

Supplementary guidance:

inspecting safeguarding in
post-16 provision

Autumn 2017

The purpose of Estyn is to inspect quality and standards in education and training in Wales. Estyn is responsible for inspecting:

- ▲ nursery schools and settings that are maintained by, or receive funding from, local authorities
- ▲ primary schools
- ▲ secondary schools
- ▲ all-age schools
- ▲ special schools
- ▲ pupil referral units
- ▲ independent schools
- ▲ further education
- ▲ independent specialist colleges
- ▲ adult community learning
- ▲ local authority education services for children and young people
- ▲ teacher education and training
- ▲ Welsh for adults
- ▲ work-based learning
- ▲ learning in the justice sector

Estyn also:

- ▲ provides advice on quality and standards in education and training in Wales to the National Assembly for Wales and others
- ▲ makes public good practice based on inspection evidence

Every possible care has been taken to ensure that the information in this document is accurate at the time of going to press. Any enquiries or comments regarding this document/publication should be addressed to:

Publication Section

Estyn

Anchor Court

Keen Road

Cardiff

CF24 5JW or by email to publications@estyn.gov.wales

This and other Estyn publications are available on our website: www.estyn.gov.wales

This document has been translated by Trosol (English to Welsh).

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What is the purpose?

This provides further guidance for inspectors to use for reference during inspection alongside the sector guidance for inspection of provision in the Post-16 sector, to support specific lines of enquiry.

For whom is it intended?

For all inspectors

From when should the guidance be used? Autumn 2017

Date of publication: September 2017

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Supplementary guidance

The key Estyn documents that guide inspection activity are the inspection guidance handbooks for each sector. However, we also produce supplementary guidance to help inspectors to consider specific aspects of education and training further.

The supplementary guidance documents set out some key principles, considerations and resources for inspectors. They relate to all sectors that Estyn inspects, unless they state that they are for a specific sector. They expand on certain aspects of education/training (e.g. the inspection of literacy) or on ways of conducting inspections (e.g. the use of learning walks) or specific inspection arrangements (e.g. guidance on inspecting church schools).

The supplementary guidance documents do not aim to be comprehensive. Inspectors are not required to work through them exhaustively when covering any specific aspect on an inspection. However, inspectors may find them useful when responding to specific emerging questions that arise during inspections or when they wish to reflect or investigate further.

The supplementary guidance documents may help providers gain an understanding of Estyn's inspection arrangements. They may also be helpful to providers in evaluating specific aspects of their own provision.

Our inspection work is based on the following principles:

- Inspectors will approach inspection with a positive mindset to ensure it is the best possible professional learning experience for the staff in each provider
- Inspectors will take a learner-focused approach to inspection
- Inspectors will always focus strongly on the quality of teaching and learning
- Inspectors will seek out well-considered innovative practice
- Inspectors will tailor the inspection activities according to the circumstances in each provider as far as possible
- Inspectors will be agile and responsive to emerging findings and will use the increased range of inspection tools and approaches available
- Inspectors will consider everything in the inspection framework, but will only report on the key strengths and weaknesses within each provider

Introduction

This supplementary guidance aims to support inspectors as necessary in evaluating safeguarding arrangements when carrying out inspections of Post-16 provision. It should be used for reference during inspection alongside Estyn's published Policy and Procedures for Safeguarding which can be found on Estyn's website at:

<https://www.estyn.gov.wales/sites/default/files/documents/Estyn%20Safeguarding%20Policy%202016%20En.pdf>

This guidance does not cover how inspectors should deal with allegations in respect of safeguarding received during an inspection. Inspectors must be familiar with Estyn's Policy and Procedures for Safeguarding which covers children, young people and vulnerable adults. All inspectors should be aware of what to do in the event of receiving allegations in relation to safeguarding, and the requisite actions are outlined in this document. You can find a copy of the document on Estyn's website at:

<http://www.estyn.gov.wales/sites/default/files/documents/Estyn%20Safeguarding%20Policy%202015%20En.pdf>

Further advice and guidance

Inspectors who need advice or guidance should initially consult the 'on-going' queries log maintained on Sharepoint, and the FAQs section of on Estyn's website. This is because their query may have already been addressed in another setting. You can find the queries log here

<http://estynintranet/policy/Safeguarding/Safeguarding%20Documents/Inspection%20related%20Safeguarding%20queries.xls>.

