



## Board of Governors of the City of London Freemen's School

**Date:** FRIDAY, 30 NOVEMBER 2012

**Time:** 11.00 am

**Venue:** CITY OF LONDON FREEMEN'S SCHOOL, ASHTEAD PARK, SURREY,  
KT21 1ET

**Members:**

Deputy John Bennett (Chairman)	Anthony Llewelyn-Davies
Roger Chadwick (Deputy Chairman)	Sir Clive Martin (co-opted)
Michael Bramwell (co-opted)	Douglas Mobsby (co-opted)
John Brewster	Elizabeth Rogula
Nicolas Cressey	Deputy Dr Giles Shilson (ex-officio)
Deputy Robin Eve	John Spanner
Alderman Alison Gowman	Cllr Chris Townsend (co-opted)
Brian Harris	Alderman John White (ex-officio)
Michael Hudson	Alderman Alan Yarrow
Vivienne Littlechild	

**Enquiries:** Gemma Stokley  
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**Lunch will be served at the conclusion of the Board meeting.**

**John Barradell**  
Town Clerk and Chief Executive

# AGENDA

## Part 1 - Public Agenda

1. **APOLOGIES**

2. **DECLARATIONS BY GOVERNORS OF ANY PERSONAL AND PREJUDICIAL INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA**

3. **MINUTES**

To agree the public minutes and summary of the meeting held on 5 October 2012 (copy attached).

**For Decision**  
(Pages 1 - 6)

4. **MINUTES OF THE FINANCE, GENERAL PURPOSES AND ESTATES SUB-COMMITTEE**

To receive the public minutes and summary of the meeting held on 7 November 2012 (copy attached).

**For Information**  
(Pages 7 - 10)

5. **MINUTES OF THE ACADEMIC AND EDUCATION SUB-COMMITTEE**

To receive the public minutes and summary of the meeting held on 7 November 2012 (copy attached).

**For Information**  
(Pages 11 - 14)

6. **CRIMINAL RECORDS BUREAU CHECKS FOR MEMBERS**

Joint report of the Town Clerk and the Director of HR (copy attached).

**For Decision**  
(Pages 15 - 20)

7. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**

8. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

9. **EXCLUSION OF THE PUBLIC**

To consider the resolution excluding the Public in respect of those items containing exempt information:-

That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Section 12A if the Local Government Act.

<u>Item No.</u>	<u>Exemption Paragraph(s)</u>
10	1 & 3
11	1, 2, 3 & 4
12	1, 2 & 4
13	1, 3 & 4
14	3
15	1 & 3
16	1 & 3
17	1 & 3
18	1
19	1
20	2
21	-
22	-

**Part 2 - Non-Public Agenda**

10. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 5 October 2012 (copy attached).

**For Decision**  
(Pages 21 - 28)

11. **MINUTES OF THE FINANCE, GENERAL PURPOSES AND ESTATES SUB-COMMITTEE**

To receive the non-public minutes and summary of the meeting held on 7 November 2012 (copy attached).

**For Information**  
(Pages 29 - 36)

12. **MINUTES OF THE ACADEMIC & EDUCATION SUB COMMITTEE**

To receive the non-public minutes of the meeting held on 7 November 2012 (copy attached).

**For Information**  
(Pages 37 - 42)

13. **REPAIRS, MAINTENANCE AND IMPROVEMENTS FUND**

Joint report of the Chamberlain, the Headmaster of the City of London Freeman's School and the City Surveyor (copy attached).

**For Decision**  
(Pages 43 - 52)

14. **REVENUE BUDGETS - 2012/13 AND 2013/14**

Joint report of the Chamberlain and the Headmaster of the City of London Freeman's School (copy attached).

**For Decision**  
(Pages 53 - 70)

15. **FOUNDATION SCHOLARSHIP APPLICATION**

Report of the Chamberlain (TO FOLLOW).

**For Decision**

16. **PUBLIC BENEFIT/OUTREACH**

Report of the Headmaster (copy attached).

**For Information**  
(Pages 71 - 78)

17. **ARREARS OF FEES**

Report of the Bursar of the City of London Freeman's School (copy attached).

**For Decision**  
(Pages 79 - 80)

18. **HEAD OF JUNIOR SCHOOL REPORT**

Report of the Head of the Junior School, City of London Freeman's School (copy attached).

