



Department
for Education

Voluntary safeguarding code of practice

**Draft guidance for out-of-school settings
providers**

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Summary

This is non-statutory guidance from the Department for Education (DfE). It is intended to be a voluntary resource to help providers of out-of-school settings (OOSS) understand best practice for creating a safe environment for the children¹ in their care, and to give parents and carers confidence that their child is in a safe learning environment.

Who is this publication for?

This guidance is for OOSS providers that cater for children.

When referring to OOSS, we mean an institution which provides tuition, training, instruction, or activities to children in England without their parents' or carers' supervision that is not a:

- School²;
- College³;
- 16-19 academy; or
- Provider caring for children under 8 years old which is registered with Ofsted or a childminder agency⁴.

OOSS generally provide tuition, training, instruction or activities outside of normal school hours (i.e. during the evenings, weekends, and/or school holidays), although some OOSS are run part-time during school hours to help meet the needs of those in home education. An OOSS should not, however, be operating full-time⁵ (so as to prevent a child from attending a properly registered school); and would likely be deemed to be operating as an illegal school if it also met the remaining requirements for registration as an independent school. In such cases, those running the setting would risk prosecution for the criminal offence of conducting an unregistered school.

¹ 'Children' refers to individuals who have not yet reached their 18th birthday.

² 'School' means all schools whether maintained, non-maintained, or independent, including academies and free schools, alternative provision academies, and pupil referral units. It would also include maintained nursery schools.

³ 'College' means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992 and institutions designated as being within the further education sector.

⁴ Most providers caring for children under eight years old must register with Ofsted (on The Early Years Register or The Childcare Register) or a childminder agency, unless the law states otherwise. These exemptions are set out in the Childcare (Exemptions from Registration) Order (SI 2008/ No 979) and are summarised in Annex A of the [Early years and childcare registration handbook](#). Providers who are exempt from compulsory registration may still apply to register on the voluntary part of the Childcare Register.

⁵ Full-time is not defined in law. Further information on institutions that are required to register at schools is contained in [the department's guidance on registration](#).

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OOSS may also be delivered in a range of venues, from residential settings to much larger and more formal settings such as community and youth centres, sports clubs, and places of worship. Fees may or may not be charged, and some settings may be operating on a commercial basis.

The following is a non-exhaustive list of what is considered to be an OOSS:

- Tuition or learning centres (which may be used to support mainstream, or home education) e.g. in term time or holiday courses in key stage 1-4 curriculum; English and mathematics skills; examination preparation (i.e. SATs, GCSE, A Level and 11 plus / school entry exams) etc.;
- Extracurricular clubs or settings, e.g. ballet classes, gymnastic training, sports tuition, instrumental music tuition, martial arts training, drama classes, etc;
- Uniformed youth organisations, e.g. the Scouts and Guides;
- Open access youth providers, e.g. centre-based and detached youth work;
- Supplementary schools or what are sometimes called complementary schools, e.g. those offering support or education in addition to the mainstream, or core learning, and which operate after school hours or during the weekend;
- Private language schools, including those for children coming from abroad;
- Religious settings which offer education in their own faith, culture, religious texts, preparation for rites of passage, etc. e.g. Jewish yeshivas and chedarim, Muslim madrassahs, Hindu OOSS, Sikh OOSS, Christian Sunday schools, etc.

As an OOSS provider, you and your instructors will likely have a duty of care toward the children who attend your setting. This means that you will likely have a legal obligation to take reasonable steps to ensure the safety of children who attend your setting, and to protect them from harm. The steps you take will probably look different according to the nature and characteristics of your setting (e.g. your size, the type of activity, tuition, training or instruction being offered, the physical location of the setting, hours of operation etc.). However, you should be able to satisfy yourself and parents that the children attending your settings will be safe in your care. This code is intended to be a voluntary resource for providers, to help you understand best practice for safeguarding and creating a safe environment for the children attending your settings.

Parents (including guardians and foster carers), who have elected to home educate their children, would not be considered to be an OOSS provider for the purpose of this code. Parents and carers may wish to refer instead to the DfE departmental guidance for parents on elective home education, which sets out what their responsibilities are, where they have chosen not to send their child to school, and how those fit with the role of the Local Authority.

Providers that adopt this code will be making a commitment that they have implemented policies and practices to safeguard children using their services.

