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MORE WELFARE POLICIES

*Criminal Records Bureau - Policy on Disclosures
The Independent Listener
Privacy and Confidentiality
Sex and Health Education*

by

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MORE WELFARE POLICIES

Boarding Briefing Paper 9 responded to requests from schools for guidance on drawing up effective welfare policies. It included possible content for policies on child protection, misuse of drugs and countering bullying. This Paper will offer possible content on further policy statements and protocols requested by schools.

Again, the Boarding Schools' Association wishes to stress that the following represents suggestions for possible content. Individual schools will need to decide for themselves the appropriate detail necessary to meet their own needs. This process of reviewing and agreeing content as a staff group can be a most important aspect of policy development.

Criminal Records Bureau - Policy on Disclosures

The Criminal Records Bureau (CRB) Code of Practice requires employers to have a policy, available to applicants, which states their position on the employment of ex-offenders (a copy of the Code of Practice itself is available on the CRB website). This does not however mean that a school has to have a policy that it will employ ex-offenders - only that it says openly what its position is.

The school's position could quite appropriately say something on the lines that any member of staff, a member of a contractor's staff working on the school's premises, any volunteer or member of agency staff, and any other adult with regular contact with children or unsupervised access to school premises, will not be employed or permitted to live or work on school premises if recruitment checks disclose that they have been convicted of any offence (including any 'spent' offence) which indicates that they may be unsuitable persons either to work with, or to have regular contact with, children. It could also say that employment decisions based upon consideration of any disclosed offences or other information provided by the Criminal Records Bureau would relate to the existence and extent of any risk to the welfare of children, and that offences that do not indicate any significant risk to children would not necessarily debar from employment. (This would therefore signal, for example, that an offence for dishonesty or violence is likely to affect the decision on suitability to work with children, but that a driving offence, even if serious, may not deter from appointment unless the person is likely to be driving children as part of the job). The policy may say that the school will assess whether a disclosed offence makes an individual in their view unsuitable to work with or to have regular contact with children, on the basis of a balance of probabilities.

Such policy statements should say that the school will take into account the relevance of a disclosed offence to the nature of the role a person has applied for at the school. It would be possible for such policy statements to contain different wording or criteria for different jobs; for example, some types of motoring offence may deter the appointment of a games teacher likely to drive the minibus, but not an assistant matron who would not, and some old offences - such as stealing from an electricity meter as a student 10 years ago - may deter from some very sensitive posts but not at all from others. However, schools should avoid any listing of 'acceptable' or 'unacceptable' offences, since the emphasis should be on considering the risk to children in each individual case.

The key is that the CRB will expect the school to have something that tells applicants the position (even if it is on the lines of 'any offence of a sexual, violent, drug-related or dishonest nature will disqualify' blanket statement), so that applicants with offences can decide not to apply - or will know that their chances are slim - understanding that the post is one where their offences will be a problem. That may be particularly important for some non-teaching posts - e.g. maintenance, catering or cleaning staff - where applicants may not realise

that past - even spent - offences of a particular sort will disqualify them.

This does not represent the official position of the CRB, who should be contacted in cases of doubt regarding their requirements for a policy statement. This guidance has taken into account advice from Dr Roger Morgan, Children's Rights Director of the National Care Standards Commission, but does not represent a statement of the Commission's policy, as the Commission would need to consider decision-making by a school in particular cases.

Independent Listener

Standard 14.4 of the National Minimum Standards for Boarding Schools (NMS) requires schools to appoint an independent listener, as a possible 'safety valve' for pupils with concerns or problems. Schools have asked for an appropriate job description or guidance for this post. Some key points¹ follow.

1. Appointment - follow NMS staff recruitment standards (Standard 38)
2. Appropriate 'job description' and briefing/induction
3. Independent of main lines of management - but still 'on board' and subject to school's specification and organisation
4. Awareness of perception of other roles held (e.g. governor, doctor, vicar, counsellor, local dignitary)
5. Subject to usual child protection, welfare and 'whistleblowing' requirements
6. Carefully-planned access for pupils - time/place, ease of access, risks assessed and recorded
7. Clear rules on confidentiality - and duty to breach if informed of welfare risk to pupil or other pupils; no absolute guarantees of secrecy
8. Brief on specific situations - e.g. bullying, drugs, etc
9. Clarify relationship with his/her own other professional expectations and codes - medical, religious
10. Extent of awareness amongst pupils - person, role, rules, access
11. Double feedback - from independent listener re general welfare issues raised (not specific instances), from pupils re the service and access to it
12. Independent listener's knowledge of 'school norms and expectations' - current issues, National Minimum Standards

Privacy and Confidentiality Issues

Although not included in the list of policies required by the National Minimum Standards for Boarding Schools, many schools are clarifying their arrangements and expectations concerning issues of pupil privacy and confidentiality. Issues that will no doubt be considered may include the following:

¹ Advice kindly provided by Dr Roger Morgan, Children's Rights Director NCSC

- supervision of dormitories, bathrooms etc - to a principle of “supervise but don’t watch”
- protocols for ‘mixed-sex’ staffing - supervision and duty roles for men in girls’ boarding houses and vice versa
- searching pupils’ rooms, clothing, possessions
- private phone, e-mails, mobile phones
- access to pupils’ records (not only by parents/pupils under data protection arrangements, but by relevant staff)
- confidentiality of sensitive welfare records
- medical confidentiality, and communication with parents
- privacy for pupils meeting parents
- washing personal clothes
- bedwetting and other conditions
- care of pupils with disabilities
- arrangements for appropriate distribution to staff of particular health-related or welfare information about pupils
- avoidance of exchanging personal information beyond those with a need to know
- ascertaining and taking into account pupils’ own perceptions of achievement of reasonable privacy
- acknowledgement that different pupils, or groups of pupils, may have differing concerns about privacy, even in the same physical environment
- one-to-one contact with pupils - guidance on appropriate time alone with a pupil and physical contact; policy on restraint

Sex and Health Education

Plenty of guidance is available from bodies such as the Sex Education Forum² and the Department for Education and Skills³, but possible issues to be discussed and agreed include the following:

- mission statement and principles
- relevance to adolescent growth and development
- aims for healthy living
- diet and nutrition; exercise
- smoking and alcohol
- misuse of drugs
- curriculum provision - what, when, how, who, single-sex and/or mixed groups
- informal provision and roles of teaching and non-teaching staff; links with pastoral care arrangements
- staff training implications
- pupils’ rights and entitlement
- assessing what pupils want to know
- assessing the needs of different ages
- relationships, emotions and feelings; making responsible decisions
- parental involvement
- confidentiality issues
- access to counselling or medical advice
- disciplinary implications
- sensitive issues - e.g. contraception, abortion, homosexuality
- monitoring, evaluation and review of programmes

² *Sex and Relationships Education - A guide for independent schools and those working with them* (Forrest S, Blake S and Ray C, 2003 National Children’s Bureau, ISBN 1900990908, tel: 0207 8436000)

³ *Sex and Relationships Education*, 2000, DfES Publication 0116/2000