Guidance on Child Protection Procedures for Students on Extended Work Experience
DCSF have produced guidance on the issue of extended work experience as part of a revised “Safeguarding Children and Safer Recruitment in Education” guidance document which came into force on 1 January 2007.

The work experience guidance seeks to clarify many of the issues and questions which arise in relation to this area.
Introduction

Following the publication of the *Safeguarding Children in Education* guidance by the Department for Education and Skills, people involved in organising extended work placements have asked for further clarification which takes into account the diversity of work experience practice. The questions they have raised and the Department’s responses are detailed in the sections that follow.

This supplementary guidance has been agreed by the Safeguarding Children Policy Team. It is written by the Enterprise and School Business Links team at DfES, which has policy responsibility for school work experience and the Vocational Learning at Key Stage 4 team which has responsibility for the Increased Flexibility programme, GCSEs in vocational subjects and Young Apprenticeships. This guidance is relevant to all people involved in organising work experience for students during Key Stage 4 but is also applies to 16-18 year olds who are in FE colleges (see section 175 of the Education Act 2002) including

- EBPs, EBLOs, Trident Trust, LEAs;
- Connexions;
- Schools, FE colleges, training providers;
- Young Apprenticeship partnerships.

The term ‘placement organisers’ is used throughout to refer to all people and organisations that place students in work placements, ie local authorities, schools, FE colleges, central organisers, training providers, Trident Trust, EBPs.

This guidance should be read alongside the Work Related Learning and the Law guidance published by the DfES in September 2004.

The Trident Trust has produced a flow chart to further clarify this guidance.

**To which students does Safeguarding Children and Safer Recruitment in Education apply?**

This guidance applies in particular to long-term extended work placements in Key Stage 4. However, the guidance is also relevant to other work experience programmes in Key Stage 4 and placement organisers will want to consider the welfare of the children and young persons they are placing. It also applies to placements that are a component of a course of study at a FE college and to under 16 young Apprenticeships. The Education Act 1996 enables students on work experience in Key Stage 4 to assume the temporary status of a ‘young person’ as this allows them to undertake work tasks which are prohibited for children. However, in child protection legislation and generally in law as 18 is the age of majority, a child is defined as anyone under 18. The Safeguarding Children and Safer Recruitment in Education guidance does not apply to training schemes where day release or its equivalent is part of the scheme or to employed status apprenticeships.
Does the child protection guidance only refer to long-term extended work placements?

Annex A of Safeguarding Children and Safer Recruitment in Education addresses specifically the issue of child protection on long-term extended work placements. In the main the guidance refers to long-term extended work placements but there are special factors that all placements organisers need to consider (see below).

The overall message to placement organisers is that they should regard child protection in a similar way to health and safety. Currently, a great deal of attention is rightly paid to ensuring that placements are generally suitable and that risks have been reduced to the lowest level practicable. ‘Safe learners’ (a term used by the Learning and Skills Council see www.safelearner.com) also have some health and safety briefing in preparation for the placement and induction by the employer. Placement organisers have a responsibility for assessing the general suitability of the placement while employers have a responsibility to carry out a risk assessment.

Any potential risks to the child from the placement should be considered as part of this initial assessment of general suitability which looks at health, safety and welfare. Additional safeguards may be necessary when there are certain risk factors present. Some of the risk factors apply equally to short-term extended work experience or block placements including:

- Where the child may be vulnerable. NB A variety of factors can make a child vulnerable, including special needs, immaturity, abuse or neglect, substance misuse, etc. The school or FE College that the child attends should identify any child who may be vulnerable, and who may therefore require additional safeguards, to the placement organiser.

- Where the nature of the business means that the child is likely to be, or will be, alone with an adult as part of the work placement, eg sole trader, journeyperson (ie self-employed tradesperson), self-employed person working from home (NB this does not apply to short periods alone, for example, a solicitor taking a student to and from court in a properly insured car).

- Where the work placement has a residential component.

Why distinguish between short-term and long-term extended work placements?

Short-term extended work experience placements have recently developed as part of the Increased Flexibility programme and GCSEs in vocational subjects. As an alternative to a block placement, students often go out for half a day or a day per week for a term. The amount of time spent on such placements is broadly equivalent to a block placement that is typically for five or ten working days, but it could be for 15 days. A day’s placement once a week during the longest school or FE college term would be roughly equivalent to a three week placement. Such short-term extended placements would not normally require the additional safeguards to be in place, although placement organisers should still take child protection into account when assessing the general suitability of the placements. However, placement organisers should consider, in consultation with the school or FE College, whether any additional safeguards might be necessary where any other factors may apply.
Long-term extended placements became common as part of programmes of extended work-related learning which accompanied the disapplication of the National Curriculum regulations. Many students are still on extended work experience, say one day a week, as part of alternative curriculum programmes which may last for the whole of Year 10 and/or Year 11. Students taking NVQs or other vocational courses as part of Increased Flexibility programmes may also have long-term extended work experience. Most recently students taking part in the Young Apprenticeship programme typically will have up to 50 days of work experience during Key Stage 4.