Answers to frequently asked questions (FAQs) about evaluating a provider's arrangements for safeguarding can be found at:

<http://estynintranet/policy/Safeguarding/Safeguarding%20Documents/Forms/FAQs%20and%20Queries.aspx>

Where existing guidance is unclear or is not in place, inspectors should contact the relevant Sector Lead or Assistant Director with queries regarding the evaluation of providers' safeguarding arrangements.

In the event of concerns or queries in relation to receiving safeguarding allegations, the following telephone numbers are available:

Estyn's Lead Officer for safeguarding: 02920 446482 (also available out of office hours)

Estyn's Deputy Officer for safeguarding: 02920 446484 (also available out of office hours)

Estyn's main office (during office hours): 02920 446446

Definition of safeguarding

All providers have a statutory duty to exercise their functions with a view to safeguarding and promoting the welfare of children and adults at risk. The arrangements that providers have in place need to ensure that providers:

- take reasonable measures to minimise risks of harm to children and vulnerable adults' welfare
- take appropriate actions are taken to address concerns about the welfare of a child or vulnerable adult, working to agreed local policies and procedures in full partnership with other local agencies

Safeguarding and promoting the welfare of learners is concerned with:

- protecting learners from abuse and neglect
- preventing impairment of their health or development
- ensuring that they receive safe and effective care

This is to enable learners to have optimum life chances.

Everyone who works in education shares an objective to help keep learners safe. When inspecting a provider's safeguarding arrangements inspectors must focus on how effective the provider is in three essential activities:

- creating and maintaining a safe learning environment for learners
- identifying where there are child or vulnerable adult welfare concerns and taking action to address these, where appropriate, in partnership with other agencies
- developing children's and vulnerable adults' understanding, awareness, and resilience through the curriculum

Achieving this objective requires systems designed to:

- prevent unsuitable people from working with learners
- promote safe practice and challenge poor and unsafe practice within the place of learning and, where appropriate, the employer
- identify instances in which there are grounds for concern about a learner's welfare arising from their place of employment, in the home, community or place of learning, and initiate or take appropriate action to keep them safe
- contribute to effective partnership working between all those involved with providing services for learners

Child protection and the protection of adults at risk is a part of safeguarding and promoting welfare. This refers to the activity which is undertaken to protect specific learners who are suffering or are at risk of suffering significant harm as a result of abuse or neglect.

Safeguarding covers more than the contribution made to child protection and the protection of adults at risk in relation to individual learners. It also encompasses issues such as:

- the safe recruitment, supervision, training and management of staff
- how staff manage learners' behaviour
- how well the provider monitors learners' attendance and engagement with the provision, which is able to identify quickly unexplained medical conditions, unusual absences, and disappearances
- learners' health and safety and wellbeing, on and off-site
- bullying, including cyberbullying
- arrangements for meeting the needs of learners with medical conditions
- sex education
- promoting healthy relationships
- forced marriage
- preventing radicalisation and extremism
- trafficking
- signposting victims of abuse to appropriate help and support
- mandatory reporting duty for female genital mutilation
- drugs and substance misuse
- online safety

The Welsh Government has issued specific statutory requirements about many of these issues. There may also be other safeguarding issues that are specific to the local area or population.

Where there are statutory requirements, providers should already have in place policies and procedures that satisfy those and comply with any guidance issued by the Welsh Government. Similarly, arrangements about matters on which the Welsh Government has issued guidance should be evidenced by policies and procedures that are in accordance with that guidance or achieve the same effect.

Estyn's Common Inspection Framework

This refers to Estyn's common inspection framework from September 2017 for work-based learning inspections. For further education college inspections, from 2017-2018 the safeguarding aspects are Wellbeing (1.2), not Inspection Area 2, and Care, support and guidance (2.3), not Inspection Area 4. Leadership aspects are covered in 3.1 and 3.2 not Inspection Area 5.

Safeguarding aspects within the framework

Inspection Area 2 is concerned with the extent to which learners feel safe and secure, and free from physical and verbal abuse. It is here that inspectors will evaluate and report on the impact of the provider's provision for safeguarding and promoting the welfare of learners.

Most of the comments on the provider's provision for safeguarding and promoting welfare will be in **Inspection Area 4**, which is concerned with the provider's arrangements for the care, support and guidance of learners.