About this code

The code has been developed in consultation with representation from charitable organisations linked to OOSS, individuals with a good working knowledge of religious faiths (Christianity, Hinduism, Islam, Judaism and Sikhism), organisations representing youth and sports clubs, Ofsted, and local authorities.

This code has been created with reference to policies and guidelines in England. However, the underpinning principles may be helpful for providers elsewhere in the UK.

If you are a sports provider, you may wish to review the [specific guidance for the sector and access free resources](#).

- If you are part of a larger organisation in sport, such as the Football Association, you may wish to refer to their rules and advice. If you are not linked to a larger organisation, please continue to read this guidance.

If you are a martial arts provider, you may wish to consider the [Safeguarding Code for Martial Arts](#), which allows clubs to demonstrate their commitment to the highest standards of child protection, here.

If you are a charity, you may wish to review the specific guidance for the sector here:

- General [guidance and resources](#)
- Specific guidance on [safeguarding children](#)
- [Faith-based charity guidance](#)

There are many existing accreditation schemes and codes for specific types of OOSS, such as the [Child Protection in Sport Unit's Standards](#) for safeguarding and protecting children in sport. If your OOSS has already signed up to an accreditation scheme, check with them to see if their scheme covers the same points as listed in this code. It is for individual accreditation schemes to check that their scheme aligns with the DfE's code.

How the code can help you as a provider

This code is designed to help providers understand how they can run safe OOSS in ways which promote the welfare and help ensure the safety of the children attending them. The guidance set out in this code is not mandatory (with the exception of existing legal requirements, which are made clear in this code). However, all of the activities outlined in this guidance are considered to be standard good practice for safeguarding children. Providers are strongly encouraged to put in place robust policies to help them to meet their duty of care toward all children attending their setting, and to ensure that these children are kept safe from all forms of harm.

This code is set out in two parts.

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Part 1 outlines as a minimum three broad areas in which we recommend all OOSS providers adopt policies. These are:

- Health and safety;
- Child welfare (this includes online and digital safety); and
- Suitability of staff and volunteers.

Part 2 outlines those areas which we recommend OOSS give additional consideration to when developing their practices and policies. These are:

- Governance; and
- Finance.

As part of taking up policies to help ensure children are appropriately safe, providers should also try to ensure that parents and carers are made aware of, and are satisfied with, the arrangements and environment before they choose to send their child to the setting. For example, providers might consider allowing parents and carers to sit in on a session, prior to enrolling their child.

Each section contains questions that parents and carers might ask you, in order to satisfy themselves that their child will be safe in your care, as well as examples of good answers that you should be able to give them.

It is parents' and carers' right to check and receive assurance of the safety of a setting. Therefore, you should be able to reassure parents and carers that your setting is a safe place to send their children.

Part 1: Health and Safety, Safeguarding and Child Protection (including Digital and Online Safety), and Suitability of Staff and Volunteers

Section 1: Health and Safety

1. If you run an OOSS, you are likely to be legally responsible for taking reasonable care to ensure that the environment is reasonably safe for people who visit or attend your setting. This means that you have a duty to take care that, within reason, people will be safe using the venue for the purposes for which they attend the setting.

2. For example, if you run a supplementary school in a classroom, you have a duty to take reasonable care to ensure that the children who attend that supplementary school for the purpose of learning will be safe in that setting. You might consider what hazards there are that would be unsafe for a child in the classroom, i.e. exposed electrical wires, desks and chairs with screws loose, etc, and what activities take place there that could be dangerous. You would also have a duty to take reasonable care to consider that the building access, car park, etc. will be safe for children and for those dropping them off.

3. The [Occupiers' Liability Act](#) sets out the duty of care an occupier has to those who visit their premises. A list of relevant legislation on health and safety is available [here](#).

4. You should make sure:

- You recognise and act upon all health and safety issues;
- You take appropriate actions to minimise any avoidable risks;
- The venue complies with appropriate statutory and regulatory standards. [The Good Estate Management](#) guide is written for schools, but you may find it useful when considering the location of your setting; and
- Responsibilities for health and safety related issues are clearly defined and designated.

5. You will need to check that there are no hazards that could jeopardise people's safety. In particular, you should consider the safety and needs of people with disabilities and children with special educational needs or disabilities (SEND) who use the site. For example, you may need to consider their specific needs when writing your fire safety policy.

