



North

Yorkshire County Council

Children and Young People's Service

Guidance on Safeguarding for Exchange Visits within the UK
Learning Beyond the Classroom
Education and Skills

June 2014

Interim guidance: Expires 30th September 2014

In April 2014 the DfE issued new statutory guidance "Keeping children safe in education, statutory guidance for schools and colleges".

1. 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. Schools should consider carefully the circumstances where they will need to undertake DBS and barred list checks on families in this country.
 - 2.1. 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.
 - 2.2. 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.
 - 2.3. 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. 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. In arranging exchange visits schools or colleges should;
 - 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.