

# CARE OF UNDER 18s: GUIDANCE FOR ELT PROVIDERS

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## Introduction

*The British Council believes that all children have potential and that every child matters - everywhere in the world. The British Council affirms the position that all children have the right to be protected from all forms of abuse as set out in article 19, UNCRC, 1989.*

British Council child protection standards incorporate the following three elements:

- Developing and implementing procedures for safer recruitment
- Developing and implementing procedures for response to welfare and safeguarding concerns
- Raising awareness of safeguarding issues.

ELT providers have a legal duty of care to all their students. In England the law states that people who work with children have to keep them safe. This safeguarding legislation is set out in [The Children Act \(1989\) and \(2004\)](#). It also features in the [United Nations Convention on the Rights of the Child](#) (to which the UK is a signatory) which sets out the rights of children to be free from abuse. The Government also provides guidance in their document [Working Together to Safeguard Children 2013](#).

While expecting providers to comply with the law, the Accreditation UK scheme specifies requirements for the care of under 18s relevant to their age and background which reflect good practice and may go beyond the responsibilities set out in law. Safe and successful provision for students under 18 is most often found where there is a strong ethos of care and managers have established sound safeguarding practices in line with clear procedures which are based on legal requirements and government guidelines.

This document was developed by the Accreditation Unit, in consultation with: the British Council Child Protection team, English UK, the inspectorate, accredited junior providers and adult course providers with 16-17 year olds (welfare staff and management), to provide guidance on developing good practice and on meeting the new 2014-15 inspection criteria and the needs of students under 18.

## Glossary of terms and notes

**Under 18s:** the Scheme refers to 'under 18s' rather than 'juniors' or 'children' in the inspection criteria to make it clear that these requirements apply to all providers who recruit (intentionally or not) any students who have not yet reached their 18<sup>th</sup> birthday, irrespective of the age of majority in their home country or the location of the ELT provision.

**Safeguarding:** means caring for children appropriately and protecting them from that which is not in their best interests; as such, it includes health and safety, child protection and pastoral care.

Connected to safeguarding is the phrase 'Duty of Care'; there is a legal responsibility that adults who work with children as professionals or volunteers have a duty to look after them properly; children depend on adults for their safety and well-being.

**Child protection:** means protecting children from abuse. The British Council uses the definition of abuse commonly used by the World Health Organisation:

*'Child abuse' or 'maltreatment' constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.'*

**Safer recruitment:** recruitment procedures and practices which aim to prevent the appointment of people who may pose a risk to children; this is an essential part of safeguarding. The robust screening of applicants is proven to act as a deterrent for offenders seeking employment with access to children in order to harm them. Training is widely available (see below).

**Regulated activity:** the term most commonly used to describe roles where a suitability/criminal records check is required by law – the Accreditation UK Handbook uses the phrase ‘roles involving responsibility for or substantial access to under 18s’.

In broad terms regulated activity is any position that has direct contact with children, or a position which manages staff who work with children. Any person that is engaged in ‘regulated activity’ as defined by the Safeguarding Vulnerable Group Act 2006 (England & Wales) and parallel laws in Scotland and Northern Ireland requires an enhanced disclosure check. This also applies to existing employees who move from a post that is not regulated to one that is.

Regulated activities most applicable to ELT providers are teaching; leisure programme supervision; general care or supervision (e.g. by a group leader, homestay host or residential staff); when they are carried out frequently (once a week or more), intensively (4 times or more in a 30 day period) or overnight. Regulated activity also includes any activity of any kind carried out by an individual visiting a school frequently or intensively, for or in connection with the school, and which gives the individual opportunity to have unsupervised contact with children.

**Suitability checks:** checks made to identify any known reasons a person would be considered unsuitable to work with under 18s, such as criminal records check.

