

**DCSF response to the
Singleton Review of
safeguarding arrangements
in independent schools,
non-maintained special
schools and boarding
schools in England**

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On 24 March the Secretary of State placed Sir Roger Singleton's report *Keeping our School Safe* in the House library. The report set out Sir Roger's review of safeguarding arrangements in independent schools, non-maintained special schools and boarding schools and made thirty two recommendations for government; Ofsted and the other independent schools inspectorates; schools; Local Safeguarding Children Boards (LSCBs); local authorities (LAs); and other bodies. The Secretary of State's letter of 24 March to Sir Roger warmly welcomed his recommendations and set out our initial response, but undertook to provide a more detailed response to the challenges set out in the report.

Keeping our School Safe was welcomed by the schools covered by the review who told us that they thought it was a timely and accurate analysis of the challenge they face, and that the recommendations were proportionate and relevant. Both Ofsted and the other independent school inspectorates have considered the recommendations carefully, and their responses have been made available alongside the government response. Several of the recommendations are closely related to recommendations made by Lord Laming and will be taken forward alongside other recommendations contained in Lord Laming's report.

Our earlier response recognised that the review recommendations build on existing arrangements that already provide a good level of protection for children educated in independent, boarding and non-maintained special schools. The fuller response below sets out a series of small but significant changes to existing practice, which, if coupled with better coordination and cooperation between schools, LSCBs, inspectorates, local authorities and DCSF, will bring about substantial improvements in safeguarding practice. We are grateful for the support of stakeholders in preparing this document and look forward to working constructively with them as we implement Sir Roger Singleton's recommendations.

Recommendation 1: revision of the regulatory framework

That DCSF undertakes a comprehensive re-appraisal of the entire regulatory framework as it applies to the categories of school within scope of the review, aimed at reducing overlap, eliminating inconsistency, updating requirements and filling gaps, to achieve the further benefits of reducing the regulatory burden and improving the quality of safeguarding within schools.

We are already committed to reviewing the entire set of National Minimum Standards (NMS) that cover residential care settings for children, so we endorse this recommendation. We have already started a review that will identify the inconsistencies and overlaps in the regulatory frameworks that apply to boarding schools, residential special schools, non-maintained special schools, children's homes and independent schools and simplify where possible the requirements for each setting. We plan to consult on the findings of this review in September 2009.

Recommendation 2: CRB Disclosure requirements

That DCSF urgently clarifies the different requirements that apply to staff in boarding and day provision, in relation to staff commencing work prior to receipt of CRB Disclosures, and that the inspectorates ensure inspectors are briefed accordingly.

We agree that more needs to be done to clarify which elements of provision are covered by the NMS and by the independent school standards, and that there is a clearer explanation in 'Safeguarding Children and Safer Recruitment in Education' of the different requirements for day and residential provision. We will consult stakeholders to try and understand where misunderstandings have arisen and make whatever changes to regulations or guidance are necessary to provide greater clarity for both schools and inspectorates.

We will carry out this work quickly as part of the implementation of the new Vetting and Barring Scheme and the work of the Independent Safeguarding Authority, and we anticipate that the review described above will identify the best approach to take and this will be consulted on in September 2009.

Recommendation 3: central record of recruitment and vetting checks

That DCSF modifies the model central record in 'Safeguarding Children and Safer Recruitment in Education' to include columns that record the start date, job role and CRB unique reference number for each member of staff.

'Safeguarding Children and Safer Recruitment in Education' already recommends that schools record the unique CRB reference number for each member of staff for whom a school has carried out a check, although at present not all schools record this on the single central record. We accept the recommendation in principle but will have to examine how best it is implemented, as we will need to consider both the model central record and the requirements set out in the relevant set of regulations.

Recommendation 4: children missing education

That DCSF, as part of the overhaul of the regulatory framework, should ensure that all independent and non-maintained schools are required to notify the LA when children of compulsory school age leave the roll, and to inform them of the destination where this is known to them.

