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Islington Inquiry

A report on safer recruitment procedures in
Islington schools

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In the light of concerns with regard to recruitment in an Islington school, this report assesses the robustness of current arrangements for safer recruitment in the borough's schools. It examines the roles and responsibilities of all key players and makes recommendations for improvements to the system.

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ISLINGTON INQUIRY REPORT

Introduction

This report draws upon extensive documentation including national and local policy documents, national and local reports, minutes of governing body meetings, minutes of a range of other meetings, the contract between LBI and Cambridge Education, briefings for governing bodies, material from independent personnel providers, personnel files, data bases, key performance indicator reports, chronologies and audits. It also draws upon documentation supplied by schools visited.

Initial analysis of this material was followed by meetings and interviews with a range of staff from the London borough of Islington (LBI) and Cambridge Education (CE). Meetings were also held with chairs and other governors including former and current governors of Canonbury school , with parents and elected members and with officers of the two independent personnel providers working with Islington schools. Half day visits were made to ten schools representing a cross section of phases and type.

My thanks are due to all those who participated in this inquiry. All those concerned did so in a spirit of openness and with a common will to ensure that this inquiry would contribute to the further development of arrangements for safeguarding children in Islington. Without their help, this report could not have been written.

Background and terms of reference

This inquiry report was commissioned in April 2009 by the then leader of Islington Council. The terms of reference were to inquire into the concerns voiced in relation to Canonbury Primary School and in the light of those, to assess the robustness of current recruitment processes in the borough's schools.

The inquiry was also to consider any related issues regarding Academies and Independent Schools. It was to focus in detail on the responsibilities of head teachers and governors and those of the local authority and its education contractor, in supporting safe recruitment processes in schools and in monitoring their effectiveness and implementation. The report was also asked, in the light of the recent Laming report, to consider the roles and responsibilities of elected members.

The report begins by looking at the statutory framework and the national guidance issued on safer recruitment.

It then identifies the recruitment related issues giving rise to concern at Canonbury. It does not comment on any broader or related issues concerning the school.

It examines the current definitions of roles and responsibilities with regard to the borough and the education contractor, Cambridge Education (CE).

It gives a snapshot, based on a series of school visits, of how roles and responsibilities are currently construed in Islington schools, what procedures are in place and the robustness of the existing arrangements. It considers the

role of elected members. It then summarises the issues arising, draws conclusions and sets out a series of recommendations for action.

The statutory framework for safer recruitment in the light of safeguarding legislation.

- 1.** The current national regulations and guidance are set out in “Safeguarding Children and Safer Recruitment in Education”. This guidance came into effect on January 1st 2007. It applies to local authorities, governing bodies, and head teachers of all schools including independent schools and academies. It includes guidance for supply agencies and contractors.
- 2.** This guidance rests on statutory provisions set out in legislation between 1989 and 2006. It is guidance to which all the key parties must have regard for the purposes of s175 and 157 of the 2002 Education Act. Failure to do so may be grounds for the Secretary of State to take action against the party in question. The guidance states that performance in this area will be judged by “not only the existence of procedures, but also their effectiveness in terms of safeguarding children from harm”.
- 3.** The guidance spells out that the provisions (of the 2002 Act) “make explicit the responsibility of local authorities, governing bodies and proprietors (of independent schools) for safeguarding and promoting their common law duty of care towards the children for whom their organisation or establishment is responsible.” They stress that these provisions “underpin and reinforce the common law duty of care”. They spell out that the responsibility for making sure these arrangements are in place is put on the local authority, on the governing bodies of maintained schools and on the proprietors of independent schools, including academies.
- 4.** Head teachers and other members of staff are responsible for carrying out their duties in compliance with the arrangements made by the local

authority, governing body or proprietor. Enforcing compliance is “ a matter for the employer under existing disciplinary procedures” .

5. Local authorities have responsibilities at three levels; strategic, support and operational. For the purposes of this inquiry, key responsibilities identified under the strategic heading include monitoring compliance in schools, bringing any deficiencies to the attention of the governing body and advising action needed to remedy them. Under support, they include making sure that schools are aware of their safeguarding responsibilities, monitoring their performance, making available appropriate training, model policies and procedures, providing advice and support and facilitating links and co-operation as well as, under the operational heading, preventing unsuitable staff and volunteers from working with children.
6. All local authorities are required to have identified a senior officer for safeguarding children to undertake and manage the provision of the above functions and services.
7. Governing bodies are charged with ensuring that their schools have effective policies and procedures in place in accordance with the guidance and for monitoring the school’s compliance with them. Amongst other things, they should ensure that the school operates safe recruitment procedures and that checks are carried out on staff and volunteers who work with children. They should ensure that the head teacher and all other staff who work with children have undertaken appropriate child protection training. They should report on these matters annually to the local authority.
8. To summarise then, there are responsibilities laid on both local authorities and governing bodies for ensuring that policies and procedures are in place and that there is compliance with them. The overarching outer ring of policy should be set by the local authority and compliance with it monitored . Within that, the governing body should be setting out its own policy framework and monitoring compliance.