In the UK, there are three primary criminal record disclosure services; DBS (Disclosure and Barring Service), Disclosure Scotland and AccessNI. All services provide parallel checks as they conduct searches through police records (the Police National Computer and other data sources) and maintain the barred lists for individuals assessed as unsuitable to work with children and/or vulnerable adults. The DBS cannot currently access criminal records overseas. There are four types of checks in the UK:

*Basic* – checks for unspent convictions only (available through Disclosure Scotland).

*Standard* – checks for spent and unspent convictions, cautions, reprimands and final warnings, and will take about 2 weeks.

*Enhanced* – includes the same as the standard check plus any additional information held by local police that is reasonably considered relevant to the workforce being applied for (adult, child or ‘other’ workforce). It takes about 4 weeks. (‘Other’ workforce means those who don’t work with children or adults specifically, but potentially both, eg taxi drivers. In this case, the police will only release information that’s relevant to the post being applied for.)

*Enhanced with list checks* – this is like the enhanced check, but includes a check of the DBS barred lists, and takes about 4 weeks.

**Police ‘certificate of good conduct’:** a general term covering the documentation available as a result of criminal records checked outside the UK. The access to, availability of, and legal use of criminal record information overseas varies greatly from country to country. Most countries maintain some form of central criminal justice agency, which is usually referred to as the Ministry of Justice (MOJ), Ministry of Interior (MOI) or something similar. The MOJ may in turn delegate responsibility to a subordinate national law enforcement agency that is charged with overseeing and maintaining the country’s national criminal record system. These searches are generally national in scope and contain both felony and misdemeanor record information. Results and contents may vary. However, many reports include official declarations from local authorities confirming and attesting to results.

Please refer to the British Council international criminal records check directory on the accreditation website for details of how to go about obtaining a criminal record check in various countries.

## **Care of under 18s section standard, inspection criteria and guidance**

*Notes in italics are guidance for providers*

### **Care of under 18s\***

[\* This section is not applicable where the provider never recruits students under the age of 18.]

#### **Standard**

There will be appropriate provision for the safeguarding of students under the age of 18 within the organisation and in any leisure activities or accommodation provided.

C1 There will be a safeguarding policy which specifies procedures to ensure the safety and well-being of all students under the age of 18, including safe recruitment (for all roles involving responsibility for or substantial access to under 18s), handling allegations and making referrals, and a named member of staff responsible for its implementation.

*This should be a working document (regularly reviewed) which sets out an organisation's commitment to protect children from harm and the procedures in place to support this. It should cover: policy statements, codes of conduct, health and safety, safer recruitment, training, welfare provision and child protection procedures (including: awareness, how to raise concerns, responding to disclosure, named person(s) responsible, systems for recording information and handling allegations/incidents). There's no specific format prescribed but the policy should be clear and relevant to the organisation.*

C2 The provider will make the policy known to all adults in contact with under 18s through their role with the organisation (including employees, sub-contractors, homestay hosts, group leaders and volunteers) and provide guidance or training relevant to its effective implementation.

*All adults in contact with under 18s must be made aware of the provider's safeguarding policy, this can be supported by generic child protection awareness training (this is available online, may be provided by the local authority or can be delivered by the provider), codes of conduct and training on specific procedures should be provided according to the role and in line with the safeguarding policy. Codes of conduct are especially important to protect staff dealing with older teenagers by ensuring they avoid getting themselves into compromising situations where misunderstanding or malice may put them at risk of accusation.*

C3 Publicity (or other information made available to students, their parents or legal guardians before enrolment) will give an accurate description of the level of care and support given to students under 18.

*It is important that parents/guardians know what to expect, especially concerning any periods when students are unsupervised. This is particularly important in relation to clarifying expectations where 16-17 year olds are accepted on adult courses.*

C4 Recruitment materials for roles involving responsibility for or substantial access to under 18s will include reference to the organisation's commitment to safeguarding and inform applicants:

- references will be followed up
- all gaps in CVs must be explained satisfactorily
- proof of identity and (where applicable) qualifications will be required
- reference requests will ask specifically whether there is any reason that they should not be engaged in situations where they have responsibility for, or substantial access to, persons under 18
- appropriate suitability checks will be required prior to confirmation of appointment.

