

ABERDEEN CITY COUNCIL

COMMITTEE	Education and Children's Services
DATE	2 June 2016
DIRECTOR	Gayle Gorman
TITLE OF REPORT	Recruitment and Selection Procedures for Teachers – Referral from the Audit and Risk Committee of 9 March 2016
REPORT NUMBER:	ECS/016/031

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update Committee in respect of the observations and recommendations made by Internal Audit in their Audit Report "Recruitment and Selection" which was presented to the Audit, Risk and Scrutiny Committee on 9 March 2016.
- 1.2 Further, this report seeks Committee approval to allow the continuation of the current arrangement which allows Education Services to employ teachers, who hold an approved PVG form, under risk assessed circumstances which ensure that they are not left alone with children until such time as their PVG check has been approved by Aberdeen City Council officers.

2. RECOMMENDATION(S)

- 2.1 It is recommended that Committee:
 - (i) Agree to the on-going arrangement which will allow teachers who hold a GTCS registration and a clear PVG from the General Teaching Council for Scotland (GTCS) or their former employer to teach in Aberdeen schools, subject to the following:
 - a) A risk assessment having been completed by the Head Teacher;
 - b) Another member of staff who has been approved through the PVG process is located in the class to ensure that the individual concerned is not left in a position of being the only adult in front of children;
 - c) That the Service and individual have completed and submitted the appropriate documentation to Disclosure Scotland for review prior to the individual taking up post with Aberdeen City Council.

- (ii) Agree that this arrangement will apply until teacher vacancy levels return to manageable levels, following which the Service will fully comply with the Council's Recruitment and Selection policy;
- (iii) That the arrangement in place will be reviewed on a six monthly basis by Human Resources and Education and Children's Services; and
- (iv) Otherwise note the contents of this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this report.

4. OTHER IMPLICATIONS

4.1 Legal

- 4.1.1 In February 2011, the Scottish Government introduced a membership scheme to improve disclosure arrangements for people who work with vulnerable groups.

- 4.1.2 The Protecting Vulnerable Groups Scheme (PVG Scheme):

- helps to ensure that those who have regular contact with children and protected adults, through paid and unpaid work, do not have a known history of harmful behaviour.
- is quicker and easier to use, reducing the need for PVG Scheme members to complete the full detailed application form every time a disclosure check is required.
- strikes a balance between proportionate protection and robust regulation and make it easier for employers to determine who they should check to protect their client group.

- 4.1.3 Any individual who is not barred may apply to become a member of the PVG Scheme. The PVG Scheme is administered by Disclosure Scotland and allows employers to satisfy themselves that an individual to whom they are offering regulated work is not barred from doing that type of regulated work. The PVG Scheme provides three different disclosure records for this purpose, which replaces the use of standard and enhanced disclosures for work with vulnerable groups. PVG Scheme members are continuously monitored for new vetting information and any information which comes to light which may

indicate that they are unsuitable to do regulated work will lead to a consideration for listing.

4.2.1 **Human Resources**

4.2.1 As of Tuesday, 17 May 2016, there were 134.0 FTE teaching vacancies across schools in Aberdeen. The break-down of these vacancies by sector is as follows:

	<u>FTE</u>
• Early Education	19.0
• Primary	68.0
• Secondary	25.2
• Inclusion	<u>21.8</u>
	134.0

4.2.2 These vacancies represent a snapshot in time and are subject to change following the placement of probationers and the normal recruitment processes. However, this figure is indicative of the usual teaching vacancy levels.

4.3 **Risk**

4.3.1 The Service has to consider the risk of failing to provide education to pupils against the risk that an individual may be barred from working with children. In August 2015, without the agreed arrangement being in place, the high teacher vacancy levels in a number of primary schools and one secondary school would have resulted in schools being closed or classes of children being sent home. This would have created a loss of education for these children and childcare difficulties.

4.3.2 The mitigating factors outlined in paragraph 5.3 will reduce the risk to the Council, whilst allowing an effective education to be provided to pupils.

4.3.3 No individual will be considered for employment under this arrangement unless they hold registration with GTCS and a previous PVG form.

5. **BACKGROUND/MAIN ISSUES**

5.1 During an Internal Audit review of Recruitment and Selection processes in Aberdeen City Council, Internal Audit commented that:

“PVG

The Council’s “Protecting Vulnerable Groups Scheme and Police Act Disclosure Protocol” document details its obligations and guidance for compliance with legislation. It includes a flowchart showing the process to be followed in the recruitment and selection assessment, where a PVG has been identified as a requirement for the post.