In section 4.2 **Personal Development** inspectors will evaluate how well the provision helps learners to develop skills, knowledge and understanding in making healthy lifestyle choices, for example in relation to substance misuse, sex and relationships and online safety.

The aspects of safeguarding and promoting the welfare of learners that can be found in 4.2 include the provider's arrangements for teaching learners about:

- bullying including cyber bullying
- internet safety
- harassment and discrimination
- drug and substance abuse
- sex and healthy relationships education
- preventing radicalisation and extremism

Section 4.3 **safeguarding arrangements** concentrate on the effectiveness of the provider's policies and procedures for safeguarding including:

- the recording and management of incidents of bullying
- child / adult protection
- safe recruitment of staff and volunteers
- first aid
- welfare of learners with medical needs
- welfare of learners on vocational placements
- safety on educational visits
- site security
- the management of learner discipline including physical intervention and restraint
- the management of transport including traffic on the provider's site

Inspectors should assess carefully not only whether these documents exist, but their quality and crucially, how well they are applied. These policies should cover services that extend beyond the working day (e.g. where provided, community activities on

Inspection Area 5 is about leadership and management.

A provider'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.

A provider'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 of an FEI or proprietor of an Independent Specialist College (ISC) is accountable for ensuring that the provider has effective policies and procedures in place in accordance with the Welsh Government's guidance, and is monitoring the provider's compliance with this. This includes ensuring that safe recruitment checks are carried out in line with statutory requirements.

Inspectors should assess carefully how well senior managers and governors monitor and evaluate all the aspects for safeguarding. If the provider does not have effective policies and procedures for safeguarding and promoting the welfare of learners, and does not take sufficient steps to ensure these are adhered to, this will influence judgements made about the quality of leadership and management in the provider.

Education with boarding or residential provision

Where education has boarding provision or is linked to a residential setting, Estyn inspectors must liaise with Care and Social Services Inspectorate Wales (CSSIW) to ensure that the provision contributes to boarders' or residents' needs in relation to their safety.

Guidance for inspectors in making judgments about the effectiveness of safeguarding procedures

Pre-inspection evidence

Inspectors will use a wide range of evidence. Before the inspection, in relation to safeguarding and promoting welfare, the Reporting Inspector will consider:

- the provider's self-evaluation report, especially the sections on inspection areas 2.1, 4.2 and 4.3
- the provider's safeguarding self-evaluation form
- the previous inspection report
- data on aspects of behaviour such as exclusions; serious incidents and the use of physical interventions
- the provider's policies for safeguarding and promoting welfare
- responses to the learners' questionnaires, in particular the responses to questions about feeling safe, bullying, having someone to talk to if worried, keeping healthy and taking regular exercise
- responses to the parents' questionnaires, especially the questions about encouragement to be healthy and take exercise, being safe and receiving the additional support for any particular needs
- written information from parents or other partners
- any complaints Estyn may have received

Inspectors should take particular account of the provider's context, including information on:

- provider federations and other collaborative arrangements
- the number of sites used by learners
- off-site provision
- work-based learning provision
- extended services provision;
- joint 14-16 or post-16 provision
- the number of at risk adult learners enrolled, for example in ILS provision

- the number of children on the child protection register
- the number of refugees or asylum seekers
- the number of looked after children
- exclusions and transfers of learners

Where pre-inspection evidence identifies possible safeguarding issues or poor management practice by the provider, inspectors should seek guidance from their sector AD and the safeguarding officer. Where an issue is considered reportable, Estyn's safeguarding policy must be applied.

Planning the inspection

Responsibility for inspecting safeguarding can be allocated to any team member, including a peer inspector. It may be that different inspectors are responsible for different aspects of safeguarding and promoting welfare as they occur in more than one quality indicator, for example in 2.1, 4.2 and 4.3 as well as in aspects of leadership and management in Inspection Area 5. As in all inspections, the reporting inspector takes on overall responsibility for the conduct of the inspection and needs to monitor the work of the inspector(s), taking the lead on issues concerned with safeguarding and promoting the welfare of learners, particularly those regarding child protection or adults at risk

All providers will complete a self-evaluation form in relation to safeguarding prior to inspection. This form provides a useful overview of the issues which need to be taken into consideration when evaluating the provider's policy and procedures for safeguarding children and adults at risk. Providers are at liberty to use any suitable safeguarding self-evaluation model they wish. A useful self-evaluation template can be found on the Estyn website.

