

Briefing for section 5 inspectors on safeguarding children

This briefing paper aims to support inspectors in reviewing schools' safeguarding arrangements when carrying out section 5 inspections. Inspectors should note that this revised guidance supersedes that issued previously.

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Introduction

1. This briefing paper aims to support inspectors in reviewing schools' safeguarding arrangements when carrying out section 5 inspections. It is set out in two parts.
2. Part 1 captures overarching issues relating to the inspection of safeguarding. This section also looks at the relationship between the safeguarding judgement and *The evaluation schedule for schools* as a whole.¹
3. Part 2 provides inspectors with practical guidance to support them when carrying out a section 5 inspection. The annexes provide further information and guidance for inspectors' toolkits.
4. Inspectors should note that this revised guidance supersedes that issued previously.

Part 1

Background

5. Inspectors must be familiar with the document *Ofsted safeguarding policy and procedures* (April 2007), which covers children, young people and vulnerable adults. All inspectors should be aware of what to do in the event of receiving allegations about safeguarding; actions to take are detailed in *Ofsted safeguarding policy and procedures*.² It is **essential** that inspectors are also familiar with the content of the Department for Children, Schools and Families (DCSF) guidance for schools, *Safeguarding children and safer recruitment in education*, which came into force on 1 January 2007.³ This sets out the responsibilities placed on schools⁴ to safeguard and promote the welfare of children and young people. The guidance was issued by the Secretary of State, and governing bodies and proprietors are required by section 157 and section 175 of the Education Act 2002 to have regard to it. Ofsted has been advised by the DCSF that specific legal requirements about safeguarding do not apply in services' schools overseas, although they are strongly recommended.

¹ *The evaluation schedule for schools* (090098), Ofsted, 2009; www.ofsted.gov.uk/publications/090098.

² *Ofsted safeguarding policy and procedures*, Ofsted, 2008, www.ofsted.gov.uk/publications/20070046.

³ *Safeguarding children and safer recruitment in education*, DfES, 2006; <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DFES-04217-2006&>.

⁴ It applies to pupil referral units, governing bodies and headteachers of maintained schools (including aided and foundation schools), non-maintained schools, proprietors and headteachers of independent schools (including academies and city technology schools) and corporations and principals of further education colleges (including sixth form colleges).

6. One of Lord Laming's recommendations in his report of 12 March 2009 is that 'Ofsted should revise the inspection and improvement regime for schools giving greater prominence to how well schools are fulfilling their responsibilities for child protection'.⁵
7. Sir Roger Singleton, in his review of safeguarding arrangements in independent schools, non-maintained special schools and boarding schools in England also made a number of recommendations which he regards as applying to all schools. 'I believe that when inspectors are conducting any inspection that includes scrutiny of safeguarding arrangements – be it inspection under section 5 of the Education Act 2005, section 162A of the Education Act 2002, or against any of the relevant National Minimum Standards – for them to be able to check out the *real*/safeguarding practice of the school, in addition to its paper policies, they need to have sufficient time to engage in discussion with pupils, staff and school leadership.'⁶
8. Ofsted's report *Learning lessons, taking actions* identified a number of key messages regarding safeguarding which apply to universal services and some of which specifically apply directly or indirectly to schools.⁷ Ofsted's report on serious case reviews highlighted the need for additional staff training as a recommendation in most serious case reviews. The report states 'It is of concern that basic awareness of signs and symptoms of abuse, including child sexual abuse, was still lacking in some key staff groups including teachers, health visitors, midwives, GPs, accident and emergency and probation personnel'.⁸ Specific concerns about school records were noted in 15 of the 50 evaluations in relation to the adequacy and accuracy of records, and in four cases it was noted that school records had been lost.⁹
9. The Ofsted report pointed to three areas where universal services play a crucial role in protecting children and keeping them safe:
 - **Preventing children being abused.** Many of the serious case reviews noted lost opportunities for universal services to intervene and prevent abuse occurring. This most often involved schools and health services, but also involved other services.
 - **Identifying signs and symptoms.** This is closely linked to the level of understanding and awareness of staff in universal services. This was of particular note in cases of chronic neglect and child sexual abuse, where

⁵ *The Protection of Children in England: A Progress Report*, The Lord Laming 2009, Recommendation 10; <http://publications.everychildmatters.gov.uk/eOrderingDownload/HC-330.pdf>.

⁶ *Keeping our School Safe. Review of Safeguarding Arrangements in Independent Schools, Non-Maintained Special Schools and Boarding Schools in England*, Sir Roger Singleton 2009, para 4.65; [www.teachernet.gov.uk/_doc/13447/8156-DCSF-Safeguarding%20Arrangements\(WEB\).pdf](http://www.teachernet.gov.uk/_doc/13447/8156-DCSF-Safeguarding%20Arrangements(WEB).pdf).