6. However, in doing so, you should also consider how you can manage these risks whilst ensuring children are still able to gain the benefits from the tuition, training, instruction, or activities being offered.

7. You are responsible for health and safety regardless of where you run an OOSS, whether it is a classroom, a sports pitch, a tuition centre, a residential setting, etc.

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Is the site a suitable environment?

8. You should have a clear health and safety policy in place. This should:
- Assess the risks to any staff, volunteers, and others affected by OOSS activities in order to identify the health and safety measures that are necessary and, in certain circumstances, keep a record of the significant findings of that assessment;
 - Introduce measures to manage those risks (risk management);
 - Ensure that adequate and appropriate arrangements and facilities for providing [first aid](#) are in place;
 - Tell any employees about the risks, and measures to be taken to manage the risks; and
 - Ensure that relevant training is given to employees and volunteers on health and safety matters.
9. You should ensure the following measures are in place, reviewed yearly and kept up-to-date:
- A site risk assessment of the venue (access, lighting, fire), surrounding area, and equipment. If renting a community hall, the owner / voluntary management committee should check that they have complied with health and safety law as set out by the [Health and Safety Executive's standards](#);
 - Appropriate insurance cover, such as employers' liability insurance. Professional indemnity insurance and personal liability as well as buildings insurance may be equally important depending on your setting;
 - A safe surrounding area for children being dropped off or collected by their parents and carers;
 - A fire safety management⁶ policy;
 - A fire safety and evacuation plan, tailored to the premises (including clearly marked escape routes and exits, and a safe meeting point); and
 - Awareness among all staff, volunteers, parents, carers and children on exit procedures in the event of an emergency. Regular fire and other evacuation drills to practice these procedures.
 - If you rent a venue, for example a church hall, you should be familiar with the venue's policies and procedures such as fire and evacuation policies. Note that if you rent a venue you are still responsible for health and safety matters, as well as child protection as set out in Section 2 of this code.

⁶ A fire safety management policy details your arrangements to implement, control, monitor, and review fire safety standards, and to help ensure those standards are maintained. Its purpose is to help manage fire safety risks and prevent them from happening in the first place. By contrast, the fire safety and evacuation plan is to help ensure those in the premises know what to do in the event of a fire and can be safely evacuated.

Registration

10. It is good practice to have a register so that you have relevant information for each child, such as parental contact details and whether the child has any particular needs, such as SEND, regular medication or allergies. A register of attendance is also considered good practice, where multiple children attend a setting, so that you know how many and which children are present at any one time. Please note that such registers will normally contain data that is subject to the General Data Protection Regulation and Data Protection Act 2018. Further information on the GDPR is included in section 2 of this guidance.

11. When adopting a registration scheme, consider the following points:

- Devise a registration form that parents and carers should complete for their child (including any health conditions of which you need to be aware). This should include at least one contact number in case of an emergency. Where reasonably possible, you should hold more than one emergency contact number for each child;
- If a child has any particular needs make sure you discuss with parents and carers about how these will be addressed;
- Make parents and carers aware of the policies in place (e.g. complaints, child protection, health and safety) and provide copies of these upon registration;
- Keep a register of attendance for every session you run. If you need to evacuate the premises you will need to know which children and adults are present to make sure that everyone is accounted for; and
- Request updates for parental contact details; you could do this once a year if a child attends the setting for more than a year.

What do I need to do next?

- Ensure the venue you use is safe for all users—do a risk assessment of the venue
- Write a health and safety policy, and include a section on fire safety
- Train all staff on matters of health and safety
- Seek appropriate insurance cover
- Create a registration form for children so that you have essential contact information; details of any health conditions and arrangements for parental pick-up if appropriate.
 - Ensure you are familiar with your responsibility to protect the information you collect. There is guidance available [online](#).
- Make parents and carers aware of the registration process.
- If parents and carers wish to observe a session before registering a child, consider allowing them to do so.

Questions a parent or carer may ask you

Q: May I have a copy of your health and safety policy?

A: You should be able to provide parents with a health and safety policy on request. A good policy should be updated yearly and provide a statement of commitments and named individuals responsible for:

- first aid (you should also have a well-stocked first aid kit available)
- electrical equipment
- accident and incident reporting to the relevant services
- general site safety
- fire safety

Q: Do you have a parental consent and emergency details form that I need to return to you?