- 9.** The guidance is clear enough on these responsibilities but when it comes to enforcement of compliance, it has remarkably little to say. Paragraph 2.11 states that “enforcing individuals’ compliance with ...arrangements is a matter for the employer under existing disciplinary procedures” . Furthermore, on the evaluation of effectiveness and implementation of changes or improvements in the event of shortcomings, it is silent.
- 10.** Nor does the guidance make clear by what means a local authority should enforce compliance in circumstances where it is not the employer; that is, with regard to the ever increasing number of Trust Schools and Academies, let alone independent schools.
- 11.** These are important omissions. In effect, the only leverage a local authority has in the case of a school that is recalcitrant in the face of demands to change or improve its recruitment practices is the extreme sanction of disciplinary action. Given the partnership approaches required by new Trust arrangements and the acknowledgement on all sides that good partnership arrangements are fundamental to making Every Child Matters (ECM) work, local authorities would be ill advised to have recourse to disciplinary sanctions where schools are concerned, other than in extreme situations.
- 12.** There are also some real difficulties with the role of governing bodies as defined in this national guidance. Their responsibilities are clearly set out , but the guidance is silent on the subject of powers of enforcement. In the case of a governing body faced with a recalcitrant or evasive head teacher, no mechanisms or sanctions are identified, for instance, with regard to holding head teachers to account on safer recruitment. Under such circumstances, how far is a governing body to go in pressing for evidence to support a HT’s assertions that all requirements have been met or that action is underway to ensure that they will be met by such and such a date?
- 13.** It is clear then that the statutory framework and guidance alone does not offer a complete blueprint for a comprehensive set of arrangements for safer recruitment. In particular, in an era where the drift of policy has

been increasingly to promote self governing schools, there is a lack of clarity around the location and nature of enforcement powers. Thus there is a need to develop local protocols and agreements to clarify issues and fill gaps.

Canonbury concerns

14. Concerns were raised by events at Canonbury school as described below.

Following the suspension of the head teacher in connection with unrelated matters, a detailed investigation was carried out. Amongst other things, this established that there were issues related to safer recruitment in the school.

15. In September 2008, an after school club leader was recruited to Canonbury school. The recruitment arrangements did not comply with safe practice, nor did they comply with national or local guidance. There was no advertisement, no application form, no interview, no checks instigated by the school and no written references sought from either a past or present employer.

16. Further investigation of this instance indicated a more general lack of systems for safer recruitment with regard to after school club providers as follows;

- No use of application forms
- List 99 and CRB checks sometimes undertaken, but no clarity as to what criteria determined the course of action
- Acceptance of CRB checks from other organisations or directly from the individual themselves
- CRB information not recorded on the Single Central Register
- Written references not normally sought

- Some evidence of testimonials being accepted
- Practice on references being determined by the head teacher or recruiting manager or chair of recruitment panel
- People starting work before CRB check confirmation, without a risk assessment
- Lack of confidence that checks were always undertaken on assistants helping out in clubs

17. It subsequently emerged that there was a similar lack of rigour in implementing safer recruitment practice with regard to some teaching appointments at the school. For instance, a teacher was recruited from overseas, interviewed by telephone and taken on without references being taken up from his previous overseas employer. In November 2008 following the suspension of the head teacher, the individual previously recruited by the head teacher to run an after school club was appointed by the acting head teachers as a cover classroom teacher. At this time, the school's Single Central Record¹ contained little information beyond a record of CRB checks.

18. The examples quoted were not isolated incidents of non compliance with complex procedures but symptomatic of a general failure to put safeguarding at the core of the school's concerns.

19. Roles and responsibilities with regard to safer recruitment in the school were not laid down clearly. Custom and practice dictated what happened rather than clearly agreed and allocated roles, responsibilities and procedures to follow. Assumptions were made and not checked. The ultimate responsibility of the head teacher for the common law care of children in the school was not exercised with the required rigour where safeguarding was concerned.

¹The DCSF requires schools to create and maintain a single central record of recruitment checks on its staff.

20. Yet the school had a policy framework for safer recruitment. The governing body had given due consideration to safeguarding matters. In July 2006, after suitable consideration, the governing body adopted the CE checklist on safer recruitment. The new model policy from CE was adopted in January 2007. This policy charged governors with “ensuring that the school had effective policies and procedures in place”. They were to “complete training, to adopt the model policy and to ensure that the school had a Single Central Record in place covering all people working in the school”. The first two requirements were fulfilled. The final one was not. Policies were in place, but effective procedures were not.

