



House of Commons

Children, Schools and Families  
Committee

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**Allegations Against  
School Staff:  
Government Response  
to the Committee's  
Fifth Report of  
Session 2008–09**

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**Fifth Special Report of  
Session 2008–09**

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## The Children, Schools and Families Committee

The Children, Schools and Families Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Children, Schools and Families and its associated public bodies.

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# Fifth Special Report

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On 16 July 2009 we published our Fifth Report of this Session, *Allegations Against School Staff*.<sup>1</sup> The Government's response was received on 22 September and is published as Appendix 1 to this Report.

## Appendix 1

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### CHILDREN, SCHOOLS AND FAMILIES SELECT COMMITTEE REPORT ON ALLIGATIONS AGAINST SCHOOL STAFF: THE GOVERNMENT'S RESPONSE

#### Introduction

Everyone in the education service shares the objective of helping to keep children and young people safe from harm. Safeguarding children must always be our top priority. It is therefore essential that all allegations are taken seriously and dealt with fairly, quickly and consistently in a way that provides effective protection for children whilst balancing the need to support the person who is the subject of the allegation. We are keenly aware of the effect that false or unfounded allegations can have on a person's health, family, and career. Regrettably, though, some allegations are true. Allegations of abuse can be particularly upsetting, but being abused by a person in a position of trust and authority can have devastating effects on a child.

The Government have been working to ensure that the systems for dealing with allegations are fair, rigorous and timely and strike the right balance between providing effective protection for children against abuse and providing support for staff who may upon investigation be found entirely innocent of the allegations.

The Select Committee's recommendations are in bold text.

The Government's response is in plain text.

**1. We believe that school staff subject to allegations should be treated according to acknowledged principles of justice and that a person accused of wrongdoing should be seen as innocent until proven guilty. The aim should always be to deal with allegations speedily, effectively and justly, to minimise the cost and the impact upon those accused. (Paragraph 6)**

The Government recognises the importance of the concept "innocent until proven guilty" and the need for allegations to be dealt with quickly, fairly and consistently. Investigations must be handled thoroughly and fairly, and DCSF will further reflect this principle in the practice guidance on handling allegations.

New procedures for handling allegations of abuse were introduced in November 2005 for education staff, and in April 2006 for the rest of the children's workforce. The new

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<sup>1</sup> Fifth Report from the Children, Schools and Families Committee, Session 2008–09, *Allegations Against School Staff*, HC 695

arrangements introduced a national standard process built on effective practice; target timescales for each stage of the process; better case management and decision making built on close cooperation between agencies; better and quicker information sharing, and close liaison between the police and Crown Prosecution Service on criminal investigations.

Chapter 5 of *Safeguarding Children and Safer Recruitment in Education* contains clear advice on the procedures and timescales that should be followed when reporting and dealing with allegations. It also states that support mechanisms should be in place for the person who is the subject of the allegation.

*Working Together to Safeguard Children* explains that it is reasonable to expect that 80% of cases should be resolved within one month, 90% within three months, and all but the most exceptional cases should be completed within 12 months. The review of implementation of guidance on handling allegations of abuse found that, although there is a little way to go to meet the first of these indicative targets, timescales in which allegations are resolved have improved significantly, with 64% of allegations being resolved within one month, 92% being resolved within three months and only 1% taking longer than 12 months.<sup>2</sup>

## The impact of allegations

**2. We believe that it is unsatisfactory that there are no comprehensive data compiled on a regular basis for allegations against school staff. We recommend that the following data should be collected annually from all schools:**

- **The number of allegations referred to local authorities;**
- **The number of allegations leading to police investigation;**
- **The number of allegations leading to suspension of the staff member concerned; and**
- **Outcomes, including those that lead to criminal convictions and dismissal.**

