicide*) on to a new footing, setting out a new statutory offence. An organisation is now guilty of the offence if the way in which its activities are managed or organised causes a death and amounts to a *gross breach* of a relevant duty of care to the deceased. A substantial part of the breach must have been in the way activities were managed by senior management.

Although the main impetus for the introduction of the legislation in the UK came from the loss of 193 lives in the Herald of Free Enterprise tragedy, many of you will also remember the Lyme Bay canoe tragedy on March 22nd 1993 when 4 teenagers drowned from a Plymouth School. The subsequent trial resulted in the prosecution of the parent company and the centre manager. The owner of the activity centre and the centre itself were convicted of *corporate manslaughter* over the deaths. This was one of the most intensive and emotional inquests and enquiries I studied and the successful prosecution has provided us with important lessons to be learned in the education and training sector.

The potential *corporate manslaughter* exposure appears to be causing genuine concern within senior education management and a desire for some direction. I am organising in Central London on Wed Nov 18th 2009 an exploratory and problem solving one-day workshop (10am till 3pm) for senior managers. I will be the MC for the day, the Keynote speaker will be the marine lawyer Andrew Higgs who was involved in the Herald of Free Enterprise test case. We will be inviting lawyers, insurers, investigators and those who have been involved in some of the relevant cases that would now potentially be prosecuted under the Act. More details below.

Tony Johns – Sept 11th 2009

Corporate Manslaughter - Implications for UK Education & Training Providers

Central London – Wed 18th Nov 2009 - A one-day exploratory and problem solving workshop for senior managers in activity centres, Local Authorities, LA schools, foundation schools, academies, independent schools, colleges, universities, corporations and organisations taking students on placements, apprenticeships and training programmes. I will be the MC for the day and we will be joined by lawyers, insurers and those who have been involved in some of the relevant cases that would now potentially be prosecuted under the Act. Key-note speaker is Andrew Higgs, marine lawyer involved with colleagues in the test case run on the Herald of Free Enterprise. Please bring this important workshop to the attention of your senior management and governors.

Cost £245 plus VAT including lunch – Four one-hour sessions - 10am to 3pm

£225.00 + VAT for second and subsequent delegates on the same invoice

£175.00 + VAT for charitable/voluntary organisations.

Email tonyjohns@enterprise.net for details and/or booking.

New FAQs on the Vetting and Barring Scheme (25/08/09)

The CRB has recently compiled a new list of FAQs about the Vetting and Barring Scheme (VBS)

http://www.crb.gov.uk/faqs/vetting_and_barring_scheme.aspx

HSE warns schools after pupil is injured on work experience

Schools across the West Midlands are being warned to make sure that full health and safety checks are carried out before pupils head out on work experience, following the prosecution of a Stafford company. Deansfield High School in Wolverhampton employed Making Learning Work Ltd of Brewood, Stafford in 2005 to locate extended work experience placements for 32 pupils at a cost of £650 each.

Today the company pleaded guilty to breaching section 3(1) of the Health & Safety at Work etc. Act 1974 and was given one year's conditional discharge and ordered to pay costs of £22,000 at Wolverhampton Magistrates' Court, following an injury to a pupil on a placement in January 2006.

<http://www.hse.gov.uk/press/2009/coiwm31609.htm>

Work Experience & the Law 2009 Leeds City Centre Tues 22nd Sept - London Victoria Thurs 24th Sept

£245 plus VAT delivered by Tony Johns – co-author of Work Experience and the Law and Work-related Learning and the Law. Work experience for Diplomas; Young Apprenticeships; block placements; extended placements; students with special needs and behaviour issues; insurance complexities; placement approval strategies, proscribed activities: prohibited employment: safeguarding; strategies for enabling more exciting opportunities; employer engagement; implications of the new Corporate Manslaughter legislation! This legal issues training is for Local Authority 14-19 managers, school and college work-related learning and work experience co-ordinators, senior managers, education business links organisations, enterprise advisers, Connexions, employer partners, workplace supervisors, training providers. Email tonyjohns@enterprise.net for details and booking.

