

# Inspecting safeguarding in early years, education and skills - Ofsted

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## Introduction

1. This guidance sets out the main points that inspectors need to consider when inspecting safeguarding in early years, education and skills settings. It should be read alongside the [education inspection framework \(EIF\)](#) and the individual remit inspection handbooks.

## Safeguarding and inspectors' responsibilities

2. Everything that Ofsted does should be in the interests of children and young people. This includes ensuring that the providers we regulate and inspect have effective procedures for keeping children, learners and vulnerable adults safe from abuse, neglect and exploitation. Inspectors must be familiar with [Ofsted's safeguarding policy](#) and guidance on [what to do if a safeguarding concern is raised during an inspection](#).

3. Early years settings, schools and further education and skills providers should be safe environments where children, learners and vulnerable adults can learn and develop. Inspectors should consider how well their leaders and managers have created a culture of vigilance, where children's and learners' welfare is promoted and where timely and

appropriate safeguarding action is taken for children or learners who need extra help or who may be suffering, or likely to suffer, harm.

4. Inspectors must evaluate how well early years settings, schools, colleges and other further education and skills providers fulfil their statutory and other responsibilities and how well staff exercise their professional judgement in keeping children and learners safe.

5. It is essential that inspectors are familiar with the content of the following documents.

- the Department for Education's (DfE) statutory guidance for schools and colleges, ['Keeping children safe in education'](#). This guidance sets out the responsibilities that education providers have to safeguard and promote the welfare of children. It applies to all schools (whether state funded or independent), including pupil referral units. It also applies to further education colleges, sixth-form colleges and institutions designated as being within the further education sector, as well as 16 to 19 academies, independent specialist colleges and independent learning providers. References to 'colleges' throughout this document apply to all of these providers
- the DfE's statutory guidance ['Working together to safeguard children'](#), which applies to organisations and professionals providing services for children
- the DfE's advice for schools and colleges on how to prevent and respond to reports of sexual violence and harassment between children, ['Sexual violence and sexual harassment between children in schools and colleges'](#). This guidance does not apply to early years settings
- the Home Office's ['Prevent' duty guidance](#), including the [additional guidance for schools and childcare providers](#) and for [further education and skills providers](#) (the latter is from the Education and Training Foundation)

6. Inspectors of independent schools, academies and free schools should have a good understanding of [the Education \(Independent School Standards\) Regulations 2014](#).

7. Inspectors of schools and early years provision should be familiar with the following:

- ['Statutory framework for the early years foundation stage: setting the standards for learning, development and care for children from birth to five'](#)
- ['Disqualification under the Childcare Act 2006. Statutory guidance for local authorities, maintained schools, independent schools, academies and free schools'](#)

## **Sexual abuse in schools and colleges**

8. In June 2021, we published a [review of sexual abuse in schools and colleges](#). The findings from that review informed changes to this guidance and our inspection handbooks for schools and further education and skills.

9. The review highlights a prevalence of sexual harassment and sexual violence, including online, in schools and colleges, which in some cases had become so commonplace that children saw no point in reporting instances. It recommends that leaders and managers should assume that sexual harassment and abuse are happening in their setting, even when there are no specific reports and should put in place a whole-school/college approach to respond to the issues.

## Definition of safeguarding

10. Safeguarding children and young people's welfare is defined in 'Working together to safeguard children' as:

- protecting children from maltreatment
- preventing impairment of children's mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes

11. There is a different legislative and policy base for responding to adults' safeguarding needs. The Care Act 2014 provides a legal framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect. However, most of the principles and procedures that apply are the same as those for safeguarding children and young people.

12. Safeguarding action may be needed to protect children and learners from the following risks, which include abuse perpetrated by other children as well as by adults:

- neglect
- physical abuse
- sexual abuse
- emotional abuse
- bullying, including online bullying and prejudice-based bullying
- racist, disability and homophobic or transphobic abuse
- gender-based violence/violence against women and girls
- sexual harassment, online sexual abuse and sexual violence between children and learners. Online abuse can include sending abusive, harassing and misogynistic messages; sharing nude and semi-nude images and videos; and coercing others to make and share sexual imagery
- radicalisation and/or extremist behaviour
- child sexual exploitation and trafficking
- child criminal exploitation, including [county lines](#)
- risks linked to using technology and social media, including online bullying; the risks of being groomed online for exploitation or radicalisation; and risks of accessing and generating inappropriate content, for example youth produced sexual imagery
- teenage relationship abuse
- upskirting (taking a picture of someone's genitals or buttocks under their clothing without them knowing, either for sexual gratification or in order to humiliate or distress the individual. It is a criminal offence)
- substance misuse
- gang activity and serious violence, particularly affecting young males who have been excluded, have experienced trauma and have been involved in offending
- domestic abuse
- female genital mutilation
- forced marriage
- fabricated or induced illness
- poor parenting
- homelessness

- so-called honour-based violence
- other issues not listed here but that pose a risk to children, learners and vulnerable adults

13. Safeguarding is not just about protecting children, learners and vulnerable adults from deliberate harm, neglect and failure to act. It relates to broader aspects of care and education, including:

- children's and learners' health and safety and well-being, including their mental health
- meeting the needs of children who have special educational needs and/or disabilities (SEND)
- the use of reasonable force
- meeting the needs of children and learners with medical conditions
- providing first aid
- educational visits
- intimate care and emotional well-being
- online safety and associated issues
- appropriate arrangements to ensure children's and learners' security, taking into account the local context

## **The signs of successful safeguarding arrangements**

14. When inspecting safeguarding, inspectors will need to use their professional judgement about the extent to which arrangements in a setting are having a positive impact on the safety and welfare of children and learners. This list is intended to help inspectors arrive at those judgements.

15. In settings that have effective safeguarding arrangements, there will be evidence of the following.

- There is a whole-institution approach to safeguarding. This means ensuring that safeguarding and child protection are at the forefront of, and underpin all relevant aspects of, process and policy development. Ultimately, all systems, processes and policies should operate with the best interests of children and learners at their core.
- Children and learners are protected and feel safe. Those who are able to communicate know how to complain and understand the process for doing so. Systems should be in place, and they should be well promoted, easily understood and easily accessible for children to confidently report abuse. Children know their concerns will be treated seriously, and know they can safely express their views and give feedback. There is a robust and proactive response from adults working with children and learners that reduces the risk of harm or actual harm to them. Adults working with them know and understand the indicators that may suggest that a child, learner or vulnerable adult is suffering or is at risk of suffering abuse, neglect or harm. This includes the risk of abuse and neglect in the home as well as risks outside the home such as sexual and/or criminal exploitation, radicalisation, bullying and children going missing. Adults take the appropriate and necessary action in accordance with local procedures and statutory guidance.