**As numbers will be small, we do not believe that this would be an unduly onerous requirement. (Paragraph 21)**

Whilst DCSF does not compile data on allegations, the current system requires all allegations that meet the criteria<sup>3</sup> set out in *Safeguarding Children and Safer Recruitment in Education* to be reported to the Local Authority Designated Officer (LADO). The LADO is responsible for keeping records and will provide data to the Local Safeguarding Children Board (LSCB) for their use as part of their evaluation and monitoring role. This data should cover the points raised by the Committee and we will consider adding a voluntary data collection template for LADO use to the practice guidance on handling allegations. We will also consider making it clear that a summary of the number of allegations should

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<sup>2</sup> Based on data collected between 1 April–30 September 2007 as part of the Review of Implementation of Guidance on Handling Allegations Made Against Those who Work with Children and Young People.

<sup>3</sup> An allegation that a member of staff (including a volunteer) has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

be included in the LSCBs' annual reports and explore ways of making more effective use of information which is already available.

As data is collected locally we consider that it is unnecessary to require an additional data collection from schools. Like other Government Departments, DCSF has committed to public targets around the reduction of the burden of front line data collections. The Department is committed, in its response to the Reducing the Burdens Task Force report, to a 30% reduction in the burden of front-line datastream requests we make by 2010–11.

## The investigatory process

### **3. We question whether there is a need for a lengthy investigation of an allegation by local authority social services if a police investigation has concluded that no crime has been committed or that there is no case to answer. (Paragraph 26)**

All organisations that work with children share a commitment to safeguard and promote their welfare. It is correct that there may be up to three strands to any investigation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by children's social care about whether a child is in need of protection or in need of services, and
- consideration by the school or FE college of disciplinary action in respect of the individual.

If the conclusion of a police investigation determines that there is no case to answer this will be based on whether a criminal offence has been committed. The local authority will still need to consider whether a child is in need of protection or services and the school will need to consider whether disciplinary action is necessary.

Whilst the three strands ensure that different aspects of the case are investigated, they should happen concurrently with information being shared via multi-agency meetings. This should help ensure that all investigations are carried out timely, transparently and fairly.

*Working Together to Safeguard Children* sets out clear expectations about the ways in which agencies and professionals should work together. The quality of strategy meetings is key. It is important that strategy meetings between the local authority children's social care, the police and other bodies as appropriate agree what action is required and who will carry out the various functions. The practice guidance on handling allegations will make it clear that where a strategy meeting under s47 of the Children Act 1989 is not required then a similar meeting should be carried out to evaluate jointly the level of concern and to discuss further actions.

### **4. We recommend that representatives of the Association of Chief Police Officers, local authorities and teacher unions meet to agree a protocol for the recording and sharing of information. (Paragraph 27)**

The Government agrees that it is important that all agencies have clear systems, standards and procedures for ensuring the security of information and for sharing information. All practitioners should use the Government Information Sharing Guidance available at: <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00340/>. The guidance is endorsed by a wide range of organisations including ACPO, ASCL and NASUWT.

Recognising that most decisions to share information require professional judgment, this cross-Government guidance aims to improve practice by giving practitioners clearer guidance on when and how they can share information legally and professionally about an individual with whom they are in contact. It seeks to provide clarity on the legal framework for practitioners sharing information and give practitioners confidence in making decisions. It also covers the applicability of information sharing protocols. In addition, Children's Services have statutory guidance under section 10 of the Children Act 2004. This clearly lays out the organisational duties regarding information sharing. We therefore do not feel that new national protocols are required in addition to the existing guidance.

Local authorities and senior managers in partner organisations should ensure that information sharing is properly addressed in their own organisations and that sharing becomes an integral part of the way in which practitioners fulfil their duties.

The police sharing of information is subject to the Management of Police Information (MOPI) Code of Practice and Guidance.