We accept this recommendation and plan to introduce a new requirement for independent schools to notify their local authorities when children of compulsory school age leave their school, together with their stated destination, if known. We plan to include this in the revision of the Independent School Standards that will take effect from September 2010 and will consult independent schools about the detail of this recommendation before the end of September 2009. We will also include the requirement in the review of the regulations relating to non-maintained special schools that is currently underway.

Recommendation 5: safer recruitment training

That DCSF considers extending the availability of the National College of School Leadership package of accredited safer recruitment training to more people in schools.

We agree that safer recruitment training needs to be extended to more of the school workforce and plan to deliver training to a wider audience through the Children's Workforce Development Council (CWDC). We have included within CWDC's 2009-10 remit a requirement to develop combined delivery of on-line safer recruitment training for the whole children's workforce, including schools. Access to this training will not be restricted to two people at each school and registration will be easier than the current NCSL arrangements. In the meantime NCSL are making the current training available to more than two people at any given school.

Recommendation 6: guidance to schools

That DCSF consider the provision of a 'helpline' for schools, to offer practical, situational advice on implementing the practices described in 'Safeguarding Children and Safer Recruitment in Education'.

We agree that schools need access to good advice on the practical application of guidance in 'Safeguarding Children and Safer Recruitment in Education'. Our current policy position is that LSCBs have a role in setting local policy and procedures on safer recruitment, and on communicating what they are. Local Authorities can provide advice and charge for it, but they have no obligation to do so. We therefore need to assess what is currently available and the future capacity of LSCBs once Lord Laming's recommendations have been implemented, and consider how any shortcomings can be met. We also accept that schools will sometimes need access to specialised advice where fresh policy issues arise and will consider with Ofsted and inspectorates the best approach to ensure schools and inspectorates receive consistent advice.

Recommendation 7: standards of independent school governance

That DCSF should include the following measures in the proposed leadership and management standards for independent schools, and review their impact after three years of operation:

- a requirement that the proprietor make arrangements for independent scrutiny and challenge of the school's safeguarding policies and practices. That role might be carried out by a nominated governor or trustee on behalf of the governing body/board where they exist in the school. Where there is no governing body, the role may, for example, be delivered by an independent safeguarding 'visitor' approved by the Local Safeguarding Children Board. Whatever arrangement the proprietor chooses to put in place, it should be his responsibility to demonstrate its effectiveness and independence.*
- an expectation that independent schools should participate in local safeguarding arrangements overseen by the Local Safeguarding Children Board.*

We welcome this proposal as it will strengthen safeguarding arrangements and ensure that there is support and challenge, particularly for those schools where management, leadership, and ownership all rest with one individual. We believe that the flexible approach set out in this recommendation has been welcomed by schools and will give proprietors a range of options for identifying arrangements which suit the circumstances of their school. Independent school

associations have suggested that they or the independent school inspectorates could undertake the review: we think such arrangements could work well. We will also consult widely on the role of the LSCB in the process of identifying and training independent safeguarding 'visitors'.

We plan to implement the new requirement through the management and leadership standard that is due to come into force in September 2010, and we will consult fully on specific proposals before the regulations are laid.

We plan for the LSCB regulations to require the appointment of one or more school representatives. We will consider carefully how the accompanying guidance signals that independent schools must be included, either through direct representation, or through other forms of consultation.

Recommendations 8 & 9: accountability to the registering authority

That DCSF should:

- *require independent schools to include a report of the proprietor's annual review of the school's safeguarding policies and procedures and the discharge of the proprietor's safeguarding duties, as part of their annual return to the DCSF as registering authority under Part 4 of the Schedule to the Education (Provision of Information by Independent Schools)(England) Regulations 2003 as amended. This report should be signed off by the person exercising independent scrutiny and challenge of the school's safeguarding policies and practices (see Recommendation 7 above), and should cover recruitment and training activity, confirm the review of policies and practices and the maintenance of a central log of all actions taken in pursuit of individual safeguarding concerns raised, and outline the action the school has taken to participate in local safeguarding arrangements overseen by the LSCB. The DCSF should make the report available to the relevant inspectorate, alongside other information collected as part of the annual return. There would also be value in the school sharing it with the relevant LSCB and where applicable with placing LAs. This would provide the LSCB with useful data on which to develop its forthcoming advisory and training plans and it would give a placing LA confidence that safeguarding issues were being appropriately addressed. DCSF should review the impact of these measures after three years of operation.*
- *extend the requirement on non-maintained special schools so that when they have completed their annual review of their safeguarding policies and procedures, they send also to DCSF the information they provide to the local authority about those policies and procedures and about how their safeguarding duties have been discharged.*