A: You should give parents a physical or electronic copy of the form at the first session and ask for it back as soon as possible. If a child attends the setting for over a year, you should ask for this information to be updated each year.

Q: Who is in charge of first aid?

A: You should be able to name a designated person in charge of first aid and tell parents what first aid training this designated person has had. You should also let parents know that you have a first aid kit available.

Section 2: Safeguarding and Child Protection

12. Safeguarding and child protection are everyone's responsibility. In order to fulfil this responsibility effectively, anyone working with children should make their approach child-centred.

13. Staff and volunteers working with children are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned. When concerned about the welfare of a child, they should always act in the best interests of the child. This will include everyone working or volunteering at the OOSS being very clear as to the escalation route in the setting when they have a concern about a child.

14. The DfE provides guidance on inter-agency working ([Working Together to Safeguard Children 2018](#)) and on safeguarding and promoting the welfare of children for schools and colleges ([Keeping Children Safe in Education 2018](#)).

15. Providers are encouraged to consider the above documents when considering safeguarding, child protection, and suitability of staff.

Child Protection Policy

16. As a provider you should have a clear and effective child protection policy in place that sets out how you will protect the children that are in your care. As a minimum, the policy should:

- Be reviewed and updated at least annually;
- Be available at the venue for parents and carers, and on your website if you have one;
- Be clear that any safeguarding concerns should be reported to the Designated Safeguarding Lead immediately (see paragraph 18);
- Be clear on the providers approach to peer on peer abuse. Including: steps they take to prevent it happening; how allegations will be recorded, and reported appropriately; how a victim will be supported and a clear statement that abuse is abuse and should never be tolerated or passed off as "banter", "just having a laugh" or "part of growing up";
- Include a commitment to treat everyone fairly and with respect. This includes a commitment that under no circumstances should any staff member or volunteer inflict physical or psychological harm to a child. Assault of children is against the law. If any adult causes physical or psychological injury to a child, or mistreats a child, they could be prosecuted for committing a criminal offence; and
- Reflect local safeguarding arrangements, including how to make referrals into children's social care.

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17. A provider should consider having a behaviour management policy to create a positive learning environment. You may find the Government's [guidance](#), which is aimed at schools, helpful in writing your own policy. You might also speak to a local school for advice if you require further assistance.

Designated safeguarding lead

18. You should designate an adult (which could be yourself) to have lead responsibility for safeguarding children while they are in your care; this person can be referred to as the Designated Safeguarding Lead (DSL). Detailed information on a DSL's duties and relevant training can be found in the latest KCSIE guidance at [Annex B](#). It should be noted that this guidance is intended for schools and colleges, but is also a useful guide for OOSS. DSLs can also refer to their local authorities for information on training and safeguarding.

19. The DSL will act as a source of support, advice, and expertise to staff and volunteers on matters of safety and safeguarding, and when deciding whether to make a referral to children's social care. It will be important that the DSL is suitably trained and has a good understanding of safeguarding, child protection, what abuse and neglect look like, local authority referral processes and what to expect when a referral is made to children's social care.

- Staff and volunteers should raise all safeguarding concerns with the DSL immediately;
- The DSL should make a referral to their local authority if they have concerns about a child. The DSL should be aware of the local criteria for action and the local protocol for assessment, which can normally be found on your local authority's website. These explain referral thresholds for children's social care and what to expect when a referral is made;
- The DSL should record any concerns with regard to abuse and neglect, what they have done with those concerns and the reason behind their decisions;
- The DSL should build a relationship with the Local Authority Designated Officer (LADO), who may also simply be known as "the designated officer". This will be important when considering any concerns about staff or volunteers as discussed at paragraphs 32-33 and 68-73. Their contact details can usually be found on your local authority's website; and
- In addition to the LADO being alerted, the DSL should inform:
 - The police in cases where a crime may have been committed; and
 - Where a person is dismissed or leaves their employment as a result of having harmed a child or being considered a risk of harm, has a legal duty to report the matter to the Disclosure and Barring Service.

Local authority children's social care and multi-agency safeguarding arrangements

20. Whilst it is parents and carers who have primary care for their children, local authorities, working with partner organisations and agencies, have specific duties to safeguard and promote the welfare of all children in their area.