⁷ *Learning lessons, taking action: Ofsted's evaluations of serious case reviews 1 April 2007 to 31 March 2008*, Ofsted, 2008, www.ofsted.gov.uk/publications/080112.

⁸ See ref 7, page 24.

⁹ See ref 7, page 27.

children were seen regularly, for example by school staff who did not recognise the significance of what they were seeing.

- **Recording incidents, issues and concerns over time.** There were some good examples of schools keeping a record over time, but the significance of the information had not been recognised. In other cases school records were poor even when a child was subject to a formal monitoring process, such as those with a statement of special educational needs.¹⁰

10. Section 10 of the Children Act 2004¹¹ places a duty on the local authority to make arrangements with relevant agencies to cooperate to improve the well-being of children. *Working Together to Safeguard Children (2006)*¹² sets out an expectation on schools to identify where there are child welfare concerns and take action to address them, in partnership with other organisations where appropriate. However, Lord Laming indicates that further work is needed in this area: 'Joint working between children's social workers, youth workers, schools, early years, police and health too often depends on the commitment of individual staff and sometimes this happens despite, rather than because of, the organisational arrangements. This must be addressed by senior management in every service.'¹³

Key telephone numbers

11. In the event of concerns or queries the following telephone numbers are available:
 - Ofsted helpline (08456 404045)
 - Whistle-blowing (08456 404046).

Definition of safeguarding

12. Ofsted adopts the definition of safeguarding used in the Children Act 2004, and in the government's guidance document *Working together to safeguard children*. This can be summarised as:
 - protecting children and young people from maltreatment
 - preventing impairment of children and young people's health or development

¹⁰ Ofsted 2008 page19.

¹¹ The Children Act 2004; www.opsi.gov.uk/Acts/acts2004/ukpga_20040031_en_1.

¹² *Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children*, HM Government, 2006; www.everychildmatters.gov.uk/resources-and-practice/IG00060.

¹³ Laming 2009 paragraph 1.6

- ensuring that children and young people are growing up in circumstances consistent with the provision of safe and effective care
 - undertaking that role so as to enable those children and young people to have optimum life chances and to enter adulthood successfully.
13. Safeguarding outcomes for children and young people are as follows:
- children and young people are safe: the effectiveness of services in taking reasonable steps to ensure that children and young people are safe
 - children and young people feel safe: the effectiveness of services in taking reasonable steps to ensure that children and young people feel safe.
14. Safeguarding is not just about protecting children from deliberate harm. It includes issues for schools such as:
- pupils' health and safety
 - bullying
 - racist abuse
 - harassment and discrimination
 - use of physical intervention
 - meeting the needs of pupils with medical conditions
 - providing first aid
 - drug and substance misuse
 - educational visits
 - intimate care
 - internet safety
 - issues which may be specific to a local area or population, for example gang activity
 - school security.

Inspection of safeguarding: The evaluation schedule

15. Safeguarding practice and guidance is underpinned by a duty for schools to cooperate with relevant agencies to safeguard and promote the welfare of children. The protection of children is of the highest priority for Ofsted across all its inspection remits. 'Safeguarding' is a limiting judgement for schools, and across all inspection remits, and a 'graded scale' for safeguarding has been in place since September 2009.

16. During section 5 inspections, inspectors will evaluate the impact of the school's safeguarding arrangements. This will include:
 - outcomes for pupils
 - how well safeguarding is prioritised
 - whether child welfare concerns are identified and responded to appropriately by the school
 - the extent to which the school discharges its responsibility to work together with key agencies to safeguard and promote the welfare of children.

17. *The Evaluation schedule for schools*, which includes grade descriptors and guidance for inspectors and schools, gives high priority to safeguarding. In addition to a specific judgement on *the effectiveness of safeguarding procedures*, there are a number of other judgements which can inform this judgement or are informed by it.

18. One of the seven prime judgements about outcomes for children and young people asks, *To what extent do pupils feel safe?* Another evaluates *pupils' behaviour*, where inspectors are asked to evaluate:
 - how safe pupils feel in school, including their understanding of issues relating to safety, such as bullying
 - the extent to which pupils feel able to seek support from the school should they feel unsafe
 - pupils' own views about being safe and free from harassment.

19. When evaluating *care, guidance and support* for pupils, inspectors should take into account the judgement for *the effectiveness of safeguarding procedures*.
 - Care, guidance and support are likely to be judged to be inadequate if the effectiveness of safeguarding is inadequate.
 - However, where safeguarding is judged satisfactory or better there is no explicit impact on the judgement for care, guidance and support.

20. When inspectors are evaluating *the effectiveness of the governing body*, they should take account of:
 - the extent to which the school's self-evaluation indicates compliance with statutory requirements
 - the rigour of the governing body's procedures to ensure the health, safety and well-being of staff and pupils.

