

Concerns about children

Guidance for all Ofsted staff

Purpose and scope of guidance

1. We regularly receive information that suggests that children are suffering or are at risk of harm. Typically, this comes to our attention in one of two ways: inspectors identify a concern during an inspection or we receive information from members of the public, professionals or providers.
2. Such information may identify specific children or alleged perpetrators or may be more general. For example, it may indicate that an organisation's practices present a potential risk to any or all children who the organisation comes into contact with.
3. If you are first to receive such information, it is important that you respond swiftly in a way that protects children from the risk of being harmed. This means telling the right people quickly and in a way that is consistent with Ofsted's values and the Ofsted safeguarding policy. This document aims to help Ofsted staff get it right.
4. This guidance applies to those cases brought to our attention where a child or children may be suffering or likely to suffer physical, emotional or sexual harm or neglect.
5. This guidance sets out how to respond to concerns in both regulated¹ and unregulated provision. For regulated provision, it does not replace the option of action under Ofsted's compliance, investigation and enforcement powers, but complements it.

Principles

6. The welfare of children is paramount. Whatever we do in response to concerns raised with us has to put the needs of the children first. This means ensuring that:

¹ All early years settings and social care agencies registered under the Care Standards Act 2000



- the relevant agencies take appropriate action necessary to protect any children who might be at risk
 - Ofsted takes any necessary compliance action to support the protection of children's welfare
 - any actions taken support future improvements in safeguarding arrangements by the providers we inspect and regulate.
7. Ofsted has no legal power to investigate individual safeguarding cases where children are in need of protection and we must not do so. This does not mean that we should ignore concerns. On the contrary, we must respond by ensuring that the right people or bodies know about these concerns so that they can take appropriate action.
 8. When passing such information to outside bodies, we must act in accordance with the Data Protection Act and other relevant legislation and case law. We must take every step possible to ensure that we protect the confidentiality of children, adults and those who contact us where they request it. However, in some limited circumstances, we are required to share such information and we will discuss this with the referrer if we consider it to be the case.
 9. Make sure you clearly record and retain any information you receive and any action you take. Include any dates and times, and the identity of the referrer unless they choose to remain anonymous.
 10. Clearly record, and retain, any management decisions and the reasons for them, including for a decision to take no action. Information must be recorded on the system that inspectors will access in the future before a visit or inspection. This will be Officebase as this is rolled out across each remit and, in the interim, in legacy record systems such as RSA (early years) and ITS (schools and further education).

How should we respond?

11. If you receive information that suggests that a child or children are suffering or at risk of harm, try to get and record as much detail as possible. This could include dates of incidents, names, dates of birth and addresses of children, names of establishments, names of alleged perpetrators and who else the person contacting us has told and what the response was.
12. If you received the information by letter or email, consider contacting the referrer to get more information, but only if there is not enough information to take any action.
13. Discuss whether to do so with your line manager and agree how to respond. You must ensure a written record of this decision is made.
14. Next steps will vary according to the circumstances and concerns.

15. You should respond in one or more of four ways:
- make an urgent referral to children’s social care in the relevant local authority
 - make a referral to the relevant designated officer or equivalent
 - contact the head of the agency concerned if there is no suggestion that they are implicated in causing harm and there is no suggestion in the information received that they have failed to take action
 - write to the office of the relevant Director of Children’s Services (DCS).

Cases to refer urgently to children’s social care in the local authority

16. Whoever receives the information should agree with their line manager who the most appropriate person is to make the referral. In all instances, this should not create any unnecessary delay in sharing the information.
17. You should refer the case immediately to children’s social care where there is a potential of immediate risk to a child or children or there is risk presented by a family member or other person not in a formal position of trust.
18. Examples could include allegations that a child is:
- living with someone who has a history of harming children
 - being neglected
 - at risk of physical abuse
 - living in a household where there is domestic abuse.
19. It also includes child-on-child sexual abuse and potential grooming of children (including those aged 16–18) by other children or adults for sexual exploitation.
20. If a child has provided the information to Ofsted directly, follow the principles and practices set out in Ofsted’s mandatory child protection training. Listen carefully to the child, avoid asking questions other than for clarification and avoid promises of confidentiality. Make notes of the conversation during or as soon as possible afterwards and retain these.
21. Refer the case to the relevant local authority by telephone and follow up by email to a secure email address. If the local authority cannot provide a secure address, make sure any information you email is anonymised and provide personal details during the phone call.