*This information is best provided as part of the application pack available when the role is advertised but must be provided to all applicants offered an interview (before the actual interview). This includes recruitment of hosts as well as employed staff.*

C5 All current holders of roles involving responsibility for or substantial access to under 18s, and all new appointees to such roles, will have appropriate suitability checks, for example with the Disclosure and Barring Service (in England and Wales) or Protecting Vulnerable Groups Scheme (in Scotland) or Access NI (in Northern Ireland), or Police 'Certificate of good conduct' (outside the UK), in line with the organisation's safeguarding policy.

*Providers must seek to check the suitability of those caring for or working with under 18s by requesting a criminal record check. This will include teachers, welfare staff, the main care-giver in the homestay home, residential supervisors and activity staff. Where any of these are contracted by a third party, the provider will have formal agreements in place to ensure that relevant suitability checks have been done.*

C6 Suitable arrangements will be made for the supervision and safety of students outside lessons, normally by:

- the provision of a leisure programme, appropriate to the age, ability and interests of the students (for under 16s, the cost should be included in the course fee)

*An inclusive leisure programme is not required for 16–17 year olds enrolled on adult courses where it is clear at the time of booking that a leisure programme is not included.*

- ensuring there is sufficient adult supervision\* for all scheduled activities (excluding classroom teaching) both on-site and off-site, taking into account the nature of the activity, age, gender and needs of the students. (Group leaders and other adults travelling with students under 18 will be responsible only for students in their own group.)

[\* **Please note:** The 1998 DfEE publication Health and Safety of Pupils on Educational Visits advises the following: 1:6 (under 8s), 1:10–15 (8–10s), 1:15–20 (11+). Providers would be expected to exceed these ratios if the safety and welfare of the students required it. There should be enough supervisors to deal with an emergency.]

*The supervision levels given are for guidance only; providers should staff activities in line with the level of risk identified in their risk assessment.*

- providing clear rules, appropriate to the ages of the students, for what they may do outside the scheduled lesson or activity times and without supervision, appropriate to the age of the students and the location, and having procedures in place to ensure these rules are adhered to.

*In circumstances where a provider does not take responsibility for the supervision of students out of lessons or scheduled activities, this must be clearly explained in writing to the person making the booking at the time, and a completed booking will be taken as consent; for closed groups it must be made clear in the contractual arrangements; this does not absolve the provider from duty of care.*

C7 Suitable arrangements will be made for the accommodation of students.

- The provider will normally be responsible for providing accommodation and all meals unless alternative arrangements have been made by the parent(s) or legal guardian and confirmed in writing.

*Any exceptions must be clearly documented.*

- Hosts will be made aware of the rules for what students may do outside the scheduled activity times, and particularly what time they are expected home at night, and will work with the provider to ensure these rules are adhered to.

*Rules should be appropriate to the location and age of the students.*

- A responsible adult (known to and vetted by the provider) will always be present overnight and normally present when students under 16 are at home.

*Under 16s should not be left unsupervised except for short periods.*

- Providers will ensure that students under 16 lodged by them or their agency in homestay or residential accommodation will not be lodged with students of 18 years or older.

*Students under 18 should normally be kept separate from those over 18.*

- In residential accommodation, the ratio of residential adults to students will be at least 1:20 for students aged 12–17, and 1:15 for students under 12. First aid facilities and an appropriately trained member of staff will be available at all times, together with an arrangement with a local doctor in case of emergencies.

*These are minimum requirements; under 18s need to be identified to staff.*

C8 Arrangements will be in place to ensure contact between the provider and parents, legal guardians or their nominated representatives concerning the welfare of students.

- The provider will obtain a 24-hour contact number for the parents, legal guardians, agent or group leader of students.
- The provider will give parents, legal guardians or agents of students a telephone number that can be used to contact the provider outside office opening hours.