21. However, at the meeting of the staffing and finance committee in Jan 2007, the head teacher confirmed that the school had been following the existing Criminal Record Bureau (CRB) policy and that he and the chair had attended the relevant training. He also stated that there would be a full CRB review in the summer term which would cover all staff, volunteers and governors. The minutes of the full governing body in January 2007 record the adoption of the Safer Recruitment in Education and New Criminal Record Bureau (CRB) Model Policy for Schools. Furthermore, the head teacher reported that all staff would be CRB checked by June/July 2007. In June, it was agreed that governors would be CRB checked. In February 2008, after discussion, the governing body resolved to adopt the new CRB model policy. In April and May of 2008 there was further significant governing body activity and discussion around child protection and safeguarding issues.

22. This chronology makes it clear that the governing body was not neglectful of its broad responsibilities with regard to safeguarding and safer recruitment. However, with regard to the letter of the law regarding the single central record, it relied upon the assurances of the head teacher that matters were in hand to ensure full operational compliance.

- 23.** Safer recruitment guidance is complex, detailed and technical. It covers an area that has been evolving rapidly. It is not easy for governing bodies to know what questions to ask in order to ensure that they have a full picture. It is even harder for them to challenge a head teacher to produce evidence to support assertions that matters are in good order.
- 24.** At the core of this failure lies a difficult dilemma for governing bodies. Their role is one of strategic oversight and they are not expected to intervene in management decisions related to operational matters. Head teachers must have the freedom to manage their schools. It is incumbent upon them to report honestly and fully to their governing bodies and if they fail to do so, it is extremely difficult for governing bodies to identify shortcomings.
- 25.** External checks and balances should act as an additional, or on occasion, an alternative, source of information or alerts to governing bodies. These external checks and balances did not prove effective on this occasion.
- 26.** The school, along with all other Islington schools, received regular updated guidance on safe recruitment, as well as model policies. Training was offered and had been undertaken by the head teacher and the chair.
- 27.** In October 2006, the Ofsted inspection of Canonbury deemed the school satisfactory. Safeguarding and safer recruitment were seen as good.
- 28.** The school participated in the general safeguarding audit carried out by CE's local authority designated officer for safeguarding. This was a self-evaluation audit and the school gave positive responses in relation to its safeguarding practices.
- 29.** In 2006 LBI carried out a random audit of safe recruitment in seven schools including Canonbury. This identified some deficiencies in safer recruitment practice at Canonbury, including incomplete evidence in personnel files. Findings were reported back orally and informally to schools at the conclusion of the visits. The outcome of the audit as a whole was reported back to the People Board in November 2006. A

recommendation was made to the effect that “CEA should further support schools in their recruitment process to ensure that the council meets all its obligations in relation to safe recruitment to posts involving access to children”. There is no record of remedial action being proposed. No written report was given to the schools in question.

- 30.** Follow up action from CE to further support schools took the form of a circular to head teachers in Dec 2006 reminding them of the need to complete their Single Central Records, as well as the issue of a model CRB policy for adoption by governing bodies. This was the policy that the Canonbury governing body resolved to adopt in January 2007. At this time, “the head teacher reported that all staff and governors would be checked by July 2007”.
- 31.** In March 2007, staff from CE personnel visited Canonbury and other schools that had been involved in the LBI audit to discuss the audit findings and to urge compliance with safer recruitment requirements. This meeting was not minuted, neither was it reported to the governing body.
- 32.** In April 2007, Canonbury school moved its HR function from CE to another provider, Strictly Education. During the summer term of 2007, as part of its standard processes for establishing baselines with new clients, Strictly Education conducted an informal check of recruitment processes at Canonbury school. It identified gaps and made recommendations as to action in the form of post it notes on personal files. This visit was not reported to the governing body.
- 33.** Since 2007, schools have been required to submit monthly returns to CE updating their Single Central Record. None were supplied by Canonbury School during the period under discussion, nor does the school have any record of requests for them to be supplied. Moreover, CE has no means of checking on the veracity of such updates in the case of schools that have outsourced their human resources (HR) functions. This is therefore an inherently weak monitoring arrangement.

- 34.** Thus this episode gives rise to concern about roles and responsibilities, procedures, monitoring, evaluation and action for improvement regarding safer recruitment in schools.
- 35.** This was a school where , although a policy framework was adopted, ensuring safer recruitment was not seen as a core responsibility of the head teacher. Flowing from this, it was a school where it was not seen as a core responsibility of anyone else. Roles and responsibilities for safer recruitment were not spelt out. Lines of accountability were not clear. Operational procedures were not set down. Tasks were not clearly allocated to particular individuals. No one took responsibility for ensuring compliance with policy.
- 36.** The lessons to be learned from this are clear and in some respects, hard. Where safer recruitment is concerned, there is a need for continuing vigilance. Nothing can be taken on trust. Within schools, the pre-requisites for getting this right are both one hundred per cent compliance with mechanical processes and the embedding from the top down of a culture of safeguarding.
- 37.** Head teachers must be entirely clear that they are accountable for the safety of children and act accordingly. Roles and responsibilities must be clearly laid out with regard not just to policy but crucially, to procedures. Governing bodies must be equipped with the wherewithal to challenge head teachers. Local authorities must implement rigorous and probing monitoring arrangements covering both technical compliance and the safeguarding ethos of the school. The impact of what is monitored must be evaluated and action must be taken to implement improvements where analysis indicates that these are clearly required.