Cases to refer to the designated officer²

22. The referral in these cases should be made by the Applications, Regulatory and Contact team (ARC) (non-regulated settings) or the linked regulatory or compliance inspector (regulated settings).
23. Only refer cases to the designated officer where there are allegations of harm or possible harm caused by a person in a position of trust. This includes those in paid roles such as teachers, nurses, residential care workers, foster carers and ministers of religion. It also includes those holding voluntary positions such as sports coaches and voluntary youth group leaders.
24. Such allegations may be about harm to specific children or to children in general that the person in a position of trust may come into contact with. Examples include: allegations that a nursery worker has hit a child, a sports coach has been found to possess child pornography or a residential care worker has used excessive force in restraining a child.
25. Refer to the designated officer immediately by telephone, followed by an email to a secure email address. If the local authority cannot provide a secure address, make sure any information you email is anonymised and provide personal details during the phone call.
26. If it is not clear whether the case meets the criteria for a designated officer referral, discuss it with the designated officer by telephone to agree a course of action.
27. Where the concern is about regulated provision, consider with the designated officer how to align actions to ensure that any subsequent investigation is not compromised. This will include where Ofsted has linked settings with both regulated and unregulated provision, such as non-maintained residential special schools - the non-maintained school is an unregulated setting but the residential special school, also registered as a children's home is regulated.

Cases to refer to the office of the DCS

28. Any information that suggests that a child or children may be suffering or at risk of harm, but that does not fit the above categories should be referred to the DCS. This approach will also apply where we want to escalate something where we have not had a satisfactory response from either the designated officer or social care duty team.

² This role was previously known as the Local Authority Designated Officer (LADO). Working Together 2015 now states that local authorities should have designated a particular officer, or team of officers to be involved in the management and oversight of allegations against people that work with children.

29. This is likely to apply to cases in non-regulated provision only, including schools and further education colleges. For regulated provision, staff should progress concerns through our compliance, investigation and enforcement staff.
30. In most cases, you should check with the complainant whether they have raised their concerns with the head of the school or agency concerned. If they have not, you should encourage them to do so unless the head is implicated. If they have approached the head and feel that nothing has changed, you may choose to write to the DCS about the matter. The decision to take this step should be made by the Regional Director or delegated Senior HMI. The matter should be passed to the relevant Regional Director. The types of case that may fall into this category are the same as those listed in paragraph 29.

Whistleblowing

31. Cases to refer to the DCS also include 'whistle-blowing' concerns about systemic weaknesses in a local authority children's social care services, for example allegations that referrals of children are not properly assessed, that child protection investigations are not carried out properly or that there is weak management oversight. These matters should be dealt with by the cross-remit whistle-blowing team within ARC, in line with their standard operating procedures.
32. This category does not include other complaints about agencies where there is no suggestion of children being harmed or at risk of harm.
33. Email these sorts of concerns to the DCS with a clear subject heading that enables swift transmission to the most appropriate person. Examples include 'For the attention of the anti-bullying lead'.
34. If the local authority cannot provide a secure address, send only anonymised information by email and provide personal details by telephone.

Cases that don't fit the above categories

35. You may decide to deal with some types of information by encouraging the complainant to approach the head of the establishment that they have concerns about, if they have not already done so. If they have, and feel they have not had an adequate response, you may choose to contact the head yourself. This would only be where the head is not implicated in the concerns in any way and the matter does not fit into those categories that should be referred to the local authority children's social care services or the designated officer.
36. Examples may include: complaints from parents that their child is being physically or psychologically bullied by fellow pupils (including cyber-bullying), that a teacher shouts regularly, causing children to become distressed, or that behaviour management approaches in a school are causing emotional harm.

37. In these cases, you should make the referral through ARC in the case of non-regulated settings or the linked regulatory or compliance inspector for regulated settings.

What response do we expect?

38. When you pass on information under the above arrangements, you should ask the head of the establishment for brief feedback about what action has been taken to protect children.
39. This feedback should be sent to you by email within five working days.

Escalation

40. If, having referred a matter in any of the ways above, you are not satisfied that the response is adequate to ensure that children are protected, you should escalate the matter.
41. This might be at the point of passing on information, for example if a designated officer declines to accept a case that you believe meets the criteria.
42. Alternatively, it might be that we receive no feedback about action taken or that, having received feedback, you think that insufficient action has been taken.
43. In such cases, you should write to the DCS (even where the feedback has been provided by the DCS's office) to express your concern, with reasons, and ask for a reconsideration. Consult the social care Senior HMI for the relevant region before doing this.