The DfES thinks that because of the greater amount of time and the spread of time – over several months or one or two years – that children will spend in the company of adults, there is a greater risk than in short-term placements. Hence additional safeguards are necessary to protect children.

What are the additional safeguards to protect children on long-term extended work experience placements?

The measures that need to be in place are common-sense policies and procedures. In some circumstances they should include obtaining CRB Enhanced Disclosures on individuals working with a child as part of the placement (further advice about CRB Disclosures is given in the subsequent sections of this guidance). Additional safeguards are only required for long-term extended work placements are defined above. Nevertheless placement organisers should use their judgement over whether any of these measures (particularly the first and second measures below) would be valuable for other work placements.

First, the placement organisers need to have policies and procedures in place concerning what action will be taken and by whom, should a child protection issue be raised before, during or after the placement. This should be written down along with essential and useful contacts, for example, the relevant education welfare department. Making sure these procedures are in place is also part of a general duty of care.

Second, the staff arranging work placements need some child protection training and/or briefing. This is because they must be able to advise employers and brief supervisors and students.

Third, training providers or employers (placement providers) should have their awareness raised about the need for child protection by being asked to endorse a child protection policy or statement of principles. These can be devised in conjunction with the education welfare department and provided by the placement organiser. There are examples in circulation that have been specifically devised for this purpose. This shows that the placement providers are committed to looking after the welfare of the child and fulfilling their duty of care.

Fourth, the person who has prime responsibility for overseeing the student during the placement and/or any member of staff who has had a CRB Disclosure, should have some child protection briefing or training. This does not have to be an offsite training session but could be delivered one-to-one as a briefing by the placement organisers. Clearly if they have a responsible role in looking after a child their awareness needs to be raised about child protection issues. Information contained in the publication,
What to do if You’re Worried a Child is Being Abused, sets out their responsibilities. They should also be given contact details (eg of the placement organiser or school or local authority or FE college) in the event of any concerns about a child for whom they are responsible.

When are Criminal Records Bureau Disclosures Necessary?

Currently CRB Disclosures are not compulsory by law in this area. There is a statutory basis to the Safeguarding Children and Safer Recruitment in Education guidance. Under section 175 of the Education Act 2002 local authorities and governing bodies of maintained schools and FE colleges must have regard to guidance issued by the DfES in drawing up the arrangements they are required to have for safeguarding and promoting the welfare of children. Local authorities and schools’ and FE colleges’ arrangements for long-term extended work placements must include arrangements for CRB disclosures, where those are thought to be appropriate in line with the Safeguarding Children and Safer Recruitment in Education and this, or any other supplementary guidance, issued by the DfES.

The assessment of the general suitability of the placement will now need to include consideration of whether any additional safeguards are necessary and, if so, whether there is someone who is eligible for a CRB Disclosure. Placement organisers are required to make a judgement in each case as to whether someone meets the criteria for a CRB disclosure. Eligibility for CRB Disclosures is governed by the law and only those people who meet defined criteria can apply for a disclosure. People will be eligible for a CRB Disclosure if ‘they are in a position the normal duties of which include regularly caring for, training, supervising or being in sole charge of a child’. Normal duties will generally mean that the function is written down in a job description, however, this may not always be the case. The eligibility criteria for CRB Disclosures refer to a “position” which can be entirely separate from someone’s job and can be a voluntary activity such as a workplace mentor (see below).

This does not mean that every person coming into contact with the child during the placement must have CRB Disclosure. There may be someone in most long-term extended work placements who has a designated responsibility for the child and who has contact with them on the days when they are at the placement and who meets the criterion for a disclosure. Equally, there may be some circumstances, because of the nature of the workplace or the organisation of the placement, where there is no-one eligible for a CRB Disclosure. This might be the case, for example, where there is a member of staff who is responsible for liaison with the placement organisers and for general oversight of students, but who does not have regular contact with them. In other circumstances the student may move around different departments of workstations so that s/he interacts with a number of people during the placement who each take some responsibility for supervising him or her. In this case there may be no single individual who meets the criterion and a CRB Disclosure on all of the staff the child might come into contact with would not be appropriate.