21. Every local authority in England will be covered by a Local Safeguarding Children Board (LSCB) who provide strategic oversight for child protection in a local authority area. By September 2019 LSCBs will be replaced by new local safeguarding partner arrangements.⁷ It is important that staff and volunteers, but especially the DSL, are aware of what the new safeguarding partner arrangements look like in their area. These can usually be found on your local authority's website. It is important to continue to work with the LSCB until the new arrangements are in place, and then follow those new arrangements.

22. It is important that staff and volunteers, but especially the DSL, are aware of the local referral route into children's social care (this may be via a Multi-Agency Safeguarding Hub). Check the [online guidance](#) for contact details on how to make a referral in your area.

Specific safeguarding issues

23. All staff and volunteers should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking, alcohol abuse, deliberately missing education and sexting (also known as youth produced sexual imagery) put children in danger.

24. Contextual safeguarding considers whether wider environmental factors are present in a child's life. Paragraphs 33-37 of [Working Together to Safeguard Children](#) contain guidance on contextual safeguarding.

Abuse and neglect

25. All staff and volunteers should be aware of indicators of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection and

⁷ A safeguarding partner in relation to a local authority area in England is defined under the Children Act 2004 (as amended by the Children and Social Work Act, 2017) as: (a) the local authority (b) a clinical commissioning group for an area any part of which falls within the local authority area (c) the chief officer of police for an area any part of which falls within the local authority area. The three safeguarding partners have a shared and equal duty to make arrangements to work together to safeguard and promote the welfare of all children in a local area.

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know how to deal with the matter. Signs could be behavioural changes, physical signs or something they say. Part 1 in [KCSIE guidance](#) has more advice on specific safeguarding issues and clear definitions as to what abuse and neglect look like. The Government has also published [guidance](#) on identifying signs of abuse and neglect and what to do when there is a concern.

26. Any concerns about a child should be acted upon immediately. This will generally mean speaking to the DSL who will consider making a referral to the Local Authority's children's social care. Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and if appropriate the police) is made immediately. Referrals should follow the local authority's referral process.

27. Knowing what to look for is vital to the early identification of abuse and neglect. If staff and volunteers are unsure, they should always speak to the DSL.

Peer on peer abuse

28. All staff and volunteers should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to:

- Bullying (including cyberbullying);
- Physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- Sexual violence and sexual harassment;
- Sexting (also known as youth produced sexual imagery); and
- Initiation / hazing type violence and rituals.

29. All staff and volunteers should recognise that children are capable of abusing their peers. All staff and volunteers should be clear about the OOSS's policy and procedures with regard to peer on peer abuse which, as described at paragraphs 16-17, should be set out in the child protection policy.

Extremism and radicalisation

30. Staff and volunteers should also be vigilant to ensure that no person in the setting is exposed to extremism or is at risk of radicalisation. This can be expressed in various forms including, but not limited to, criminal acts that encourage violence against others, stir up hatred, glorify and incite terrorism, and involve distributing inflammatory materials. The Home Office has developed a free training product to raise the awareness of front-line staff: the Workshop to Raise Awareness of Prevent (WRAP). WRAP has been thoroughly tested and is delivered by accredited staff who work on a pro-bono basis. Please contact your local authority for more information on Prevent training.

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31. If a DSL has concerns that are extremism related, they can call the Counter-Extremism Helpline.⁸ Further information is also available on the Government's [Educate Against Hate website](#).

What staff and volunteers should do if they have concerns about a colleague who may pose a risk of harm to children

32. OOSS providers should ensure there are procedures in place, including clear escalation routes, to manage concerns / allegations against staff and volunteers that might indicate they pose a risk of harm to children. Such allegations should always be referred to the designated officer(s) at the local authority. This referral will often be by the DSL or another agreed senior person.

33. Page 58 of [Working Together to Safeguard Children](#) contains further guidance on dealing with allegations concerning people in positions of trust.

Children with special educational needs and disabilities

34. Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. OOSS providers should ensure their child protection policy reflects the fact that additional barriers can exist when recognising abuse and neglect in this group of children. These can include:

- Assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- Being more prone to peer group isolation than other children;
- The potential for children with SEN and disabilities to be disproportionately impacted by behaviours such as bullying, without outwardly showing any signs; and
- Communication barriers and difficulties in overcoming these barriers.