Current Islington arrangements

LBI and CE

- 38.**In Islington, as elsewhere, the council has a fundamental and wide ranging statutory responsibility for safeguarding children. This responsibility extends to all children who live or attend school in the borough, regardless of the status of the school.
- 39.**The specific responsibility for safer recruitment is mainly delivered by the council's human resources (HR) department . In the case of schools it is largely devolved to Cambridge Education through the council's contractual arrangement with that company.
- 40.**However there are staff in schools for whose recruitment LBI is responsible. Their arrangements differ in some respects from those operated by CE. These staff are there because extended schools arrangements and other ECM developments have resulted in staff other than those employed by schools working on school sites. Some of these staff, for instance many of those working in children's centres or running after school activities, may be employed by LBI. Others are employed by voluntary organisations for whom LBI is the "umbrella organisation" carrying out safer recruitment procedures.
- 41.**The council's recruitment and selection process was audited in October 2004 in the light of the Bichard report. An action plan was drawn up and eventually a regular programme of audits was agreed. The findings of these audits are regularly reported back to the People Board. So too is action taken to rectify any identified shortcomings in the case of LBI staff. Where shortcomings are identified on the part of other employers, advice given to those employers and agreements reached with them on remedial action are reported back to the Board.
- 42.** In the case of Cambridge Education as a contractor for LBI, the contractual framework dictates rather different arrangements. The

contract sets out specific monitoring and performance review mechanisms. The audits carried out for the People's Board are not part of those arrangements. Thus there has been a lack of clarity around the precise purpose and status of the audits in schools.

43. The current contract with CE is a partnership contract and states that the “contractor and the LBI acknowledge the benefits accruing to each of them if this Agreement is performed in a spirit of co-operation and partnership”. This is however a voluntary relationship that has evolved from the previously imposed outsourcing.

44. Where the LBI audits of 2006 were concerned, the relationship between LBI and CE was an uneasy one that reflected the early, directed contractual relationship. Communication between LBI and CE was not good and there was a degree of mutual suspicion and territoriality. Key aspects of what was to be done, recorded and reported on were not agreed between the partners or with the schools. Hence the lack of arrangements for formal feedback or follow up action. Things have improved since then and the planned arrangements for a further audit this summer have been agreed and communicated between the two bodies.

45. Nonetheless, the purpose, status, reporting arrangements and follow up responsibilities associated with these audits in schools require further clarification and agreement.

46. The current contract states that the contractor shall...comply with all applicable legislation. It will “ pay proper regard to (and where appropriate ensure compliance with) the statutory duties of LBI and ensure... that LBI is not in breach of such duties.”

45. Schedule 1 of the Specification spells out the functions to be undertaken by CE with regard to safer recruitment. These encompass undertaking statutory duties placed on local authorities by the Children Act . Specifically they are;

“To offer those personnel services to schools and governing bodies (and, where appropriate, to school employees) which are not “delegated” services in the Council’s scheme of delegation, including responsibility for ensuring that CRB and other pre-employment checks are carried out.”

and;

“To monitor CRB practices across schools and the Contractor.”

- 46.** Performance of these functions is to be measured by three key performance indicators(KPIs) all of which relate to the timeliness of CRB checks.
- 47.** The wider contractual framework provides for tri-annual performance review meetings, strategic partnership board oversight and regular reporting on KPIs. The partnership ethos underpins the manner in which these aspects of contract monitoring and reporting are carried out.
- 48.** Apart from discussion of the KPIs, reference to aspects of safer recruitment in minutes of performance review and other records is limited. It does not appear to have been the subject of discussion in meetings. CE’s annual contract report for 2007/8 reports that CRB check requirements as set out in the KPIs have been met at 100%. Other records for 07-08 report good performance against the KPIs.
- 49.** However, there are weaknesses in the contract’s specification of what is to be done and reported on. CE is contracted to ensure compliance with the statutory duties of LBI regarding safeguarding. But the contractual specification is too narrowly focused to encompass the both the full range of statutory duties and good practice.
- 50.** CE is charged with monitoring CRB practices across schools and the contractor. It is not charged with monitoring safer recruitment, which covers much more than CRB practices. The current KPIs focus on speed of process. They do not define what is meant by “recruits” thus allowing for misunderstanding for instance about the position of volunteers. They

simply focus on CRBs, without mention of references or any of the other key aspects of safer recruitment.