- Leaders and managers have put in place effective child protection and staff behaviour policies that are well understood by everyone in the setting. For schools and further education and skills settings, there are also effective policies for tackling bullying, sexual harassment, online sexual abuse and sexual violence between children and learners.
- All staff and other adults working within the setting are clear about procedures where they are concerned about the safety of a child or learner. There is a named and designated lead who is empowered to play an effective role in pursuing concerns and protecting children and learners. [\[footnote 1\]](#)
- Children and learners can identify a trusted adult with whom they can communicate about any concerns. They report that adults listen to them and take their concerns seriously. Where children or learners have been or are at risk of harm, the trusted adult has been instrumental in helping them to be safe in accordance with agreed local procedures. Children who are unable to share their concerns, for example babies and very young children, form strong attachments to those who care for them through the effective implementation of the key person system.
- The setting makes effective use of early help services to provide children and learners with additional support when they need it.
- Written records are made in an appropriate and timely way and are held securely where adults working with children or learners are concerned about their safety or welfare. Those records are shared appropriately with other agencies and professionals where this is necessary to safeguard the child/learner, while complying with data protection legislation.
- Any child protection and/or safeguarding concerns are shared in a timely way with the relevant local authority and give as much detail as possible. Where the concern is about suspected harm or risk of harm to a child, the referral is made to the children's social care department of the local authority for the area where the child lives. Where the concern is an allegation about a member of staff in a setting, or another type of safeguarding issue affecting children and learners in a setting, the matter is referred to the local authority designated officer (LADO) in the local authority in which the setting is located.
- A record of referrals is retained. There is evidence that any agreed action following a referral has been taken promptly to protect the child or learner from further harm. There is evidence, where applicable, that staff understand when to make referrals when there are issues concerning peer-on-peer abuse, criminal or sexual exploitation, radicalisation and/or extremism or that they have sought additional advice and support. Children and learners are supported, protected and informed appropriately about the action the adult is taking to share their concerns. Parents and guardians are made aware of concerns. Their consent is sought in accordance with local procedures unless doing so would increase the risk of harm to a child, learner or vulnerable adult.
- There is a written plan in place that has clear and agreed procedures to protect a child, learner or vulnerable adult. For children who are the subject of a child in need plan or child protection plan or who are looked after, or vulnerable adults who have an education, health and care plan, the plan identifies the help that they should receive and the action to be taken if a professional has further concerns or information to report.
- Children who go missing from the setting they attend receive well-coordinated responses that reduce the harm or risk of harm to them. Risks are well understood, and their impact is minimised. Staff are aware of, and implement in full, local procedures for children who are missing from home and/or from education. Local

procedures for notifying the local authority and parents are available, understood and followed. Comprehensive records are held and shared between the relevant agencies to help and protect children.

- Any risks associated with children and learners offending, misusing drugs or alcohol, self-harming, going missing, being vulnerable to radicalisation, being sexually and/or criminally exploited, or suffering sexual violence and/or sexual harassment, including online, are known by the adults who care for them. They are shared with the local authority children's social care service or other relevant agency. There are plans and help in place that are reducing the risk of harm or actual harm, and there is evidence that the impact of these risks is being minimised. These risks are kept under regular review and there is regular and effective liaison with other agencies where appropriate.
- Children and learners are protected and know how to get support if they experience bullying, homophobic behaviour, racism, sexism and other forms of discrimination. Any discriminatory behaviours are challenged and children and learners are helped and supported to treat others with respect.
- Adults understand the importance of challenging inappropriate and abusive behaviours between children and learners, and not allowing them to become normalised.
- Adults understand the risks associated with using technology, including social media, of bullying, grooming, exploiting, radicalising or abusing children or learners. They have well-developed strategies in place to keep children and learners safe and to support them to develop their own understanding of these risks and in learning how to keep themselves and others safe. Leaders oversee the safe use of technology when children and learners are in their care. They take action immediately if they are concerned about bullying or children's well-being. Leaders of early years settings implement the required policies on the safe use of mobile phones and cameras in settings.
- Leaders and staff make clear risk assessments and respond consistently to protect children and learners while enabling them to take age-appropriate and reasonable risks as part of their growth and development.
- Children and learners feel secure and, where they may present risky behaviours, they experience positive support from all staff. Babies and young children demonstrate their emotional security through the secure attachments they form with those who look after them and through their physical and emotional well-being. Practitioners teach young children the language of feelings, helping them to appropriately develop their emotional literacy (see pages 8 to 9 of the [‘Statutory framework for the early years foundation stage’](#), which set out the personal, social and emotional development area of learning). Staff respond with clear boundaries about what is safe and acceptable and they seek to understand the triggers for children and learners' behaviour. They develop effective responses as a team and review those responses to assess their impact, taking into account the views and experiences of the child or learner.
- Positive behaviour is promoted consistently. Staff use effective de-escalation techniques and creative alternative strategies that are specific to the individual needs of children and learners. [Reasonable force](#), including restraint, is only used in strict accordance with the legislative framework to protect the child or learner and those around them. All incidents are reviewed, recorded and monitored, and the views of the child or learner are sought and understood. Monitoring of the management of

behaviour is effective and the use of any restraint significantly reduces or ceases over time. See further [guidance on inspecting the use of restraint and restrictions of liberty](#).

- Adults understand that children and learners' poor behaviour may be a sign that they are suffering harm or that they have been traumatised by abuse. For more information, see '[Growing up neglected](#)'.
- In cases of sexual violence and sexual harassment, including online, between children and learners, staff should consider what support might be needed for the perpetrators as well as the victims of the abuse.
- Staff and volunteers working with children and learners are carefully selected and vetted according to statutory requirements. Once appointed, leaders consider staff/volunteers' ongoing suitability in order to prevent the risk of harm to children and learners.
- There are clear and effective arrangements for staff development and training on the protection and care of children and learners. Staff and other adults receive regular supervision and support if they are working directly and regularly with children and learners whose safety and welfare are at risk.
- The physical environment for children and learners is safe and secure and protects them from harm or the risk of harm.
- All staff and carers have a copy of and understand the written procedures for managing safeguarding allegations/concerns about members of staff and other adults working in the school. They know how to make a complaint and understand policies on whistle-blowing and how to manage other concerns about the practice of adults in respect of the safety and protection of children and learners.

## **Evidence to look for when inspecting safeguarding arrangements**

16. This section provides guidance on the evidence that inspectors should look for when reviewing safeguarding arrangements in a setting. It is not exhaustive and should be read alongside the relevant inspection handbook.

17. Inspectors should look for evidence of the extent to which leaders, governors and managers create a positive culture and ethos where safeguarding is an important part of everyday life in the setting, backed up by training at every level. Inspectors should consider the content, application and effectiveness of safeguarding policies and procedures. They should consider the quality of safeguarding practice, including evidence that staff understand and follow the setting's safeguarding procedures and are aware of the signs that children or learners may be at risk of harm either within the setting or in the family or wider community outside the setting.

18. In schools and further education and skills providers, leaders, governors and managers should assume that sexual harassment, online sexual abuse and sexual violence are happening in and around the setting, even when there are no specific reports. They should put in place a whole-establishment approach to address them. This includes an effective behaviour policy with appropriate sanctions, pastoral support and a carefully planned relationships, sex and health education curriculum that covers issues of consent. Inspectors should look for evidence that settings are alert to factors that increase children's and learners' vulnerability or potential vulnerability. These factors include mental ill health, domestic abuse, having additional needs, and being from groups at greater risk of exploitation and/or of feeling

unable to report abuse (for example, girls and LGBT+ children). Inspectors will also seek to understand how any barriers that could prevent a child or learner from making a disclosure, for example communication needs, are identified and addressed.

