



Safer Recruitment and Disclosure & Barring Update – Supervised Volunteers

Following the issue by the Department for Education (DfE) of revised 'Keeping children safe in education' (KCSiE) guidance, effective from 5 September 2016, the Local Authority (LA), has taken the opportunity to review procedures in relation to the service provided for processing requests for DBS checks. This letter relates to the procedure for undertaking employment checks for volunteers.

The Protection of Freedoms Act 2012 removed 'supervised volunteers' from regulated activity but applied a duty on the Secretary of State to issue guidance to assist schools in deciding what level of supervision is required so that this exclusion would apply. A summary of what constitutes regulated activity is available on page 24 of KCSiE.

In order to determine what level of pre-engagement checks or vetting should apply to a person volunteering to work in a school, the school will need to:

- determine whether the activities in which they will engage would meet the definition in KCSiE of 'regulated activity',
- if it meets that definition but the volunteer will be supervised then the school needs to determine whether the supervision to be applied would meet the statutory guidance setting out the level of supervision that is required in order for the exclusion from being defined as regulated activity would apply. That is, that the person can be deemed a 'supervised volunteer'.

For the exclusion to apply:

- there must be supervision by a person who is in regulated activity,
- the supervision must be regular and day to day (it must be ongoing and not reduce when the volunteer has been doing the activity for some time); and
- the supervision must be reasonable to ensure the protection of children (bearing in mind the requirements of the children and the context of the school setting).

In determining whether the level of supervision to be applied is appropriate to the situation and, in particular, fulfils the statutory requirements, schools should consider:

- the ages of the children and whether they differ widely,
- the number of children in the group the individual is working with,
- whether other workers or volunteers are directly helping to look after the children,
- the nature of the individual's work and individual's opportunity for contact with children,
- the level of vulnerability of the children,
- how many volunteers are being supervised by the worker who is in regulated activity and responsible for supervising.

In addition schools may want to consider:

- the physical design of the setting, in terms of ease of visual and auditory supervision.

A sample form that schools may wish to use to support them in carrying out this assessment is attached. (Appendix A). Schools are only legally required to obtain an enhanced DBS certificate, including Barred List information, for those in regulated activity. Therefore schools are not able to request a barred list check on a volunteer who is supervised at a level that meets the statutory requirements, as a 'supervised volunteer' is therefore not in regulated activity. However, KCSiE does provide for schools to obtain an enhanced DBS certificate (but **not** including barred list information) for volunteers not engaging in regulated activity but who do have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers. Schools should undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any supervised volunteer.

In doing so they should consider:

- The nature of the work with children (this would include some of the same factors as considered above, see sample risk assessment form, Appendix B)
- What the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- Whether the role is eligible for an enhanced DBS check.

Previously the Council followed DBS guidance that supervised volunteers will not be subject to an enhanced DBS check, as it is not a legal requirement and schools have robust systems of supervision. However, in accordance with the KCSiE guidance requests from schools and academies to seek an enhanced DBS check on supervised volunteers will now be considered, where the school assess that there is a particular case for doing so. The school should undertake a risk assessment to determine whether to seek an enhanced DBS check for a supervised volunteer. An example form is provided below to support this process (appendix B) An illustration of a completed risk assessment form is attached in Appendix C.

At the present time this new facility to request such checks will be free of charge as it is currently for volunteers, although, depending on the level of work generated, an administration charge (currently £10.00) may have to be considered in future for all volunteer checks. It is also worth alerting schools to the likelihood that a significant increase in submissions to the Disclosure and Barring authority for checks on supervised volunteers may result in a challenge as to whether this amounts to excessive use of the discretion provided for in the statutory guidance and therefore whether the checks are in fact legitimate.

In conclusion, if there are any queries in relation to this matter please contact the Schools HR Advisory service on (01629535734). The discretion now available to schools, to seek enhanced DBS checks for supervised volunteers (but **not** barred list information), is intended to enable schools to fully access the flexibility provided in the

guidance to consider whether the particular circumstances surrounding such a volunteer suggests that seeking an enhanced DBS check is justified.