21. When inspectors are evaluating the effectiveness of partnerships in promoting learning and well-being, they should take account of:

- the effectiveness of the school’s work with services provided, commissioned or brokered by the local authority to promote the safety and health of all learners
 - any regular movement of pupils from a school or to the school as part of partnership activity, for example as part of a 14–19 Diploma consortium and how well the school makes arrangements on a day-to-day basis to enable partnership activities to run safely and efficiently.
22. Where inspectors are judging *the effectiveness of the Early Years Foundation Stage* they are required to evaluate the extent to which children feel safe, how effectively children’s welfare is promoted and how well they are safeguarded. Inspectors should take account of:
- the extent to which children behave in ways that are safe for themselves and others
 - children’s understanding of dangers and how to stay safe
 - the extent to which children show that they feel safe and are confident to confide in adults at the setting/school
 - the steps taken by the key people to safeguard and promote the welfare of children and how well adults teach children about keeping safe
 - whether necessary steps are taken to prevent the spread of infection, and whether appropriate action is taken when children are ill
 - the suitability and safety of outdoor and indoor spaces, furniture, equipment and toys
 - the maintenance of records and policies and procedures required for the safe and efficient management of the Early Years Foundation Stage and for ensuring that children are safeguarded and their needs are met
 - the suitability and qualifications of the adults looking after children or having unsupervised access to them
 - the effectiveness of risk assessments and actions taken to manage or eliminate risks.
23. Where inspectors are judging *the effectiveness of the sixth form* they are required to evaluate how well students take responsibility for their own health, safety and well-being, how effectively care, guidance and support promote students’ well-being and how effectively procedures help to ensure their safety. Inspectors should take account of the extent to which:
- students feel safe, use safe working practices and contribute to a safe learning environment
 - students’ understanding of dangers and how to stay safe
 - the extent to which students show that they feel safe and are confident to confide in adults at the setting/school

- the sixth form provides a safe learning environment and promotes safe working practices
 - leadership and management are effective in implementing the school's procedures for safeguarding in the sixth form.
24. Where inspectors are judging *the effectiveness of boarding provision* they are required to evaluate how well the provision contributes to boarders' needs in relation to their safety.

Leadership and management – the effectiveness of safeguarding procedures

25. A school's leaders and managers should be clear about their statutory responsibilities regarding safeguarding and the steps they are taking to develop good practice beyond the statutory minimum. The governing body is accountable for ensuring that the school has effective policies and procedures in place in accordance with the DCSF guidance, and is monitoring the school's compliance with this.¹⁴ The Laming report emphasises the key role that schools play in early identification, intervention and support for children at risk of significant harm or who have additional needs.¹⁵ The Singleton review indicates that, when inspecting safeguarding practices in schools, it is not sufficient to focus only on outcomes. 'It is possible for pupils in a school to have suffered no harm despite the absence of any systematic implementation of good safeguarding practice'.¹⁶
26. The DCSF guidance indicates that safer practice in recruitment should be reflected in every stage of the process, and that safeguarding judgements need to be made, in differing degrees in relation to all those that a pupil in school may come into contact with, as they may be perceived to be safe and trustworthy adults.¹⁷ All those who employ people to work in schools must carry out specified recruitment and vetting checks on intended new appointees, particularly identity and qualification checks, List 99 and, where relevant, Criminal Records Bureau (CRB) checks and right to work in England checks.¹⁸ From 12 October 2009, List 99 and the Protection of Children Act (PoCA) list are replaced by a single children's barring list (the Children's List), which is maintained by the Independent Safeguarding Authority. Further information about CRB and the Independent Safeguarding Authority can be found in Annexes 1 and 2.
27. Regardless of local authority procedures, it is the governing body's responsibility to ensure that safe recruitment checks are carried out in line with

¹⁴ DfES 2006, paragraph 2.18.

¹⁵ Laming 2009, paragraph 3.5.

¹⁶ Singleton 2009, paragraph 4.7.

¹⁷ DfES 2006, paragraphs 3.3, 3.10, 4.12.

¹⁸ DfES 2006, paragraph 4.8.

Safer children and recruitment in education. This states that List 99 checks (or from 12 October 2009 Children's List checks) must be undertaken for all school staff before they begin work. The teachers' pensions online children's barred list check covers the Children's List (as well as any residual List 99 bars) from 12 October 2009. The teachers' pensions online check is only used if a barred list check has not been obtained by means of a CRB enhanced disclosure by the time the individual starts work.