The Local Authority, School or FE College should decide whether or not a CRB Disclosure is necessary in the circumstances pertaining in each long-term extended placement. Where this function is delegated to a placement organiser any decision on whether or not a CRB Disclosure is appropriate should be discussed with the local authority or school or FE College with the prime duty of care for the student. The rationale behind any decision not to have a CRB disclosure should be recorded.
Should workplace mentors have CRB Disclosures?

It is becoming popular to provide students on extended placements with a buddy, coach or mentor to provide additional support. The question arises as to whether such individuals need to have a CRB Disclosure. Again this is a situation where the judgement of the placement organiser needs to be applied when the placement is organised and when its general suitability is being assessed.

A workplace ‘buddy’ scheme might not require the ‘buddies’ (ie often young workers aged 18-24) to have a CRB Disclosure, if this would be a short term activity, not a regular part of the individual’s normal duties, that would only last for a short time until the student was settled in.

The role of the workplace coach can focus on developing specific vocational skills, ie there may be a training component. If this is a formal role that is part of the individual’s normal duties and the role lasts throughout the duration of the long-term extended placement, it is likely that a CRB Disclosure will be appropriate.

The role of workplace mentor is also likely to be eligible for a CRB Disclosure even though it may well be a voluntary activity. The eligibility criteria for CRB Disclosures refer to a “position” which can be entirely separate from someone’s job and can be a voluntary activity such as the role of a mentor that a person takes on in addition to duties that would be included in the job description. So the role of workplace mentor would be eligible for a CRB Disclosure, although the need for that might be reduced by the safeguards described below. In the same way business mentors (people from the world of work) acting as mentors to students in schools and FE colleges have routinely had CRB Disclosures. However, there are safeguards, short of CRB Disclosures, that could be introduced. For instance, as with all mentoring programmes, the purpose and boundaries of the relationship need to be clarified to the mentee during their preparation and to the mentor in their briefing or training session. In good practice, all meetings should take place at the workplace and should not be in private; there should not be contact outside of the workplace setting and a more senior member of staff should monitor the mentoring programme.

In some Young Apprenticeship partnerships there are plans to designate Apprentices aged 18-25 as ‘supervisors’ to the Young apprentices. Whether or not the Apprentices acting as supervisors would need to have a CRB Disclosure would depend on the precise nature of their role. It is possible however that it is a more informal relationship designed to give the older Apprentices a sense of responsibility for their younger peers and to improve their communication skills etc. In these circumstances there should be a more senior employee who monitors these supervisory relationships and to whom the Young Apprentice can turn in the event of any difficulties.

How should the CRB Disclosure process be managed?

As stated above staff to have a CRB Disclosure must be eligible, ie their ‘normal duties will include regularly caring for, training, supervising or being in sole charge of a child’. In order for this to be the case they must either have been appointed to such a position or have had an internal promotion or volunteered to take on this additional responsibility. It follows that people volunteering or applying for a position where
their ‘normal duties’ mean they may become eligible for CRB Disclosures should be made aware that a CRB Disclosure is likely.

The responsibility for the CRB Disclosure should lie with the local authority, school or institution who will ask the person to complete the CRB form which will be submitted for a check at the enhanced level (as they are classed as volunteers the disclosures are free of charge). The results of the disclosure will be sent to the individual with a copy to the local authority or school or FE College. A criminal record per se will not necessarily debar someone from taking on a role in relation to children. The local authority or school or FE College will consider any information revealed by the disclosure and judge a person’s suitability in the same way as for any other prospective volunteer or member of staff seeking work with children. NB It is not appropriate for the placement organiser to arrange disclosures if that is not the local authority, school or FE College responsible for the child. It is the local authority, school or FE College that is responsible for the child that must access any information revealed by a disclosure and make the decision about the person’s suitability.

A CRB Disclosure which resulted in the person being debarred from a role in working with children might mean that the placement organiser would not choose to use that placement (if it was part of the initial process of setting up placements – not all placements might be used perhaps because of not enough young people). In this way the employer may be unaware of the results of the disclosure. However it may be that having committed to a scheme an employer later ‘identifies’ a member of staff to supervise or train the student and they become eligible. Under these circumstances where a CRB Disclosure will be required it would be preferable for an employer to ask for volunteers from among experienced, trusted staff rather than allocating the responsibility without giving staff the opportunity to decline.

The Criminal Records Bureau has a commitment to turn around 90% of Standard Disclosure within 10 days and 90% of Enhanced Disclosure checks within 28 days.