**For Information**  
(Pages 81 - 86)

19. **HEADMASTER'S REPORT**

Report of the Headmaster of the City of London Freeman's School (copy attached).

**For Information**  
(Pages 87 - 124)

20. **POLICIES FOR GOVERNOR REVIEW**

The School's 'Physical restraint of Pupils Policy' and 'Learning Support Policy' (copies attached).

**For Decision**  
(Pages 125 - 136)

21. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**

22. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

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# Agenda Item 3

## BOARD OF GOVERNORS OF THE CITY OF LONDON FREEMEN'S SCHOOL Friday, 5 October 2012

Minutes of the meeting of the Board of Governors of the City of London Freeman's School held at City of London Freeman's School, Ashted Park, Surrey, KT21 1ET on Friday, 5 October 2012 at 11.00 am

### Present

#### Members:

Deputy John Bennett (Chairman)  
Roger Chadwick (Deputy Chairman)  
Michael Bramwell  
John Brewster  
Nicolas Cressey  
Deputy Robin Eve

Michael Hudson  
Anthony Llewelyn-Davies  
Douglas Mobsby  
Elizabeth Rogula  
Cllr Chris Townsend  
Alderman Alan Yarrow

#### Officers:

Gemma Stokley  
Steve Telling  
Sarah Port  
Peter Snowdon

Mark Lowman  
Philip Macdonald

Vicky Buckman

Richard Alton

Mark Beach

Yvette Dunne

- Town Clerk's Department
- Chamberlain's Department
- Chamberlain's Department
- Projects Director, City Surveyor's Department
- City Surveyor
- Headmaster, City of London Freeman's School
- Deputy Head, City of London Freeman's School
- Deputy Head (Academic), City of London Freeman's School
- Head of Junior School, City of London Freeman's School
- Bursar, City of London Freeman's School

#### **CHAIRMAN'S WELCOME**

The Chairman, on behalf of the Board of Governors, welcomed Mr Cressey to his first Board meeting since being appointed as a CLFS Governor.

#### **1. APOLOGIES**

Apologies for absence were received from Alderman Alison Gowman, Brian Harris, Vivienne Littlechild, Sir Clive Martin (co-opted), Deputy Dr. Giles Shilson (ex-officio), John Spanner, Angela Starling and Alderman John White (ex-officio).

#### **2. DECLARATIONS BY GOVERNORS OF ANY PERSONAL AND PREJUDICIAL INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA**

Deputy Robin Eve declared a personal but non-prejudicial interest on the basis of his membership of and connections with the Old Freeman's School Association (OFA).

Councillor Chris Townsend declared a personal but non-prejudicial interest in relation to agenda item 15 stating that he was currently appointed and serving as an elected representative of Mole Valley District Council.

3. **MINUTES**

The public minutes and summary of the meeting held on 2 July 2012 were approved and agreed as a correct record.

**Co-opted Governor vacancies** (page 2) – In response to a question, the Chairman reported that he and the Headmaster were still looking to progress this matter. He encouraged Governors to contact him with any suggestions they might have.

4. **SCHEME FOR FOUNDATION SCHOLARS**

The Board considered a report of the Chamberlain advising Governors of the annual assessable income level below which the parent or guardian of a Foundation Scholar would not be expected to make a contribution to school fees. The report also advised of the allowance to be made against the parents or guardians assessable income for each dependent child that is not a Foundation Scholar.

**RESOLVED** – That, the Board approve:

- an increase in the annual assessable income level below which the parent or guardian of a Foundation Scholar would not be expected to make a contribution to school fees from £12,890 to £13,350;
- an increase in the dependent child allowance from £1,630 to £1,690; and
- continuation of the current scheme of contributions as detailed in paragraph 3 of the report.

5. **CHARITIES ADMINISTERED IN CONNECTION WITH THE CITY OF LONDON FREEMEN'S SCHOOL - 2011/12 REPORT AND FINANCIAL STATEMENTS**

The Board received a report of the Chamberlain providing Governors with a copy of the 2011/12 Report and Financial Statements for the Charities administered in connection with the City of London Freeman's School (charity number: 312120).

The Chairman reported that there had been an amalgamation of a number of charities connected with the School and that, as a consequence, a sum of approximately £200,000 had been transferred from the 'Charities Administered in connection with the City of London Freeman's School' to the School Bursary Fund.