- 51.** Thus inadequacies in the contractual framework have led to an over-reliance on process indicators as opposed to qualitative measures as a means of assurance.
- 52.** Where personnel arrangements are concerned, CE is expected to “offer” personnel services to schools. Where schools decide not to avail themselves of that offer but to go elsewhere, it is not clear in practical terms how CE is expected to monitor CRB practices. Since 2007, schools have been obliged to supply updated information on their single central record to CE on a regular basis. But CE has no specified means of assessing the accuracy of the information thus supplied. Nor does it have powers to compel schools to give it the information it needs. It is therefore not clear by what means it is expected to ensure compliance with the statutory safeguarding duties of LBI.
- 53.** When schools buy personnel services from other providers, the providers supply advice to schools on their internal processes but they do not check on them and quality assure them. That is part of the local authority’s role. Given that schools are free to procure their personnel services from a range of providers, assigning a monitoring role to CE personnel has given rise to difficulties and continues to do so to an extent.
- 54.** These are not issues that arise as a result of the unusual contractual arrangements in LBI, though this context makes them more complex. In essence, the same is true of any authority where schools buy services such as personnel from external providers. As far as the compliance issues are concerned, these certainly arise in local authorities generally in relation to safeguarding and safer recruitment in schools given the extent to which national policy has encouraged schools to be self governing. The recent Singleton report raises a similar issue with regard to the need for independent scrutiny and challenge of safeguarding in independent schools.

55.In the final analysis, it is clear that the existing Islington framework for monitoring, evaluating and taking action for improvement on safer recruitment needs rationalising. It needs strengthening, deepening and extending in order to ensure that the fundamental responsibility of all schools for safeguarding children is buttressed by a further impregnable external framework of assurance.

Schools; the Current state of play

56.Overall, the current state of play with regard to safer recruitment in Islington schools is satisfactory. In Canonbury itself, intensive action is underway to rectify the shortcomings in recruitment practice identified earlier in this report. All the recommendations of the audit conducted in January of this year have been accepted by the school and are being implemented.

57. Recent events have resulted in a heightened awareness of the need for safer recruitment practice in schools. The impact of Canonbury combined with action by the director of children's services (DCS) to accelerate the central collection of single central records has galvanised schools into action to check their safer recruitment arrangements. The combination of factors that led to the Canonbury scenario is not one that could recur under the current circumstances.

58. For the purposes of this inquiry, ten schools were visited, discussions were held with head teachers, business managers, bursars, office managers or other key staff involved in safer recruitment and chairs of governors or key governors involved in recruitment. Samples of files were chosen at random and perused (ten to twelve in each school). Policies and other key documents were scrutinised.

59. CE guidance sets out clearly the division of responsibilities for safer recruitment, as follows;

“ Schools are responsible for ensuring that all pre employment checks including enhanced CRB, medical, reference checks, work permits and further leave to remain are undertaken, implementing any legislation, policy or guidance changes necessary received from Cambridge Education @ Islington and providing information to Cambridge Education @ Islington as and when requested.”

60. CE themselves are responsible for providing guidance, training, advice and policy documentation on all aspects of the recruitment and selection procedure. If the school buys their personnel services, they are responsible for undertaking pre-employment checks in accordance with the school’s HR service agreement.

61. Appropriate policy frameworks are in place and have generally been formally adopted by governing bodies. Most are modelled on the model policy supplied by CE. Schools are generally satisfied with the quality and quantity of guidance on safer recruitment sent out by CE and several rated it as good. Some think that there is too much guidance. They would like a simpler, shorter , clearer version.

62.As a result of recent events, school staff dealing with recruitment have a satisfactory to good level of awareness of what they need to do in order to comply with statutory and good practice requirements as laid out in national and local guidance. They are clear that processes need to be in place for all categories of staff as well as volunteers and parents. There is general agreement that schools should be aiming for one hundred per cent compliance.

63.Working this out in practice is proving complex . Thus the extent to which one hundred per cent compliance has already been achieved is variable. Some schools are already there or almost there, are aware of any anomalies and are in the process of sorting them out. Others are systematically checking their files to identify gaps or anomalies and

rectify them. Some are perplexed about how to achieve full compliance in particular circumstances.

- 64.** No cases of individuals working without CRB checks were identified in the course of the visits. Compliance with CRB requirements is relatively straight forward. This coverage provides some basic assurance but over reliance on it is inadvisable given that it only identifies individuals already known to pose a risk. Schools understand that CRB checks are necessary but not sufficient.
- 65.** Not all teacher files contain GTC registrations. Where this is the case, the schools in question are aware of the need to update these and work is underway to do so.
- 66.** References are a more complex area. Though some head teachers are sceptical of their professional value, they clearly constitute an additional filtering mechanism where safer recruitment is concerned. Two issues frequently raised during the school visits concern longstanding staff who have been in post for many years and volunteers or support staff, sometimes parents, who have been out of the workforce for many years, or never in it. In these cases, employer references are not available or no longer useful.
- 67.** Some schools have designed simple proformas, indicating that inquiries have been made and a risk assessment carried out by the head teacher and these have been placed on file. In other schools, head teachers are not so confident in exercising their judgement in this way and require reassurance that it is appropriate to do so. Schools generally seek references on headed paper from the previous employer and often follow up with a telephone call. None of the files perused contained cases of staff employed on the basis of telephone references without hard copy corroboration. A number of files contained only one reference and a few had none.
- 68.** In the case of students on placements, schools rely on CRBs and references from colleges. Where schools have continuing links with local