Inspectors should note that a provider who is delivering provision aimed at learners who are under 18 should comply broadly with those safeguarding requirements that apply to a provider.

In addition, inspectors will need to talk to learners who are in work placements. They should use these discussions to contribute to an evaluation of how well providers ensure that learners in work settings are safe and how well they understand what they can do if they feel bullied or unsafe in any other way.

Where learners are over 18, they should still understand what they can do if they feel they are subject to issues such as:

- unsafe working conditions
- harassment
- attempts to radicalise or promote extremism
- racial abuse

Inspectors may also arrange to meet with the provider's designated manager with responsibility for safeguarding.

It is also important for inspectors to establish if all staff are aware of the provider's policies and procedures, for example by asking assessment staff about the provider's safeguarding procedures.

Inspection activity

When inspecting providers in relation to safeguarding, inspectors will evaluate the following:

- whether the provider has produced an up to date self-evaluation which evaluates its safeguarding duties, including online safety activity, and how well it sets out areas of strength and areas for improvement
- how well the provider implements and monitors its policies and procedures in order to improve how it safeguards and promotes the welfare of children and adults at risk in accordance with Welsh Government's statutory guidance found in Keeping Learners Safe
- whether the provider reports regularly to senior managers and governors, and how well it uses its data and evaluations of safeguarding about incidents in the provider, including online safety aspects and incidents
- whether all staff are clear about their responsibilities and what they need to do to protect learners and that all staff have received relevant safeguarding training, including 'Prevent' duties
- whether all safeguarding related records are up to date, including incidents of physical intervention, child / adult protection referrals, safe recruitment and DBS checks, and safeguarding training
- there are consistent approaches to the management and reporting of safeguarding incidents and behaviour management issues within the provider, which are supported by clear policies and procedures, and which include the management of internet and social media related incidents
- adequate arrangements for developing learners awareness and understanding of how to be safe including safety on line, and which are regularly included in the provider's curriculum

Judging safeguarding in post-16 provision

Inspectors need to consider the range of activities that the provider has in place to

ensure the safety of its learners. The provider **must** conform with legal requirements as a starting point and they **should** follow any guidance from the Welsh Government. The fundamental question is whether inspectors are satisfied that learners are safe in the provision. Safeguarding is likely to be a serious cause for concern if there are issues such as:

- staff are unclear about their responsibilities and what they need to do to protect learners
- DBS and barred list checks are missing or there are incomplete records, where the presence of these would be appropriate to the range of the provider's delivery
- there are inadequate arrangements for supervising visitors or volunteers who do not have DBS and barred list checks
- there are inadequate arrangements to keep learners safe online

- there are inadequate arrangements to carry out Prevent related responsibilities to keep learners safe from radicalisation or the promotion of extremism
- there are inadequate arrangements to monitor or act upon equipment or the environment being unsafe or presenting an inappropriate risk to learners' wellbeing
- the provider does not deal with bullying effectively

When safeguarding arrangements are incomplete, not effective, do not comply with statutory requirements and /or learners are not safe It is important that these issues once identified are properly recorded, and brought to the attention of the provider. You must discuss them at the team's moderation meeting, and include a comment in the report, and a recommendation to address these issues.

In these cases, the RI should issue a safeguarding / health and safety letter. The Inspection Co-ordinator will guide the RI through the process and manage the drafting of the letter with the appropriate Assistant Director.

Where matters are **minor** and **easily remedied**, and are not considered significant, there is no need for a comment and/or a recommendation in the final inspection report. However, it should be recorded in the inspection JF, and given as feedback to the Principal or chief executive of a WBL company as soon as possible.

Adults at risk

The Social Services and Wellbeing Act Wales received royal assent on 1 May 2014. Arrangements under the Act will be implemented from April 2016.

Section 126 of this Act defines, 'adults at risk' as being anyone over the age of 18 who is:

- experiencing, or is at risk of, abuse or neglect
- has need for care and support whether or not the local authority is meeting these
- as a result of these needs is unable to protect himself or herself against the abuse or neglect or the risk of it

Learners placed in specialist colleges and some learners in other FEIs may therefore be considered as being adults at risk depending upon the level of their additional learning needs. Where this is the case, they should be supported by personal care plans and have access to independent advocacy and advice.