If you would like to organise this course in your area at a discounted cost please contact us for a quote.

Child Protection & Work-related learning 2009

Leeds City Centre Wed 23rd Sept 2009 - London Victoria Fri 25th Sept 2009 - £245 plus VAT

Including: extended work experience, young apprenticeships, diploma programmes (details attached).

This Child Protection Training **certificated** activity based workshop is for school and college work-related learning and work experience co-ordinators, senior managers, 14-19 advisers, education social workers, LA, EBP, Connexions, LSC and LSN staff, enterprise advisers, employers, workplace supervisors, training providers and mentors. Presenters, Tony Johns and Michael Hames, former Chief

Superintendent of the Paedophile unit at New Scotland Yard. Email tonyjohns@enterprise.net for details and/or booking. If you would like to organise this course in your area at a discounted cost please contact us for a quote.

14 – 19 and the Law - London Victoria Tues 13th Oct 2009 **£245 plus VAT**

Work-related learning; increased flexibility; work experience; extended placements; young apprenticeships; diploma programmes; industrial and commercial visits; residential's; enterprise education; employer engagement; off-site education; volunteering; safeguarding; corporate manslaughter! This legal issues training is for Local Authority 14-19 managers, school and college work-related learning and work experience co-ordinators, senior managers, education social workers, education business links organisations, enterprise advisers, Connexions, LSC and LSN staff, employer partners, workplace supervisors, training providers and mentors. Email tonyjohns@enterprise.net for details and booking.

If you would like to organise this course in your area at a discounted cost please contact us for a quote.

Safe and Sound? National Conference

7th October 2009 Derby

This conference is for those working with Sexually Exploited Children and Young People. The principal objective is to offer support, advice and highlight the issues affecting children and young people under eighteen who are affected by sexual exploitation to those who support them.

Rachael Pepper rachael.pepper@kc-jones.co.uk

KC Jones conference & events Tel: 01332 224504 Fax: 01332 224509

<http://www.kc-jones.co.uk/events/Safe--Sound-National-Conference-2009/>

Safeguarding Children Conference

16th November 2009 Central London £195 - £545 + VAT

Key presentations at this conference will address core areas of concern, including:

- Updates on Ofsted's new arrangements for the inspection of children's services
- Best practice examples of implementing effective safeguarding procedures tailored to your specific sector
- Issues of governance and accountability in the safeguarding children agenda

Plus - a Half-Day Workshop on Implementing Safer Recruitment Measures

17th November 2009 Central London

£195 - £545 + VAT

Led by the Children's Workforce Development Council (CWDC) this half-day workshop will provide you with practical guidance and advice on safer recruitment practices and procedures for the wider children's workforce. <http://www.capitaconferences.co.uk/OurConferences/Health/Safeguarding+Children.htm>

Nuffield Review of 14-19 Education and Training Conference 2009

Transition from School to Further Education, Training and Employment:

Lessons from the Nuffield Review

Tuesday, 15 September 2009 – Birmingham Botanical Gardens

In October 2003, the **Nuffield Foundation** launched a six-year independent review of 14-19 education and training. The Report of the Nuffield Review, Education for All: the Future Education and Training for 14-19 Year Olds, was published in June 2009. It is the most comprehensive review of what is happening in this phase of education since the Crowther Report fifty years ago. This conference explores one particular focus of the Review, namely the transition from school to further training and employment, showing where policy and practice need to develop. This is particularly important at a time of declining employment opportunities, yet when the importance of work-based learning and the role of employers in education are emphasised.

<http://www.national-training.com/events/conferences/nuffield/index.php>

Lifelong Learning UK Conference 2009

The Power of Lifelong Learning - Innovation During a Recession

Tuesday, 08 December, London, Kings Place, N1

Who should attend the event?