## The first stages of investigation

**5. We believe that headteachers should have more discretion to intervene early in cases and to handle allegations internally if they are satisfied that there is no prospect of harm being caused to the child. We recommend that the Department amend guidance to those working with children to identify circumstances in which headteachers can justifiably handle allegations internally. We are not convinced, however, that the same discretion should apply to governors considering an allegation against a headteacher. (Paragraph 32)**

All allegations which meet the criteria in *Safeguarding Children and Safer Recruitment in Education* must be referred to the LADO. The LADO is best placed to ensure that cases are dealt with as quickly as possible, consistent with a thorough and fair process. The level of input from the LADO will depend on the gravity of the allegation. However, head teachers already have an important professional judgment to make in deciding whether the allegation meets the criteria, particularly in cases where there is no suggestion of harm to a child. We will ensure that this is made clear through the practice guidance on handling allegations.

There does however need to be a suitable reporting mechanism to be in place to notify the police of:

- an allegation of a criminal offence or
- of an incident in which the head teacher considers may be a criminal offence or in which a criminal offence may have been committed irrespective of whether the

reporting of such matters would result in the police conducting a criminal investigation.

The DCSF agrees with the Committee's second point regarding governors' discretion. We would not want any changes made to the discretion given to chairs of governors concerning the handling of allegations against head teachers. It is important that they follow the procedures laid down in such cases to prevent any subsequent procedural disputes that might cause a case to be lost at a Tribunal.

## Police powers of arrest

**6. We recommend that the Government should undertake a one-off exercise to find out how many arrests were made over a twelve-month period of school staff following an allegation of improper conduct. Police forces should review those cases to assess whether arrest had been justified. We remind chief constables that it is their responsibility to ensure that officers use their power of arrest sensitively and judiciously. (Paragraph 45)**

This would be a matter for police officers, but it is unclear as to the purpose of such a review. The powers of arrest and grounds to justify an arrest are set out in the police and Criminal Evidence Act (PACE) 1984 and the accompanying Code of Practice. The decision to arrest is at the discretion of the officer concerned based on the circumstances of the case at the time of the arrest.

If there are specific cases that are problematic then chief officers can be requested to look at these individually.

## Suspension of staff

**7. The lack of any statement in the Department's draft guidance for practitioners on keeping the length of suspension to a minimum is an omission which should be rectified. (Paragraph 49)**

The Government agrees with this recommendation. We plan to amend Annex F in the draft practice guidance will cover this point. It will also say that where it is a recommendation of the strategy meeting to suspend an individual, minutes of the discussion should note the principle the meeting had applied in reaching its decision.

**8. We believe that it would be best practice for a headteacher to discuss suspension with the accused before any decision is taken, while clearly reserving the right to suspend. (Paragraph 52)**

The Government considers that this may be appropriate in some but not in all cases. It will normally be best practice to discuss possible suspension with the individual concerned. However there may be circumstances in which police might request the employer not to discuss the reasons for suspension with an employee until the police investigations are concluded or they are advised they can share the reasons for suspension.

Suspension is a management decision and there should always be a clear and recorded rationale for this action.

Employers should not contact a union representative unless they have permission to do so from the individual concerned. Any employee about to be told that they are to be suspended should be invited to a formal meeting and advised that they may wish to be accompanied by a colleague or a representative.

**9. We welcome the steps taken by the Department to reiterate guidance on when suspension of a member of staff is appropriate and on possible alternatives. We recommend that guidance should remind users that the lawfulness of suspension can be challenged and that suspension may be held by the courts not to be a neutral act. We also recommend that each decision to suspend a member of staff subject to an allegation should be reviewed once proceedings have run their course, to assess whether the decision had, in retrospect, been justified. (Paragraph 54)**

The Government welcomes this recommendation and will reflect it in the practice guidance on handling allegations. We will also consider how we can expand the practice guidance on evaluating and learning lessons.