35. To address these additional challenges, OOSS providers should consider extra pastoral support for children with SEN and disabilities.

⁸ You can call the counter-extremism helpline on 020 7340 7264.

What do I need to do next?

- Make sure you have an effective child protection policy in place.
- Make sure you have an appropriately trained DSL.
- If you are a charity, the trustees are responsible for keeping children safe. You should refer to [online guidance produced by the Charity Commission](#).
- Contact your Multi-Agency Safeguarding Hub in [your local authority area](#) to find out about the local training programme on offer. Search online for 'MASH training' with your local authority name.
 - If you are in a two-tier area, you will need to contact the county rather than the district council.

Online safety

36. The internet is a wonderful educational tool and being online is a normal part of the vast majority of children's lives. However, it is important to recognise the use of technology has become a significant component of many safeguarding issues, such as child sexual exploitation, radicalisation, and sexual predation. Technology often provides the platform that facilitates harm. An effective approach to online safety empowers an OOSS to protect and educate children in their use of technology and establishes mechanisms to identify, intervene in and escalate any incident where appropriate.

37. The breadth of issues classified within online safety is considerable, but can be categorised into three areas of risk:

- Content: being exposed to illegal, inappropriate or harmful material; for example pornography, fake news, racist or radical and extremist views;
- Contact: being subjected to harmful online interaction with other users; for example commercial advertising as well as adults posing as children or young adults; and
- Conduct: personal online behaviour that increases the likelihood of, or causes, harm; for example making, sending and receiving explicit images, or online bullying.

Filters and monitoring

38. If your OOSS provides internet connectivity and / or internet connected devices, it is essential that children are safeguarded from potentially harmful and inappropriate online material. As part of this process, you should ensure your OOSS has appropriate filters and monitoring systems in place. The UK Safer Internet Centre has published [guidance](#) as to what "appropriate" filtering and monitoring might look like.

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39. Whilst considering how best to safeguard and promote the welfare of children, and provide them with a safe environment, you should consider the age range of your attendees, the number of attendees, how often they access the IT system, and the proportionality of costs vs risks.

40. It is also important to recognise that whilst you make your own systems as safe as they can be, children will in all likelihood have access to the internet from their own devices via 3G and 4G. In some cases, public Wi-Fi may even be accessible from your setting. Your approach to children and their own devices should form part of your broader online safety policy.

GDPR and the Data Protection Act 2018

41. OOSS should be aware that the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (the Act) place duties on organisations and individuals to process personal information fairly and lawfully and keep the information they hold safe and secure. However, it is important to note that GDPR and the Act do not prevent, or limit, the legitimate sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare and protect the safety of children.

42. OOSS should ensure staff and volunteers (especially the DSL) who need to share “special category data” are aware the Act contains “safeguarding of children and individuals at risk” as a processing condition that allows practitioners to share information. This includes allowing practitioners to share information without consent. If it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

What do I need to do next?

- Ensure that there are appropriate monitoring and filtering systems in place if your OOSS provides internet connectivity and/or internet connected devices.
- Read the [ICO's guidance on the GDPR](#) and familiarise yourself with the responsibilities listed as a 'controller'.
- Read [Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#). The seven golden rules for sharing information will be especially useful.
- For more information on children and the General Data Protection Regulation, you may wish to refer to the ICO's website:
 - [Children and the GDPR](#)
 - [Applications of the GDPR: Children](#)
- The [Data Protection Toolkit](#) is intended for schools, but much of it will be relevant for OOSS.

United Nations Convention on the Rights of the Child

43. The United Nations Convention on the Rights of the Child (UNCRC) is a human rights treaty focused specifically on the rights of children; this is defined as everyone under the age of 18. The UK ratified the Convention in 1992. Copies of the Convention in full and summarised are available [online](#).

44. The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social, and cultural rights that all children are entitled to. It also explains how adults and governments must work together to ensure that children can enjoy all their rights.

45. There are four key articles in the Convention known as the 'General Principles.' These help interpret the other articles and play a fundamental role in realising all the rights in the Convention. These are:

- Non-discrimination (article 2);
- Best interest of the child (article 3);
- Right to life, survival, and development (article 6); and
- Right to be heard (article 12).

46. You may wish to consider the Convention, especially the General Principles, when writing your OOSS's child protection policy.