Leaders, decision makers, policy makers and influencers in career guidance, coaching and mentoring, community learning and development, further education, higher education, libraries, archives and information services and work based learning. www.llukconference.co.uk

Book by 5pm on Tuesday, 15 September to take advantage of early bird rates:

Supported: £150 + VAT (£172.50 inc. VAT) Voluntary, Community Organisations and Trade Unions

Reduced: £180 + VAT (£207 inc. VAT) Universities, Colleges and Local Authorities

Standard: £210 + VAT (£241.50 inc. VAT) Public Sector, Central Government, Commercial Sector

Learning Providers Autumn Conference 2009 - Developing & Extending Learning Provision

Monday 26 & Tuesday 27 October 2009 - The International Centre, Telford, Shropshire

A 2-day conference focusing on the wide range of issues affecting the skills agenda across all types of vocational training, learning, education and development

Delegate Fees (per day): First Delegate: £270.00 + VAT Second & Subsequent Delegates from the same organisation: £225.00 + VAT; ALP Members: £230.00 + VAT; Charitable/Voluntary: £220.00 + VAT

<http://www.national-training.com/events/autumn2009/index.php>

Vetting and barring scheme - safeguarding children and vulnerable adults in sport

11th September 2009 Loughborough University £75 - £110 + VAT

The ISA was established to enhance safe recruitment practices by ensuring as far as possible that unsuitable people are prevented from working with children and vulnerable adults. It was a key recommendation from the Bichard Inquiry following the murders of Jessica Chapman and Holly Wells by Ian Huntley in 2002. As many of you are aware, the Government recently announced changes to the date of rolling out the V&B scheme. But how many of you know what the scheme involves? How it will work? And what the implications will be for you and your organisation? This seminar will give an overview of the safeguarding process relating to sport, specifically for children and vulnerable adults as laid down by the Safeguarding Vulnerable Groups Act 2006. It will examine the scope of the V&B scheme and its impact on employers, voluntary organisations and service users, and provide an opportunity for delegates to share their experiences and have their questions answered. Presentations will demonstrate how the current CRB and the ISA will work together to deliver this new scheme to enhance the safeguarding of children and vulnerable adults in sport.

<http://www.isa-gov.org.uk/default.aspx?page=388>

http://www.isa-gov.org.uk/pdf/CPD_SafeGuardChildrenLO.pdf

Autumn 2009/2010 dates for Thinkuknow training

Free Half Day course

This training is designed to:

- teach professionals who work with children to deliver the 11-16 Thinkuknow online safety programme
- teach delegates how to deliver Thinkuknow products to young people
- teach many of the most popular applications young people are using in the online and mobile environment
- cover many issues that children and young people face online
- signpost to initiatives and organisations for help and support

Birmingham – 30 September 2009

London – 21 October 2009

Glasgow – 2 December 2009

London – 20 January 2010

Liverpool – 24 February 2010

Bristol – 10 March 2010

Bridgend – 28 April 2010

Full day Ambassador training course

This course has been designed to provide:

- opportunity to become a CEOP accredited 'Ambassador Trainer'.
- understanding of how sexual offenders behave
- knowledge of social media and how online behaviour put young people at risk
- ability to cascade the 'Thinkuknow' programme to others professionals.

Delegates must attend the ½ day course first.

Glasgow – 3 December 2009

London – 21 January 2010

Liverpool – 25 February 2010

Bristol – 11 March 2010

Bridgend – 29 April 2010

£199 www.thinkuknow.co.uk/teachers/training.aspx

Does Data Protection worry you?

24th September 2009 London £76 - £203.57

Not understanding or complying with Data Protection can put organisations at both financial and reputational risk. This conference will set out what you need to know to ensure that your organisation does not fall foul of the law and to enable you to apply best practice throughout your organisation. This is no 'learn by rote' event but one which challenges you to think through both the legal options available, as well as how to engage with legal advisors and colleagues on how to handle this vital issue. The day will be led by Lesley Tadgell-Foster who runs the BSI Data Protection Programme for Non-Profits and has worked with clients including Get Kids Going!, MapAction and The Prince's Trust.