**10. Guidance to headteachers and to governors should specify that any bar on contact between an accused teacher and other school staff should apply on school premises only. (Paragraph 56)**

Whilst employers may set out expected standards of behaviour in the workplace, this generally does not apply to what individuals do in their private time. However, employees who are suspended should be given clear information as to the implications of certain types of contact outside the workplace which may bring their judgement into question. The police should also make it clear to an individual who is suspended what contacts outside the workplace would be considered as interfering with a police investigation and therefore perverting the course of justice.

**11. We welcome the stress placed by the Department in its draft guidance for practitioners on making constant and appropriate support available to members of staff subject to allegations. We remind local authorities, employers and school leaders of their duty of care to school staff and of the importance of continuing to treat suspended members of staff as full-time employees fully involved in the work of the school. (Paragraph 58)**

The Government welcomes the Committee's support and agrees it is important that local authorities, employers and school leaders are reminded of their duty of care to school staff and of the importance of continuing to treat suspended members of staff as full-time employees fully involved in the work of the school.

## **Anonymity for those subject to allegations**

**12. We are not sure that a right to anonymity up until the point of court decision would deliver a significant benefit to those subject to allegations. Even if it were to succeed in preventing details of an allegation from being published or broadcast by the local media, it might do little to stop details being circulated amongst children and parents. The argument that anonymity up until the point of court decision could remove the potential for more witnesses or fellow sufferers to become aware of the charges and to come forward is a strong one. On the other hand, exposure of an allegation under**

**investigation will almost invariably tarnish the reputation of the member of staff concerned, and the principle of ‘innocent until proven guilty’ will be undermined. We recommend that there should be further consideration by the Department of the case for statutory anonymity for school staff subject to allegations. (Paragraph 63)**

The Government does not support statutory anonymity for teachers during criminal proceedings for all offences including sexual offences as this is contrary to the principle of open justice. It does not consider that teachers or other school staff should be treated any differently from other defendants. Furthermore if a defendant is subsequently acquitted, that fact is in the public domain.

As noted in the Committee’s report, the DCSF’s review of the implementation of guidance on handling allegations of abuse suggests that current guidance on maintaining confidentiality up until the point of criminal charge is working well.

## **Independent Investigations**

**13. We believe that an investigation must not be an exercise purely to assemble a case against the staff member concerned. (Paragraph 67)**

The Government agrees. The draft practice guidance on handling allegations makes it clear that a disciplinary investigation should be an objective fact-finding exercise focused on the safeguarding of children and a balancing of justice and fairness for the employee.

**14. We believe that former senior employees of local authority children’s services departments will often be well placed to conduct independent investigations as long as they do not carry out that function on behalf of a school in their former local authority area. We believe that the criteria qualifying a person to conduct investigations should be relevant expertise and objectivity. We are not persuaded that it is conducive to confidence in the process for handling allegations if independent investigators appear to be sourced from organisations which might have a particular viewpoint. Nor are we convinced that this is a task which should be contracted out to unknown third parties. (Paragraph 71)**

The Government agrees that former senior employees of local authorities Children’s Services department are often well placed to conduct independent investigations as long as they do not carry out that function on behalf of a school in their former local authority area and that the criteria qualifying a person to conduct investigations should be relevant expertise and objectivity.

The draft practice guidance on handling allegations includes a guidance note, a commissioning template and an assessment report template to help employers or LADOs when undertaking a specialist assessment. The employer and LADO are also recommended to record a statement of professional integrity that includes providing an outline of relevant skills and competence.

**15. We recommend that there should be a clear presumption in all schools that decisions on whether or not to appoint an independent investigator to gather any information necessary to inform disciplinary proceedings, and on who should be appointed, should be taken by the chair of governors. Local authorities will have a**

**direct interest, given their statutory role to safeguard children and sometimes in a non-statutory role as employer. Headteachers may come under especial pressure when an allegation is made and may in any case be the subject of the allegation. We believe that governors, properly trained and equipped with advice, will be more objective than either local authorities or headteachers. We would expect the chair of governors to consult closely with the headteacher, who will have first-hand knowledge of the pupil or parent making the allegation, and with the local authority, in reaching any decision. (Paragraph 74)**

The Government agrees with the Committee that the Chair of Governors should make the decision on whether or not to appoint an independent investigator to gather any information. This should however be taken in consultation with the LADO.