It is expected that the adult safeguarding boards set up by the Social Services and Wellbeing Act 2014 will work with the current adult protection fora in Wales to review and update the policy and procedure for adults at risk.

Annex 1: Disclosure and Barring Service (DBS) checks, repeat checks and portability

The Protection of Freedoms Act 2012 came into effect on 10 September 2012

The following changes were put in place in September 2012:

- a new definition of 'regulated activity' to focus on work which involves close and unsupervised contact with vulnerable groups
- activities and work that have been taken out of the definition of 'regulated activity' will still be eligible for Enhanced DBS checks
- the implementation of a minimum age (16) at which someone can apply for a DBS check
- a more rigorous 'relevancy' test for when the police release information held locally on an enhanced DBS check

On 1 December 2012, the CRB and ISA merged to form the Disclosure and Barring Service. The DBS is responsible for administering three types of checks;

- **Standard** – a check on the Police National Computer (NPC) records of convictions, cautions, reprimands and warnings.
- **Enhanced** – a check on the PNC as above plus also other information held by the police that is considered relevant by the police
- **Enhanced with barred list information** – for people working in regulated activity with children. This adds checks of the DBS children's barred list to the enhanced check.

During 2013, the Government launched a new Update Service. This enabled individuals to register once for a DBS check, which will then be automatically updated and available for organisations to check.

Once this service is in place, employers will be able to check to ensure the information on previously issued DBS checks is up to date. However, if an employer wishes, they can carry out a new check, as long as the post is covered by the definition for regulated activity.

Previously there has been widespread misunderstanding about when and how frequently to undertake checks. The following sets out the current position in relation 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 was that they must have been List 99 checked.
- CRB checks became mandatory for the entire maintained schools' workforce from 12 May 2006 (September 2003 for independent schools). Employees who took up post from this date must have an enhanced CRB disclosure.
- **No further checks are required** for any staff unless the person has a break in service of more than three months or have changed their role to take on a

regulated activity. There is no statutory requirement for staff to have routinely updated checks, although some employers may require this as policy. There is also no statutory requirement for staff employed before March 2002 to have retrospective CRB or DBS checks as long as they have been in continuous service. However, prior to 2002, there was a requirement for all staff who work with children and young people to have to been checked against List 99, and evidence of this should be checked.

Under the Education Workforce Council (Main Functions) (Wales) Regulations 2015, registration with the Education Workforce Council is a statutory requirement for every person who provides education in or for a further education institution in Wales (subject to certain exclusions). The DBS provides EWC with regular updates on barred individuals. Note that some criminal offences do not debar a person registering as a teacher in an FE institutions although child protection offences would. Check with the [Education Workforce Council](#) for details.

Visiting staff

Staff working with a provider's children such as educational psychologists, supply teachers, trainee teachers, nurses, sports coaches and inspectors should be CRB or DBS and barred list checked by their employer, for example the supply agency, the university, or local authority.

It is sufficient for providers to seek written confirmation that all appropriate checks, have been carried out for these people (most commonly on appointment) and by whom (most commonly the relevant human resources department). Providers must record that these checks have been completed on the single central record. Providers should then confirm the identity of these visitors before they work with children at the school. Identity checks usually include verifying the identity of the person using photographic evidence, such as passports or driving licences.

Part-time staff working with children may use the same CRB or DBS check for two or more posts as long as they are at a similar level **and** the provider has satisfied themselves about their veracity and appropriateness.

Governors or Directors

The position relating to governors has changed under the **Protection of Freedoms Act 2012**. As Governors or Directors are no longer undertaking regulated activity, there is no requirement for them to be subject to vetting and barring checks. However, where governors or Directors are undertaking some form of regular contact with children, they are subject to risk assessment and possible vetting and barring unless adequately supervised. As defined by the Act; 'regular' means carried out by the same person frequently (once a week or more often), or on 3 or more days in a 30-day period (or in some cases, overnight).