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Questions a parent or carer may ask you

Q: Who is your designated safeguarding lead and what training have they had? How recent was this training?

A: You should be able to name a person. Your DSL should have had the training that provides them the knowledge and skills required to carry out their role.

Q: Will anyone besides the instructor be present within the setting while my child is there? If so, will they be there on a regular basis?

A: As a rule, you should not have people who are not a part of your organisation at your setting while there are children present. If there will be other people present besides the instructor, you should have a visitors' book where they can sign in and indicate whether they have been DBS checked. You should take care that visitors are never alone with a child in your care.

Q: May I have a copy of your child protection policy?

A: You should be able to give a physical or electronic copy of this to a parent on request. Make sure it includes a commitment that under no circumstances should any member of staff inflict corporal or emotional punishment on a child. It should also include a commitment that no disciplinary approaches should be deployed which could cause physical or emotional harm to a child.

Q: My child needs help with: using the toilet; changing; feeding; their medication, etc. How will these personal care needs be addressed?

A: While answers will differ on an individual basis and you may not always be able to accommodate personal care needs, you should always be honest and open with parents about what your setting can accommodate.

Q: How are you securely storing the information you hold on my child? Who has access to it and are you giving it to anyone else?

A: You should be able to detail how you are storing paper and electronic copies of files. If you are storing electronic data, it should be encrypted and password protected. If you are storing paper data, it should be secured with a lock.

The designated safeguarding lead, or someone senior enough in the organisation to trust with it, should have access. This information should not be given to other parties without the child's consent (and parental consent if the child is under 13)—with the possible exception of legitimate sharing of safeguarding information as described at paragraphs 41-42.

Q: Is my child allowed to access the internet unsupervised?

A: Children should be 13 or older to access the internet unsupervised. Your OOSS should not allow children under 13 to do so.

Where children are able to access the internet unsupervised, you should have filtering and monitoring systems as outlined in this section in place.

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Q: Do you have filtering and monitoring systems in place? What are they?

A: You should have age-appropriate systems in place. These should filter out:

- Inappropriate or harmful material; e.g. pornography, fake news, racist or radical and extremist views; and
- Any means of being subjected to harmful online interaction with other users; e.g. commercial advertising as well as chatrooms where adults can pose as children or young adults

Section 3: Suitability of Staff

Recruitment

47. When considering the recruitment of new staff and volunteers, you should take into account the following to ensure that you hire / recruit suitable people:

- Advertise in relevant media e.g. local paper, online, community centres;
- Check that the applicants have the right skill set – this could be things like teaching experience, qualifications, subject knowledge, English language skills or financial expertise;
- Request details of previous experience;
- Ask for references and make sure you take these up. Detailed information is provided below; and
- Conduct and keep records of interviews.

48. Before employing a person, employment law requires you to confirm their identity and that they are permitted to work in the UK. To enable you to assess a person's suitability to work with children, there are some additional important checks you should carry out before allowing prospective staff or volunteers to take up their post, such as criminal records checks (Disclosure and Barring Service (DBS) checks), including a children's barred list check where relevant for the role, and prohibition checks. Further guidance and advice on how you should complete these checks is provided below.

References

49. Providers should always ask for written information about previous employment history and check that information is not contradictory or incomplete. References should always be obtained from the candidate's current employer. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the organisation at which they were employed.

50. The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should be scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed, including for any internal candidate.

51. Obtaining references before interview, would allow any concerns identified to be explored further with the referee, and taken up with the candidate at interview. They should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague.

52. Providers should not rely on open references, for example in the form of 'to whom it may concern' testimonials, nor should they only rely on information provided by the candidate as part of the application process without verifying that the information is

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correct. Where electronic references are received employers should ensure they originate from a legitimate source.

53. On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

54. Any information about past disciplinary action or allegations that are disclosed should be considered carefully when assessing the applicant's suitability for the post.

Have staff and volunteers undertaken Disclosure and Barring Service checks?

55. The Disclosure and Barring Service (DBS) provides criminal record certificates for people undertaking or applying for roles or occupations which are eligible for a check. Criminal record checks help the employer to determine the suitability of an individual for a particular role, especially when working with children, and should be considered alongside other information such as references. These checks will disclose unspent, and for certain roles, some spent convictions and cautions, subject to rules set out in legislation. A DBS check provides information only about records held within the UK.