19. Inspectors should consider how far leaders and managers have put in place effective arrangements to:

- identify children and learners who may need early help or are at risk of neglect, abuse, grooming or exploitation
- help prevent abuse by raising awareness among children and learners of safeguarding risks and how and where to get help and support if they need it
- help those children and learners who are at risk of abuse and need early help or statutory social care involvement, keeping accurate records, making timely referrals where necessary and working with other agencies to ensure that children and learners get the help and support they need
- manage allegations about adults who may be a risk and check the suitability of staff to work with children, learners and vulnerable adults

### **Inspecting how effectively leaders and governors create a safeguarding culture in the setting**

20. Inspectors should consider how well leaders and managers in early years settings, schools and further education and skills providers have created a culture of vigilance where:

- children's and learners' welfare is promoted
- abusive or inappropriate behaviour is challenged
- timely and appropriate safeguarding action is taken for children or learners who need extra help or who may be suffering or likely to suffer harm

21. Leaders of schools and further education and skills settings should assume that sexual harassment, online sexual abuse and sexual violence are happening in and around the establishment, even when there are no specific reports, and should put in place a whole-establishment approach to address them. Inspectors should evaluate how well early years settings, schools and further education and skills providers fulfil their statutory responsibilities and how well staff exercise their professional judgement in keeping children and learners safe.

22. Inspectors should consider evidence that:

- leaders, governors and supervisory bodies (where appropriate) fulfil statutory requirements, such as those for disability, safeguarding, recruitment and health and safety (we use 'governors' throughout this guidance to also cover those responsible for governance in further education and skills settings)
- child protection/safeguarding and staff behaviour policies and procedures are in place, consistent with government guidance, refer to locally agreed multi-agency safeguarding arrangements and are regularly reviewed. Leaders and governors ensure that these policies and procedures are understood and followed by all staff
- staff, leaders and managers recognise that children and learners are capable of abusing their peers and this risk is covered adequately in the child protection or safeguarding policy. It is assumed that sexual harassment, online sexual abuse and sexual violence

are happening in and around the setting, even when there are no specific reports, and the setting has a whole-establishment approach to address them

- the provider has trained staff to understand how to handle reports of sexual violence and harassment between children and learners, both on and outside school premises, in line with the [relevant guidance](#). Staff are confident about what to do if a child or learner reports that they have been sexually abused or harassed by a peer or asked to share sexual imagery
- the child protection or safeguarding policy reflects the additional barriers that exist when recognising the signs of abuse and neglect of children who have SEND
- children and learners feel safe
- staff, leaders, governors, those from supervisory bodies (where appropriate) and volunteers receive appropriate training on safeguarding at induction followed by regular updates. They also receive updates on safeguarding and child protection at least annually. They demonstrate knowledge of their responsibilities relating to the protection of children, learners and vulnerable adults
- staff are supported to have a good awareness of the signs that a child or learner is being neglected or abused, as described in [‘What to do if you’re worried a child is being abused’](#)
- there is a designated senior member of staff in charge of safeguarding arrangements who has been trained to the appropriate level and understands their responsibilities relating to the safeguarding and protection of children, learners and vulnerable adults. Designated members of staff in schools and colleges are a senior member of the leadership team, they receive safeguarding training every 2 years and their knowledge and skills are refreshed at regular intervals (at least annually), as set out in [‘Keeping children safe in education’](#). Designated safeguarding leads in schools and colleges act as the main point of contact with the local safeguarding partnership. During term time, they, or an appropriately trained deputy, are available during opening hours for staff to discuss safeguarding concerns
- staff know who their designated safeguarding lead is, what they are responsible for, and the names of any deputies
- the setting identifies children or learners who may be at risk of abuse or neglect, or who may need support with their mental health
- staff are alert to circumstances when a child or learner may need early help
- the setting has clear policies and procedures for dealing with children and learners who go missing from education, particularly those who go missing on repeat occasions. This might include repeat absences for part of the day. Leaders, managers and staff are alert to signs that children and learners who are missing might be at risk of abuse, neglect and/or exploitation. Where reasonably possible, the school or college holds more than one emergency contact number for each learner
- appropriate action is taken when children and learners stop attending the setting or do not attend regularly; for schools, this includes informing the local authority when a pupil is going to be deleted from the register
- action is taken to ensure that children are taught about safeguarding risks, including keeping themselves safe online, as set out in [‘Teaching online safety in schools’](#)
- there is a clear approach to implementing the ‘Prevent’ duty and keeping children and learners safe from the dangers of radicalisation and extremism, including by encouraging open debate about different points of view and beliefs
- the setting takes effective action to prevent and tackle discriminatory and derogatory language, including language that is derogatory about disabled people and homophobic, sexist and racist language. As part of the curriculum, children and

learners are supported to understand what constitutes a healthy relationship both online and offline, and to recognise risk, for example risks associated with criminal and sexual exploitation, sexual violence and harassment, domestic abuse, female genital mutilation, forced marriage, substance misuse, gang activity, radicalisation and extremism. They are aware of the support available to them

- staff, leaders and managers understand the risks posed by adults or young people who use the internet to bully, groom or abuse children, learners and vulnerable adults; there are well-developed strategies in place to keep children and learners safe and to support them in learning how to recognise when they are at risk and how to get help when they need it
- staff understand the importance of considering wider environmental factors that may be present in a child or learner's life that are a threat to their safety and/or welfare
- the setting promotes children and learners' resilience and supports their mental health and well-being, for example, in schools and colleges there may be a senior mental health lead who coordinates this
- teachers understand their [mandatory duty to report to police any known case of female genital mutilation](#) on a girl under the age of 18
- staff, leaders and managers oversee the safe use of electronic devices and social media by staff, children and learners. They take action immediately if they are concerned about bullying or risky behaviours
- appropriate filters and monitoring systems are in place to protect children and learners from potentially harmful online material and to protect systems from cyber-security risks
- appropriate arrangements are made with regards to health and safety to protect staff, children and learners from harm
- staff in schools and colleges are supported to make reasonable judgements about when it may be appropriate to use physical contact with a learner or child to protect them from injury
- the setting's premises provide a safe learning environment, with secure access

## **Inspecting arrangements for staff recruitment and vetting**

23. We expect early years settings, schools and further education and skills providers to be able to show that they meet all regulations and duties for the purposes of the safeguarding judgement under leadership and management. These are detailed in the inspection handbooks for each remit.

24. Inspectors should check the single central record early in inspections of schools and colleges. It should be complete and meet statutory requirements.<sup>[footnote 21](#)</sup> During early years inspections, inspectors will check that the provider is able to produce evidence of suitability of relevant staff and adults.

25. Inspectors should also check the setting's policy and procedures for ensuring that visitors are suitable and checked and monitored as appropriate. Visitors may include, for example, external speakers at school assemblies.

26. Registered early years providers are expected to make all records available at inspection. If evidence of suitability is not kept on site, inspectors can accept this evidence later during the inspection as long as it is provided before final feedback is given.

27. If there is a minor administrative error on a single central record, such as a missing date, and this can be easily rectified before the final team meeting, the school or college will be given the chance to resolve the issue.

28. We define minor administrative errors in the single central record as:

- failure to record one or two dates
- individual entries that are illegible
- one or two omissions where it is clear that the information is already held by the school or college but the school or college has failed to transfer over the information in full to the single central record

29. We will not make any allowance for failures, such as breaches to the requirements for Disclosure and Barring Scheme (DBS) checks.

