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British Hospitality Association Response to Keeping Children safe in Education Consultation

The British Hospitality Association represents, among other hospitality sectors, the contract catering industry and, within that, commercial caterers operating in the education sector.

The importance of safeguarding is understood by all our members operating in education, but they have expressed a specific concern about the changes to the existing statutory guidance, namely the insertion and definition of 'understand'. The phrase 'read and understand' applies to all 'school and college staff' so is applicable equally to catering staff as to teachers and, with compliance assessed by Ofsted and included in their overall rating of a school or college, our members have to prove due diligence. They already do this under the existing guidance, but the new need to 'understand' will be difficult for catering staff whose day to day work is detached from the issues in the guidance and which they are not used to studying to the level required. There is no commensurate requirement on schools or colleges to assist their catering contractors with this process and they may, in any event, lack the resources to do this.

We should be grateful if this point could be taken into account when finalising the guidance.

Below is a more detailed response:

We respond to this consultation as an organisation which represents members that provide support services extensively within education. This is primarily catering services, but which may, on a lesser scale, involve other facilities management activities such as cleaning, maintenance and grounds requirements.

These organisations would normally provide the services on a contractual arrangement. The employees required to execute the contractual obligations would be employed by the contracting company and not the educational establishment. However, the educational establishment would be these employees' permanent or occasional place of work.

These organisations already are rigorously monitored by their contracting educational establishments and is audited during the process of Ofsted inspections. The guidance in this case is Ofsted's policy for the safeguarding of children. This requires thoroughly checking prospective employees' backgrounds pre-employment, and applying both supervision and continuous training in behavioural standards during the course of employment.

Our members have raised their concern regarding the intention of the requirements of this "Keeping Children Safe in Education" document. Some educational establishments they work with are now expressing concern how this is applied to, predominantly, catering staff, when it appears from the document under consultation that they aren't intended to be so. However, if it is intended to cover these staff who work in ancillary services, then the application and relevance of the revised requirements is also to be questioned. Senior and middle management of these organisations, when

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attending courses held by 'experts' on the subject of child safeguarding, are now being informed that 'Keeping Children Safe in Education' should also apply to their employees.

The issue appears to be one of definition both by Ofsted and the Department of Education. The reader could, if so inclined, apply the requirements across teaching staff, others who have supervisory and individual contact with children as they could to others who work in these ancillary services. Catering services employers already have significant requirements for training, and testing understanding of, employees in their day to day responsibilities. These involve employment, food safety, health & safety as well as allergy and other food related training.

In particular we draw your attention to;

1. **Who is this for?**(page 4): This could be applied equally to catering staff etc as teachers. Or putting it another way, gives no more importance to those who have more individual responsibility for the care and education of children than those employed for some other primary purpose. The definition should give some guidance on who this is intended for rather than application across all "school and college staff". Whereas page 5 makes reference to "no single professional" which implies this is directed to those of professional status, whereas it goes on to say that "**everyone**" who comes into contact with children has a role to play in identifying concerns, sharing information and taking prompt action". This makes the application of this document ambiguous. Is it targeted in its current and proposed form at education "professionals" in every way, or at all staff employed in a school?

This is not to diminish the obligations realised by our members to keep children safe. They wish to bring the requirements into proportion for their employees, when compared with staff who have individual supervision, communication and contact with children. This includes the reasonable expectations for the learning (understanding) and retention of the information covered as outlined above.

2. Page 5 – "to read and understand". The notes say the emphasis of the change is in the need to "understand". This will be difficult for catering staff whose day to day work is detached from these issues and are not used to or familiar with studying in this depth. The need to require them to read, yet alone understand the document is unrealistic. The vast majority of catering staff have no experience of in-depth study, nor are they required to retain complex concepts such as those in this document. It is impractical to expect all such employees to demonstrate such understanding in risks to children when their day to day activity does not, even involve conversations with children and hardly ever with their parents or carers. The current requirements for an appreciation of child safeguarding, personal boundaries and reporting any concerns seem to cover the reasonable risks likely to be encountered by these groups of employees.
3. Page 7 – Questions on "understand". The issue is one of degree of exposure to the issues and the depth and breadth of understanding about issues from which they are generally detached. The effort that will be required to ensure this is the case is excessive especially for catering contractors who don't have the level of knowledge required permanently on site on a daily basis. There is no requirement for the schools to assist with this. Current arrangements, in most cases, fall to the employer (the contractor) to train their staff. The

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subjects covered within this document are far beyond those that a smaller catering company can be expected to be knowledgeable in in order to ensure understanding across all of their teams.

4. **Training provision.** The employees employed by contractors usually work in small groups under the supervision of a craft-trained chef/cook or similar skilled trades person. There is no requirement included in the document beyond a blanket requirement of “understanding” across all staff. The current requirement of pre-employment checks and to ensure employees have an appreciation of safeguarding, reporting and limits on behaviour is proportionate to the employees’ activities. To apply enough learning and qualifications within the contracting organisations, and to, in turn, apply enough training time to ensure understanding across all employees needs to be reconsidered if this is the intention. If it is not the intention to apply the requirements to these groups of staff, then the groups for which the statutory guidance should be read and followed needs to be clarified.

Our members fully recognise their responsibilities in ensuring that children are kept safe when at school and college. They apply current requirements with care and sincerity. However, the consequence of the application of these statutory requirements to groups, such as catering staff, will not achieve the declared intention and not add anything, and certainly not in proportion to the effort that will be required to ensure it is comprehensively applied.

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