*This applies to all under 18s.*

## **Other inspection criteria which may have specific application for under 18s**

### **Legal and statutory regulations**

M1 Providers will operate at all times in accordance with the declaration made in the *Declaration of legal and regulatory compliance* form.

*Section 2.1 of the Accreditation UK Handbook (page 19-21) gives some information and useful links concerning legal requirements for under 18s.*

### **Staff management**

M5 In addition to complying with the statutory requirements, the provider will have and implement appropriate human resources policies for all staff.

M7 The provider will have and implement appropriate induction procedures for all staff.

*See 'Other sources of support and information' for information about training.*

### **Student administration**

M14 There will be a clear and effective policy on student attendance and punctuality that will be known and applied to all students; accurate records will be kept and effective arrangements made for following up student absences.

*Specific rules and procedures should be in place for under 18s, including 16-17 year olds on adult courses.*

M15 All staff and students will be made aware of conditions and procedures under which a student may be asked to leave the course.

*Procedures must take account of the age of the students and make appropriate arrangements for the safe return of under 18s to their parents, as appropriate.*

### **Care of students**

W1 Provision will be made for the safety and security of students on the provider's premises appropriate to their age, background and the location of the provider.

*Risk assessments are the key to meeting duty of care obligations to students of all ages, including under 18s, as well as the inspection criteria.*

W2 Students will be given pastoral care appropriate to their age, background and circumstances (including any additional support needs). Account will be taken of any special needs arising from religious observance.

*In addition to the measures relevant to W1, specific welfare systems should provide a higher level of support for 16-17 year olds enrolled on adult courses, for example regular welfare tutorials or a forum for 16-17 year olds.*

W3 A named person or persons will be identified to all staff and students to deal with students' personal problems.

W4 There will be policies and procedures, known to all students and staff, for dealing with abusive behaviour by staff or students (verbal abuse, including harassment, bullying, actual or threatened violence, damage to personal property).

*Students should be made aware (in an age-appropriate way) that they should report any behaviour which makes them uncomfortable or upset, and should know who they can talk to if they have concerns.*

### **All accommodation**

W9 The following will be made available to the student to ensure a comfortable living environment throughout their stay:

■ a weekly laundry service (especially in the case of under 16s) or clearly explained laundry arrangements.

*Access to laundry facilities at no additional charge is a reasonable expectation for all students in homestay accommodation (living as a member of the family) while a modest charge might be made for a laundry service in other accommodation. However, inspectors will expect laundry provision for under 16s to be inclusive in homestay and residential accommodation. Any charges for laundry services or use of facilities must be clear before the course/accommodation is booked.*

## Inspections 2014

In light of the changes to the inspection criteria, 2014 will be a ‘transitional phase’ during which accredited providers can work towards these changes over a period of time. Inspectors will assess the progress made towards full compliance. Providers should start with the policy, codes of conduct, training and awareness raising, checks on new staff/hosts etc and set out how and by when the other checks will be completed, based on a risk analysis of level of responsibility, supervision and access.

Inspectors have been instructed to check:

- that the provider has an appropriate safeguarding policy (document 26)
- awareness of the policy (through interviews, focus groups, when visiting accommodation)
- that appropriate training/guidance has been provided for all adults in contact with under 18s (documents 6, 8, 27, 23, 28, 68 and through interviews, focus groups, when visiting accommodation)
- publicity and information available to students, parents/legal guardians (documents 30, 31)
- that recruitment materials contain the required information (documents 5, 23, 33)
- that any recruitment in 2014 has been carried out in accordance with the provider’s safeguarding policy (documents 5, 23, 26, 33, 34, 76, through interviews with managers and any recent recruits).