28. From 12 October 2009 it is a criminal offence:
 - for employers to take on an individual in Independent Safeguarding Authority *regulated* activity (for example front-line services such as schools) if they fail to check that person's status
 - for employers to not refer serious staff safeguarding concerns to the Independent Safeguarding Authority (further information is available in Annex 1).
29. Inspectors have requested clarity on what is acceptable for the inspection of vetting procedures, especially the single central record.
30. With regard to the single central register, The School Staffing (England) Regulations 2003, as amended by the School Staffing (England) (Amendment) (No. 2) Regulations 2006, require every school to keep a register (the single central register) showing, in relation to each member of staff appointed after 1 January 2007 or before that date but still in post on 1 April 2007, whether various checks have been carried out and the date on which each such check was completed or the relevant certificate obtained.
31. Ofsted expects schools to keep and maintain a single central register, and to be able to demonstrate that they meet all regulations and duties for the purposes of the safeguarding judgement in *The evaluation schedule for schools*. This will be checked early in the inspection and the expectation is that the single central register will be complete.
32. However, if there is a *minor* administrative error such as the absence of a missing date on the register, and this can be easily rectified *before* the final team meeting, schools will be given the chance to resolve the issue.
33. Ofsted has established a definition for 'administrative errors' in relation to the single central register. No allowance will be made, for example, for breaches to the requirements for the Independent Safeguarding Authority's barred list (Children's List) and CRB disclosures.
34. Administrative errors may be defined as follows:
 - failure to record one or two dates
 - failure to record the name/s of the person/s that carried out the checks
 - individual entries that are illegible

- one or two omissions where it is clear that the information is already held by the school but the school has failed to transfer over the information in full to the single central register.
35. The Lord Laming report emphasises that if safeguarding is 'everybody's' responsibility then everyone should know who to contact if they are concerned about a child or young person. School staff should explicitly understand their responsibilities in order to achieve positive outcomes, keep children safe, and complement the support that other professionals may be providing. All service providers must look critically at how they receive referrals, the point known as their 'front door'.¹⁹ This reinforces a key message in the DCSF guidance of the importance for all staff in an establishment of having appropriate training and induction so that they understand their roles and responsibilities and are confident about carrying them out.²⁰
36. School staff need to be particularly sensitive to signs which may indicate possible safeguarding concerns. This could include, for example, poor or irregular attendance or children missing from education.
37. Schools are expected to make pupils aware of how they can keep themselves safe and what behaviour towards them is not acceptable. 'Schools are also expected to teach them to recognise when pressure from others (including people they know) threatens their personal safety and well-being, and to develop effective ways of resisting pressure, including knowing when and where to get help.'²¹

¹⁹ Laming 2009, paragraphs 3.6, 4.2.

²⁰ DfES 2006, paragraph 3.52.

²¹ Singleton 2009, paragraph 3.2.

Part 2

Specific guidance for inspectors in making the judgement about the effectiveness of safeguarding procedures

38. Inspectors will use a wide range of evidence including that gathered while evaluating other aspects of *The evaluation schedule for schools* (particularly those judgements referred to above).

Pre-inspection information

39. Inspectors may have access to a range of pre-inspection information, particularly:
- the previous inspection report, which will contain judgements about safeguarding and may also contain specific references which point to possible areas of focus for this inspection
 - one or more complaints made to Ofsted about the school which may point to safeguarding concerns
 - relevant local intelligence
 - RAISEonline information, which will contain information about the number of looked after children and persistent absentees. The scatter graphs may indicate pupils who are on the school roll but not attending
 - the self-evaluation form (SEF).
40. If the SEF is available pre-inspection it may contain valuable information and point to possible inspection trails. The key areas for focus are:
- the specific parts of Section A which correspond to *The evaluation schedule for schools*
 - the school's context, which may suggest a number of areas of relevance particularly to checking the single central record, for example if the school is part of a federation or provides extended services
 - Section B, which may point to information which inspectors will need to take into account, particularly:
 - school federations and other collaborative arrangements
 - the number of sites being used
 - off-site provision
 - work-based learning provision
 - extended services provision
 - the number of learners involved in work-related learning
 - joint 14–16 provision

- joint post-16 provision
 - the number of children in out-of-school provision
 - the number of learners enrolled in alternative provision
 - **the number of children with a child protection plan**
 - the number of refugees and asylum seekers
 - **the number of looked after children**
 - exclusions and transfers of learners
- Section C, which will contain information of particular relevance, particularly:
 - the section relating to learner’s care and well-being (C15 to C19)
 - C29 – the school meets current government requirements regarding safeguarding children and safer recruitment
 - C30 – the governing body ensures that childcare is registered, where this is required by the Childcare Act 2006 and complies with all necessary registration requirements
 - Section D, where relevant, in regard to the welfare of boarders and residential pupils and the school’s compliance with specific national minimum standards.

Inspection planning

41. Inspectors will need to consider how to allocate inspection time and deploy team members to gather the required sufficient evidence to underpin judgements. The time initially allocated may need to be re-adjusted depending on what emerges during inspection activities. Inspectors may carry out the following activities:
- hold a specific meeting with the designated senior member of staff for child protection, unless the designated person is also the headteacher (suggested foci are included in Annex 5)
 - ask specific questions of the headteacher as part of a more general interview (suggested foci are included in Annex 3)
 - include specific questions for the chair of governors and/or governor(s) as part of a more general interview (suggested foci are included in Annex 4)
 - include specific questions for staff as part of more general discussion with them or other activities such as lesson feedback
 - include specific questions for pupils as part of more general interviews

- look closely at the exclusions data, and check with the school whether they routinely notify social workers about every child excluded who is the subject of a child protection plan.²²
- on **every** inspection, inspectors should find out from the school:
 - what provision they make from day 6 of an exclusion
 - how they monitor the quality of this
 - what impact it has on improving behaviour
- pay particular attention to attendance patterns and procedures
- review relevant school policies, guidance and procedures
- evaluate the quality of recording, by reviewing at least one case file of a pupil where there have been child protection concerns.

