

Exchange visits and homestays both in the UK and abroad

Handbook for Educational off-site visits
and all adventurous activities
Section 1 Part 8

October 2014

Exchange visits and homestays both in the UK and abroad

1. Statutory Guidance - Keeping Children Safe in Education [1]

- 1.1. In April 2014 the DfE issued new statutory guidance “Keeping children safe in education, statutory guidance for schools and colleges”.
- 1.2. The extracts below detail the content of this guidance with regard to exchange visits and home stays.

Annex C: Special circumstances. Children staying with host families

2. Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour. Such arrangements could amount to “private fostering” under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both. The following paragraphs are not intended to be a comprehensive guide to all the circumstances in which private fostering may arise, but only to those situations which might arise for schools and colleges through the normal course of their activities in promoting learning activities for children.

3. Where the child is under the age of 18 and the person who provides the care and accommodation is paid to provide that arrangement, or the arrangement is not made by the child’s family, the private fostering arrangement could amount to regulated activity for the purposes of the Safeguarding Vulnerable Groups Act 2006 regardless of the duration of the arrangement.⁵⁰ If the school or college is responsible for making the arrangement, and has the power to terminate the arrangement, then it could be the regulated activity provider. If the arrangement is made by a third party, such as a language school, and that third party has the power to terminate the arrangement, then the third party is the regulated activity provider. A regulated activity provider will be committing an offence if they knowingly allow a person to carry out a regulated activity whilst barred.⁵¹ Where the school or college is the regulated activity provider, it should request a DBS Certificate with barred list check.

50 Safeguarding Vulnerable Groups Act 2006, Section 53. This also applies to schools and colleges if they broker student accommodation with host families for which the host family receives a payment from a third party, such as a language school. At a future date, the regulated activity provider will have a duty to carry out a barred list check on any new carer – section 34ZA Safeguarding Vulnerable Groups Act 2006.

51 Section 9 Safeguarding Vulnerable Groups Act 2006.

2. When is a DBS disclosure and barred list check required?

- 2.1. Schools should consider carefully the circumstances where they will need to undertake DBS and barred list checks on families in this country.
- 2.2. Where parents exercise their own judgement about who should care for their child during a visit that is a private matter; and where an organisation such as a school or college assumes that responsibility then this statutory guidance will apply.
- 2.3. If the child's family makes the arrangement, selects the host family and has the power to terminate the arrangement then this is considered a private fostering arrangement, and if it is less than 28 days in duration will not fall within the provision of the private foster care arrangements in the Children Act 1989.
- 2.4. If a school or college is responsible for making the arrangements, selects and matches the host family with the child and has the power to terminate such arrangements then the guidance indicates that it will be a "regulated activity provider" and would therefore be required to request a DBS disclosure with barred list for adults normally resident in the home. [Although the guidance says "request" our legal advisers recommend that this is interpreted as "require"]

3. Visit arrangements made jointly between schools or colleges and parents

- 3.1. In the circumstances of exchange visits arrangements are often made jointly by parents and a school or college which blurs responsibilities. Parents should have the final say in the choice of host families, but the information on which parents make this decision is likely to be limited and rarely based on personal knowledge. Additionally language may impose some constraints. If a school is unsure as to whether the arrangement is a private one between parents or one for which the school has responsibility then they should seek advice from the Local Authority as far in advance of the visit as possible.

4. Considerations to be made when school or colleges wholly or jointly arrange exchange visits

- 4.1. Ensure that the host family provides suitable information in order that the acceptance by the family is made with as full information as possible.
- 4.2. Ensure that families have been given the opportunity to contact each other prior to acceptance of any arrangement.
- 4.3. Ensure that families are aware that they are exercising their own judgement about who should care for their child, and that they do not have to accept, or can terminate at any point this arrangement.
- 4.4. The leader of the exchange should, as part of their risk management, consult at the earliest opportunity with the School's Designated Senior Person for Child Protection, (referred to as the

Designated Safeguarding Lead in the new guidance,) regarding any potential host families as they should hold relevant information regarding any current or previous child protection concerns within the family. Before suggesting any potential partner families the leader of the exchange should also consult with the senior leadership team, pastoral leaders and others to identify if they are aware of any other known reasons why the family may be unsuitable.

- 4.5. Ensure that there is opportunity for a briefing for the young people in order to make them aware of what to do and the support arrangements which are in place should they be unhappy or have any concerns.

5. Exchange visits or homestays abroad – Statutory Guidance

5.1. Annex C: Special circumstances. Children staying with host families

6. Schools and colleges arranging for their children to stay with families overseas should be aware that the DBS cannot access criminal records held overseas. Host families in other countries, therefore, cannot be checked in the same way by local authorities as schools and colleges in this country when children stay abroad. Schools and colleges should work with partner schools abroad to ensure that similar assurances are undertaken prior to a visit. If they wish, local authorities and schools can contact the relevant foreign embassy or High Commission of the country in question and find out if similar checks can be done in that country.

6. Exchange visits or homestays abroad – advice for schools and colleges

Schools should ensure that parents are fully informed as to the nature and content of any exchange visit. Consideration should be given to the points listed below and reference made to the Child-Safe book Travel-Safe Advice for Schools [2]

- 6.1. Are families and young people carefully matched for gender, age, diet, religious belief, special needs etc.?
- 6.2. Are families known to the host establishment?
- 6.3. Has the host establishment confirmed the families as suitable and is there a hosting agreement form that includes a question about criminal convictions or other contra-indicators?
- 6.4. In case it is necessary to move a young person at short notice, are contingency plans in place?
- 6.5. Has consideration been given to the safety and well-being of the young people during travel, and does this include appropriate drivers and transport whilst with the host family?
- 6.6. Are young people and host families aware of a 24 hour contact number and are they fully briefed as to procedures should problems arise?
- 6.7. Do leaders have daily contact with all young people, and do young people have an agreed 'keyword' that they can use which means 'I want you to visit me immediately'?
- 6.8. Will young people have access to a phone or mobile phone to call or send text messages to their establishment staff?

- 6.9. Have the young people and their parents/guardians been briefed about personal safety, and have they been issued with written guidance on this topic?
- 6.10. Does work experience feature as part of the exchange and if so, has an assessment been made by an appropriately competent person about any significant hazards the work environment may present?
- 6.11. Have “acceptable” and “unacceptable” activities on ‘family days’ been discussed and has parental agreement been sought prior to the visit? E.g. is there an opportunity to go skiing, cycling or horse riding, or a visit to a beach? If such activities are to form part of the experience, parental consent is required.

References

Statutory legislation & guidance

- [1] DfE Statutory guidance: Keeping Children Safe in Education April 2014
<https://www.gov.uk/government/publications/keeping-children-safe-in-education>

Employer policies, procedures and guidance

CYPS Handbook for Educational Off-site Visits and all Adventurous Activities September 2013
<http://cyps.northyorks.gov.uk/CHttpHandler.ashx?id=25992&p=0>

CYPS Safeguarding in schools and early years
<http://cyps.northyorks.gov.uk/index.aspx?articleid=21016>

Non-statutory advice

- [2] Travel-Safe Advice for Schools
<http://www.child-safe.org.uk/shop/>