## Other sources of support and information

See the accreditation website for further support [www.britishcouncil.org/accreditation-under18s.htm](http://www.britishcouncil.org/accreditation-under18s.htm)

- Guide to assist providers in writing a safeguarding policy (C1)
- Sample incident management flowchart
- Guidance on handling a disclosure from a child
- British Council international criminal records check directory

English UK offers training for managers and welfare officers, as well as specific training days on safeguarding; see [www.englishuk.com/training](http://www.englishuk.com/training)

The UK Council for International Student Affairs (UKCISA) has a useful publication “[International students under 18: guidance and good practice](#)” [ISBN 1 870679 46 6]

Safer recruitment training: <http://www.education.gov.uk/e-learning/login/index.php>

Many local authorities offer online training for those working with children; these are suitable for awareness raising. For example, North Yorkshire Safeguarding Children Board:

[www.safeguardingchildren.co.uk](http://www.safeguardingchildren.co.uk) Click on ‘Training box, E Learning course’ to access the necessary page; you have to register and answer a few questions to start with but the course is user-friendly and takes around 20-30 minutes. At the end you receive a certificate as evidence that you have completed the training.

Local Safeguarding Children Boards (LSCB) and Local Authority Designated Officer (LADO): contact details can usually be found online by searching for ‘safeguarding children’ and the name of your local authority area. The Association of Independent LSCB Chairs has compiled a list of contacts which is available at [http://www.lscbchairs.org.uk>Contacting\\_LSCBs](http://www.lscbchairs.org.uk>Contacting_LSCBs)

[www.safenetwork.org.uk](http://www.safenetwork.org.uk) provides information and resources to help you keep children safe.

*Information on criminal records checks:*

England and Wales: Disclosure and Barring Service (DBS) [www.gov.uk/disclosure-barring-service-check](http://www.gov.uk/disclosure-barring-service-check)

Scotland: Disclosure Scotland, Protecting Vulnerable Groups (PVG) [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

Northern Ireland: Access Northern Ireland [www.nidirect.gov.uk/accessni-criminal-record-checks](http://www.nidirect.gov.uk/accessni-criminal-record-checks)

## Frequently asked questions

Reference numbers relate to 2014-15 inspection criteria (see above)

**C1 What should the safeguarding policy be like?** There's no specific format prescribed but the document should cover key areas (see above). Additional guidance is available in the *Guide to assist providers in writing a safeguarding policy* on the accreditation website. The policy should be clear and relevant to your organisation (having the longest document is not a strength). Consideration should be given to safety and security risks in all aspects of the student's stay, including transfers, premises, accommodation arrangements, leisure provision and free time outside scheduled activities. Some of the inspection criteria also give specific requirements for certain aspects.

Transfers: inspectors will expect under 16s to be taken to the institution/host/port of departure by a parent/guardian/group leader at the start/end of the course or by transfer arranged by the provider with appropriate security provision. For 16-17 year olds on adult courses, arranged transfers are still encouraged, alternatively the provider should seek written confirmation of the arrangements and provide appropriate guidance and support. It would be appropriate to warn parents of the possible difficulties which may arise at the border if transfer arrangements do not satisfy UKBA.

Identification: under 18s, including 16-17 year olds on adult courses, should be clearly identified to staff and on records/registers to ensure that they receive care appropriate to their age. For under 18s, specific induction arrangements, student rules, guidance for staff and hosts (and, where appropriate, fellow students) must also take account of relevant legal factors such as age restrictions on the sale of alcohol and relationships.

**C2 What training should be provided?** All adults in contact with under 18s must be made aware of the provider's safeguarding policy, this can be supported by generic child protection awareness training (this is available online, may be provided by the local authority or can be delivered by the provider), codes of conduct and training on specific procedures should be provided according to the role and in line with the safeguarding policy. Codes of conduct are especially important to protect staff dealing with older teenagers by ensuring they avoid getting themselves into compromising situations where misunderstanding or malice may put them at risk of accusation.

**C3 How much detail is required in the publicity?** It is important that parents/guardians know what to expect, especially concerning any periods when students are unsupervised. This is particularly important in relation to clarifying expectations where 16-17 year olds are accepted on adult courses.

**C4 When should this information be provided?** It is best provided as part of the application pack available when the role is advertised but must be provided to all applicants offered an interview (before the actual interview). This includes recruitment of hosts as well as employed staff.