Moving between providers

Since September 2006 supply agencies have been able to pass CRB or DBS checks between other school supply agencies and between providers

- If an employee has been CRB or DBS checked, **there is no statutory requirement** that another CRB or DBS check is carried out before taking up a job in a different provider 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 or DBS 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.
- A training provider that deals with children should ask for evidence, from the previous provider, that the check was undertaken. Some providers are reluctant to accept transferring staff without requesting a fresh CRB or DBS disclosure certificate because they believe that Estyn would be critical of such arrangements. Inspectors should avoid giving any impression that Estyn considers it good practice to request fresh CRB or DBS disclosure certificates routinely whenever a member of staff is recruited directly from another provider that deals with children without a break in service. Providers should be encouraged to risk assess each case individually and be prepared to demonstrate the basis for their decisions.
- Providers which fail to secure evidence that paid staff and unsupervised volunteers have undergone the appropriate DBS checks before the staff member begins face to face teaching, should receive a judgment of unsatisfactory. However, a provider that had initiated the checking process but had not received confirmation of suitability would not automatically receive a judgement of unsatisfactory if they had carried out a suitable risk assessment and put in place appropriate supervision for the member of staff.
- It is only volunteers who are supervised who do not need DBS with barred list checks (See Annex 2).

The regulations above apply to an education or training provider dealing with children. 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 can take up their posts before DBS clearance has been received, but it must have been applied for and the member of staff awaiting clearance must be supervised when in contact with young people.

Trainee teachers

In the case of trainees on initial teacher education courses, it is the initial teacher education provider's responsibility, not the college or training provider that deals with children, to ensure that appropriate recruitment checks are made. In the event of a delay in receiving disclosures from the DBS, the Welsh Government's guidance gives the FE college or training provider's leader discretion to allow trainees to start working subject to a satisfactory check of the DBS' children's' barred list and completion of

other normal recruitment procedures. The initial teacher education provider should keep FE college or training providers' leaders fully informed of the progress of applications for disclosures, since these leaders will want to maintain closer supervision of trainees who have not yet received enhanced clearance. Leaders must be satisfied that checks have indeed been done.

The situation is different for trainees on an employment-based teacher training route. They are employed by the provider and should therefore be cleared by the provider and in the same way as other directly employed staff if they work with children.

Visiting speakers

Visiting speakers who do not have an enhanced with barred list check should be adequately supervised by the provider.

The provider should have appropriate risk assessments in place for visiting speakers to minimise the possibility of radicalisation or the promotion of extremism.

There is an example of a risk assessment policy for external speakers at <http://www.preventforfeandtraining.org.uk/sites/default/files/20120814-%20Waltham%20Forest%20External%20Speaker%20Protocol%20FINAL%20%281%29.pdf>

Annex 2: Regulated activity as defined by the Protection of Freedoms Act 2012

The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular by the Protection of Freedoms Act 2012).

Regulated Activity still excludes family arrangements, and personal, non-commercial arrangements.

The new definition of regulated activity relating to children comprises of:

- (i) **Unsupervised activities:** teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- (ii) **Work for a limited range of establishments** ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. **Not work** by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly. Regular means carried out by the same person frequently (once a week or more often), or on 3 or more days in a 30-day period (or in some cases, overnight).

The government has provided statutory guidance about supervision of activity, which would be regulated activity if it were unsupervised.

- (iii) **Relevant personal care**, for example washing or dressing; or health care by or supervised by a professional;
- (iv) **Registered child-minding**; and foster-carers.

What is no longer a regulated activity when working with children?

- Activity supervised at reasonable level
- Health care not by (or directed or supervised by) a health care professional
- Legal advice
- "treatment/therapy" (instead "health care")
- Occasional or temporary services, (not teaching etc.) e.g. maintenance at a school
- Volunteers supervised at a reasonable level

Annex 3: Handling allegations of abuse against teachers and other staff Welsh Government Circular 009/2014

<http://learning.gov.wales/docs/learningwales/publications/140410-safeguarding-children-in-education-en.pdf>

This is statutory guidance for maintained schools and FEIs and non-statutory guidance for independent schools.

Schools and further education colleges should have procedures for dealing with allegations and all staff and volunteers should understand what to do if they receive an allegation or have concerns about another member of staff.

The procedures should make it clear that **all allegations should be reported immediately**, normally to the head teacher, principal or proprietor if it is an independent school.

The procedures should also identify the person, usually the chair of governors, to whom referrals should be made in their absence; or in cases where the head teacher or principal themselves is the subject of the allegation or concern. For PRUs this person might be a local authority officer rather than the chair of the management committee.

