

# Department for Education & Skills: Child Protection: Guidance about child protection arrangements for the Education Service

## Response from the General Teaching Council for England

### Introduction

- 1 The General Teaching Council (GTC) welcomes the opportunity to respond to the guidance for child protection arrangements for the Education Service. The GTC is the independent professional body for the teaching profession and was established by the Teaching and Higher Education Act 1998. Its principal aims under the Act are:
  - To contribute to improving the standards of teaching and the quality of learning, and
  - To maintain and improve the standards of professional conduct amongst teachers, in the public interest
- 2 Prior to the establishment of the GTC, the Department for Education and Skills (DfES) dealt with all cases of criminal offending and misconduct by teachers. The DfES has never considered cases of alleged incompetence.
- 3 When an employer has ceased to use the services of a teacher or other worker with children and young people under the age of 19 or might have ceased to provide them, for reasons of misconduct or conviction or caution of a relevant offence, they are under a statutory duty to refer the matters to the Teachers Misconduct Team at the DfES. Where an individual has been convicted of a specified offence, they are deemed unsuitable to teach or work with children in which case the Secretary of State will include them on List 99. In other cases, where it is alleged that the safety and welfare of children are at risk, the Teacher Misconduct Team will carry out an investigation before determining whether a teacher or worker should be subject to a restriction or bar relating to work with children.
- 4 The GTC is concerned with regulating registered teachers. Registration is a requirement (subject to certain exemptions) for employment as a teacher in maintained and non-maintained specialist schools. Qualified teachers in other sectors may register with the GTC, but are not required to do so.
- 5 The DfES refers on to the GTC misconduct cases relating to registered teachers, which do not raise issues relating to the safety and welfare of children and young people. Where an employer has ceased to use the services of registered teachers or might have ceased to use those services had the teacher not ceased to provide them for reasons of incompetence, the employer should refer the case directly to the GTC. The GTC monitors referral rates from LEA employers and has recently reiterated referral requirements to them to ensure consistency of approach.

- 6 As a relatively new professional body, the GTC has begun the process of working with other new and established professional bodies representing the children's workforce. The Council is therefore well placed to consider the implications for the teaching profession and for pupils learning of the child protection guidance to schools, LEAs and governing bodies and welcomes the opportunity to contribute to the development of policy in this area.

### **General comments**

- 7 Section 175 of the Education Act 2002 was due to come into force in April, but implementation has been put back to June. This will require governing bodies and LEAs to meet the requirements of s175, bearing in mind that the arrangements for safeguarding children are more extensive than issues of child protection. This guidance should be viewed alongside the proposals of the Children's Bill, March 2003. There is a demand on the education services to have in place the necessary infrastructure and detailed arrangements to ensure children are protected from harm.
- 8 The Council welcomes in principle the co-location of services in Extended Schools and the creation of an Extended Schools network. However, the GTC considers that prescription of the extent of the growth of extended schools within LEAs by 2006 should take account of the capacity of the teaching profession and others to respond to such a change.
- 9 Additionally, the Council considers that the development of policy in this area should be based on the evaluation of international experience and national pilots, and on a sound analysis of local needs<sup>1</sup>.
- 10 This consultation document does not prescribe detailed procedures but rather aims to specify the outcomes that organisations need to secure to meet the objective of keeping children safe from harm. The GTC will consider the measures to achieve such outcomes in this consultation in line with the expectations placed upon the teaching profession from the Green Paper, *Every Child Matters*, December 2003 and the Children's Bill, March 2004.

### **The shape of the GTC response**

- 11 The GTC will consider the guidance under seven headings:
- Local Safeguarding Boards
  - Investigation and Referral Support Co-ordinators
  - The role of ITT Institutions
  - Governing Bodies
  - The role of the designated person for child protection within a school
  - The role of OFSTED
  - Sharing information

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<sup>1</sup> Extended Schools: Research in progress. Kay Kinder, Ann Wilkin, Richard White and Paul Doherty. NFER, November 2002

## Local Safeguarding Boards

- 12 The Children's Bill sets new duties on police, health professionals and others to safeguard children including through their representation on Local Safeguarding Boards. There is no direct reference to the involvement of teachers or representatives from education. This new Board will replace the Area Child Protection Committees (ACPC), which are currently in place. The Council would argue for a stronger representation from the education sector on the new Local Safeguarding Boards correcting the previous under-representation on ACPCs.
- 13 The GTC would also draw attention to the need for local circumstances and priorities to be aligned within a national framework and the importance of establishing an effective and efficient Common Assessment Framework, which builds upon existing good practice across the professions. The Council is currently embarking on work with other professional bodies to ensure that practitioners are positioned to deliver effective services for those who require them.

## Investigation and Referral Support Co-ordinators

- 14 The DfES established a national network of Investigation and Referral Support Co-ordinators in 2001. Twenty-five clusters were set up through England and Co-ordinators were appointed from a number of agencies. The main purpose of their role is to ensure that allegations against teachers and other education staff are dealt with fairly and without due delay, and in particular that staff are suspended for the minimum period necessary. The GTC's regulatory remit includes the responsibility for the regulation of registered teacher misconduct not including child safety and welfare issues which continue to be the responsibility of the Secretary of State under List 99 procedures.
- 15 The Council would hope appropriate links are made between these co-ordinators in the new Local Safeguarding Boards and their work recognised within the context of new Extended School or Full Service Schools model. It would be most beneficial to utilise Co-ordinators' experience and knowledge to provide an advisory support role, alongside their current investigation role, for local authorities and schools.