30. For specified early or later years childcare, inspectors are not expected to make enquiries as to whether any member of staff is disqualified. However, inspectors should determine whether the provider knows its legal obligations and whether it has effective systems in place to find out information about whether a person may be disqualified.

31. To employ a disqualified person knowingly constitutes an offence. Should an inspector become aware that a member of staff is, or may be, disqualified and has not been granted a waiver, this must be considered when making the judgement on the effectiveness of safeguarding.

32. Where an early years setting, school or college has recruited volunteers who are not checked, inspectors should explore with senior leaders and governors how the registered provider or school has reached this decision. For example, they should find out how it has assessed the level of supervision provided.

33. In the case of trainee teachers and students on placement, if they are employed by the setting, school or college, then they should be subject to the same checks under regulations as other members of staff. If trainee teachers are fee-funded, the school or setting should get written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for a school to record details of fee-funded trainees on the single central record.

### **Inspecting the quality of safeguarding practice**

34. Inspectors should look for evidence that the early years setting, school or further education and skills provider is implementing its safeguarding policy and processes effectively and keeping them under review. As well as ensuring that children and learners are safeguarded while on the premises, the setting should be proactive about anticipating and managing risks that children and learners face in the wider community. The setting should adhere to any locally agreed arrangements for safeguarding. All concerns and actions taken in response should be clearly recorded.

35. Where a child or learner is subject to a multi-agency plan and/or is currently receiving, or has been referred by the setting for, services or support from children's social care services,

inspectors should explore the role, actions and participation of the setting in this. They should explore how the setting is working in partnership with external agencies with the aim of improving the child's situation.

## **Inspecting arrangements for handling serious incidents and allegations**

36. On all inspections, the lead inspector must check whether there have been any safeguarding incidents or allegations since the last inspection that have either been resolved or that are ongoing. This should be done early in the inspection, if possible. This is to establish whether there is any information that could impact on the judgement of the effectiveness of safeguarding or any other aspect of the inspection that needs to be included in the report. In particular, inspectors will check:

- whether the early years setting, school or further education and skills provider has responded in a timely and appropriate way to concerns or allegations
- how effectively the early years setting, school or further education and skills provider has worked in partnership with external agencies regarding any concerns

## **Arriving at judgements about safeguarding arrangements**

37. The impact of safeguarding arrangements will be tested under the EIF judgement on the quality of leadership and management. Inspectors will arrive at a judgement about whether the early years setting, school or further education and skills provider has effective safeguarding arrangements or not. This judgement will contribute towards the overall judgement on the effectiveness of leadership and management.

38. Judgements must not be made solely based on the evidence that is presented during the inspection. Inspectors must probe further and take into account a range of evidence to evaluate the effectiveness of safeguarding arrangements over time. Inspectors should take into account any comments received by Ofsted from parents of children and learners who attend the setting.

39. Inspectors will consider the extent to which leaders, managers and those responsible for governance ensure that arrangements to protect children and learners:

- meet statutory requirements
- follow the applicable guidance
- promote their welfare – including the prevention of radicalisation and extremism

The evidence for this will contribute to the inspectors' evaluation of the effectiveness of safeguarding. Evidence gathered in relation to attendance, behaviour – for example bullying – and how well children and learners are supported to keep themselves safe may also contribute, to a greater or lesser degree, to this judgement. In line with statutory guidance, inspectors will gather evidence as to whether staff are sensitive to signs of possible safeguarding concerns. These include poor or irregular attendance, persistent lateness or children missing from education. Inspectors will consider during each inspection any inspection survey comments about safeguarding from staff or pupils and any parental comments on Ofsted Parent View.

40. Inspectors will evaluate, where applicable, the extent to which the provision is successfully promoting and supporting children's and learners' safety. For schools and further education and skills providers, this includes taking a proactive approach to managing the risks of sexual violence and sexual harassment, including online, between children and learners. Inspectors will consider, among other things, children's and learners' understanding of healthy and unhealthy relationships and how they are supported to keep themselves safe from risks such as exploitation and extremism, including when using the internet and social media. Inspectors should include online safety in their discussions with children and learners (covering topics such as online bullying and safe use of the internet and social media). Inspectors should investigate what the school or further education and skills provider does to educate pupils in online safety and how it deals with issues when they arise.

41. In relation to early years, inspectors should consider how staff promote young children's understanding of how to keep themselves safe from relevant risks and how this is monitored across the provision.

42. When judging the effectiveness of safeguarding procedures in independent school inspections, inspectors must take into account whether or not the school meets all the paragraphs in part 2 (spiritual, moral, social and cultural development of pupils), part 3 (welfare, health and safety of pupils), part 4 (suitability of staff, supply staff and proprietors) and part 5 (premises of and accommodation at schools) of the [independent school standards](#). The '[Leadership and management](#)' section of the [non-association independent schools handbook](#) includes a section on managing sexual harassment, online sexual abuse and sexual violence between pupils.

## **Inspecting and reporting on safeguarding concerns**

43. Inspectors may identify safeguarding concerns about an early years setting, school or further education and skills provider during an inspection. The concerns may also be brought to the attention of an inspector or Ofsted before or during an inspection. Safeguarding concerns may include:

- delay or negligence in passing on concerns to the relevant agencies about a child or learner at risk of or suffering significant harm
- the suspension or redeployment of a member of staff and a current safeguarding investigation
- failure to follow statutory requirements, guidance, or locally agreed procedures for safer recruitment or for dealing with allegations against staff
- failure to comply with the legal duty to refer to the DBS a member of staff who has harmed, or poses a risk of harm to, a child

44. When reporting on these issues, inspectors must take care not to include any information that might lead to identification of an individual child or learner or of a member of staff who is, or may be, under investigation by another agency. Inspectors must be mindful that where a particular matter is under investigation it is not proven. It is also important that the inspection report should not contain information that might raise undue concerns among parents and the wider public that the children and learners in general are unsafe. There are instances when a member of staff may be absent because they have been suspended pending a safeguarding

investigation. Parents or other staff may not be aware of the suspension and are most unlikely to be aware of any detail.

45. If we are aware of a safeguarding issue relating to the provision before an inspection, then the lead inspector (if unsure of what action to take) should seek guidance from their senior manager before the inspection. The lead inspector should record information about the concern known to Ofsted as part of the inspection planning evidence. This is to provide a clear audit trail of the evidence used for the inspection.

46. Inspectors should ensure that they are aware of any information about safeguarding at the setting that is available to the public, reported in the press or online, including that available on the early years setting, school or further education and skills provider's website, if available. As part of their pre-inspection planning, the lead inspector should run an internet check to see whether there are any safeguarding issues that the inspection team may need to follow up on during the inspection. All information that is considered when planning for the inspection should be recorded as evidence.

47. Inspectors should consider carefully the judgements relating to the effectiveness of safeguarding, when it is known that a member of staff has been convicted of sexual or violent offences.

### **Reporting on evidence or allegations of child abuse, including serious incidents**

48. If, during an inspection, inspectors come across evidence or allegations of child abuse, the lead inspector should report the concerns using the following wording:

Concerns raised by [some children/learners/vulnerable adults or a child/learner/vulnerable adult or some parents/one parent] during the inspection are being examined by the appropriate bodies.

49. It is not the role of an inspector to investigate a child protection concern or an allegation against a member of staff. Inspectors should, however, satisfy themselves that appropriate referrals have been made in response to any child protection concerns.