We will make arrangements to extend the annual return to accommodate this additional piece of information. Independent schools are already required to carry out this review which is described in para 2.2 of 'Safeguarding Children and Safer Recruitment' so this proposal does not represent an additional burden on schools. We also agree that a copy of the statement should be sent to the LSCB and also to any placing authorities and we will change our regulations and guidance to ensure this happens, by September 2010.

We also propose to extend the requirement to non-maintained special schools, so that they will be required to send to DCSF a copy of the information provided to the local authority about their safeguarding policies and procedures and how they have discharged those duties.

Recommendations 10 & 11: inspection of the welfare duty for boarding and residential special schools

- *That the DCSF considers with Ofsted and the relevant associations the impact on boarding and residential special schools' safeguarding improvement activity of the decision that Ofsted should not to carry forward the advice, guidance and development role previously provided by CSCI in addition to its inspection function, with a view to agreeing what compensatory support to schools might be provided.*
- *That Ofsted reconsiders the threshold number of boarders in a school to trigger inclusion of a Boarding School Additional Inspector in an inspection team.*

In 2005 the Department consulted on the creation of a single inspectorate for education, children's services and skills. The inspectorates which came together to form the new Ofsted included part of the Commission for Social Care Inspection (CSCI). The predecessor inspectorates had a range of responsibilities, some relating to advice and improvement work. The new inspectorate needed to take a consistent approach and government decided that an impartial inspectorate would stop short of detailed engagement with stakeholders in individual services.

Following the consultation, it was decided that Government Office staff (particularly Children's Services Advisors (CSAs)) would undertake ongoing engagement, support and challenge work with LAs, children's trusts and LSCBs including follow-up inspection and performance assessments; intervention; and other improvement cycle work. CSAs have a strategic role, however, and do not provide the type of detailed support that schools are seeking. From April 2010 a new strategic advisory service will be put in place, but the new service is unlikely to provide detailed advice to individual institutions.

The review findings are that, for individual schools with boarding provision, these changes appear to have left a gap in that these institutions do not feel that they are receiving the same level of advice and guidance as they previously received from CSCI, to support improvement. We will work with the sector to get a better understanding of the type of help that these schools need, particularly in regard to safeguarding pupils, and to consider how these needs could be met.

Although Ofsted has recently undertaken a review of the role and value of BSAs, Lord Laming's recommendations present more wide reaching implications for Ofsted in terms of the skills and knowledge of inspectors in relation to safeguarding. Further consideration will therefore need to be given to what that means for the pool of inspectors, including BSAs.

Recommendations 12,13 & 14: frequency of inspection

- *That the frequency of welfare inspections should not be reduced from current levels in residential special schools and schools also registered as children's homes, and that the three year interval between welfare inspections in boarding schools should be considered an absolute maximum, with a presumption of more frequent and short notice/unannounced inspection*
- *that following the introduction in September 2009 of new arrangements for inspection under s.5 of the Education Act 2005, DCSF should monitor the adequacy of a 5-6 year cycle of inspection of safeguarding for Academies, CTCs/CCTAs and non-maintained special schools who receive only day pupils*

- *that re: the frequency of inspection of safeguarding of independent schools under s.162A of the Education Act 2002, the presumption should continue to be for inspection at least once every three years for day schools that are therefore not also subject to welfare inspection, while these schools adjust to the new leadership and management standard when it is introduced.*

Neither Ofsted nor DCSF has any plans to reduce the frequency of welfare inspection in children's homes, residential special schools and independent boarding schools. We are also planning for all independent day schools and all special schools (maintained and independent) to continue to have 3 yearly inspections, in contrast to other schools in the maintained sector where the period between inspections could be considerably longer. All schools that receive a s5 inspection will undergo an annual risk assessment and any concerns that come to light, including safeguarding concerns, would mean that Ofsted inspected sooner than the 5 year maximum. DCSF already commissions a number of emergency, no notice inspection visits of independent schools inbetween routine inspections, where there are safeguarding or other concerns raised that merit urgent investigation.