Chapter 5 of *Safeguarding Children and Safer Recruitment in Education* makes it clear that where further enquiries are needed the Chair of Governors, head teacher and the LADO should discuss who will undertake the investigation. We will strengthen the practice guidance on handling allegations to make it clear that it should be the Chair of Governors in consultation with the LADO that make the decision.

However, it is also important that Local Authorities ensure sufficient training is available for school governors who may serve on disciplinary panels.

## **Disciplinary hearings**

**16. We recommend that local authorities form a pool of procedural advisers to attend disciplinary hearings and to advise school governors on the conduct of those hearings. (Paragraph 76)**

The Government agrees that it would be helpful for local authorities to support schools by identifying advisers and others who are able to assist them, and whose roles may include attending disciplinary hearings as well as providing advice. This could be set out in local procedures or advice that is passed to schools. It should however be recognised that although schools must have disciplinary and grievance procedures of their own not all schools will necessarily adopt policies based on local authority models.

**17. We are persuaded that all school staff subject to an allegation should have the right to have legal representation or to be accompanied by a trade union representative, whichever they prefer, in all disciplinary hearings. (Paragraph 79)**

The legal framework provided by the Government enables schools to establish procedures for dealing with conduct and discipline by which staff may seek redress for any grievance relating to their work. This framework allows for legal and trade union representation and it is right that arrangements should be sufficiently flexible to meet individual preference. Whilst it is not the Government's role to advocate representation we see the benefits of employers setting out the range of representation that can be called upon so that all those against whom allegations have been made have access to appropriate representation at all stages by a representative of their choice, and that policies and procedures should reflect that.

**18. Once a decision has been taken to instigate disciplinary proceedings, employers should consider carefully what information, if any, should be communicated to parents and staff. (Paragraph 80)**

The Government agrees with the Committee that employers should consider very carefully what information should be communicated. In our view schools and local authorities are best placed to make these decisions, using their professional judgement and drawing on local procedures and advice to help with these difficult and sensitive decisions

**19. A supply teacher subject to an allegation should be treated on an equal basis as a full member of staff and should be investigated by the school at which the allegation is made. The results of any investigation should be reported to the employing agency and to the Independent Safeguarding Authority. (Paragraph 81)**

The Government agrees that allegations made against supply staff should be investigated on an equal basis to allegations made against other staff. In most cases, because the school has immediate access to the pupils, staff, parents, premises etc it would be best placed to investigate an incident relating to a supply teacher, although the supplying agency may take an active part as necessary. We will make this clear in the practice guidance on handling allegations.

Under the Safeguarding Vulnerable Groups Act (SVGA) 2006, both the school and the supply agency are under a duty to refer the case to the Independent Safeguarding Authority in certain circumstances. The circumstances are where they think that the individual has been convicted of, or accepted a caution for, an automatic barring offence; engaged in “relevant conduct” as defined in the SVGA Act; or poses a risk of harm to children, and for that reason:

- in the case of the school, the school has withdrawn permission for the individual to work at the school, or might have done so had not the individual otherwise ceased to work at the school:
- in the case of the supply agency, the agency has determined to cease to act for the individual, or might have done so if its arrangement with or employment of the individual had not otherwise come to an end.

These duties are set out in sections 35 and 36 of the Safeguarding Vulnerable Groups Act 2006.

However, the head teacher and the employment agency should discuss the case with the LADO to determine what action needs to be taken. This should include who will refer, if necessary, to the Independent Safeguarding Authority. DCSF will amend the draft practice guidance on handling allegations to clarify this.