50. In cases where Ofsted has become aware of another agency's investigation into a serious incident or allegations involving a setting, school or provider that we are inspecting, it may be appropriate to briefly mention this in the inspection report. This should be done in such a way that avoids the risk of prejudicing the outcome of the investigation or identifying individuals who are linked to the investigation. Any references will be confined to the most serious incidents, such as the death of a child or a serious safeguarding failure. Inspectors should avoid making any reference to a serious incident if there is any possibility that doing so would:

- prejudice an investigation or its outcome
- breach confidentiality
- risk identifying individuals subject to, or related to, the investigation

If a reference is to be made, it should be clear that Ofsted has not investigated and is not coming to any determination on the concerns raised.

51. Inspectors should note that the restrictions in paragraphs 48 to 50 of this guidance apply to what may be reported in the inspection report about active, external investigations, not to what may be included as lines of enquiry in the inspection. Inspectors are required and remain free to comment on any matter they believe is relevant to the quality of the safeguarding practice, as long as the comments are based on the inspection evidence.

### **Sentences to include in inspection reports when an investigation is in progress**

52. Where relevant and appropriate, the lead inspector should consider carefully, and seek advice about, inserting specific text in the 'Information about this setting or school' section of the report template. Before using the sentences below, inspectors must consider whether referring to an incident might cause prejudice to an ongoing investigation or inappropriately identify an individual. If they are in any doubt, inspectors must seek advice on the wording to be used.

#### **A serious incident that involves the setting**

Inspectors were aware during this inspection that a serious incident that occurred at the setting since the previous inspection is under investigation by the appropriate authorities. While Ofsted does not have the power to investigate incidents of this kind, actions taken by the setting/school/provider in response to the incident(s) were considered alongside the other evidence available at the time of the inspection to inform inspectors' judgements.

#### **An investigation into the death or serious injury of a child at the setting or while in the care of staff**

Inspectors were aware during this inspection that a serious incident that occurred at the setting/while a child was in the care of staff employed by the setting [for example during an educational visit – amend as appropriate] since the previous inspection is under investigation by the appropriate authorities. While Ofsted does not have the power to investigate incidents of this kind, actions taken by the setting/school/provider in response to the incident(s) were considered alongside the other evidence available at the time of the inspection to inform inspectors' judgements.

53. In situations where the incident concerns a child who attends or used to attend the early years setting or school, but the incident did not take place in the setting or school, the following form of words could be used:

Inspectors were aware during this inspection of a serious incident involving a child who attends/used to attend this setting/school/provision [delete as appropriate] that had occurred since the previous inspection. While Ofsted does not have the power to investigate incidents of this kind, actions taken by the setting/school/provider in response to the incident(s) were considered alongside the other evidence available at the time of the inspection to inform inspectors' judgements.

#### **An investigation into alleged child protection failings**

Inspectors were aware during this inspection that serious allegations of a child protection nature were being investigated by the appropriate authorities. While Ofsted does not have the power to investigate allegations of this kind, actions taken by the setting/school/provider in

response to the allegations(s) were considered alongside the other evidence available at the time of the inspection to inform inspectors' judgements.

### **A police investigation into the use of restraint/restriction of liberty at the setting**

Inspectors were aware during this inspection of a police investigation into serious allegations about restriction of liberty at the setting/school/provider. While Ofsted does not have the power to investigate allegations of this kind, actions taken by the setting/school/provider in response to the allegation(s) were considered alongside the other evidence available at the time of the inspection to inform inspectors' judgements.

## **Annex 1. Safeguarding requirements for leaders and managers**

Governing bodies, boards of trustees, registered providers and proprietors (including management committees) must ensure that they comply with their safeguarding duties under legislation. In the case of academies, free schools and alternative provision academies, references to the proprietor include the academy trust. They must ensure that the policies, procedures and training in their early years settings, schools or colleges are effective and legally compliant at all times.

In schools and further education and skills providers, leaders, governors and managers should assume that sexual harassment, online sexual abuse and sexual violence are happening in and around the setting. This should be the case even when there are no specific reports. They should have a whole-establishment approach to address these issues.

The responsibilities placed on governing bodies, boards of trustees, registered providers, proprietors and management committees include:

- continuing to contribute to multi-agency working in line with statutory guidance, including 'Working together to safeguard children'
- ensuring that an effective safeguarding/child protection policy is in place, together with a staff behaviour policy, where applicable. For schools and colleges, the child protection policy should include procedures for minimising and dealing with sexual harassment, online sexual abuse and sexual violence and the approach to managing reports of sexual violence and harassment and concerns about the sharing of nude and semi-nude images (also known as youth-produced sexual imagery)
- appointing a designated safeguarding lead and, in schools and colleges, ensuring that they undergo child protection training every two years
- prioritising the welfare of children and learners and creating a culture where staff are confident to challenge senior leaders over any safeguarding concerns
- making sure that children and learners are taught how to recognise risk and know where to go for help when they need it
- putting in place appropriate safeguarding responses to children and learners who go missing from early years and education settings, particularly on repeat occasions

- carrying out reasonable checks (for example, for links with extremism) on and assessing what will be appropriate supervision of all visitors who are intending to work with children, learners and/or staff or who may be visiting to address assemblies
- if named as a relevant agency, cooperating with the multi-agency safeguarding arrangements put in place by the local safeguarding partners. It is expected that, locally, the three safeguarding partners will name schools and colleges as relevant agencies and ensure that they are fully involved in the new arrangements

For schools and colleges, the responsibilities also include:

- having a senior board (or equivalent) level lead to take leadership responsibility for the school or college's safeguarding arrangements
- understanding the local criteria for action<sup>[footnote 3]</sup> and the local protocol for assessment<sup>[footnote 4]</sup> and ensuring that these are reflected in policies and procedures
- having due regard to the need to prevent people from being drawn into terrorism in accordance with the Counter-Terrorism and Security Act 2015
- supporting staff to take a whole-establishment approach to preventing and responding to sexual violence and sexual harassment between children or learners, and supporting any children who are affected including the alleged victim and perpetrator, as per [DfE's advice on sexual violence and harassment](#)
- appointing a designated teacher to promote the educational achievement of children who are looked after and who have left care through adoption, special guardianship or child arrangements orders of children who were adopted from state care outside of England and Wales

In addition, for governing bodies of maintained schools, proprietors of academies and management committees of pupil referral units, responsibilities also include:

- meeting their obligations under Section 100 of the Children and Families Act 2014 to make arrangements for [supporting pupils at their school with medical conditions](#).

## Safe recruitment

Governing bodies, boards of trustees, registered providers, proprietors and management committees should prevent people who pose a risk of harm from working with children or learners by:

- using safe recruitment practices for selecting and appointing staff and checking references. For schools and colleges, there is guidance on safe recruitment in part 3 of 'Keeping children safe in education'
- adhering to statutory responsibilities to carry out checks that enable a decision to be taken on the suitability of staff who work with children and learners
- taking proportionate decisions on whether to ask for checks beyond those that are required
- ensuring that volunteers are appropriately checked (if required) and supervised
- making sure that, in relation to maintained schools, at least one person on any appointment panel has had safer recruitment training
- ensuring that there are procedures in place to handle allegations against members of staff, volunteers and contractors. For schools and colleges, there should also be

procedures for recording and dealing with low-level concerns that do not meet the threshold for referral to the LADO

- making sure that there are procedures in place to handle allegations against other children or learners

Governing bodies, boards of trustees, registered providers, proprietors and management committees should ensure that allegations against members of staff and volunteers are referred to the LADO(s) who is/are involved in the management and oversight of allegations against people who work with children.