The day will include

- recent developments in legislation
- different rules which apply to email, text, telemarketing, postal campaigns and fax.
- how to ensure your organisations communications are lawful,
- how legacy databases and purchased lists can be used for marketing and whether preference services need to be consulted
- data protection and websites
- privacy statements

<http://www.ncvo-vol.org.uk/events/latest/?id=13092>

NSPCC Training The NSPCC professional development programme 2009-2010 is now available. Forthcoming training courses cover a wide range of topics including Child neglect and Creating safer organisations.

http://www.nspcc.org.uk/Inform/TrainingAndConsultancy/Training/training_wda47917.html

Work-related Learning Health and Safety Resource Pack (CD) - £40 plus £2.50 p&p plus VAT

Supplied on 14 days approval tonyjohns@enetperise.net

Home Office / ISA roadshows for faith communities

The Churches' Child Protection Advisory Service is hosting a number of Home Office / ISA presentations for places of worship and other faith communities outlining the new Vetting and Barring Scheme. Each presentation will be between 2.30 and 4.30 pm as follows:

3 rd October 2009	Whitstable Kent
10 th October 2009	Bracknell, Berks
13 th October 2009	St Paul's Cathedral
24 th October 2009	Towcester Northants
17 th November 2009	St Paul's Cathedral
21 st November 2009	Gt Barton, Suffolk
28 th November 2009	Poole, Dorset
5 th December 2009	St Paul's Cathedral
12 th December 2009	St Paul's Cathedral
27 th February 2010	Ashingdon Essex

13th March 2010 Swanley Kent
24th April 2010 Bradford, W Yorks

Apart from the ones in St Paul's Cathedral, the presentations follow the CCPAS 'Facing the Unthinkable' safeguarding awareness seminars which will run from 9.30 am – 1.30 pm. The charge for the ISA Roadshow is £6.

If you want to attend the ISA Roadshow and the 'Facing the Unthinkable' seminar on the same day, the cost will be £24.00 (saving £1.50)

<http://www.ccpas.co.uk/TrainingISA.html>

Children and the role of technology in sexualisation, addiction and bullying: a practical guide to protecting young people

25th November 2009 CEOP Centre, London

This conference aims to shed a light into the world of young people and technology, the risks they face and how the child protection community can mitigate those risks and help young people to enjoy the virtual worlds safely. Delegates will:

- gain an understanding of current trends associated to the online gaming world;
- get an insight into how, physiologically this type of technology is affecting young people;
- understand the implications this can have on a young person's behaviour and development;
- learn practical steps in how to protect the young people in your care; and
- explore improvements to work flows within your organisation and discuss with peers.

The course is most suitable for professionals who work directly with children and young people, as well as those responsible for policies and procedures. Developers of new online technologies and those who work within the online industry and have a role in child protection may also find this conference of relevance.

E-mail: education@ceop.gov.uk

<http://www.ceop.police.uk/training>

Engaging Employers for the Learning Sector - National Conference 2009

Thursday, 24 September 2009 Lakeside Centre, Birmingham

Engaging Employers is a vital issue for all stakeholders in the post 14 learning sectors. It is certain that there will be substantial changes to funding, commissioning, Government policy or even the Government itself over the next two academic years. These changes will require improvement in the approach to relationships with employers. Whether this is driven by the implementation of current educational policies, dealing with growing numbers of unemployed, addressing the commissioning needs of local authorities or reductions in funding and what is funded - maintaining learner numbers and fee income will be priorities.

[NTRL - Engaging Employers Conference](#)

Healthy Schools: 'Fit for the Future' (26/08/09)

This leaflet sets out simple advice and ideas to get children active and eating healthily. It is free for Healthy Schools Co-ordinators.

