

Handling Allegations of Abuse made against Adults who Work with Children and Young People

Consultation Response Form

The closing date for this consultation is: 7 August
2009

Your comments must reach us by that date.

department for
children, schools and families

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Children, Schools and Families e-consultation website (<http://www.dcsf.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

Name David Brierley (solicitor)
Organisation (if applicable) Voice – the union for education professionals
Address: 2 St James' Court
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If your enquiry is related to the policy content of the consultation you can contact Joanne Harker on:

Telephone: 01325 39 1391

e-mail: Joanne.Harker@dcsf.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 311

e-mail: consultation.unit@dcsf.gsi.gov.uk

Please tick the box that best describes you as a respondent.

<input type="checkbox"/> Employer	<input type="checkbox"/> Service provider	<input type="checkbox"/> Self employed service provider
<input type="checkbox"/> Voluntary organisation	<input type="checkbox"/> Agency or contracted staff	<input type="checkbox"/> Fostering services
<input type="checkbox"/> Regulatory body	<input checked="" type="checkbox"/> Other	

Please Specify:

Education trade union

1 Have you got any comments on Section 1 - The Overview?



Yes

No

Comments:

A clear and helpful summary. The target audience should be identified.

2 Have you got any comments on Section 2 - Using the Guidance?



Yes

No

Comments:

The information under Key Roles would be better placed in section 1.

3 Have you got any comments on Section 3 - Practice Issues?



Yes

No

Comments:

This covers some core issues. Perhaps the title could be raised in prominence from "Practice Issues". The information on record keeping is particularly important. We suggest it should be consolidated, not split.

4 Have you any comments on Section 4 - The Process



Yes

No

Comments:

This is a useful section and it is helpful that the process is explained chronologically. Apart from the suggestion of minimising delays, there is no reference to timescales, either general or specific. We would like to see this, particularly at the initial stages of the investigation where a degree of urgency is in the interests of all concerned.

We welcome the detailed advice on the employee's rights during suspension and the employer's legal obligation to provide support. In this context the document should add that it is the employer's responsibility to keep the period of suspension to the minimum possible.

We have concerns about the process attached to the specialist assessment. Is this with the individual's consent? The commissioning form says "has the individual agreed to contribute to this assessment?" What does this mean? What is the form of the agreement? Is the individual told exactly what information will be provided to the assessor? Is the individual given the opportunity to approve that information, e.g. "details of all face to face interviews undertaken". Will the individual be able to make direct

representations to the assessor? The individual must have access to the assessment at any disciplinary hearing with the right to comment and ask questions.

5 Have you got any comments on Section 5 - Referral to the Independent Safeguarding Authority?



Yes

No

Comments:

There are currently a number of unanswered questions in this area, including issues about the withdrawal of the List 99 and POCA list. We hope that before this Guidance is published there will be an opportunity to provide further information.

6 Have you got any comments on section 6 - The Role for LSCBs?



Yes

No

Comments:

Do we need this information in this form in this guidance?

7 Have you got any comments on the Annexes?



Yes

No

Comments:

Annex A – We find that school staff are not clear on the key definitions. A reduction in the number of definitions would be a useful first step.

Annex B – Do we need this information in this form in this guidance?

Annex D – Record keeping is a key issue for schools. There is good advice in this Annex but it is not clear who has responsibility for and ownership of the recommended records.

Annex F on suspension is helpful. We ask for a clearer statement on the importance of keeping periods of suspension to a minimum (see box 4 above). This remains a significant issue in our casework.

The advice about support for supply workers is muted and qualified advice. They are employees and they have rights.

Annex G & H - see 4 above.

8 Please use this box to provide any other comments about the Guidance.

Comments:

This is another lengthy and detailed guidance. The Department will no doubt give serious consideration to the House of Commons' Children, School and Families Committee Report on allegations against school staff where it calls for advice in a handbook format.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply ✓

Here at the Department for Children, Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes ✓ No

All DCSF public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DCSF consultations are conducted, please contact Phil Turner, DCSF Consultation Co-ordinator, tel: 01928 794304 / email: phil.turner@dcf.gsi.gov.uk.

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 7 August 2009

Send by post to:

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DL3 9BG

or send by e-mail to: Joanne.Harker@dcf.gsi.gov.uk