Procedures should also include contact details for the local authority officer with responsibility for providing advice and monitoring professional abuse cases. The Local Authority Officer should be informed of all allegations that come to a school's attention and appear to meet the criteria set out below.

A member of staff is alleged to have:

- 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 he or she would pose a risk of harm if they work regularly or closely with children.

The above procedures relate to members of staff who are currently working in any provider regardless of whether the provider is where the alleged abuse took place.

Allegations against a teacher who is no longer teaching should be referred to the police.

Annex 4: Procedures for reporting misconduct and incompetence in the education workforce in Wales. Welsh Government circular 168/2015

<http://dera.ioe.ac.uk/23182/1/150608-reporting-misconduct-en.pdf>

This guidance sets out the reporting arrangements for cases of professional misconduct and professional incompetence in the education service. It applies to education providers in both the maintained and independent sectors.

In summary:

- If a member of staff or volunteer is dismissed or resigns before being dismissed for misconduct that relates to the harm, or risk of harm, to a child or vulnerable adult the employer must refer the matter to the DBS. If the member of staff is registered with the Education Workforce Council (EWC), the employer must also make a referral to the EWC.
- If a member of staff or volunteer who is registered with the EWC is dismissed or resigns before being dismissed for misconduct that does not relate to the harm, or risk of harm, to a child or vulnerable adult the employer must refer the case to the EWC.
- If a member of staff or volunteer who is not registered with the EWC (eg caretaker) is dismissed for misconduct that does not relate to the harm of a child or vulnerable adult, the employer should deal with the case under their own disciplinary procedures.

Annex 5: Online safety

Possible questions for leaders

- 1 How do you ensure that all staff receive appropriate training online safety that is relevant and regularly up to date?
- 2 What mechanisms does the provider have in place to support learners and staff facing issues with online safety?
- 3 How does the provider educate and support the whole provider community with online safety?
- 4 Does the provider have e-safety policies and acceptable use policies in place? How does the provider know that they are clear and understood and respected by all?
- 5 Describe how your provider educates learners to build knowledge, skills and capability when it comes to online safety. How do you assess its effectiveness?

Possible questions for learners

- 1 If you felt uncomfortable about anything you saw, or if anybody asked you for your personal details such as your address on the internet, would you know where to go for help?
- 2 If anybody sent you hurtful messages on the internet or on your mobile phone would you know who to tell?
- 3 Can you tell me one of the rules your provider has for using the internet?
- 4 Can you describe the risks of posting inappropriate content on the internet?

Possible questions for staff

- 1 Have you had any training that shows the risks to your and learners' online safety?
- 2 Are there policies in place that clearly demonstrate good and safe internet practice for staff and learners? Have you read these? Have you discussed them in a staff meeting or training event?
- 3 Are there sanctions in place to enforce the above policies?
- 4 Do all staff understand what is meant by the term cyber-bullying and the effect it can have on themselves and learners?
- 5 Are there clear reporting mechanisms with a set of actions in place for staff or learners who feel they are being bullied online?

Annex 6: Preventing radicalisation and extremism

From 1 July 2015, schools, PRUs and FEIs must have ‘due regard to the need to prevent people from being drawn into terrorism’. This is set out in Section 26 of the [Counter-Terrorism and Security Act 2015](#) and the accompanying [Prevent duty guidance](#) under section 29 of the Act.

The context of the FEI will affect the extent to which inspectors will need to consider the FEI’s work in this area. However, every school, PRU and FEI must comply with the duty and inspectors should satisfy themselves that the provider is aware of the duty and acting appropriately.

Possible questions to consider:

- Does the provider’s safeguarding policy take account of the duty to protect children and young people from radicalisation and extremism?
- Has the provider assessed the potential risk of radicalisation and extremism in their local area? Is the risk assessment available and is it being implemented?
- Are their clear protocols for ensuring that any visiting speakers are appropriately supervised?
- Does the provider have clear and widely available policies for the use of prayer rooms and other faith-related facilities? These policies should outline structures in place for the managing prayer and faith facilities (for example an oversight committee) and mechanisms for managing any issues
- How well does the provider co-operate with local Prevent co-ordinators, the police and local authorities where relevant?
- Do senior managers and other relevant staff (e.g. head of relevant subject areas and pastoral care leads) understand what radicalisation means and why people may be vulnerable to being drawn into terrorism as a consequence of it?
- Are relevant members of staff aware of what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extremist ideology that can be associated with it?
- Has the provider ensured that appropriate training has been given to staff? The provider’s approach to training should take account of the level of risk in their local area. It would be appropriate for at least one designated person in every school, PRU and FEI to receive *Prevent* awareness training – in some cases it will be appropriate for all staff to receive *Prevent* awareness training.
- Does the provider know how to obtain support for pupils/students who may be being exploited by radicalising influences?