**RECEIVED.**



6. **CITY OF LONDON FREEMEN'S SCHOOL BURSARY FUND 2011/12 REPORT AND FINANCIAL STATEMENTS**

The Board received a report of the Chamberlain providing Governors with a copy of the 2011/12 Report and Financial Statements for the City of London Freeman's School Bursary Fund (charity number: 284769).

The Chairman highlighted that the transfer of approximately £200,000 from the 'Charities Administered in connection with the City of London Freeman's School' and the £100,000 transfer from the School's revenue account agreed by the Board last year were both reflected. He went on to state that the School's Bursary Fund was now in a relatively healthy position and that Governors were keen to receive worthy bursary applications in order to utilise funds in the future.

**RECEIVED.**

7. **REVENUE OUTTURN 2011/12**

The Board received a joint report of the Chamberlain and the Headmaster of the City of London Freeman's School comparing the 2011/12 revenue outturn with the final agreed budget for the year.

The Chamberlain reported that the report outlined a 'better than budget' position of some £200,000 which has been transferred to the capital fund to contribute towards the forthcoming Master Plan works.

The Chamberlain went on to highlight that the income of £33,000 from the School tuck shop referred to within the report was a new source of income. He added that, as the tuck shop was now administered directly by the School, this income would be included within future budgets.

The Chairman commented that it was encouraging to see additional income received from both lettings and external, catered events at the School and hoped that this would continue to increase with the introduction of new and improved facilities as set out within the School 'Master Plan'.

In response to a question, the Chamberlain stated that the interest earnings of £85,387 mentioned within the report was 'gross' and there is no tax liability. In response to a separate question, the Bursar stated that much of the additional income received was unpredictable and therefore difficult to budget for.

The Chairman highlighted the additional £13,000 received in registration fees which was a sign of the increasing popularity of the Freeman's School.

Governors wished to place on record their congratulations to both the Headmaster and the Bursar on the impressive transformation of the School's finances over the past 5-6 years.

**RECEIVED.**

**8. HEAD OF JUNIOR SCHOOL REPORT**

The Board received a report of the Head of the Junior School providing Governors with an overview of events in the Junior School since the last Board meeting.

The Head of the Junior School reported that 92 new children had started at the Junior School this term and that all had settled happily. He reminded Governors that they were welcome to visit the Junior School at any time.

The Chairman raised a question regarding the amount raised by the Junior School for Charity this year and the recognition received from some of the chosen charities. The Head of the Junior School responded by saying that monies raised for smaller, local charities seemed to have a bigger impact with smaller charities seeming to be more willing and able to come in to the School and provide pupils with updates as to how their money had been spent. This was not always possible with some of the larger, more established charities who received regular donations from all around the world. The Head of the Junior School went on to report that the Junior School pupils chose the charities to contribute to each year with each class presenting a charity and pupils voting for their preferred charity at the end of the presentations. Governors were informed that all of the charities presented to pupils this year would be local charities.

The Chairman referred to the recent introduction of the 'Enrichment Programme' right across both the Junior and Senior School and reminded Governors that they would have the opportunity to observe some of the enrichment activities introduced following today's Board meeting.

**9. CHAIRMANSHIP OF THE BOARD OF GOVERNORS**

The Chairman was heard relative to the future Chairmanship of the Board of Governors.

He reminded the Board that he was now serving a fourth and final year as Chairman following special permission granted by the Court of Common Council for him to do so. He went on to state that a new Chairman would need to be identified and appointed in April 2013 and asked that any Governor who felt able to make a contribution as either Chairman or Deputy Chairman contact him.

**10. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**

There were no questions.

**11. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no additional, urgent items of business for consideration.

**12. EXCLUSION OF THE PUBLIC**

**MOTION** - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that

they involve the likely disclosure of exempt information as defined in Part I of Section 12A of the Local Government Act.

<u>Item No.</u>	<u>Exemption Paragraph(s)</u>
13	3
14	1 & 3
15	3
16	1 & 3
17	1 & 3
18	-
19	-

**13. NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 2 July 2012 were approved and agreed as a correct record.

**14. REVIEW OF ASSISTANCE FOR FOUNDATION SCHOLARS**

The Board considered and approved a report of the Chamberlain reviewing the level of assistance given to the one existing Foundation Scholar for the 2012/13 academic year.