There must be procedures in place to make a referral to the DBS if a person in regulated activity has been dismissed or removed due to safeguarding concerns or would have been removed had they not resigned. This is a legal obligation and failure to do so is a criminal offence. For example, it is a criminal offence for an employer knowingly to take on an individual in a DBS-regulated activity (such as schools or childcare) who has been barred from such an activity.

Governing bodies of maintained schools and boards of trustees of academies must appoint a designated teacher to promote the educational achievement of children who are, or were previously, looked after. They must ensure that this person has appropriate training. Governing bodies, boards of trustees, registered providers, proprietors and management committees should ensure that staff have the skills, knowledge and understanding necessary to keep looked after children safe.

Early years providers, school leaders and further education and skills providers should create a culture of safe recruitment. This should include using recruitment procedures that help deter, reject or identify people who might abuse children and learners. Governing bodies, boards of trustees, registered providers and proprietors must act reasonably in making decisions about the suitability of prospective employees.

It is the registered provider's, board of trustees', proprietor's or governing body's responsibility to ensure that safe recruitment checks are carried out in line with the statutory requirements, set out in 'Keeping children safe in education'. There is no requirement to carry out retrospective checks on current staff. The necessary checks are those that were in force at the time the appointment was made.

Governing bodies, boards of trustees, registered providers and proprietors must ensure that when an individual is appointed to carry out teaching work, an additional check is carried out to ensure that the individual is not prohibited from teaching. For those who are to be involved in management roles in independent schools (including academies and free schools), an additional check is required to ensure that they are not prohibited from management under section 128 of the Education and Skills Act 2008.

Schools and colleges must keep a single central record. The record must cover the following people:

- all staff (including third-party supply staff and trainee teachers on salaried routes) who work in the school; in colleges, this means those providing education to children under the age of 18

- for independent schools, including academies and free schools, all members of the proprietor body. For academies, this means the members and trustees of the academy trust

Schools and colleges are free to record non-statutory information they deem relevant, such as about others who work in regular contact with children in the school or college, including volunteers who have been checked.

Registered early years providers must keep the required information above, as set out in paragraphs 3.69 to 3.73 of the ‘Statutory framework for the early years foundation stage’, although they are not required to keep this information as a single central record.

It is the registered provider’s or school’s responsibility to ensure that all the staff they employ in specified early or later years childcare have had the appropriate checks. This includes ensuring that staff working in early and later years settings are suitable to do so. The ‘Statutory framework for the early years foundation stage’ sets out the disqualification requirements that early years providers must meet.

School inspectors should also be aware of the statutory guidance [‘Disqualification under the Childcare Act 2006’](#). This applies to governing bodies of maintained schools, including maintained nursery schools, and proprietors of non-maintained and independent schools (including academies) and management committees of pupil referral units.

Governing bodies, boards of trustees, proprietors and management committees must ensure that they are not knowingly employing a person who is disqualified under the School Staffing (England) Regulations 2009 in connection with relevant early years provision. In gathering information to make these decisions, they must ensure that they act proportionately and minimise wherever possible the intrusion into the private lives of their staff and members of their household. Disqualification may also affect individuals providing/working in childcare on domestic premises who are disqualified ‘by association’. This means that they are automatically disqualified if they live in the same household as another person who is disqualified or in a household where a disqualified person is employed. The statutory guidance lists the categories of staff covered by the legislation.

A disqualified person may [apply for a waiver of disqualification](#) for most grounds of disqualification.

Where a school places a pupil with an alternative provision provider, the school continues to be responsible for safeguarding that pupil and should be satisfied that the provider meets their needs. The school should get written confirmation that appropriate checks have been carried out on staff employed by the provider to work with children. The school or commissioner should establish that the provider meets any applicable requirements for registration. [\[footnote 5\]](#)

## **Annex 2. Pre-appointment checks, including DBS checks and Secretary of State prohibition orders**

Early years settings, schools and further education and skills providers must check an individual's identity and right to work in the UK.

## **DBS checks**

The level of DBS check required, and whether a prohibition check is required, will depend on the role and duties of the applicant. For most appointments, an enhanced DBS check with barred list information will be appropriate as the majority of staff will be engaging in regulated activity as defined in [Schedule 4 to the Safeguarding Vulnerable Groups Act 2006](#). The DfE sets out the [scope of regulated activity](#) in relation to children.

In a school or college, a supervised volunteer who regularly teaches or looks after children is not in regulated activity. The DfE has separate [statutory guidance on supervision and regulated activity](#) that schools and colleges should follow when considering which checks should be carried out on volunteers.

When the DBS has completed its check, a DBS certificate is sent to the applicant. The applicant must show the certificate to their potential employer before they take up post or as soon as practicable afterwards. If the applicant has subscribed to it and gives permission, the early years setting, school or college may do an online update check through the DBS Update Service to ensure that the information contained within a previously issued certificate remains current (they must, however, see the original certificate). Early years settings, schools and further education and skills providers should consider any information contained in the certificate and provided by the update service as part of their wider decision on an individual's suitability.

If a school or college allows an individual to start work in regulated activity before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that all other checks are completed to ensure that the individual is not barred by the DBS.

If an early years setting allows an individual to start work in a regulated activity before their DBS certificate is available, they should ensure that the person is never left in unsupervised contact with children, and that they are in the process of obtaining a DBS certificate for that individual.

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Since the UK's departure from the EU, these further checks are the same whether or not the individual was working in an European Economic Area country. They could include criminal checks for overseas applicants, using the Home Office guidance, or getting a letter through the applicant from the professional regulating authority (where available) in the country where they worked. Further information is in ['Keeping children safe in education'](#).

Schools and colleges should consider the circumstances that led to any restriction or sanction being imposed when considering a candidate's suitability for employment.

Early years providers should seek additional criminal records checks for anyone who has lived or worked abroad.

For more information, see: [‘Criminal records checks for overseas applicants’](#).

## **Secretary of State prohibition orders**

Secretary of State prohibition orders prevent a person from carrying out teaching work in schools, sixth-form colleges, 16 to 19 academies, relevant youth accommodation and children’s homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. Prohibition checks are not normally required when appointing into teaching assistant (TA) positions. This would, however, be necessary if the TA had qualified teacher status and was being appointed to carry out teaching, or if their role changed so that they began teaching work. A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools.

A check for a teacher prohibition order, section 128 direction or continuing General Teaching Council for England sanction or restriction can be carried out using the Teaching Regulation Agency’s [Teacher Employer Access Service](#). However, this service can no longer be used to check details of teachers who have been sanctioned in EU member states.

An offer of appointment to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of pre-employment checks, including seeking references. More information about how to carry out these checks is in part 3 of ‘Keeping children safe in education’.

Governors and school proprietors are required to have an enhanced DBS certificate. It is the responsibility of the governing body or proprietor to apply for the certificates. This does not apply to associate members of governing bodies. A barred list check is not required for a governor unless they also engage in regulated activity. Schools should carry out section 128 checks on governors because a section 128 direction disqualifies a person from becoming a school governor.