**C5 Does this mean include group leaders?** Yes, if they have responsibility for or substantial access to under 18s, unsupervised access or overnight supervision. It also includes homestay hosts and contract staff, such as cleaners, if they have unsupervised access to under 18s. Providers should have formal agreements in place with their agents that ensure suitability checks have been done on all adults accompanying under 18s. In addition to this, providers should obtain signed self-declaration forms from all group leaders and ensure they are made aware of the organisation's safeguarding policy and practices.

**Should we require a DBS check for group leaders?** No, this is not relevant for an overseas national who has not been a UK resident (see 'Suitability checks' above). It would also provide only incomplete information for any individual who has lived outside the UK for significant periods. A police certificate of good conduct would be more appropriate documentation. Given the variable nature of these, however, this can only ever be part of the safeguarding solution – clear rules of conduct, good supervision and vigilance from all staff are all as important and need to feature in your safeguarding policy and training.

**C5 What about other resident adults in the homestay home; will they also have to have a current DBS check?** The main care-giver must be checked. Checks on other adults in the home (spouse, adult children) is required by local authorities in the case of private fostering arrangements and is strongly advised by the British

Council's Child Protection team. They should be made aware of the organisation's safeguarding policy and any relevant code of conduct; a self-declaration form could also be used. Good practice is to provide guidance to hosts on safeguarding their student guests from any adult visitors to the home. Guidance for hosts with children on keeping their own children safe when hosting older students is also advisable.

**C5 Can we still use self declarations?** These can be a useful part of your safeguarding procedures but they should not be used in place of an independent suitability (criminal records) check. All new starters can also sign a self declaration form which is widely recognised to have significant deterrent value. It also has the advantage of getting staff to sign up to the child protection policy including the code of conduct if appropriate reference is made to them in the declaration.

**C5 What level of DBS/PVG check should we be requiring?** Enhanced.

**C5 If a potential member of staff or host already has a DBS check, can we accept this or do we have to ask for a new check?** Yes, if it is less than three years old, an enhanced check for the children's workforce or both (i.e. not just for working with vulnerable adults) and you have no other reason for concern. You must see the original and keep appropriate records (see below). It's certainly prudent to find out about existing checks so you can prioritise those with no recent check. Using the online update service will make future checks easier.

**C5 What can we do if a check hasn't come back by the time the person needs to start work?** You should include policy for this in your safeguarding policy. For new starters there should be exceptional and justifiable circumstances for employment to commence prior to receiving criminal clearance. Such a decision should only be taken if it is unavoidable. There must be a record of the decision, including sign off by the relevant senior manager, to ensure audit and accountability of the judgement. The judgement is an assessment of the risk versus the consequences of the decision. The key questions for consideration are:

- What are the reasons for considering commencement of employment prior to receiving clearance?
- What are the consequences to service delivery, of waiting until clearance is received?
- If the employee commenced in their role, what would be their normal level of access to children i.e. unsupervised or supervised access to children?

If a new starter does commence employment prior to clearance being received, they must have signed a self-declaration and their access should be supervised at all times; they must not be left alone with children. The new starter should never commence employment prior to the submission of their completed application or paperwork to obtain criminal clearance.

**C5 What checks should be done if a prospective member of staff has been living outside the UK?** You should ask for a police certificate of good conduct from the country of most recent residence and a UK DBS disclosure is also recommended for British nationals even if they have been living overseas for a long time. This is because the check can reveal a criminal history that may be of relevance to an individual's current suitability to work with children which may not have been uncovered otherwise. International research and police intelligence has proved that some serious sex offenders move overseas to evade the criminal justice system in their home country and carefully select countries where they feel they can abuse freely without detection. Identity checks, exploring employment history and obtaining proper references are also important.