**15. UPDATE ON THE MASTER PLAN**

The Board considered and approved a late, separately circulated report of the City Surveyor providing Governors with a Progress Report on the Master Plan – Phase 1 Works.

**16. ARREARS OF FEES**

The Board considered and approved a report of the Bursar of the City of London Freemen's School relative to the current Arrears of Fees.

**17. HEADMASTER'S REPORT**

The Board received a report of the Headmaster of the City of London Freemen's School relative to various School issues.

**18. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**

A Governor raised a question regarding the advertising of Bursaries at the School in the local area.

**19. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no additional, urgent items of business for consideration in the non-public session.

**The meeting ended at 12.40 pm**

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Chairman

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# Agenda Item 4

## FINANCE, GENERAL PURPOSES AND ESTATES SUB-COMMITTEE OF THE BOARD OF GOVERNORS OF THE CITY OF LONDON FREEMEN'S SCHOOL Wednesday, 7 November 2012

Minutes of the meeting of the Finance, General Purposes and Estates Sub-Committee of the Board of Governors of the City of London Freeman's School held at City of London Freeman's School, Ashted Park, Surrey, KT21 1ET on Wednesday, 7 November 2012 at 10.00 am

### Present

#### Members:

Deputy John Bennett (Chairman)  
Roger Chadwick (Deputy Chairman)  
Vivienne Littlechild  
Anthony Llewelyn-Davies  
Douglas Mobsby

#### Officers:

Gemma Stokley	- Town Clerk's Department
Daniel Hooper	- Town Clerk's Department
Steve Telling	- Chamberlain's Department
Mark Lowman	- City Surveyor's Department
Vicky Buckman	- Deputy Head, City of London Freeman's School
Richard Alton	- Deputy Head (Academic), City of London Freeman's School
Yvette Dunne	- Bursar, City of London Freeman's School

#### 1. APOLOGIES

Apologies for absence were received from Brian Harris and the Headmaster of the City of London Freeman's School.

#### 2. DECLARATIONS BY MEMBERS OF ANY PERSONAL AND PREJUDICIAL INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

There were no declarations.

#### 3. MINUTES

The public minutes and summary of the meeting held on 30 May 2012 were approved and agreed as a correct record.

#### MATTERS ARISING

**OFA Discussions re: OFA Clubhouse** (page 1) – The Chairman reported that he had not received any further correspondence from the OFA on this matter since discussions were held at the last meeting of this Sub Committee. He added that the School were not in a position to comment further on the future of the Clubhouse at present.

4. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

5. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no additional, urgent items of business.

6. **EXCLUSION OF THE PUBLIC**

RESOLVED – That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

<b>Item No</b>	<b>Exempt Paragraph(s)</b>
7	3
8	3
9	1 & 3
10	3
11	2, 3 & 4
12	1, 2, 3 & 4
13	-
14	-

7. **MINUTES**

The non-public minutes of the meeting held on 30 May 2012 were approved and agreed as a correct record.

8. **REVENUE BUDGETS - 2012/13 AND 2013/14**

The Sub Committee considered a joint report of the Chamberlain and the Headmaster of the City of London Freemen's School relative to the School's Revenue Budgets – 2012/13 and 2013/14 with a view to then submitting its recommendations to the Board of Governors.

9. **ARREARS OF FEES**

The Sub Committee considered and approved a report of the Bursar which provided Governors with an update on current arrears of fees and direct debit payments.

10. **FINANCIAL PERFORMANCE/SUMMARY**

The Sub Committee received a report of the Bursar providing Governors with a Financial Summary for the year ended March 2013.

11. **'SOFT SERVICES' CONTRACT UPDATE**

The Sub Committee received a report of the Headmaster providing Governors with an update on the first fifteen months of the catering and soft services contract.

12. **MASTER PLAN UPDATE**

The City Surveyor was heard relative to progress on the School's 'Master Plan' works.

13. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions raised in the non-public session.

14. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no additional, urgent items of business for consideration in the non-public session.