businesses, they check ID and CRBs and seek assurances from the companies about those employees who are coming in to school as volunteers. A couple of schools were considering how to deal with artists in residence or those who came in to deliver a workshop. In all these cases where head teachers have to exercise individual judgement, it is vital that assumptions are not made, that careful thought is given to the particular circumstances, that what is decided is recorded and communicated. If for instance it is decided that an individual will not have unsupervised access to children, staff other than the head teacher need to know that, so that they can ensure that the decision is adhered to.

- 69.** Some schools have concerns about supply staff employed through agencies. There is a view that some agencies do stronger checks on teachers than on teaching assistants. It is easy for agencies to produce documentation claiming that they carry out all the necessary checks and hard for schools to be sure that this is always actually the case. The schools where safeguarding is embedded have themselves devised methods of checking on the checks made by agencies.
- 70.** A number of schools raised issues around parent and other volunteers, particularly in relation to school trips. Some have set out very precisely what such volunteers may and may not be expected to do on trips, thus ruling out any possibility of them being alone with a child or group of children. Others have decided to go for the requisite checks.
- 71.** Similar issues arise on sites where, often as part of extended school activities, efforts are being made to engage the local community and bring people in. Requiring CRB checks can be seen as erecting barriers, sometimes against precisely those people whose participation is most keenly sought. Some schools take the line that the best way to deal with this is to explain carefully to people that it is necessary to do this in order to keep children safe. Others simply separate out community use of the site so that it is only available when the school's own pupils are off site.

- 72.**Clear sighted head teachers are aware that the issues around open sites go beyond the technicalities of CRB and identity (ID) checking. They involve embedding a culture of safeguarding throughout the organisation, so that for instance things as different as the accessibility of pupil lavatories to adults and the emotional health of staff are given careful consideration and kept under review.
- 73.**There are also increasing numbers of school sites where extended school use involves staff employed or taken on and managed, in the case of volunteers, not by the school itself, but by the borough (LBI), by voluntary organisations or by small businesses such as an agency that supplies sports coaches. In the case of LBI staff, schools need to be assured that the checking processes are of an equal rigour to those that they themselves are operating.
- 74.**Then there are the implications of Every Child Matters and of increased multi -agency working. Routine visitors to schools now include not just CE staff but also staff employed by the Primary Care Trust, the Metropolitan police and Mental Health Trusts amongst others. Schools need reassurance that they can have entire confidence in the checking systems operated by these partner agencies and that they do not themselves need to initiate additional checks beyond photo ID. They cite examples of health staff, for instance, being substituted at short notice.
- 75.**Finally there are cases where schools let out their premises on a commercial basis. In these cases, they are generally aware of the need to assure themselves that the bodies in question have appropriate policies and procedures in place.
- 76.**Where safer recruitment training is concerned, the picture is a varied one. Most but not all of the head teachers visited have done the training, as have some of the bursars , senior administrative officers or business managers. Some teachers and governors have done the training. Some have done it a while ago and require up dating. A range of training has been used, including the NCSL on-line training, CE's half day training, and training from other providers. Schools have found all these useful and

their impact is apparent in schools. There is a correlation between the extent to which staff and governors in a school have undergone training and embedding of good safer recruitment practice in schools.

77. However, safer recruitment training is not currently obligatory for new head teachers, nor does it form part of their induction. The borough does not have a central and regularly updated register of who has done what training in each school. It has no consistent means of monitoring the impact of training on practice in schools. The picture is equally variable on wider safeguarding training, with some schools having high levels of training including multi-agency training. Visits to schools evidenced a clear correlation between schools with high levels of training and enhanced awareness of safeguarding issues. The correlation extends to greater capacity to ensure safer recruitment.

78. In all the schools visited, head teachers are clear about their roles and responsibilities with regard to safer recruitment. Though they rightly maintain that safeguarding is everyone's responsibility in a school, they are also clear that the buck stops with them. The common law duty of care for children and the knowledge that they are in loco parentis are bred in the bone where they are concerned. Good head teachers know that checking and compliance are necessary but not sufficient and are no substitute for careful reflexion. In the word of one, "the most important thing is the practice which supports the paperwork".

79. In practice, once systems have been set up, head teachers generally delegate responsibility for co-ordinating their actual operation to the business manager, bursar or senior administrative assistant (SAOs) whilst retaining oversight. They are generally knowledgeable about the state of their records and where their particular issues are. They use a range of personnel providers and contract with them for the services they require. Neither CE personnel nor external personnel providers have a brief to evaluate practice in schools and enforce action for compliance. Since this is the crux of the matter, for the purposes of this inquiry there are no

significant differences between schools using external personnel providers and those using CE.