**C5 What can we do if a record check is not possible?** For a British national returning to the UK after working overseas where the authorities have refused to provide a record check because they are a British national, you can request a DBS check for their UK records and should take additional care with the other recruitment checks: checking identification and qualifications and obtaining proper references, and supervision. For an overseas national, you should document what action has been taken to obtain a check and why this has not been possible, take additional care with identity and qualification checks, exploring employment history and obtaining references. Based upon your findings, a judgement should then be made with regard to suitability for the role and the level of supervision.

**C5 What should we do if a disclosure shows an applicant (or existing member of staff) has a criminal record?** An applicant's suitability to work with children should be judged on a case by case basis and in light

of the results of the relevant pre-appointment checks carried out on him or her. The fact that a person has a criminal record does not automatically make him or her unsuitable to work with children. Employers must make a judgement about suitability taking into account only those offences which may be relevant to the particular job or situation in question. In deciding the relevance of convictions a number of points should be considered

- *Seriousness and nature of offence/s* – in general, serious convictions for sexual, violent or drug offences will be particularly strong contra-indicators for work with children. This includes assault and violence against a person, affray, riot and violent disorder, aggravated criminal damage, arson, drink and drug induced driving, drug offences, robbery and sexual offences.
- *Nature of appointment* – will help to assess the relevance of the conviction. For example, serious sexual, violent, drug or drink offences would give rise to particular concern where a position involves the care or supervision of children or teaching, training or instruction of children. Driving or drinking offences would be relevant in situations involving transport of children.
- *Age of offence/s* – offences which took place many years in the past may often have less relevance than recent offences. However, convictions for serious violent or sexual offences are more likely to give cause for concern than for instance an isolated case of dishonesty committed when the person was young. The potential for rehabilitation must be weighed against the need to protect children.
- *Frequency of the offence/s* – a series of offences over a period of time is more likely to generate cause for concern than an isolated minor conviction.

The disclosure should be discussed with the prospective employee. It is necessary to verify that the information contained on the disclosure does indeed relate to the person concerned. This verification must be sought prior to any judgements being made. The discussion will also aid the decision making process, and should again broadly focus on the seriousness and nature of the offence/s, the nature of the appointment, age of offence, frequency of the offence/s and any concealment of offences at the application process.

Based upon the findings of this discussion, a judgement should be made with regard to the suitability of the prospective employee. You should not take this decision in isolation – at least two people should be involved; the Local Safeguarding Children Board may be able to offer support. There should be a clear record made of the decision, bearing the judgement and your signature as recruitment manager. This record should not contain details of the offences.

**C5 What records will inspectors want to see?** Information disclosed as part of a criminal record check must be treated as confidential. The disclosure must be kept in secure conditions and must be destroyed, by secure means, as soon as it is no longer needed. It should not normally be kept more than six months after a recruitment decision is taken. However, before the disclosure is destroyed, records need to be kept detailing the date the disclosure was obtained, the level of disclosure, the unique reference number and whether or not the record was clear. The recruiting manager will also record the information that was used to assess suitability, together with a record of the judgement and decision made. Inspectors will expect to be able to see a spreadsheet or similar record.

**C6 What does the use of ‘appropriate’ and ‘sufficient’ mean here, is it different for 16-17 year olds on adult courses?** An inclusive leisure programme is not required for 16-17 year olds enrolled on adult courses where it is clear at the time of booking that a leisure programme is not included.

Where students have free time between lessons and activities, or the leisure programme includes free time on a trip or as an alternative to on-site activity, inspectors will check the safety and security arrangements and expect the level of supervision to be made clear to parents. Where students are frequently opting out of structured leisure activities in favour of free-time or shopping, inspectors may judge that the activities are failing to meet the interests of the students.

The supervision levels given are for guidance only; providers should staff activities in line with the level of risk identified in their risk assessment. Individually enrolled students may join groups for activities/excursions but must be supervised by school/college staff. Group leaders should be appropriately briefed to understand that they cannot make arrangements to care for each other’s students.