**The meeting ended at 11.40 am**

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Chairman

**Contact Officer: Gemma Stokley**  
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# Agenda Item 5

## ACADEMIC & EDUCATION SUB COMMITTEE OF THE BOARD OF GOVERNORS OF THE CITY OF LONDON FREEMEN'S SCHOOL Wednesday, 7 November 2012

Minutes of the meeting of the Academic & Education Sub Committee of the Board of Governors of the City of London Freeman's School held at City of London Freeman's School, Ashted Park, Surrey, KT21 1ET on Wednesday, 7 November 2012 at 1.30 pm

### Present

#### Members:

Deputy John Bennett (Chairman)  
Alderman Alison Gowman  
Anthony Llewelyn-Davies  
Sir Clive Martin

#### Officers:

Gemma Stokley	- Town Clerk's Department
Daniel Hooper	- Town Clerk's Department
Vicky Buckman	- Deputy Head, City of London Freeman's School
Richard Alton	- Deputy Head (Academic), City of London Freeman's School
Matthew Close	- Head of Sixth Form, City of London Freeman's School
Evelyn Guest	- Head of Upper School, City of London Freeman's School
Mark Beach	- Head of Junior School, City of London Freeman's School

#### 1. APOLOGIES

Apologies for absence were received from Roger Chadwick (Deputy Chairman) and the Headmaster of the City of London Freeman's School.

#### 2. DECLARATIONS BY MEMBERS OF ANY PERSONAL AND PREJUDICIAL INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

There were no declarations.

#### 3. MINUTES

The public minutes and summary of the meeting held on 30 May 2012 were approved and agreed as a correct record.

#### MATTERS ARISING

**Governor Training** (page 1) – In response to a question, the Deputy Head confirmed that a joint training session for Governors of all three City Schools would be held in the afternoon of the January Board meeting at Guildhall. She reported that this year's session would focus on Special Educational Needs and 'Accessibility'.

4. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB COMMITTEE**

There were no questions.

5. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no additional/urgent items of business for consideration.

6. **EXCLUSION OF THE PUBLIC**

RESOLVED - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

<u>Item No.</u>	<u>Exemption Paragraph(s)</u>
7	2 & 4
8	1 & 2
9	2
10	2
11	-
12	-

7. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 30 May 2012 were approved and agreed as a correct record.

8. **REVIEW OF PUBLIC EXAMINATION RESULTS**

The Sub Committee received a report of the Deputy Head (Academic) analysing this year's public examination results.

9. **GOVERNOR REVIEW OF SCHOOL POLICIES**

The Sub Committee considered and approved both the Policy on the physical restraint of pupils and the Learning Support Policy.

10. **DRAFT EDUCATIONAL TRIPS AND VISITS POLICY**

The Deputy Head asked that Governors review the School's 'Educational trips policy' for agreement at their next Sub Committee meeting.

11. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB COMMITTEE**

There were no questions raised in the non-public session.

12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no additional/urgent items of business for consideration in the non-public session.

**The meeting ended at 2.55 pm**

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Chairman

**Contact Officer: Gemma Stokley**  
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**[gemma.stokley@cityoflondon.gov.uk](mailto:gemma.stokley@cityoflondon.gov.uk)**

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# Agenda Item 6

Committee(s):	Date(s):	Item no.
Community and Children's Services Committee Board of Governors of the City of London School Board of Governors of the City of London School for Girls Board of Governors of the Guildhall School of Music and Drama Board of Governors of the City of London Freemen's School	8 <sup>th</sup> November 2012  14 <sup>th</sup> November 2012  16 <sup>th</sup> November 2012  19 <sup>th</sup> November 2012  30 <sup>th</sup> November 2012	
<b>Subject:</b> Criminal Records Bureau Checks for Members	<b>Public</b>	
<b>Report of:</b> Town Clerk and the Director of HR	<b>For Decision</b>	
<p><b><u>Summary</u></b></p> <p>A report was presented to all affected Committees and Boards and the Policy and Resources Committee during late 2011 proposing, at the request of members, to introduce a Criminal Records Bureau (CRB) re-checking process for relevant members (every 4 years from the date of first election to a relevant Committee/Board). When the report was presented at the Court of Common Council in January 2012, officers were asked to consider the potential impact of the Protection of Freedoms Bill on the CRB checks process. The Bill was enacted in April 2012 and the Home Office has now issued guidance on the changes, enabling us to report back with a revised proposal.</p> <p>This report has been approved by the Policy and Resources Committee, (October 2012) and it is now being presented to all affected committees for approval/comment before being resubmitted to the Court of Common Council.</p> <p>The changes to the national disclosure regime brought about by the Protection of Freedoms Act, mean that checks and re-checks on members should now be carried out where they have relevant contact with children and vulnerable adults, and not simply by virtue of their membership of a previously relevant Board of Committee.</p> <p><b>Recommendations</b></p> <ol style="list-style-type: none"> <li>i. That the Board / Committee notes the fact that legislation now requires a CRB check be carried out on any Member whose work with children or adults (through the City of London Corporation) meet the relevant criteria. Automatic checks for all members of previously relevant Committees and Boards would, therefore, cease.</li> <li>ii. That the Board / Committee agrees an annual review and self-declaration</li> </ol>		