- 80.** CE guidance states that the governing body is responsible for overseeing recruitment and selection at the school. National guidance states that they are responsible for ensuring that policies and procedures are in place and that there is compliance with them.
- 81.** There are currently concerns in many governing bodies about aspects of their responsibilities with regard to safer recruitment. These are weighty responsibilities put upon volunteers and without any clear powers of enforcement. In the words of one governor; “a lot is expected but we have very little authority”. Many would like much clearer guidance about their roles and responsibilities with regard to safer recruitment. They would also like clear and succinct advice as to how they should carry them out.
- 82.** Governors acknowledge that they are regularly provided with extensive information. Many would like less with greater clarity and more prioritisation. They would like a sharper focus on information related to governance. Where safer recruitment is concerned, short, straightforward guidance that clarifies their responsibilities is needed.
- 83.** Governors who have undergone safer recruitment training have found it illuminating and useful. Many are now wanting to undertake training. The time is ripe to reconsider what is on offer and whether minimum levels of safer recruitment training for governing bodies should be set.
- 84.** Governors would also like greater clarity around the requirement that they themselves should be CRB checked.
- 85.** The more difficult issues concern monitoring and challenge. Governors would like advice around the nature of the discussion that should take place in full governing bodies about these matters. They know that, as well as receiving reports, they need to ask questions about safer recruitment. They need to assure themselves that they have a comprehensive and accurate picture of the state of affairs in their

schools. To do this, they need to know what evidence to ask for in order to have reasonable assurance that the right things are being done. They need to have the strength to challenge head teachers on occasion.

- 86.** There may be occasions on which they need to go to CE/LBI with concerns. Some of those interviewed would do so readily and would know who to go to. Others would not have that confidence.

Roles and responsibilities of elected members.

- 87.** This inquiry found a consensus view in Islington as to the role of elected members. It is to exercise oversight of safeguarding at the appropriate level. Lead members are politically accountable for ensuring that the local authority fulfils its legal responsibilities for safeguarding and promoting the welfare of children and young people. They should provide the political leadership needed for the effective co-ordination of work with other relevant agencies with safeguarding responsibilities.
- 88.** Leaders are expected to take a public lead on giving high priority to safeguarding. Via their chief executive and officers, the need to be assured that quality assured safeguarding systems are in places and the right people are doing the right jobs in the right way.
- 89.** In addition to this, there is the role of members in the formal process of council Scrutiny. This is a useful means of shining a light upon various parts of the system in a sharp and focused manner.
- 90.** The recent Singleton report issued a strong reminder that the Every Child Matters responsibilities of local authorities extend to all children in their area, regardless of the type of school they attend. This raises questions about the means by which elected members are to exercise oversight in relation to all children.

- 91.** In Islington, the local authority designated officer for safeguarding (education) currently includes independent schools in his regular communications with schools. Some participate in self-evaluation audit processes. These processes are reported to the LSCB. The director of children's services, the children's trust and the local safeguarding children board all have a role to play in enhancing and increasing communication with the independent sector and thereby ensuring that information flowing to members covers all children in all schools.
- 92.** The responsibility of elected members for ensuring that safeguarding arrangements operated by social care in their local authority are comprehensive and effective is clear. The local authority employs the staff and is ultimately responsible for their performance. In the case of schools things are not so clear cut. Though the local authority technically remains the employer for many, the policy trend towards self governing schools has accelerated in recent years. Trust schools and Academies are increasing in number. The relationship of local authorities with these schools is dependent upon goodwill and the creation of agreements about common purposes. Nonetheless, elected members are required to exercise oversight with regard to safeguarding.
- 93.** Where maintained schools are concerned, the relationship is a more direct one. But it is still not comparable with the social care relationship. Schools have a great deal of autonomy and their direct governance is through the governing body. Thus local authority governors are a key link in the chain of communication from schools to elected members.
- 94.** In Islington, elected members meet regularly with officers and receive regular briefings. The political leadership team meets six weekly with the chief executive and directors at the Corporate Management Board. Key matters are reported to the council executive.
- 95.** In addition, local authority school governors can brief the lead member who should, in turn, alert the leader to matters of concern or particular significance.

- 96.** These are solid enough systems in themselves. But they are only as good as the information that is fed into them. Where safer recruitment is concerned, information gathering and reporting has focused narrowly on CRB checks and that is only a part of the whole. It is necessary but not sufficient,
- 97.** Given their duty of oversight, elected members need to be able to rely on receiving a regular supply of comprehensive and quality assured information about safer recruitment in Islington schools.