The proposal to continue routine three yearly boarding inspections in all boarding schools will only affect schools in the maintained sector which have been assessed as good or better, and which would in future be subject to a 'health check' between a five yearly inspection. The recommendation would apply to some of the 34 state boarding schools. This will be considered by Ofsted's Senior Management Team, as it will have implications for resources, contracts and inspection policy.

We will work with Ofsted to ensure that the risk assessment process, on which some schools will qualify for longer intervals between inspections, takes appropriate account of safeguarding in determining which schools qualify for a healthcheck. The Department will monitor with Ofsted the implementation and effectiveness of the new arrangements.

Recommendation 15: duration of inspection

That the DCSF discusses with Ofsted, and the sectoral inspectorates as appropriate, the duration of inspection visits under s.5 of the Education Act 2005, s.162A of the Education Act 2002, and against the relevant National Minimum Standards, with a view to ensuring that sufficient time is available for effective inspection of safeguarding policies and practices, including, in the case of boarding schools and residential special schools, in every boarding house or residential unit.

Lord Laming's review emphasised the importance of inspectors having sufficient skills, expertise and capacity to inspect the safeguarding and child protection elements of front line services. Sir Roger Singleton's report sets out a number of additional areas that could be inspected for day schools, drawing on areas that are currently only included in the National Minimum Standards for boarding or other schools. We will consider whether these additional areas should be added to the independent school standards, which are the requirements against which inspection for independent day schools take place. We will also consider with Ofsted the benefits and drawbacks of increasing the inspection tariff, bearing in mind the different circumstances of Ofsted and the sectoral inspectorates.

Recommendation 16: collection of workforce data

That DCSF extend the scope of the new school workforce census to include non-maintained special schools.

We are considering whether the workforce census is the best vehicle to gather the information from the non-maintained special schools sector.

Recommendation 17: information from DCSF and the Independent Safeguarding Authority on referrals made by school to List 99/PoCA

That DCSF:

- *ensures that the information provided by them and the ISA to inspectors gives sufficient detail to allow the inspection team to review the conduct of the investigation in accordance with the school's own and locally agreed inter-agency procedures;*
- *puts arrangements in place to ensure similar information is provided to Ofsted in respect of referrals to List 99/PoCA made by Academies and CTCs/CCTAs.*

We acknowledge the need to put in place reliable, systematic arrangements to indicate to Ofsted which schools have made referrals and notifications. This will help inform their school risk assessments and enable Ofsted to plan inspections. In this context, it is essential that Ofsted considers whether and if so how inspectors with direct experience of child protection work should be engaged in the inspection process.

DCSF and ISA accept that information sharing with Ofsted is essential to support good inspection practice, and are working to achieve the most efficient way of implementing this recommendation.

Recommendation 18: inspection evidence from LSCBs and LADOs

That inspectorates should be required to seek information from LSCBs and LADOs in advance of inspections under s.5 of the Education Act 2005, s.162A of the Education Act 2002 and inspections of the welfare duty for boarding, for residential special schools and for children's homes. That information should include the action the school has taken to participate in local safeguarding arrangements overseen by the LSCB; whether the school has sought the advice of the LADO on specific safeguarding concerns; and in the case of state boarding schools and maintained residential special schools, information about any referrals made to List 99/PoCA, with sufficient detail to allow the inspection team to review the conduct of the investigation in accordance with the school's own and locally agreed inter-agency procedures.