process should be introduced to ensure relevant Members who are eligible for checks are identified.

- iii. That re-checking is introduced for members requiring an initial check, but only at the point when the streamlined national process goes live. Updating checks will then be made every 4 years from the point at which a check was first required and disclosure checks repeated only where required.

## **Main Report**

### **Background**

1. A report was presented to all affected Committees and Boards and the Policy and Resources Committee during late 2011 proposing, at the request of members, to introduce a CRB re-checking process for relevant members (every 4 years from the date of first election to a relevant Committee/Board). When the report was presented at the Court of Common Council in January 2012, officers were asked to consider the potential impact of the Protection of Freedoms Bill on the CRB checks process. The Bill was enacted in April 2012 and the Home Office has now issued guidance on the changes, enabling us to report back to P&R Committee with a revised proposal. This report has been approved by the Policy and Resources Committee, (as the referring Committee, in October 2012) and it is now being presented to all affected committees for approval/comment before being resubmitted to the Court of Common Council.

### **Current Position**

2. The Safeguarding Vulnerable Groups Act 2006 sets out that a) members of the governing body of an educational establishment and b) members of a local authority involved in discharging any education or social services functions are subject to enhanced Criminal Records Bureau (CRB) checks.
3. Enhanced CRB checks are currently carried out on Members who sit on the Board of Governors for the three independent schools, the Guildhall School of Music and Drama and the Community and Children's Services Committee; as they are elected. Periodic repeat checks for Members who continue either on one Committee/Board or transfer to other relevant committees with no break in membership are not currently undertaken.
4. The changes introduced by the Protection of Freedoms Act 2012 are (in summary of the relevant sections):
  - a. New definitions of 'regulated activity' in relation to children and adults; the repeal of ISA registration and monitoring, controlled activity, and additional information provisions; and the introduction of a minimum age of 16 for checks. Other changes include a more

- rigorous relevancy test for locally held and released police information for enhanced CRB checks; and a right to review the information contained in a CRB disclosure for applicants before the organisation sees it; the provision of statutory guidance on what ‘supervision’ of children means; and some changes to barring criteria.
- b. Membership of certain local authority committees and governing bodies of educational establishments is currently a “regulated activity” under the Safeguarding Vulnerable Groups Act 2006. The Act removes these functions from the scope of ‘regulated’ activity, as part of a considerable reduction in the scope of the scheme, but imposes a duty to check out checks where relevant ‘regulated’ or ‘supervised’ activity is undertaken. Where relevant, the check will provide organisations with information about whether an individual is barred from working in regulated activity with children and vulnerable adults.
  - c. From 2013; there is a simplified arrangement which combines the work of the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) into the Disclosure and Barring Service (DBS). Checks will be portable and there will be an updating process for checking if any changes have occurred since the original certificate was provided. If changes have occurred, a new disclosure can be requested.
5. The Home Office recently confirmed that the first phase of changes, including the removal of the statutory position checks, would come into force in September 2012. There are no new member appointments affected, so the practical position in relation to Members remains unaffected in the short term, and this report allows a policy to be put in place for the future.

## **Proposals**

6. From September 2012 there is no longer any legal duty to make enhanced criminal record checks on Members simply by virtue of their appointment to a relevant Committee or Governing Body. However, there is a duty to carry out enhanced CRB checks where Members otherwise meet the criteria for ‘regulated’ activity (the criteria relate to type, regularity and place of interaction) or ‘supervised’ activity (the criteria relate to supervision arrangements such as who is supervising, and the regularity and reasonableness of supervision). Those engaged in ‘regulated’ activity or carrying out ‘supervised’ paid work in a specified place (including schools) will need an enhanced CRB check along with a check of the relevant ISA Regulated Activity Registers (sometimes referred to as the ‘barred lists’). Those carrying out other ‘supervised’ activity, (such as supervised voluntary work in schools) will require a check under a new category of ‘Police Act 1997’ Disclosure; which is an enhanced check, but without searches of the barred lists. This is the category Members will most likely fall under.