## **Annex 3. The single central record**

Schools and colleges must keep a single central record of their staff members.

Multi-academy trusts (MATs) must maintain the single central record, detailing checks carried out in each academy within the MAT. While there is no requirement for the MAT to maintain an individual record for each academy, the information should be recorded in such a way that allows for details for each individual academy to be provided separately, and without delay, to those entitled to view that information, including inspectors.

Generally, the information to be recorded by schools or other providers on individuals is whether or not the following checks have been carried out or certificates obtained and the date on which each check was completed:

- an identity check
- a barred list check

- an enhanced DBS check/certificate
- a prohibition from teaching check
- a check for a section 128 direction (for management positions in independent schools including academies and free schools)
- further checks on people living or working outside the UK
- a check of professional qualifications
- a check to establish the person's right to work in the UK

For supply staff, schools and other providers should also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff and the date that confirmation was received. Independent schools and non-maintained special schools should also include the date on which any certificate was obtained.

Where checks are carried out on volunteers, schools should record this on the single central record.

Details of the records that must be kept are contained in:

- for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) Amendment Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007)
- for independent schools (including academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014
- for colleges: Regulations 20 to 25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006 (16 to 19 academies and free schools are covered through their funding agreements)
- for non-maintained special schools: Regulation 3 and paragraph 6 of Part 1 and paragraph 18 of Part 2 of the Schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2015

If a school or college has concerns about an existing staff member's suitability to work with children or learners, it should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity into work that is regulated activity, the relevant checks for the regulated activity must be carried out. Apart from these circumstances, in respect of existing staff, the school or college is not required to request a DBS check or barred list check. The only requirement for those appointed before March 2002 is that they must have been List 99 checked. DBS checks became mandatory for the entire maintained schools workforce from 12 May 2006 (September 2003 for independent schools, including academies).

While registered early years providers are not required to keep a single central record, they are still required to get the relevant information to confirm the suitability of those caring for children. The requirements are set out in the 'Statutory framework for the early years foundation stage' and are referenced earlier in this document.

## **Annex 4. Safeguarding requirements in further education and skills providers that are not colleges**

The requirements and expectations set out in ‘Keeping children safe in education’ apply to 16 to 19 academies, independent specialist colleges and independent learning providers where they have students under 18.

The following extracts from ‘Working together to safeguard children’ apply to voluntary organisations and private sector providers in the further education sector. Chapter 2, paragraphs 57 to 62 include the following:

Voluntary, charity, social enterprise (VCSE) and private sector organisations and agencies play an important role in safeguarding children through the services they deliver. Some of these will work with particular communities, with different races and faith communities and delivering in health, adult social care, housing, prisons and probation services. They may as part of their work provide a wide range of activities for children and have an important role in safeguarding children and supporting families and communities.

Every VCSE, faith-based organisation and private sector organisation or agency should have policies in place to safeguard and protect children from harm. These should be followed and systems should be in place to ensure compliance in this. Individual practitioners, whether paid or volunteer, should be aware of their responsibilities for safeguarding and protecting children from harm, how they should respond to child protection concerns and how to make a referral to local authority children’s social care or the police if necessary.

Every VCSE, faith-based organisation and private sector organisation or agency should have in place the arrangements described in this chapter. They should be aware of how they need to work with the safeguarding partners in a local area. Charities (within the meaning of section 1 Charities Act 2011), religious organisations (regulation 34 and schedule 3 to School Admissions) and any person involved in the provision, supervision or oversight of sport or leisure are included within the relevant agency regulations. This means if the safeguarding partners name them as a relevant partner they must cooperate. Other VCSE, faith-based and private sector organisations not on the list of relevant agencies can also be asked to cooperate as part of the local arrangements and should do so.

Chapter 2, paragraph 3 states that the following organisations:

- local authorities and district councils that provide children’s and other types of services, including children’s and adult social care services, public health, housing, sport, culture and leisure services, licensing authorities and youth services
- NHS organisations and agencies and the independent sector, including NHS England and clinical commissioning groups, NHS Trusts, NHS Foundation Trusts and GPs
- the police, including police and crime commissioners and the chief officer of each police force in England and the Mayor’s Office for Policing and Crime in London
- the British Transport Police
- the National Probation Service and community rehabilitation companies
- governors/directors of prisons and young offender institutions (YOIs)
- directors of secure training centres (STCs)
- principals of secure colleges

- youth offending teams/services (YOTs)

should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including:

- a clear line of accountability for the commissioning and/or provision of services designed to safeguard and promote the welfare of children
- a senior board-level lead with the required knowledge, skills and expertise or sufficiently qualified and experienced to take leadership responsibility for the organisation's/agency's safeguarding arrangements
- a culture of listening to children and taking account of their wishes and feelings, both in individual decisions and the development of services
- clear whistle-blowing procedures, which reflect the principles in Sir Robert Francis' Freedom to Speak Up Review and are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed
- clear escalation policies for staff to follow when their child safeguarding concerns are not being addressed within their organisation or by other agencies
- arrangements that set out clearly the processes for sharing information with other practitioners and with safeguarding partners
- a designated practitioner (or, for health commissioning and health provider organisations/agencies, designated and named practitioners) for child safeguarding. Their role is to support other practitioners in their organisations and agencies to recognise the needs of children, including protection from possible abuse or neglect. Designated practitioner roles should always be explicitly defined in job descriptions. Practitioners should be given sufficient time, funding, supervision and support to fulfil their child welfare and safeguarding responsibilities effectively
- safe recruitment practices and ongoing safe working practices for individuals whom the organisation or agency permit to work regularly with children, including policies on when to obtain a DBS check
- appropriate supervision and support for staff, including carrying out safeguarding training
- creating a culture of safety, equality and protection within the services they provide

Employers are responsible for ensuring that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role.

Staff should be given a mandatory induction, which includes familiarisation with child protection responsibilities and the procedures to be followed if anyone has any concerns about a child's safety or welfare.

All practitioners should have regular reviews of their own practice to ensure that they have knowledge, skills and expertise that improve over time.

Organisations should have clear policies for dealing with allegations against people who work with children. An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child

- possibly committed a criminal offence against or related to a child, or behaved towards a child or children in a way that indicates they may pose a risk of harm to children

Any allegation against people who work with children should be reported immediately to a senior manager within the organisation or agency. The designated officer, or team of officers, should also be informed within one working day of all allegations that come to an employer's attention or that are made directly to the police.

Providers with funding contracts or direct grants from the Education and Skills Funding Agency for the provision of education and/or training or contracts with employers for the delivery of levy-funded apprenticeships have a range of contractual obligations and funding conditions with respect to the safeguarding and protection of learners.

Some providers only train their own employees. Employers are not required to carry out DBS checks on staff who are supervising employed trainees under the age of 18. However, if any staff are employed principally to carry out teaching, training, assessing, mentoring or coaching of learners under 16 years old on a frequent or intensive basis, they are engaged in regulated activity and the employer should carry out a DBS check on those staff.

## **Annex 5. Inspection and health and safety, particularly in further education and skills providers**

We often receive questions about inspectors' approach to inspecting health and safety. Providers want to find out whether we expect to see rigorous health and safety checks on inspection; the extent to which inspectors check health and safety documentation for learners on work placements; and whether we will do a health and safety audit.