We need to investigate with Ofsted, LADOs and LSCBs the best approach to gathering information systematically in advance of inspections as they all want to exchange information in a timely, relevant and cost effective way. We will work with LSCBs and inspectorates to develop arrangements for information sharing for **all** schools in a quick and simple manner.

Recommendation 19: conduct of welfare inspection

That Ofsted publishes a statement of its approach, practice and reporting in the area of inspection of the welfare duty for boarding schools, residential special schools and schools registered as children's homes.

Ofsted keeps the materials that support inspection under review and will work with stakeholders to identify the type of material that would best meet their needs.

Recommendations 20 & 21: inspection reports

- *That the inspectorates flag a school's success or failure to comply with all safeguarding requirements at the beginning of all inspection reports, either by including a sentence in the summary evaluation of the school, or by bringing forward to the front of the report the section on compliance with regulatory requirements.*
- *That DCSF require boarding schools, non-maintained special schools and maintained residential special schools to provide parents with a copy of their welfare inspection reports.*

Lord Laming recommended that Ofsted gives greater prominence in their inspection and improvement regime to an analysis of how well schools are fulfilling their child protection responsibilities. We recognise that Ofsted has already changed its approach to inspection to place greater emphasis on safeguarding, and that any school that has inadequate safeguarding procedures will receive an overall 'inadequate' grading. However, we will discuss with both Ofsted and the other independent school inspectorates what more can be done to give greater prominence in inspection reports to safeguarding judgements so that users have the clearest possible picture of the standard of safeguarding within schools.

We strongly support the recommendation that parents are provided with copies of welfare inspection reports and the review described above (recommendation 1) will identify the best way to achieve this.

Recommendation 22: feedback on safeguarding practice following List 99/PoCA referrals

That in addition to sending the inspection report, the inspectorate should explicitly flag to the DCSF or maintaining LA at the end of the inspection visit where action taken by the school to review and strengthen its safeguarding practice following a referral to List 99/PoCA is judged to be inadequate.

We will work with Ofsted and the other inspectorates to ensure that information on referrals of individuals and notifications of circumstances is included in inspection reports if appropriate, or if not, that it is provided to DCSF or other agencies by other means. There is already a process in place for fast track reporting where urgent regulatory action is needed and it would be reasonably straightforward to extend it to cover inadequate responses to an incident which led to a list 99 or POCA referral/notification.

Recommendation 23: safeguarding support for local areas

That DCSF should encourage LGA, IDeA, ADCS and partners to consider what support they might offer to LAs and LSCBs in developing partnership arrangements with the full and diverse range of schools in their area.

Lord Laming recommended that the National Safeguarding Delivery Unit (NSDU) should challenge and support a wide range of agencies to improve safeguarding practice. We will explore with NSDU how this type of support could be provided by LGA, IDeA and ADCS and other agencies, and DCSF's role in supporting this process.

Recommendations 24-26: LSCB and LA arrangements

That DCSF should:

- *reinforce, for example in revisions to statutory and non-statutory guidance, LSCBs' existing responsibilities to reach out to all schools in their area, and ensure that the advice and training needs for all schools are taken into account in local safeguarding arrangements overseen by the LSCB;*
- *promote the extension of good practice in this area, for example the allocation of dedicated resources to safeguarding outreach work, and the provision of single points of contact for advice and guidance;*
- *reassert, for example in the proposed statutory guidance for Directors of Children's Services and Lead Members on improving ECM outcomes, and in proposed guidance to Children's Trusts Boards on the content and scope of Children and Young People's Plans, that local authorities' ECM responsibilities extend to all children receiving services in their area, irrespective of the type of school in which they are being educated, and of the LA area (or in the case of overseas pupils, the country) they come from.*

We will consider the recommendations for LSCBs alongside other work flowing from Lord Laming's review, and in the planned revision of 'Working Together'.