<http://www.healthyschools.gov.uk/Resources/Detail.aspx?ResID=1573&RefSearch=%2fResources%2fList.aspx%3fstart%3d0%26order%3d0%26dissemination%3d0%26otherProgrammes%3d0%26scope%3d11%26types%3d2%26count%3d10>

<http://www.csp.org.uk/director/public/moveforhealth.cfm>

Firework Safety

This page provides links to information about firework safety for teachers, display organizers and retailers

<http://www.berr.gov.uk/fireworks/resources.htm>

HSE myth of the month: Health and safety bans traditional school ties (September 2009)

Few parents would see wearing school ties as a safety issue and we agree with them. After all, millions of kids have been wearing ties for years without any real problems. Taking simple precautions during laboratory work or around machinery makes sense. But if the concern is about kids fighting, although clip-on ties may help, the real issue is discipline. So no, health and safety doesn't ban school ties. It's down to the school to make decisions about uniform, not HSE.

<http://www.hse.gov.uk/myth/sept09.htm>

Provisional registration now required for all overseas trained teachers (01/09/09)

OTTs make a valuable contribution to the teaching profession in England. A change to the GTC's regulations means that from 1 September 2009 OTTs teaching in a maintained school or a non-maintained special school must be provisionally registered with the GTC. There is currently no charge for provisional registration. For more information about OTTs visit:

http://www.gtce.org.uk/registration/features/ott_reg010909/

The Children and Young Persons Act 2008 (Commencement No.2) (England) Order 2009 SI 2273

The link specifies provisions of the Act in relation to England which come into force on 01/09/09 —

http://www.opsi.gov.uk/si/si2009/uksi_20092273_en_1

The Education (Supply of Information about the School Workforce) (No. 2) (England) (Amendment) Regulations 2009 SI 2266

This instrument amends the regulations which were drawn up to allow the collection of individual level school workforce data from schools and LAs in the School Workforce Census. The Census has been subject to piloting during 2008 and 2009 involving extensive review of all processes and including feedback from schools, LAs and software suppliers. These have exposed some shortcomings in the regulations which this instrument seeks to amend before the collection goes live in 2010.

http://www.opsi.gov.uk/si/si2009/uksi_20092266_en_1

http://www.opsi.gov.uk/si/si2009/em/uksiem_20092266_en.pdf

Pupil Absence in Spring 2009 (26/08/09)

This release reports absence during the spring 2009 term in maintained primary, secondary schools, city technology colleges and academies in England. It is based on pupil level absence data collected via the summer 2009 School Census. This release provides local level information on the rates of absence (authorised, unauthorised and overall) by type of school and the proportion of absence by reason. This is not a National Statistics publication. The statistics are presented as emerging findings and released to help planning, study trends and monitor outcomes of initiatives and interventions on pupil attendance.

<http://www.dcsf.gov.uk/rsgateway/DB/STR/d000871/index.shtml>

Deployment and Impact of Support Staff in Schools: The impact of support staff in schools - (Results from Strand 2, Wave 2) (27/08/09)

This project was designed to obtain reliable data on the deployment and characteristics of support staff and the impact of support staff on pupil outcomes and teacher workloads over a 5 year period (2003-08).

<http://www.dcsf.gov.uk/research/programmeofresearch/projectinformation.cfm?projectId=15827&type=5&resultspage=1>

Working Together in Extended Schools and Children's Centres: A study of inter-professional activity in England and Sweden (27/08/09)

The study aimed to explore the facilitators and obstacles to working together in Extended Schools and Children's Centres in England and Sweden. In particular, the study investigated inter-professional relationships and interactions in selected sites and considered how such working might be improved. <http://www.dcsf.gov.uk/research/programmeofresearch/projectinformation.cfm?projectId=15832&type=5&resultspage=11>

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Not the relevant person

If you are not the person responsible for these subject areas, would you be so kind as to forward the message to the relevant person in your organisation?

This communication is from: Tony Johns

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With thanks to Keith Driver for his considerable research and contributions.

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