## **Guidance**

**20. We recommend that the Department should take the opportunity offered by the present consultation on guidance for practitioners to rationalise the guidance which it produces on handling allegations. The Department should publish a very short handbook, summarising procedures and the criteria to be taken into account at key**

**decision points, and containing references to a single authoritative and detailed volume of guidance drawn up in consultation with local authority bodies, children's organisations and teacher unions. (Paragraph 84)**

The Government agrees that appropriate guidance is imperative. DCSF will produce a short checklist for head teachers and governors that will be made available through the Department's TeacherNet website. This will signpost head teachers and governors to the existing guidance and the forthcoming practice guidance on handling allegations.

Chapter 5 of *Safeguarding Children and Safer Recruitment in Education* and Appendix 5 of *Working Together to Safeguard Children* both set out the procedures for managing allegations, but they are aimed at specific audiences. The former is guidance primarily for schools and FE colleges, while the latter applies across the wider children's workforce. We expect these documents to be used as a basis for local policy and procedures developed by Local Safeguarding Children Boards.

**21. Employers of school staff should be more energetic in ensuring that key figures in each school are trained in how to handle allegations and that they have access to support services, including a helpline. We also believe that employers should carry out more systematic reviews of how individual allegations were handled, to assess in particular:**

- **Whether a suspension (and the length of that suspension) was justified;**
- **Whether the allegation was handled expeditiously; and**
- **Whether the accused received the right level of support.**

**We see this as one of the most important recommendations in this Report. (Paragraph 86)**

The Government agrees with the Committee. In response to the review of implementation of guidance on handling allegations of abuse against those who work with children or young people, we committed to improving the training on allegations. Training on allegations is now included as part of the NCSL Safer Recruitment training, and DCSF will also publish an allegations training pack for LSCBs at the same time as the practice guidance is issued.

We will also underline the importance of training in the practice guidance and expand the material on lessons learned to cover how suspensions have been handled.

## **Personnel records**

**22. We commend the Department for making clear, in an Annex to new draft guidance for practitioners, the distinctions between terms used to describe outcomes of investigations. However, the phrase 'unsubstantiated allegation' carries with it a whiff of guilt. It should be used with particular care and only when no other term will suffice. The Department should also make clear in the body of the guidance that those who record outcomes of investigations should use those terms in describing allegations which lead to no further action, to avoid any ambiguity. (Paragraph 94)**

The Government welcomes the Committee's support for the approach taken in the Annex which defines the terms used to describe outcomes of investigations. We accept the recommendation and will provide clarity throughout the guidance.

**23. The decisions of the Independent Safeguarding Authority on the suitability of individuals to work with children should be made on all available and relevant information, including that held in their employers' personnel records. (Paragraph 98)**

This is already the Government's intention. The Safeguarding Vulnerable Groups Act 2006 provides for the necessary flows of information to the ISA for it to exercise its powers effectively. Section 35 of the Act places a duty on regulated activity providers, which includes schools, to refer prescribed information to the ISA, and section 37 puts the regulated activity providers under a duty to provide prescribed information to the ISA on request. Regulations made under those sections define the information that must be provided: "The Safeguarding Vulnerable Groups Act 2006 (Prescribed Information) Regulations 2008 (SI 2008/3265)."<sup>4</sup>

The Schedule to these regulations includes the type of information on the individual's personnel file that is envisaged by the Committee.

**24. We believe that the Independent Safeguarding Authority should take responsibility for deciding whether allegations recorded in a personnel file of a member of school staff should be retained or expunged. We therefore recommend that records of all such allegations should be retained by employers unless and until the Authority authorises their deletion. (Paragraph 99)**

This is not a function of the ISA under current legal provisions, and the Government do not consider it a suitable role for them. It would extend the remit of the ISA by bringing them into the scope of the employer/employee relationship rather than as an independent body concerned with sector based issues. There may be also Data Protection Act (DPA) implications as the 5<sup>th</sup> Data Protection Principle requires that data being processed for any purpose should not be kept for longer than is necessary for that purpose. This is a matter for the data controller, acting in accordance with the Act and with the codes of practice and other guidance issued by the Information Commissioner. In line with other areas of employment, it is for the employer to determine the information to be retained on an employee's records.