We are not a health and safety authority, nor are we responsible for auditing health and safety standards within the learning environment. However, inspectors have a duty to take prompt and proportionate action and to report any significant health and safety risks affecting learners that are identified during the course of an inspection.

Inspection visits to vocational workshops or learners' workplaces are primarily to observe a teaching or training session or an assessment and to evaluate learners' standards of work. However, during the course of an inspection, inspectors may also identify good or poor health and safety practices as they affect learners and their areas of work. For example, inspectors will check whether the correct personal protective equipment is being worn on a construction site, or whether learners are using correct procedures for storing knives in a catering kitchen.

Subject-specialist inspectors should have a working knowledge of the relevant guidance from the Health and Safety Executive. However, inspectors are not health and safety experts and are not expected to have the detailed knowledge that appropriately qualified specialists in this field possess.

Any learning environment or work placement must be fit for purpose and properly planned and evaluated to ensure that it meets appropriate standards and learners' needs. Nevertheless,

inspections should not be regarded as health and safety audits, although inspectors will adopt a proportionate approach to checking that the employer has appropriate health and safety systems in place and will identify significant health and safety issues affecting learners where they arise.

## **The responsibilities of the provider and the employer with respect to health and safety in the context of work experience**

Inspectors will have regard to [guidance from the Health and Safety Executive](#) about the relative responsibilities of the training provider and the employer, which emphasises the following:

- the employer has primary responsibility for the health and safety of the learner and should be managing any risks
- the training provider should take reasonable steps to satisfy itself that the employer is managing the risks and understands the specific factors relevant to employing young people
- the training provider should keep checks in proportion to the level of risk, which will vary in relation to the type of working environment involved
- the provider should avoid seeking paperwork for assurance purposes, using an exchange of emails or correspondence to provide an audit trail if this is needed

## **Annex 6. Assessment of risk in settings that children attend because individuals reside on the premises or have access to children and young people**

This annex sets out how inspectors check that early years providers ensure that any risks arising from individuals, other than staff or users, living on or accessing the premises (both those employed by the setting and those who do not work for the organisation), are determined, assessed and acted on. In the case of childminders who operate on domestic premises, household members who live in and have access to the premises (but do not work for the organisation) are routinely checked by Ofsted.

In this annex, we use ‘premises’ to cover accommodation within the main building, a completely self-contained apartment, with a separate entrance, that is part of that building or a residence in the grounds. This is different from the definition of ‘premises’ as set out in regulation (that is, only those areas where the early years service is provided) but is for ease of reading.

During an inspection or registration visit, inspectors must find out whether anyone lives on the setting premises or whether anyone (other than staff and users of the service) has access to the premises. This requirement applies to the inspection of any setting that children attend and/or where they are resident.

Inspectors need to be vigilant when assessing how the provider mitigates all risks, including those arising from any individuals living on the premises. They must avoid making

assumptions about who has access to the premises. Inspectors must not allow more immediate concerns to overshadow their assessment of arrangements where an individual, not employed by the provider, lives on or has access to the premises. This is a key safeguarding issue. Access to the premises by other individuals must be assessed even where there may appear to be less risk. For example, the fact that those who have access are council staff does not, in itself, mitigate possible risk to children and young people. The assessment of access needs to take account of the age and vulnerability of the children or young people who attend, or who are resident at, the premises.

Where individuals other than members of staff reside on or in the vicinity of the premises, providers must show that they have fully assessed any risks the individuals may pose to children. In a regulated setting, this is a regulatory requirement. In an early years setting, this is a requirement where it relates to the regulatory definition of 'the premises' (that is, only those areas where the early years service is provided).

Inspectors should always establish whether residential accommodation exists in, or in close proximity to, the premises irrespective of whether anyone is actually living in that accommodation at the time of the inspection (or registration visit).

Inspectors should also find out who makes the decision about letting the accommodation (be that for rent or not) and what vetting of prospective tenants is carried out.

Inspectors should take account of the availability of access to the premises through any linked residential accommodation. If, for example, the residential area where the individual(s) live constitutes a fire escape route (which would be unacceptable in settings where children reside), inspectors should take account of whether access into the setting is also possible by the individual living there and whether children could gain access to the accommodation other than in the case of fire.

In evaluating the risks posed because of close residential accommodation for third parties, the inspector should take account of the provider's track record in responding appropriately to previous actions/requirements or recommendations. Where actions/requirements or recommendations have been made previously, these must be followed up.

Where residential premises are occupied by an individual who is not directly connected with the provision, inspectors should take account of:

- the views of children and, where appropriate, young people, parents and carers
- the behaviour of that individual and any impact that their presence in the vicinity has on the experiences and safety of children and young people

Inspectors should test how well staff would deal with a safeguarding concern relating to a third-party resident should it arise and how they would monitor the situation and implement safeguarding procedures.

If an inspector is concerned about the arrangements and is unclear what to do, they should consult a more senior officer within Ofsted or their regional duty desk.

All aspects of the assessment of risk posed by any individual living on the premises or having access to children and young people must be recorded on Ofsted's relevant electronic

recording system. When actions need to be taken, this should be in line with the relevant compliance handbook in regulated settings and, for non-regulated settings, in line with Ofsted's safeguarding policy and guidance. Recording must be sufficiently robust to form an audit trail for scrutiny later. The records should show clearly the discussion with the provider about how the risks of either current or future residents were or will be carried out, but should not name any individual.

In summary, inspectors should:

- ensure that a thorough review of the premises is carried out at the inspection or registration visit and that the evidence of the review is clearly recorded, with a particular focus on:
  - the layout and location of the premises
  - use of the outdoor space, who has access to the premises and whether there are residential facilities on or in close proximity to the premises
  - scrutiny of how effectively the provider has identified and taken steps to minimise any potential risks
- raise awareness at each visit of the importance of checking the premises, who has access to the premises and whether anyone lives on or is in close proximity to the premises and, if so, whether they have any opportunity of access to the provision or to the children attending
- consider whether the provider has fully assessed the risks posed by residence or access and is able to explain how children are safeguarded

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1. ['Keeping children safe in education'](#), paragraphs 89 to 95 and Annex C, sets out who the designated safeguarding lead should be in schools and colleges and what they should do. Paragraph 3.5 of the ['Early years foundation stage framework'](#) states that a practitioner must be designated to take lead responsibility for safeguarding children in every early years setting. Childminders must take the lead responsibility themselves. ↩
2. In the case of further education and skills providers, the requirement to have a single central record applies only to colleges (see [Annex 5](#)). ↩
3. Each local authority has multi-agency safeguarding partners. They are responsible for publishing a document that sets out the local criteria for action in a way that is

transparent, accessible and easily understood. This should include: the process for the early help assessment and the type and level of early help services to be provided; the criteria, including level of need, for when a case should be referred to local authority children's social care for assessment and for statutory services under section 17, 20, 31 and 47 of the Children Act 1989; and clear procedures and processes for cases relating to the exploitation of children, children managed within the youth secure estate and disabled children. ↵

4. The local authority, with its partners, is responsible for publishing local protocols for assessment. Protocols should set out clear arrangements for how cases will be managed once a referral is made to children's social care. ↵
5. A provider must be registered if it provides full-time education for: 5 or more pupils of compulsory school age; one or more pupils of compulsory school age who has an education, health and care (EHC) plan or statement of special educational needs; or one or more pupils of compulsory school age who are looked after by a local council. ↵