Inspection guidance

42. The following are intended to provide inspectors with specific guidance about elements which should be considered to ensure consistency in making judgements.
43. The 'pointers for inspectors' on pages 16 and 17 below explain what inspectors should take into account when arriving at a judgement about the effectiveness of a school's safeguarding practice. These are intended to complement *The evaluation schedule for schools* and help inspectors to make a professional judgement about the degree to which a school meets the grade descriptors for safeguarding procedures.
44. The specific questions on page 18 will help inspectors when checking the single central record.
45. The annexes that follow are designed to provide inspectors with additional support.

²² Formerly a child whose name was on the child protection register.

Pointers for inspectors to help inform the judgement on the effectiveness of safeguarding

1. Inspectors should take into account the extent to which the school has clear policies, strategies and procedures to ensure the safeguarding and welfare of pupils, including those relating to behaviour, bullying, health and safety, harassment and discrimination, and meets all required duties.

Have leaders, managers and governors taken account of the DCSF guidance, *Safeguarding Children and Safer Recruitment in Education*, setting out schools' responsibilities to safeguard and promote the welfare of children?

Are there robust governance and lines of responsibility to ensure that the school's practice meets required standards?

Does the school have a child protection policy and procedures that are in accordance with local authority guidance and locally agreed inter-agency procedures, and is this policy made available to parents on request?

2. Inspectors should take into account the extent to which the school has clear management responsibilities in relation to child protection, including relevant designated staff.

Is there a senior member of the school's leadership team designated to take lead responsibility for dealing with child protection issues, providing advice and support to staff, liaising with the local authority and working with other agencies?

Does the school have procedures for dealing with allegations against staff which are in accordance with locally agreed inter-agency procedures and the DCSF guidance?

Has the school referred serious staff safeguarding concerns to the Independent Safeguarding Authority?

3. Inspectors should take into account the extent to which the school monitors and evaluates the effectiveness of its policies and practices.

Is there robust governance and, also, lines of responsibility and accountability to ensure that effective and prompt action is taken and any deficiencies put right?

4. Inspectors should take into account the extent to which the school ensures that adults working with pupils are appropriately recruited and vetted. See *Single central record – questions for the school*, below.

5. Inspectors should take into account the extent to which the school ensures that adults receive up-to-date, high quality, appropriate training, guidance, support and supervision to undertake the effective safeguarding of pupils.

In addition to basic child protection training, has/have the designated member(s) of staff undertaken training in inter-agency working that is provided by, or to standards agreed by, the Local Safeguarding Children Board, and refresher training at two yearly intervals to keep her or his knowledge and skills up to date?

Do all staff and other adults who work with children undertake appropriate and up-to-date training, relevant to the type of school, to equip them to carry out their responsibilities for child protection effectively, that is kept up to date by refresher training at three yearly intervals?

6. Inspectors should take into account the extent to which the school encourages and enables pupils to report any concerns or complaints, including concerns about poor or abusive practices.

Is there a clear reporting system if a pupil, member of staff, parent or other person has concerns about the safety of children?

7. Inspectors should take into account the extent to which the school takes reasonable steps to ensure that pupils are safe on the school site, for example by monitoring visitors or volunteers or those using the premises during school time.

Does the school have adequate security arrangements for the grounds and buildings?

8. Inspectors should take into account the extent to which the school identifies concerns about possible abuse and/or neglect and/or pupils who may have gone missing, and refers such concerns promptly to the relevant agencies.

Are there effective and prompt systems for referring safeguarding concerns about pupils to relevant agencies?

Are relevant staff aware of pupils who are persistently absent or missing and have they taken appropriate action to respond to this, especially with regard to the most vulnerable? Has the school notified the local authority of any children who have been removed from the school's roll?

9. Inspectors should take into account the extent to which the school records information relevant to safeguarding concerns clearly and accurately and shares it appropriately, both internally and with other agencies.

Does the school support inter-agency working to safeguard children by regular attendance at child protection conferences and reviews and, where appropriate, by attending other professional meetings?

10. Inspectors should take into account the extent to which the school helps pupils to keep themselves safe, including encouraging pupils to adopt safe and responsible practices and deal sensibly with risk.

Do pupils feel safe and adopt safe practices?

