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# 1. Safeguarding concerns raised during inspection

Occasionally, you may learn that a child or young person<sup>1</sup> in the setting you are inspecting, or another child or young person, is either being harmed or at risk of harm. This may be because a child or young person makes a disclosure to you. These cases are rare, but it is important that you know what you should and should not do if it happens.

It is not your role as an inspector to investigate a child protection concern or an allegation against a member of staff. Any attempt to investigate the concern could jeopardise a subsequent investigation by the local authority or the police.

Read [Ofsted's safeguarding policy](#).

## 2. Referring safeguarding concerns

You should, however, satisfy yourself that concerns about a child's safety are referred on, as appropriate, to the children's services department of the relevant local authority. This will usually be the local authority for the area where the child or young person lives. If the concern raised is about a member of staff at the setting, then the referral should be made to the local authority designated officer for the area where the setting is located.

The referral to the local authority will normally be made by the person in the setting who acts as the designated safeguarding lead. In the case of a concern about a member of staff or volunteer in a school, the referral will normally be made by the headteacher. Concerns about a headteacher are normally referred by the chair of the governing body or by the proprietor.

## 3. Your response

If a child or young person tells you something that suggests that they are, or another child or young person is, being harmed or are at risk of harm, you should:

- stop other activity so that you can focus on what the child or young person is telling you
- let them make the disclosure at their own pace and in their own way
- avoid interrupting, asking leading questions or probing for more information than the child or young person wants to give you

Do not promise to keep the information confidential. Explain to the child or young person that you are not able to investigate what they have told you, but that you will need to discuss the issue with someone in authority in the setting. Be aware that this may cause them some distress and/or anxiety.

Do not leave the child or young person alone. Make sure that a member of staff (not implicated in the disclosure) stays with them while you go to speak to the designated safeguarding lead for the setting, the headteacher or the relevant senior manager.

Keep a written record of all the information you receive from and about the child and the nature of the concerns, as well as the action that you and others take, including your conversation with the designated lead, headteacher or relevant senior manager (below). Ensure that all events are recorded, dated and timed.

Discuss the information disclosed with the designated lead, headteacher or relevant senior manager at the setting (unless the allegation is related to them), and confirm whether they will make a referral to the children's services department of the local authority.

If you are a team inspector, ensure that you inform the lead inspector of the disclosure as soon as possible. Ensure that the lead inspector is kept updated and is aware of all action taken by you and by the setting.

If the designated lead, headteacher or relevant senior manager at the setting agrees to make a referral, you should make a note of this agreement in your record, and pass the information on to the Applications, Regulatory and Contact (ARC) team. This is essential so that the team can check that the referral to the local authority has been made.

If the designated lead, headteacher or relevant senior manager does not agree with you that a referral to

the local authority is needed, but you believe that it is needed, then you should arrange for an urgent referral by Ofsted.

To arrange a referral by Ofsted in these circumstances, you should call the ARC team using the advice and guidance line number and give them the information that you have, including the child's name, address and date of birth; the nature of the concerns; and your own contact details. The ARC team will pass this information immediately to the local authority duty team for the area where the child lives, or the area where the setting is if the referral concerns a member of staff. The ARC team will confirm to you when they have done this.

If you are unable to get through to the ARC team, then you should consult your line manager. You should only make a referral to the local authority yourself if you are unable to obtain a response from the ARC team or your senior manager and you judge that a child is at imminent risk of harm unless a referral is made immediately<sup>2</sup>. If you make a direct referral, you should inform the ARC team and your senior manager at the earliest opportunity that you have done so. You should be able to find the telephone number for urgent direct referral on the relevant local authority's website.

In any instance where you have a concern about the actions of another inspector, you should always contact a senior HR officer in Ofsted, who will be responsible for making the appropriate referral to the local authority.

Your record of events should be retained with the evidence base, unless the record relates to concerns raised about another inspector. The HR team will be able to advise you on the action to take in these instances.

You should not write a full account of the concerns disclosed in your inspection report. The Ofsted guidance [Inspecting safeguarding in early years, education and skills settings](#) provides specific paragraphs that can be used when drafting education inspection reports in these circumstances.

If at any point you are unsure of what to do, or you have concerns about discussing the referral with the designated safeguarding lead, headteacher or relevant senior manager, you should seek advice from your line manager or the duty senior HMI.

The legal and policy basis for responding to concerns regarding the safeguarding and welfare of vulnerable adults is different from that for children and young people under 18. You can find more information in [Ofsted's safeguarding policy](#).

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1. The term "young people" refers formally to those under the age of 18. However, the priority is to ensure protection of any young person even if they might be over that age. For instance, it may not always be possible to ascertain the precise age of a young person or the danger identified might relate to groups of mixed ages. It is important therefore to take the steps described if you have a concern, even if the young person might be over the age of 18. \_\_

2. If the concern arises during an inspection of a local authority, the inspector should follow the guidance in [Inspecting services for children in need of help and protection](#). \_\_

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