

SUPERVISION OF VISITORS AND VOLUNTEERS

Summary:

This document outlines the law regarding supervision of staff and volunteers as outlined in DE Circular 2012/19 Disclosure and Barring Arrangements.

Arrangements for the supervision of visitors and volunteers is also outlined in the Safeguarding and Child Protection Policy.

All staff who invite volunteers, peripatetic teachers and coaches to work with pupils in Ulidia Integrated College must refer to this policy and seek guidance from the Designated Teacher or Principal **before** the post commences.

- Stand alone policy devised in November
- Ratified by Governors in January 2023

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1. School Volunteers

Under Disclosure and Barring Arrangements, the law regarding the vetting of school volunteers has changed since 2012.

There are two types of volunteers working in schools:

- Those who work unsupervised and
- Those who work under supervision

Whether a volunteer is supervised will determine if he/she is working in Regulated Activity or not, which will then decide if an Enhanced Disclosure Certificate (EDC) from AccessNI is required. It will be a matter for schools/organisations to determine whether the level of supervision meets the statutory standard.

2. New Definition of Regulated Activity

Under the DBA the scope of Regulated Activity will include unsupervised activities including:

- Teaching
- Training
- Instructing
- Caring for or supervising children
- Providing advice/guidance on well-being
- Driving a vehicle only for children

and

- Regulated Activity is defined as unsupervised activity in a limited range of establishments (Specified Places), with the opportunity for contact with children, such as schools and childcare premises including pre-school establishments.
- In addition, in order to be regarded as Regulated Activity such unsupervised activity performed at such a specified place must be done regularly. Regularly means carried out by the same person frequently (once a week or more often), or on four or more days in a 30 day period (or in some cases, overnight)
- Regulated Activity still excludes family arrangements and personal non-commercial arrangements.

Activities that are no longer regarded as Regulated Activities are:

- Activities performed by volunteers that are supervised at a reasonable day to day level, and
- Occasional or temporary services such as maintenance or repairs.

3. Volunteers Who Work Unsupervised

Volunteers who are not supervised are regarded as working in Regulated Activity and therefore an EDC from AccessNI is still required. You must ensure that you apply to AccessNI for the appropriate check which includes a check of the barred lists. AccessNI guidance as to how to complete an application form is available at www.dojni.gov.uk/accessni.

In addition, the AccessNI Helpline is available for advice on how to complete the application form: 0300 200 7888.

4. Volunteers Who Work Under Supervision

If a volunteer is supervised then under the DBA they are not regarded as working in Regulated Activity and therefore a school is not required to obtain an EDC. However, a school is still entitled to obtain an EDC if it so wishes but it will be unlawful for a school to seek a barred list check in these circumstances.

You must ensure that you apply to AccessNI for the appropriate type of check which would not include a check of the barred lists.

AccessNI guidance is available at www.dojni.gov.uk/accessni. In addition, the AccessNI Helpline is available for advice on how to complete the application form: 0300 200 7888

5. Funding of Check for Volunteers

DE will continue to fund the costs of EDCs for Volunteers. Employing authorities and schools will be notified in advance of any change to this policy.

6. Supervision

We start with a presumption of trust and confidence in those who work with children and the good sense and judgement of their managers; that appropriate training is undertaken and that safeguarding practices and procedures are in place.

This guidance applies when a school/organisation decides to supervise with the aim that the supervised work will not be Regulated Activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- there must be supervision by a person who is in Regulated Activity;
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

A school/organisation must have regard to this guidance. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

Volunteers working in schools are no longer regarded as being in Regulated Activity, if they are reasonably supervised while undertaking their duties. The law is that supervision must be regular and day to day, which gives local managers the flexibility to determine what is reasonable for their circumstances.

In law, a school/organisation does not have an entitlement to do a barred list check on a volunteer who, because they are supervised, is not in Regulated Activity. Neither does the law place on the school/organisation a duty to require an EDC, but the school is entitled to, if it chooses to do so.