Conclusions

- 98.** What happened in Canonbury is atypical. This is not a system in meltdown. Schools understand the importance of putting safeguarding at the heart of their concerns and are working to do so. The events of recent weeks have served to put safer recruitment very high on the current agenda for Islington schools. The requirement to submit completed single central records has ensured scrutiny by schools of their existing arrangements and action to rectify any omissions. Thus the current situation is satisfactory. The challenge now is to embed and maintain the current level of priority whilst simultaneously moving the system on from satisfactory to good.
- 99.** More will need to be done at all levels for the situation to be good. Throughout the system, there is a need for greater clarity about roles and responsibilities and greater rigour in exercising those roles. Safer recruitment in schools is dependent on all players, at all levels in the system, having very clear and well understood definitions of their roles and responsibilities alongside agreed, transparent and comprehensive procedures. All concerned need to fulfil their agreed roles and follow procedures rigorously. They also need to reflect upon safeguarding.

- 100.** A comprehensive and reliable system of checks and balances must be in place. The results of these must be reported regularly to all key players. Whistle blowing arrangements should be in place to bypass potential blockages. Nothing should be taken on trust. Even when all this is in place, it needs to be acknowledged that systems cannot guarantee complete certainty that all children will be safe.
- 101.** At the moment, there is still some variability in schools in the degree to which procedures are spelt out, agreed and clearly communicated to staff, governors and parents. Levels of training on safer recruitment are also variable. Schools with higher levels of recent training are more likely to have succeeded in embedding safeguarding as a core aspect of the way they function overall. In the light of extended schools and ECM developments, most schools are struggling to a greater or lesser degree with the grey areas of compliance relating to staff on site who are employed by other agencies.
- 102.** Many governing bodies are struggling to fully understand and enact their role with regard to safer recruitment. Clearer definition, additional support and more advice and or training are needed.
- 103.** The existing framework of external checks and balances is not strong or clear enough. Where CE and LBI are concerned, there are grey areas and uncertainties with roles, responsibilities and procedures regarding checks and balances. These require clarification.
- 104.** However, these uncertainties in the current arrangements are balanced by a consensus around what is required. People are signed up to the need for full compliance and the embedding of a culture of safeguarding in all schools. They agree that this needs to be buttressed by a strong and

transparent system of external checks and balances. Islington now needs to seize the moment and use this consensus as the basis for change.

105. This report recommends the following actions as a means of mapping out the path to those goals.

Recommendations

1. In order to ensure that safer recruitment is practised in all Islington schools, LBI should;
 - **issue a very short and clear public statement setting out the respective roles and responsibilities of head teachers, governing bodies, Cambridge Education and LBI with regard to safer recruitment in schools.**

2. In order to ensure that all concerned are well equipped to fulfil their roles, LBI together with CE should;
 - **Agree minimum required levels of safer recruitment training and updating for all categories of school staff and school governing bodies with particular attention given to those with carrying out key safer recruitment functions.**
 - **Ensure that there is an adequate supply of training. Issue on the spot certificates to all those who have attended training.**
 - **Establish an electronic register covering all schools in the borough and detailing safer recruitment training undertaken by key role. Incorporate electronic alerts when re-training is required or new staff appointed.**
 - **Devise a means of analysing the impact of training on practice in schools and of modifying training in the light of such feedback.**
 - **Embark on an immediate programme of visits to full school governing body meetings to offer information, advice and guidance on safer recruitment.**

3. In order to ensure that governing bodies have extensive knowledge of recruitment practice in their schools and know how to challenge their head teachers in relation to safer recruitment matters, LBI/CE should;
 - **Compile and issue a short checklist of evidence that governors might reasonably ask to see and subsequent questions they might wish to ask to satisfy themselves that safer recruitment is being practised.**
 - **Ensure that the findings of monitoring and other external checks are formally reported back to governing bodies.**

4. In order to ensure that there are additional channels for the voicing of concerns in schools about safer recruitment, all schools should;
 - **Ensure that all concerned are aware of the school's whistle blowing procedures and policies and know how to use them.**
 - **In cases where none are in place, consider adopting LBI's whistle-blowing procedures.**

5. In order to ensure that the local authority has a full picture of safer recruitment practice in the borough's schools, LBI should;
 - **develop a protocol and arrangements for regular communication between LBI and external personnel providers.**

6. In order to have solid assurance that they are fulfilling their statutory responsibilities and developing good practice with regard to safer recruitment in Islington schools, LBI should;
 - **Jointly with CE in the spirit of the partnership contract and in consultation with schools, develop and agree transparent and comprehensive joint processes for monitoring and evaluating safer recruitment in schools. These to be led by LBI through the DCS and**

to incorporate written reports back to head teachers, governing bodies and the council.

- **In cases where shortcomings are identified and action for compliance is required agree follow up processes including timescales and responsibilities.**
- **In consultation with schools, institute unannounced annual spot checks of safer recruitment records in schools. These to be carried out by an independent person.**

7. In order to ensure that elected members are well equipped to exercise oversight of safeguarding for all children in Islington schools, the DCS should;

- **Ensure that they receive regular reports flowing from the strengthened monitoring and evaluation processes outlined above, including progress reports on action for improvement.**
- **Take action to strengthen links between the Children's Trust, the LSCB and independent schools in the borough.**