Rules for what students may do outside the scheduled lesson or activity times and without supervision should be based on the provider's risk assessments of the premises and the location. Rules should be known to all staff and students, be given in writing, identify and mitigate against potential risks and include all times when students are not in scheduled lessons or activities.

16-17 year olds on adult courses may be less closely supervised than they would be on junior courses but should still receive rules and safety guidance regarding matters such as alcohol consumption, drugs and curfew times, as well as guidance on areas to avoid and how to keep safe. (See also W2 note on page 5.)

In circumstances where a provider does not take responsibility for the supervision of students out of lessons or scheduled activities, such as day students (returning to their parent/guardian after lessons/activities) and 16-17 year olds enrolled on adult courses, this will be clearly explained in writing to the person making the booking at the time, and a completed booking will be taken as consent (but does not absolve the provider from duty of care). Where closed groups have booked a partial package and group leaders are responsible for the students outside lesson times, this must be clear in the contractual arrangements but does not fully absolve the provider from duty of care. The provider will still be expected to advise/inform group leaders, contact the agency if there are concerns about the capability or conduct of group leaders and make clear arrangements with the agency to encourage appropriate supervision ratios at all times. Additionally, providers can demonstrate good practice by ensuring group leaders receive clear instructions on what is expected of them, providing induction for group leaders and supplementing staffing if there are concerns about supervision arrangements.

Where the provider recommends a tour operator for additional excursions for 16-17 year olds on adult courses or for closed groups, they have a responsibility to vet the company, check on safety procedures, give appropriate instructions and guidance to their students using the services of the tour operator and ensure that the operator is aware of the age of the students.

#### **C7 In what circumstances might alternative arrangements for accommodation or meals apply?**

Alternative arrangements may be in place in the following circumstances:

Day students (returning to their parent/guardian after lessons/activities: it must be clear, in writing, what is/is not provided by the institution.

16-17 year olds booked on adult courses: it must be clear in pre-booking information and confirmed on the booking form if the accommodation is self-catering or no accommodation is offered. Where the student or their parent has made independent arrangements for accommodation the provider should have written details.

When a 16- or 17-year-old applies for a visa under Tier 4 (General), they must have their parents' permission to both travel to the UK and to live independently. For more information, see the Tier 4 migrant guidance.

Closed group courses where the contract clearly states that the arrangements for accommodation and/or meals are made by the agency/group leader.

Meals for under 16s must be pre-paid; where vouchers are issued to enable students to choose their own meals from selected venues, appropriate supervision and assistance should be provided to ensure that children receive suitable sustenance.

**C7 What should be included in the rules for students?** This includes clarity about what time students are expected home for dinner and the process to follow if students break the rules. Where 16-17 year olds are enrolled on adult courses, specific rules and additional support should be available to hosts.

**C7 What is meant by 'responsible adult'?** This should normally be the host but if occasionally the 'responsible adult' is someone other than the host, this should be known to the provider and the person suitably vetted.

**C7 Can 17 and 18 year olds be accommodated together?** The wording allows for sensible placement where students aged 17 and 18 are in the same group (e.g. students in the same academic year). Good practice is to keep students under 18 separate from those over 18 by placing them in different homes or separate areas of residential accommodation with due consideration given to access.

**C7 What level of supervision is required in residential accommodation?** The criterion specifies age-specific supervision ratios; these are minimum requirements of the accreditation scheme, not guidelines. Where 16-17 year olds are enrolled on adult courses, they should be identified to staff in residential accommodation as under 18s.

**C7 What first aid provision is required?** The minimum requirements for first aid provision are the provision of a suitably equipped first aid box; a member of staff appointed by the provider with responsibility for first aid; an arrangement with a local GP for medical care of students in residence; provision of contact numbers and instructions on accessing medical care out of surgery hours, and details of drop-in clinics and the nearest A&E. Residential courses for significant numbers of under 18s will usually employ a nurse or at least several qualified first aiders.

**C8 Does this apply to 16 and 17 year olds on adult courses?** Yes, parental contact is important for welfare support.