Appendix A

Assessing whether the level of supervision meets statutory requirements for ‘Supervised Volunteers’

Record relevant information in the spaces in order to reach a determination in the final section.

Name of Volunteer.....

1. Age range of children
2. Number of children in the group, giving particular consideration to one to one activity
3. Whether other workers or volunteers are directly helping to look after the children
4. The nature of the work and opportunity for contact with children (ie what sort of activity is being undertaken and level of personal contact with children)
5. The level of vulnerability of the children
6. The number of volunteers being supervised by the worker who is in regulated activity and responsible for supervising.
7. <i>In addition schools may want to consider the physical design of the setting, in terms of visual and auditory supervision.</i>
<p>Conclusion, does the level of supervision meet statutory requirements? If the answer is ‘no’ then the person is in regulated activity and an enhanced DBS check plus barred list check is required.</p>

Assessment undertaken by.....

Position.....

Date.....Signature.....

Appendix B

Risk assessment form to support consideration of whether there is justification for seeking an enhanced DBS check, with no barred list information, on a supervised volunteer.

The nature of the work with children, to include consideration of the type of, and opportunity for, personal contact with children and the physical design of the setting.
What the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers
Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability
<i>In addition schools may want to consider whether the children are particularly vulnerable</i>
Recommendation – whether the school should seek an enhanced DBS check with no barred list information.

Risk Assessment undertaken by.....

Position.....

Date..... Signature.....

Appendix C

Supervised Volunteers

Sample Completed Risk Assessment Form, to determine whether it would be appropriate to request an enhanced DBS check (without barred list information) for a supervised volunteer

An example, provided in KCSiE 2016, has been adapted from its original purpose to be utilised for the exercise. Additional information about the situation has been created in order to better illustrate the process. **It is emphasised that each volunteer's circumstances and each school context will be different and that this example should not be overly relied upon in reaching a judgement.**

'Mr Shaw, a new volunteer, helps children with reading at a local school for 3 mornings a week. Mr Shaw is generally based in the classroom, in the sight of the teacher. Sometimes Mr Shaw takes some of the children to the library to listen to them reading, where Mr Shaw is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and the classroom assistant are in regulated activity.'

Firstly, if a school recruits a volunteer who will not be supervised and they are engaged in regulated activity, then they would be subject to an enhanced DBS check including barred list.

For a supervised volunteer, the assessment of whether the level of that individual's supervision meets the statutory requirements should be completed before any consideration is given to whether requesting an enhanced DBS check, without barred list, might be appropriate.

Record relevant information in the boxes, in order to reach a recommendation in the final box.

Example of completing Appendix C

Name of Volunteer *Mr Shaw*

[The Headteacher decided that Mr Shaw is not in regulated activity, having considered the level of supervision, see Appendix A). The Headteacher is now considering whether to request an enhanced DBS check, without barred list information, for a supervised volunteer.

<p>The nature of the work with children, to include consideration of the type of, and opportunity for, personal contact with children and the physical design of the setting.</p>
<p><i>Children involved have contact about every 3 weeks. There is opportunity for personal discussion The volunteer sits in the reading corner with the children or in the separate room. There is visibility for the teacher into the corner. In the separate room the TA can see and hear all exchanges. There is visibility into the room from a corridor.</i></p>
<p>What the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers</p>
<p><i>Recently joined PTA and helped at fair. Observed to behave in a positive and appropriate manner with children when helping at sports day.</i></p>
<p>Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability</p>
<p><i>Has been a volunteer at the infant school. Has moved to Junior school when own children started here. Reference as to suitability from Infant School Headteacher and recommendation from cricket club.</i></p>
<p>In addition schools may want to consider whether the children are particularly vulnerable.</p>
<p><i>None of the children undertaking the activity has particular vulnerability. They are confident children of 10 years of age who have received several years of 'stay safe' sessions.</i></p>
<p>Recommendation - whether the role is suitable for an enhanced DBS check.</p>
<p><i>Taking into account the above information the school have decided not to undertake an enhanced DBS check.</i></p>

Risk Assessment undertaken by: J Bloggs.....

Position: Headteacher.....

Date: 11/8/16..... Signature: *J Bloggs*.....