Annex 7: Security

We expect the provider to:

- carry out a thorough risk assessment of the provider site(s)
- make appropriate arrangements to manage those risks appropriately
- tell their employees about the risks and measures to be taken to manage the risks
- ensure that adequate training is given to employees on health and safety matters

The use of leisure centre facilities

It is the provider's responsibility to ensure that learners are safe when using leisure centre facilities. We expect the provider to carry out a thorough risk assessment of the provider's use of such facilities and make appropriate arrangements to manage those risks appropriately.

Annex 8: Safeguarding Intelligence and inspections

Advice to RIs and team inspectors on the importance of taking account of any intelligence held by Estyn regarding parental complaints against a provider, and any safeguarding matters in the management of an inspection (issued May 2016)

When preparing for inspection, the IC will inform the Reporting Inspector (RI) if there is any relevant safeguarding intelligence, or complaints about the provider held by Estyn. This is so that the RI may use this information to inform lines of inquiry. This information is helpful and may alert the RI that parental concerns may be raised during the parents' evening, or even after the inspection. Where the IC has indicated that there is safeguarding intelligence the RI must contact Estyn's Safeguarding Officer for a briefing, and the safeguarding officer will suggest a suitable line of inquiry.

The RI is also able to use the provider's safeguarding self-evaluation form and the parent and learner questionnaires to inform their lines of inquiry for wellbeing and safeguarding. Where pre-inspection evidence in any sector identifies possible safeguarding issues or poor management by the provider, seek guidance from your sector's Assistant Director and the Safeguarding Officer. Where any new issue is potentially referable, Estyn's safeguarding policy must be applied.

During the inspection, if Estyn receives any relevant information about a safeguarding matter, Estyn's safeguarding officer will inform the RI and agree how to deal with the matter. The RI must ensure they record any evidence relating to any safeguarding lines of inquiry from interviews, observations or file reading in their JF, as this may be needed for any subsequent correspondence arising after the inspection. If the RI or another team member records any confidential information this should be passed to Estyn's Safeguarding Officer for secure filing. The detail of this confidential information should not be recorded in the JF but a note that the material has been passed to Estyn's Safeguarding Officer along with the relevant case number should be noted.

Remember

An incident may come to light after an inspection, and Estyn may be asked to account for what it knew at the time and the actions it either took, or did not take. In the case of serious injury or death, this accountability could be through a Serious Case Review. Your recording in your JF, and any confidential information stored in the safeguarding files will be relevant here, so make sure you note the important stuff.

Annex 9: Supporting learners with healthcare needs

<http://learning.gov.wales/docs/learningwales/publications/170330-healthcare-needs-en.pdf>

This document is designed to assist local authorities, governing bodies, education settings, education and health professionals and other organisations to support learners with healthcare needs and ensure minimal disruption to their education. It contains both statutory guidance and non-statutory advice.

In summary:

- Local authorities and governing bodies **must** have regard¹ to this statutory guidance when carrying out their duties in promoting the welfare of children who are learners at the education setting, including meeting their healthcare needs. The guidance also applies to activities taking place off-site as part of normal educational activities.
- Learners with healthcare needs should be properly supported so that they have full access to education, including trips and physical education.
- Governing bodies must ensure that arrangements are in place to support learners with healthcare needs.
- Governing bodies should ensure that education setting staff consult the relevant professionals, learners and parents to ensure the needs of the learner with healthcare needs are properly understood and effectively supported.

The guidance provides information on

- The procedures for record keeping and management of learners' healthcare needs
- Creating an accessible learning environment
- The storage, access and the administration of medication and devices
- Staff training
- Emergency procedures
- Individual Healthcare Plans
- Unacceptable practice

Document Control	Date	Author	Amended by
Version 2	August 2015	Alun Connick	Anthony Mulcahy Steve Bell
Version 3	September 2017		Anthony Mulcahy to reflect changes to inspection arrangements from September 2017