7. The proposal is, therefore, only to check members who meet the new criteria by virtue of the nature of their work on behalf of the City Corporation a) giving them supervised or regulated access to children and/or b) engaging them in relevant activities in relation to adults. This would be achieved through both self-declaration and the relevant school or department reviewing annually to see if any Members will be likely to meet either of the two sets of criteria (clearly if it becomes apparent at any point that they are meeting the criteria, then a check should be actioned immediately). The Schools and relevant departments have been consulted on this and are content that this process can be managed. Full guidance on the definitions will be made available and the schools /departments and Corporate HR will be able to advise members on whether they are likely to require a check, and if so, at what level.
8. This approach reduces the administrative burden and bureaucratic process, is consistent with Government expectations, and ensures we are confident in meeting the CRB eligibility criteria (the CRB has the power to remove a body's registered status if they continually submit ineligible checks).
9. In relation to the options for re-checking, the legislation introduces an Updating Service whereby once an original certificate has been issued it will be possible to check with the CRB whether there have been any changes to a person's record since that time (maximum frequency annually). If there has been a change then a new disclosure check can be applied for to update the disclosure information available. If not, the organisation can assume there has been no change in the record and will not need to request a new certificate. This process has been introduced to vastly simplify re-checking and reduce associated costs; however, there are no statutory requirements for re-checks or Government recommendations as to the frequency of re-checks. There has been no implementation date agreed for this process but it is timetabled for 2013. Costs for the Update Service have not yet been published but the Home Office have said it will be significantly cheaper than a full check (current estimates are at least 75% cheaper). Portability of checks will also come into effect at that time, and is another measure that will reduce the number of checks needed to be carried out on each person where they have multiple relevant roles across different organisations.
10. It is recommended that re-checking against the Update Service is undertaken for members that qualify for checks under the new definitions, but only at the point when the national service goes live to ensure the process is as efficient as possible. This would take the form of an update request every 4 years, in line with the original proposal agreed by the relevant Committees and Boards. Applications for new CRB disclosures will only be made where the update notification indicates there is a change to the record. Members will be given guidance on this



process and advance notice of the date of introduction when it becomes available from the Home Office.

11. As this matter was referred back by the Court, this report went to Policy and Resources Committee first. It was agreed that the relevant Committees and Boards be advised and consulted on the proposals for identifying eligible Members and re-checking before a report is put back to the Court of Common Council with a final recommendation. It is proposed that any minor adjustments be delegated to the Town Clerk, in conjunction with the Chairman and Deputy Chairman of the Policy and Resources Committee.
12. If this proposal is agreed, a short guidance note for members would be produced on the disclosure process, criteria and expected standards.

### **Corporate & Strategic Implications**

13. This proposal fits with the efforts to reduce bureaucracy but still maintains our commitment to managing a disclosure and barring process consistent with Government expectations.

### **Implications**

14. The financial implications are minor as costs were small in the first place (a maximum of £3,700 for initial checks). There will be a smaller number of initial checks required and update checks will be significantly cheaper (and only undertaken ever 4 years); so we are likely to see costs reduce and certainly not increase. In order to manage risk, those members with relevant contact with children and vulnerable adults will still be checked, and this approach is in line with Government expectations.

### **Conclusion**

15. In order to implement the changes to the national disclosure regime brought about by the Protection of Freedoms Act, checks and re-checks on members should now be carried out where they have relevant contact with children and vulnerable adults.

### **Background Papers:**

- Report of the Policy and Resources Committee to the Court of Common Council – ‘Member Criminal Record Bureau Re-Checking’ of 19th January 2012.
- Report to Policy and Resources Committee – ‘Member Criminal Record Bureau Re – Checking’ 10<sup>th</sup> November 2011.

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# Agenda Item 10

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# Agenda Item 11

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of the Local Government Act 1972.

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# Agenda Item 12

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of the Local Government Act 1972.

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# Agenda Item 13

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# Agenda Item 14

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# Agenda Item 16

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# Agenda Item 17

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# Agenda Item 18

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# Agenda Item 19

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# Agenda Item 20

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