Single central record

Questions for the school
1. Is a single central record (SCR) of staff in place?
2. Does the SCR indicate that identity checks have been carried out and by whom? Note: although good practice, it is not required to show addresses on the SCR.
3. Is there evidence on the SCR that all teachers have been checked against the Children's List (previously List 99)? (If a teacher has an enhanced CRB disclosure in place they have been checked against List 99 or the Children's List.)
4. Is there evidence that all staff employed since March 2002, and who have not had continuity of employment, have been CRB checked, if they have regular contact with or unsupervised access to children?
5. Have all staff appointed since 12 May 2006, whether or not they have regular contact with children, been CRB checked, unless they have continuity of employment?
6. Does the SCR include evidence that supply teachers have been checked against the Children's List (or List 99) or have an enhanced CRB disclosure? Note: in the case of agency staff it is sufficient that the employer has provided written confirmation that the required checks have been carried out.
7. Does the SCR include all others who have been chosen by the school to work regularly or intensively with children, for example volunteers or governors who also work as volunteers within the school?
8. Does the SCR record the date when the CRB or Children's List (or List 99) check was carried out (and who carried out the check) except in the case of agency staff?
9. Does the SCR record qualifications – where the qualification is a requirement of the job, for example those posts where a person must have qualified teacher status or national professional qualification for headship?
10. Does the SCR record evidence of 'right to work' in the United Kingdom checks?

Annex 1. Vetting and Barring Scheme: criminal offences related to new Independent Safeguarding Authority requirements

The following guidance supplements the guidance: *Ofsted inspections: guidance on responding to possible criminal activity*.

The Vetting and Barring Scheme (VBS) was launched in October 2009. The three barring lists, Protection of Children Act (PoCA), the Protection of Vulnerable Adults (POVA) and List 99, were replaced by the creation of two new barred lists administered by the Independent Safeguarding Authority.²³ The mechanism for making a barred list check through Criminal Records Bureau (CRB) remains the same, although it will no longer be possible to check a list without requesting an Enhanced CRB check.

From 12 October 2009 it is a criminal offence for employers:

- to take on an individual in an Independent Safeguarding Authority *regulated*²⁴ activity if they fail to check that person's status
- not to refer serious staff safeguarding concerns to the Independent Safeguarding Authority.

In practice this means that employers must refer information to the Independent Safeguarding Authority when they have dismissed an individual or an individual resigns, because they harmed or may harm a child or vulnerable adult.

If, in the course of the normal inspection of safeguarding within any Independent Safeguarding Authority *regulated* provision, an inspector suspects a provider of not complying with either of the above they should bring this to the provider's attention and ask them to take immediate action. Inspectors should also contact the national Compliance Investigation and Enforcement Professional via the NBU 'golden number' (08456 404040). This should be followed up in writing and emailed to the national CIE team so that they can alert the Regional Director.

Inspectors should record all the evidence on an evidence form (EF) or the appropriate recording mechanism for that inspection. Dependent on the circumstances of the case and the action taken by the provider, inspectors should consider whether this information will affect their judgements on safeguarding, the effectiveness of leadership and managements and the overall effectiveness of the provision. Inspectors may also wish to consult the Ofsted helpdesk for further advice before coming to a final decision. Providers and inspectors can obtain further information on referrals at www.isa-gov.org.uk.

²³ ISA is referred to in legislation as the Independent Barring Board (IBB).

²⁴ As defined by ISA *regulated* activities are front-line services such as schools, colleges, childcare, etc.

Annex 2. Criminal Record Bureau (CRB) disclosures: repeat checks and portability

There are different statutory requirements around Criminal Records Bureau (CRB) disclosures and the rules governing their portability, that is, the re-use of a CRB check obtained for a position in one organisation and later used for another position in another setting. The following sets out the current position in relation to schools and colleges and outlines the differences in social care settings as to when checks need to be in place before an employee can start work.

- CRB checks were strongly recommended for all employees who have regular contact with children if they were employed after March 2002. However, the only requirement for those appointed before this date is that they must have been List 99 checked.²⁵
- CRB checks became mandatory for the entire maintained schools' workforce from 12 May 2006 (September 2003 for independent schools, including academies). Employees who took up post from this date must have an enhanced CRB disclosure.
- Further checks are not required for any staff unless the person has a break in service of more than three months. It is the case that some schools and local authorities operate a policy of repeating checks periodically but this is not a statutory requirement.

Long-serving staff (pre-2002)

- Evidence of CRB checks is required for those recruited since 2002 except where there has been continuity of employment in the school, college or local authority. In this context, continuity means no break of service of longer than three months.
- Those recruited before March 2002 and who have continuity of service are not required by current guidance to have CRB checks. There is, however, a requirement for all staff who work with children and young people to have to be checked against List 99.

Visiting staff

Staff such as educational psychologists, supply teachers, trainee teachers, nurses, sports coaches and inspectors should be CRB checked by their 'providing' organisation – for example the supply agency, the university, primary care trust, local authority, and so on.