It is recognised as good working practice for a current certificate to be obtained prior to the preferred candidate taking up post, however the guidance from the Education and Children's Service allows for line managers to undertake a risk assessment and where appropriate allow for the employee to commence before the certificate is obtained. The protocol covers the requirement for a risk assessment where a received PVG is not clear. However, neither this protocol, the Managing Recruitment Selection, or the Policy and Guidance on the Recruitment of Ex-Offenders makes any mention on the process for risk assessments for PVG required posts to allow a new start to take up post before the certificate has been received. Due to the very nature of the posts requiring a PVG to be carried out it is essential that all procedures that are being allowed should be fully documented to ensure that staff within the recruitment and selection process are fully aware of their responsibilities."

5.2 The Audit and Risk Committee determined that

- (i) in relation to a question from Councillor Yuill regarding what the position as at the start of the school term in August 2015 for teachers having been PVG checked, to note that the Head of Policy, Performance and Resources would provide the information to Councillor Yuill; and
- (ii) to instruct the Interim Director of Corporate Governance and the Director of Education and Children's Services to submit a report to the Education and Children's Services Committee on 2 June 2016 and the Finance, Policy and Resources Committee on 7 June 2016 in respect of the observations and recommendations made by Internal Audit on PVG checks in their internal audit report Recruitment and Selection

5.3 At August 2015, there were 33 individuals who were employed by the Council having been risk assessed but for whom no PVG has been received by Aberdeen City Council. As stated previously in this report, these individuals were registered with the General Teaching Council for Scotland (GTCS), and held a PVG form from either GTCS or their former employer. Before any individual is allowed to teach in a school the following criteria must be fully met:

- the individual holds registration with GTCS;
- they have an approved PVG form from either GTCS or their former employer;
- the Head Teacher has completed a risk assessment which is copied to Human Resources;
- at all times an employee who has been through the PVG process is with the member of staff to ensure that they are not left alone with pupils; and

- a completed PVG has been sent to Disclosure Scotland prior to the individual concerned taking up employment with Aberdeen City Council.

- 5.4 Without this arrangement in place in August 2015, there would have been classes of pupils in Primary Schools who would have had no teacher. In many Primary Schools across Aberdeen the management teams are fully class committed and are therefore unable to take on additional classroom duties. Such a position would be detrimental to the educational experience of pupils.
- 5.5 To revoke the current arrangements would also result in fewer teachers being employed in secondary schools from the start of the academic session, resulting in a narrower breadth of the curriculum being made available to pupils. Again, this is considered to be detrimental to the overall educational experience for young people in Aberdeen.
- 5.6 Had this arrangement not been in place in August 2015, there would have been significant difficulty in opening one secondary school and a number of primary schools due to the high level of teacher vacancies at that time and currently being encountered.
- 5.7 As outlined at the Audit, Risk and Scrutiny Committee meeting of 9 March 2016, such an arrangement is in place in a significant number of Scottish local authorities.

6. IMPACT

Improving Customer Experience

- 6.1 Approving the arrangement in place to ensure staff can be employed from the earliest possible opportunity will allow Education and Children's Services to offer a more comprehensive educational experience. This is weighed against the possibility of the Council employing an individual who is barred under the PVG scheme from working with children and the mitigating actions set out in paragraph 5.3 (above) will minimise any risk to pupils.

Should the Council policy have been followed in August 2015, without any arrangement in place, the impact of having to close schools or classes within schools would have resulted in an educational loss for the pupils and would have resulted in childcare issues for parents whose children were unable to attend school.

Improving the Staff Experience

- 6.2 The Council, alongside its partners in the Northern Alliance, have advised Scottish Government ministers that the high levels of teaching vacancies across all of the local authority areas is placing significant workload pressure on existing staff. The arrangement in place helps

the Council to bring new teaching staff into post under very controlled circumstances. This helps alleviate the additional pressures borne by remaining teaching staff in the Council's schools.

Improving our Use of Resources

- 6.3 Then arrangement in place allows the Education Service to more effectively deliver Curriculum for Excellence and provide the best possible educational experience to all of the City's children and young people.

7. BACKGROUND PAPERS

- 7.1 Audit, Risk and Scrutiny Committee – 9 March 2016 (Agenda Item 20: Cross Service – Recruitment Procedures)

8. REPORT AUTHOR DETAILS

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