We agree that local authorities have ECM responsibilities that extend to all children receiving services in their area, irrespective of the educational setting, and the LA area in which they live. We accept the recommendations about reasserting Director of Children's Services and Lead Members' responsibilities for **all** children in their area. The first opportunity we shall have to fulfil this commitment will be our forthcoming statutory guidance on the roles and responsibilities of the Lead Member for Children's Services and the Director of Children's Services, which we expect to publish later this spring. We will reiterate these responsibilities in the guidance on Children's Trusts and Children & Young People's Plans due later this year after the Apprenticeships Skills Children and Learning Bill receives Royal Assent.

Recommendation 27: handling allegations

That DCSF should specify that one of the focuses of LSCBs' work to engage schools with local safeguarding arrangements should be to ensure that local protocols for handling allegations, including reasonable timescales and how progress is communicated between parties, are in place and effectively implemented

Lord Laming's report recommends that DCSF will provide further guidance to LSCBs following the publication of Loughborough University research later this year. We will consider this recommendation together with other recommendations about improving the effectiveness of LSCBs that flow from Lord Laming's recent report in the light of the Loughborough research.

Recommendation 28: responsibility for overseas pupils

Linked to the proposal above (Recommendation 26) that DCSF reassert to LAs that their Every Child Matters responsibilities extend to all children receiving services in their areas, that the DCSF should advise schools and LAs that schools should contact the LA in whose area the school is located when they have concerns about the welfare of an overseas pupil.

We will reassert LA responsibilities for overseas children receiving services in their area through the forthcoming statutory guidance on the roles and responsibilities of the Lead Member for Children's Services and the Director of Children's Services, which we expect to publish later this spring. We anticipate updating 'Working together to safeguard children' in Autumn 2009 and will ensure that this advises schools and LAs that the LA within which a school is located is responsible for the welfare of overseas pupils registered at that school.

Recommendation 29: ContactPoint

That DCSF take steps to ensure that pupils who receive education in schools in England, but who are not ordinarily resident in England, are covered by ContactPoint.

We accept this recommendation which will entail amending the current regulations governing ContactPoint and we propose a public consultation during the summer of 2009, with a view to ensuring that these pupils are covered no later than the beginning of the 2010-11 school year.

Recommendations 30 & 31: support for pupils placed in a school by an LA

- *That regulations to be made under the Children and Young Persons Act 2008 concerning support for pupils in long term residential placements ensure that pupils placed by an LA in a residential school should be visited regularly by a representative of their placing authority, and have ongoing direct access to an independent visitor, whom they may also contact between scheduled visits, with whom they are able to raise any concerns about their safety and wellbeing.*
- *That placing LAs:*
 - *take a closer interest in the way in which the receiving school participates in local safeguarding arrangements overseen by the LSCB in whose area it is located, for example by asking before making a placement and at regular reviews for evidence of the school's engagement;*
 - *contribute to school inspection evidence by offering their perspective on the safeguarding performance of the school.*

We have an existing commitment to strengthen the visiting requirements in the Care Matters/Children and Young People Act and will include these tougher requirements in guidance that is currently being drafted to support the placement of children with SEN in independent schools and non-maintained special schools

Recommendation 32: issues out of scope

That DCSF takes further action to investigate and address the three issues of unregistered 'schools', guardianship and private fostering arrangements for pupils attending independent schools, and regulation of post-16 provision in independent colleges. In the case of guardianship and private fostering arrangements, this further work might possibly be undertaken by the Private Fostering Advisory Group.

We have already started discussions with the communities supporting unregistered schools to identify how we can work with them to bring unregistered provision forward for registration. We would like to record our thanks to community leaders who are working with Ofsted and DCSF to achieve this.

We will look at the arrangements in place for children in guardianship or informal private fostering arrangements linked with schools covered by this review to ensure that appropriate safeguards are in place. The Independent Schools Council has already offered assistance in putting in place workable arrangements and we look forward to working with them and other stakeholders to identify proportionate, effective arrangements.

Regulation of post-16 institutions is a matter for DIUS. DIUS will consider the welfare issues identified by Sir Roger Singleton as part of its work on arrangements for safeguarding in further education. A number of post-16 institutions cater for foreign students and the British Council have also indicated that they will also work with us in identifying suitable arrangements for the future.