## **Police records and disclosure**

**25. The guidance prepared by the Department for practitioners on the distinctions in terminology for different outcomes of an investigation has value for police officers and should be either disseminated to police forces as it stands or incorporated into existing police guidance. (Paragraph 105)**

This will be considered in consultation with Association of Chief Police Officers (ACPO).

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<sup>4</sup> The Safeguarding Vulnerable Groups Act 2006 (Prescribed Information) Regulations 2008 (SI 2008/3265) can be found at [http://www.opsi.gov.uk/acts/acts2006/ukpga\\_20060047\\_en\\_1#Legislation-Preamble](http://www.opsi.gov.uk/acts/acts2006/ukpga_20060047_en_1#Legislation-Preamble)

**26. We recommend that the Independent Safeguarding Authority assess proposed disclosures of “soft” information relating to people working or applying to work with children or vulnerable people. (Paragraph 109)**

This is not part of the ISA’s statutory role. The Police Act 1997 requires the chief officer of police holding the information to decide whether it is relevant for the purposes of disclosure in response to individual applications for a Criminal Records Bureau (CRB) Disclosure. Robust processes are in place to consider the relevance of police information to be disclosed, and the Government has no plans to amend this position at present.

**27. We question whether an employer should have the right to reject an applicant or appointee simply on the basis of unproven and quite possibly unfounded “soft” information supplied by chief officers for Enhanced Disclosure CRB checks. The Government should examine this practice and either justify permitting it or take steps to prevent it. (Paragraph 111)**

Appendix 9 of the *Safeguarding Children and Safer Recruitment in Education* guidance contains information on how an employer decides whether a person’s criminal record is relevant. It is very clear that the applicant’s suitability should be judged in the light of the results of *all* the relevant pre-appointment checks. It is inappropriate for any employer to decide not to recruit an individual simply because information has been included on their Disclosure certificate—the fact that a person may not have a clear Disclosure does not automatically make them unsuitable for work with children. When making a judgment about suitability, the employer should take into account only information which may be relevant to the particular job.

The decisions of individual employers are governed by employment law. The Government considers it appropriate that relevant police information should be provided to employers eligible to receive Enhanced Disclosures, which are generally those in sensitive areas of employment involving work with children or vulnerable adults. The CRB Code of Practice requires Registered Bodies to have a policy on the recruitment of ex-offenders in place and to discuss the content of the Disclosure with an individual before withdrawing any offer of employment. Compliance is monitored by the CRB.

The police service follows a Quality Assurance Framework (QAF) provided by the CRB and developed in response to Recommendation 20 of the Bichard Report, which called for standards to be observed by police forces in carrying out vetting checks. This standardises the police approach to deciding what, if any, local information is relevant for release on a Disclosure, by standardising the decision making and audit functions of each police force, and introducing a standard approach to quality assurance. A Standards and Compliance Unit has been established by the CRB and ACPO, to ensure effective operation of the QAF, provide training and share best practice with forces.

The police service has a robust process, which has been supported by the Courts, to assess whether information is relevant and ought to be disclosed, as required by law. The standard of evidence to be disclosed is assessed against a standard set by the Court of Appeal. The inference that local information disclosed is speculative or ill-considered is inaccurate, in many cases being central to the safeguarding of children and vulnerable adults. An example would include a case of an allegation of assault on a child, supported by

forensic evidence, but where parents did not wish their child to have to give evidence in court.

An additional safeguard is provided by the Independent Monitor, who considers the appropriateness of disclosure, particularly of information disclosed to CRB registered bodies but not to applicants. This role is placed on a statutory basis by the Safeguarding Vulnerable Groups Act 2006.