It is sufficient for schools and colleges to seek written confirmation that appropriate checks including CRB checks have been done, by whom and the date on which they

²⁵ From 12 October 2009, the three barred lists (List 99, PoCA and PoVA) will be replaced by two new barred lists administered by the ISA, the Children's List and the Vulnerable Adults' List.

were carried out. Part-time staff may use the same CRB check for two or more posts as long as they are at a similar level **and** the school/college have satisfied themselves about their veracity and appropriateness.

Since September 2006 supply agencies have been able to pass CRB checks between other school/college supply agencies and between individual schools and colleges.

Moving between schools/colleges and local authorities

- If an employee has been CRB checked, there is no statutory requirement that another CRB check is carried out before taking up a job in a different school or even in a different local authority, provided they have continuous service and the check is at the correct level for the new post.
- The same applies to someone who may not have a CRB check due to being in post before 2002, that is, there is no statutory requirement for further checks to be carried out.
- It is up to the receiving organisation to carry out a risk assessment to assess whether the check is at the correct level for the current role, whether it is accurate and whether they trust the previous organisation to have carried out the check efficiently.
- The school or local authority should ask for evidence, from the previous school or local authority, that the check was undertaken. Although not a statutory requirement, most local authorities require people moving between schools and into the local authority from outside to have a new CRB check.
- In all-day educational establishments, new members of staff can take up their posts prior to a full CRB check as long as they work under the close supervision of a colleague who has such clearance.
- The Criminal Records Bureau no longer facilitates portability; organisations that choose to accept a previously issued disclosure do so at their own risk. Clear information about this issue can be found on the CRB website by using the following link: www.crb.gov.uk/faqs/portability.aspx#portability.
- The regulations above apply to all schools, including pupil referral units and further education colleges. Social care and residential settings are subject to the national minimum standards which require more stringent requirements in respect of safeguarding checks. In such settings, staff **cannot** take up their posts until CRB clearance has been received.
- Inspectors should not ask for the CRB forms of trainees on initial teacher education courses. It is the initial teacher education provider's responsibility, not the school's, to ensure that these checks are made. In the event of a delay in receiving disclosures from the CRB, the DCSF guidance gives headteachers discretion to allow trainees to start working in a school subject to a satisfactory check of Independent Safeguarding Authority Children's List (or List 99) check and completion of other normal recruitment procedures. Training providers should keep headteachers fully informed of the progress of applications for disclosures, since schools will want to maintain closer supervision of trainees who

have not yet received enhanced clearance. Schools must be satisfied that checks have indeed been done.

Annex 3. Interviewing the headteacher

Possible questions to consider – this is not a definitive list.

- Does s/he have a clear overview of safeguarding procedures and practice?
- How well do procedures for safe recruitment and vetting of staff take account of the DCSF and any other local guidance?
- Have appropriate steps been taken to ensure that the staff are recruited safely?
- Are the policies and procedures adopted by the governing body fully implemented and followed by staff?
- What is the quality of support provided for the designated member of staff? Has the designated person appropriate seniority? How is s/he held to account? Have sufficient time and resources been allocated to the designated person and other staff to discharge their responsibilities, including taking part in inter-agency assessments and meetings?
- How does s/he ensure that appropriate training is in place for staff and other relevant adults?
- What are the procedures for managing allegations or concerns about safeguarding regarding staff? Do these come directly to the headteacher?
- Are all cases referred to the Independent Safeguarding Authority if a person ceases to work in a school and there are grounds for believing s/he may be unsuitable to work with children, or may have committed misconduct?²⁶
- Who is responsible for ensuring that risk assessments are carried out, not only in relation to school activities, but in admitting or re-admitting pupils with behaviour that could place themselves or others at risk? How effective are these arrangements?
- Have safeguarding complaints or concerns been made to the headteacher and has s/he taken effective steps to address these?
- How does s/he ensure that all staff and volunteers feel able to raise concerns about unsafe or poor safeguarding practice?

²⁶ Misconduct referrals on teachers other than child protection must go to the General Teaching Council.

Annex 4. Interviewing the chair of governors or other governors

Possible questions to consider – this is not a definitive list.

- How aware is the governing body of its responsibilities regarding policy, procedures, monitoring compliance and reporting, as set out in the DCSF and any locally agreed guidance?
- How well do procedures for safe recruitment and vetting of staff take account of the DCSF and any other local guidance?
- Have they specifically ensured that:
 - an appropriate child protection policy and procedures are in place and are made available to parents on request
 - a senior member of the school’s leadership team is designated to take responsibility for dealing with child protection issues
 - appropriate training is undertaken by the designated person (refreshed every two years) and all staff (refreshed every three years), and that temporary staff or volunteers are made aware of the school’s arrangements and responsibilities
 - there is a nominated member of the governing body responsibility for liaising with the local authority and/or other partner agencies in the event of an allegation being made against the headteacher
 - policies and procedures are reviewed annually by the governing body and it provides information to the local authority about them and how their duties have been discharged?
- Do they have appropriate procedures in place for managing safeguarding allegations or concerns about staff and volunteers?
- How well do they hold the headteacher and staff to account for the effectiveness of safeguarding arrangements in the school?
- How do they ensure that appropriate training is in place for staff, governors and other relevant adults?
- How do they ensure that the school site is secure and safe?
- How do they ensure that appropriate arrangements are in place to safeguard children who take part in or are affected by the provision of extended services and other school activities that take place outside of normal school hours?
- Have safeguarding complaints, concerns and deficiencies been brought to the governing body and have taken effective steps, without delay, to address these?
- How do they ensure that the ethos of the school promotes positive practice in relation to safeguarding?