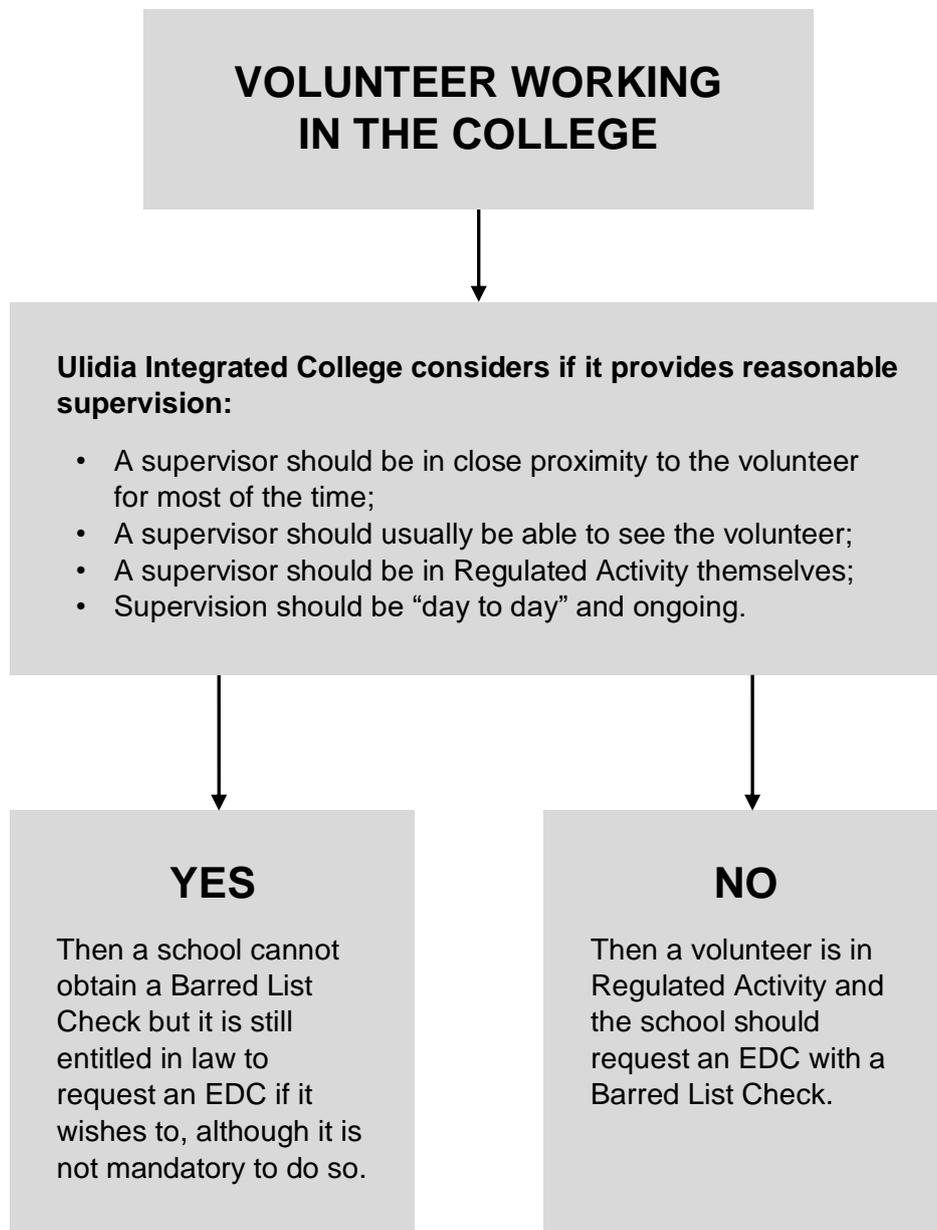
The precise nature and level of supervision will vary from case to case. The statutory duty means that organisations must ensure that the supervision in place is sufficient, in their judgement, to provide reasonable assurance for the protection of the children concerned.

Supervision by a person in Regulated Activity / regular and day to day: supervisors must be in Regulated Activity themselves. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the volunteer has just started or has been doing the activity for some time.

Reasonable supervision in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Schools/organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual’s work (or, in a specified place such as a school, the individual’s opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in Regulated Activity);
- how many workers would be supervised by each supervising worker

When considering if the worker is a supervised volunteer, the school will consider the following:



While the law does not place a statutory duty on the school to require an EDC on a volunteer not engaging in Regulated Activity because supervision is in place, if, in their judgement, local school staff are concerned that an adequate level of supervision cannot be consistently maintained, then the school is entitled to apply for an EDC, without a barred list check.

7. Local Assessment, Judgement and Decision

DE cannot adjudicate or determine as to what is regarded as adequate supervision as situations and circumstances will vary from school to school. It is for local school staff to decide if the level of supervision they can provide meets the statutory standard and is sufficient, in their judgement, to provide reasonable assurance for the protection of children in their care.

8. Applying to AccessNI for Volunteers

It is extremely important that the Boxes H7 and H8 on the AccessNI Disclosure Application Form are completed correctly to take account of the changes to the definition of Regulated Activity. Guidance on how to complete Part H of the application form for volunteers can be found on the AccessNI website: www.dojni.gov.uk/accessni. In addition, the AccessNI Helpline is available for advice on how to complete the application form: 0300 200 7888.

9. Controlled Activity: Member of the Board of Governors

As a result of the repeal of Controlled Activity in the DBA, members of Boards of Governors are no longer required to have an EDC as a condition of their appointment. From 10 September 2012, schools will no longer be able to check whether people working in Controlled Activity are barred. However, schools still have an option to request an EDC, without a barred list check.

10. Disclosure and Barring Arrangements and Other Staff

The DE wishes to emphasise to principals and employing authorities that preemployment vetting remains a key preventative measure in denying an unsuitable individual access to children and vulnerable adults through the education system.

Schools should continue to ensure that newly appointed paid staff such as teachers and non-teaching staff including classroom assistants, office, catering, cleaning and caretaking staff are appropriately vetted according to the practice and procedures operated by their employing authority and outlined in DE Circular 2006/06.

Schools are reminded that vetting is only one of a number of important elements in the recruitment process and should be considered together with other key aspects such as a candidate's application form, interview, references and knowledge of their employment history and experience.

Schools should also ensure that visitors to schools report their arrival and departure to reception staff or a nominated individual, that they are identified as visitors and are escorted around the school and appropriately supervised for the duration of their visit.

MONITORING OF VETTING REQUIREMENTS

11. Role of Education and Training Inspectorate

In all inspections, the Education and Training Inspectorate evaluate schools' arrangements for child protection/safeguarding and compliance with DE guidelines. As part of that evaluation both the principal and the Chairperson of the Board of Governors are asked to give an assurance that both teaching and non-teaching staff, unsupervised volunteers, and extra curricular staff have been appropriately vetted.

12. Linked Policies

The college has a duty to ensure that safeguarding permeates all activities and functions. This policy is linked to the college's policies on:

- Safeguarding and Child Protection
- Special Educational Needs
- Educational Visits