## The role of ITT Institutions

- 16 In our response on the consultation to the Green Paper the Council stated:

*Programmes leading to the award of QTS are already extensive, and so it is most appropriate for trainee teachers to be expected to have an awareness of their contribution to multi-agency working and to begin to develop the skills and knowledge base to support this role... The Children's Workforce Unit will need to have regard to the range of expectations placed upon teachers and to the balance between these expectations and opportunities (in terms of time, and training) to fulfil them. It will also be important to develop opportunities for those teachers who wish to develop a specialism in this area.*

- 17 The Council would re-iterate such concerns with regard to teacher training on child protection issues, directly related to keeping children safe. The recent research undertaken by the NSPCC found that there was a need to strengthen initial training

teacher in this area<sup>2</sup>. New training proposals should also consider the expectations of the Common Assessment Framework for the teaching profession (which is being consulted upon during the Spring). New teachers entering the profession need to understand the increasingly complex pattern of school provision, including Extended Schools.

- 18 The GTC envisages a role for the Children's Workforce Network to assist LEAs in this specific area to assure standards and develop expertise. The proposed Director of Children's Services, within a Children's Trust, would need to have responsibility for the strategic overview of such training and development for newly qualified teachers (NQTs) in the LEA to ensure the consistent and effective inclusion of relevant issues within programmes of training and support.

### **Governing Bodies**

- 19 The responsibilities of Governing Bodies will continue as previously with regard to allegations of abuse and to ensure each school has a senior member of staff responsible for child protection. A new requirement has been added which requires a member of the governing body to liaise with the LEA or partners in cases of allegation against a head teacher or principal. The recruitment of people with relevant experience as well as the effective support and training of governing bodies is a critical dimension in ensuring efficient, fair and effective delivery of this role. The role of the previously mentioned Information Referral Support Co-ordinators might be valuably harnessed in support of this.

### **The role of the designated person for child protection within a school**

- 20 The new guidance questions whether this should be a senior teacher and recognises that this role will be demanding and will require specialist training of inter-agency working. The new proposals in the Children's Bill places greater expectation upon all teachers to collaborate with other professionals; but the designated teacher would require additional time and resources to strategically develop this role and address the particular needs of individual children in the school. The GTC would recommend that examples of good practice be drawn from New Community Schools in Scotland, which have had to balance a universal service with specialised needs.
- 21 The Council is mindful of the workload implications for the proposed Lead Senior Teacher with responsibility for safeguarding vulnerable children within a cluster of schools; but such a role could also promote consistency in approach towards multi-agency working within a network of schools for the teaching profession. Consequently the additional benefit of asserting a senior teacher in this role would ensure teaching and learning was placed at the core of cross-professional collaboration. This role should not be confused with the Lead Professional of the Children's Bill.
- 22 Whilst operating within a multi-agency framework the teaching profession must retain its sharp focus on educational attainment and achievement. Within this context the GTC looks forward to working with other members of the UK Children's Workforce Network to consider the merit of a common core of occupational standards and building a modular framework of training and development with regard to safeguarding children and child protection areas.

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<sup>2</sup> Responsibility without power? Local education authorities and child protection by Mary Baginsky, Published 2003 by NSPCC [www.nspcc.org.uk/inform](http://www.nspcc.org.uk/inform)

## **The role of OFSTED**

- 23 OFSTED has responsibility for inspecting the way in which LEAs discharge their new duty through the Education Act 2002. The establishment of Children's Trusts requires OFSTED to work with other inspectorates; aligned with processes of self-evaluation and accountability, which already exist within the current framework. As stated in the GTC's response to the Green Paper:

*This consolidation of inspection frameworks will build upon the need to be put in place to ensure a shared agenda for inspection to promote a seamless service for children.*

- 24 This alignment of all professions within Children's Trusts is particularly important in light of the findings of the Laming Report and the barriers to some aspects of multi-agency work identified within it. Joint Inspection would provide a means of safeguarding children and protecting children at a strategic level through evaluating service delivery and assessing outcomes.
- 25 This model of inspectorate could provide Trusts with a powerful means of addressing some of the issues in Government's social inclusion agenda. However the Council would also stress the importance of establishing a shared or common language across the professions whilst teachers retain a sharp focus on teaching and learning.

## **Sharing information**

- 26 The professional responsibility on education staff, within and beyond schools, to share relevant information on issues of child protection requires enhanced multi-agency training. This should attempt to address issues for children at risk and recognise they might be in receipt of services from a variety of professionals bound by varying codes of confidentiality and with different duties to share information. A Lead Professional who takes responsibility for co-ordinating services and ensuring the sharing of information in this context would be advantageous. As stated in our response to the Green Paper:

*The Council would be keen to establish standards of confidentiality for all professionals working with the child and promote a duty for all agencies to share information. The GTC looks forward to working with the General Social Care Council to consider how the education profession can contribute to the understanding of education among social workers, and of the imperatives and processes of social work among teachers.*

April 2004