Annex 5. Interviewing the designated member of staff about child protection

Possible questions to consider – this is not a definitive list.

- Has s/he an appropriate level of seniority?
- Has s/he a clear understanding of her or his role and responsibilities and that of other staff?
- What is the quality of her or his own training, knowledge and understanding? Has s/he kept up to date with recent guidance, for example in relation to forced marriage?
- Has s/he undertaken specific training for the role provided by or to standards agreed by the Local Safeguarding Children Board? Has s/he kept this up to date with appropriate refresher training every two years?
- Has s/he ensured that all staff receive appropriate and timely training which is refreshed every three years?
- Are temporary staff given appropriate guidance about their responsibilities?
- Do induction arrangements have sufficient focus on safeguarding?
- How effective are the designated person and other staff in identifying pupils at risk or vulnerable, making referrals and taking appropriate follow-up action?
- If relevant, how does the school ensure that there are appropriate safeguarding arrangements in place for those undertaking work-based learning, work experience and educational visits?
- How does the designated person ensure the quality of record-keeping?
- How does the designated person ensure that s/he and the school have access to LA procedures, guidance, training and support?
- How well does the designated person (if not the headteacher) keep the headteacher informed of the welfare of pupils with a child protection plan and of general child protection issues within the school?
- How well does the school contribute to child protection conferences/reviews, through attendance and/or reports? How well does the school contribute to inter-agency working, for example assessments and attendance at core group or other professional meetings?
- How effective is the designated person in advising on child protection input in the curriculum?
- How well does the designated person monitor and evaluate the effectiveness of child protection work carried out in the school?

Annex 6. Evaluating a school's child protection policy

What is set out below is not a prescriptive table of contents for a child protection policy but a guide which may help inspectors to make a judgement about the quality of the policy.

Does the policy:

- set out its purpose and aims clearly
- provide a secure framework for the workforce
- link with other relevant safeguarding policies, for example *bullying, physical intervention*
- set out what other elements of provision are in place to enable pupils to feel safe and adopt safe practices, for example through the *curriculum*
- appear accessible and easy to understand
- set out responsibilities and expectations of staff and other relevant adults clearly, particularly in identifying and reporting possible or actual instances of abuse
- make it clear who is/are the designated member/s of staff
- distinguish between the steps that should be taken for general safeguarding concerns or disclosures and those which should be taken if the concern is about the headteacher or other members of staff
- support an ethos where pupils or staff can talk freely about concerns, in the belief that they will be listened to and appropriate action taken
- set out clear expectations about reporting (and recording) concerns to relevant agencies
- indicate what training is provided to staff and what steps are taken to bring policy and procedures to the attention of temporary staff
- set out the role of governors
- indicate how the policy will be implemented, monitored and evaluated
- indicate how parents or carers will be made aware of the policy and relevant procedures?

Annex 7. Evaluating the quality of records relating to safeguarding issues

Possible questions to consider – this is not a definitive list.

- Are records up to date and complete?
- Do records demonstrate both effective identification and management of the risk of harm?
- Do records demonstrate sound decision-making, appropriate responses to concerns and evidence of relevant referrals made in a timely manner?
- Do they indicate that appropriate action is taken in response to concerns and allegations in a timely manner?
- Do they show evidence of tenacity in following up concerns with relevant agencies?
- Do they provide evidence of effective partnership working and sharing of information?
- Is there evidence of attendance at or contribution to inter-agency meetings and conferences?
- Is there clarity about the school's policy relating to the sharing of information internally, safe keeping of records, and transfer when a pupil leaves the school?

Annex 8. Training for designated members of staff

What is set out below is not a prescriptive table of contents for a training programme but a guide which helps inspectors in understanding the principal elements of a training programme. It can vary considerably from authority to authority, and it is often a programme put together by the Local Safeguarding Children Board.

Principal elements of specific training are likely to include the following:

- identification of the signs and symptoms of abuse
- relevant legislation and guidance
- national and locally agreed procedures
- managing disclosures
- confidentiality
- recording and keeping safe records – transfer of information
- how local statutory services are configured and referral processes
- thresholds for referral
- making referrals
- contact with parents
- Common Assessment Framework (CAF), initial and core assessments, child protection conference and review conferences, child protection plans
- training and supporting staff
- writing a policy, procedures and guidance for staff.