56. Obtaining a DBS check is considered good practice as part of any employer's recruitment and safeguarding policies and practice; however, where a provider is also a regulated activity provider, it is especially important that all staff and volunteers are DBS checked. This is because you will be breaking the law if you knowingly recruit someone to work in regulated activity who has been barred from working with children. This applies to staff and volunteers that are unsupervised workers.

57. If you're unsure of whether you provide regulated activity, you should refer to the [DfE's statutory guidance](#). For more detailed information on DBS checks, please see [Part 3](#) of the KCSIE guidance.

58. There are four types of DBS check:

- Basic: this is for any purpose, including employment. The certificate will contain details of convictions and conditional cautions that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974.
- Standard: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), including some that are spent under the ROA 1974. The law allows for certain old and minor matters to be 'filtered out' (not disclosed);

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- Enhanced: this provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and
- Enhanced checks are also available with a barred list check: where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

59. A more detailed description of the types of DBS check is provided on the [DBS website](#). To determine which kind of check is right for your staff or volunteers, DBS also provide an [eligibility tool](#) to find out which roles or activities could be eligible for a basic, standard or enhanced DBS check.

60. Jobs (whether paid or voluntary) that involve supervising or being in sole charge of children are likely to be eligible for an enhanced DBS check. Any person undertaking regulated activities unsupervised, on a regular basis, is eligible for an enhanced with barred list check.

61. DBS checks are free for volunteers who are not paid. Other checks are subject to a fee.

62. Eligibility for standard and enhanced checks is prescribed in legislation. Employers should only request a DBS check on an individual when they are legally allowed to do so. An application for a DBS check must be countersigned by an organisation registered with the DBS, which is responsible for ensuring only eligible checks are submitted (known as a registered body or an umbrella body). Your local authority should be registered as an umbrella body and might be able to give you access to apply for DBS checks. The DBS also provides [guidance](#) for employers on how and when to request checks.

63. If you are employing a worker from overseas you should request a criminal records check from the country or countries in which they have lived and worked. The Home Office has published [guidance](#) on how criminal record checks for overseas applicants can be obtained. These may be applied for by the employer or individuals, either in the home country of the employee or the relevant embassy in the UK. It is also important to take up references from previous employers or educational bodies.

Regulated activity

64. Regulated activity includes regular, unsupervised work with children, working in specified places such as schools, or medical or personal care in respect of adults. It is defined at Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended by section 64 and schedule 7 of the Protection of Freedoms Act 2012.

65. The Disclosure and Barring Service (DBS) has the power to bar an individual from undertaking regulated activity with children and/or vulnerable adults. Those in regulated

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activity are eligible for an enhanced certificate with a check of the relevant barred list(s). Individuals can be barred if they are convicted or cautioned for a relevant offence (such as sexual and violent offences), or if they are referred by their employer who is concerned that the individual poses a risk of harm to children or vulnerable adults. Organisations which employ people in regulated activity have a legal duty to make a referral to the DBS when they have dismissed or removed an employee from working in regulated activity following harm to a child or vulnerable adult or where there is a risk of harm (see paragraphs 68-73).

66. Regulated activity in relation to children comprises, in summary:

- Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children;
- Work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises. This does not include work by supervised volunteers;
- Relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional; and
- Registered childminding; and foster-carers.

67. Work under the first two points is regulated activity only if done regularly: "regularly" is defined as once a week or more often, or on 4 or more days in a 30-day period, or overnight (between 2am and 6am).

What OOSS, who are also regulated activity providers, should do where concerns are raised about staff or volunteers who may pose a risk of harm to children

68. Many OOSS providers will also be 'regulated activity providers' under the Safeguarding Vulnerable Groups Act 2006. It is important that OOSS providers are clear if they are a regulated activity provider or not.

69. When you request a DBS check to assess someone to carry out regulated activity with children, this means that you are a regulated activity provider (RAP) which brings obligations under the Safeguarding Vulnerable Groups Act 2006. You have a legal duty to refer an individual to the Disclosure and Barring Service where the relevant conditions are met:

70. You have withdrawn permission for a person to engage in regulated activity with children and, or moved the person to another area of work that isn't regulated activity;

71. You think the person has carried out one of the following:

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- An action or inaction has harmed a child or put them at risk or harm, or if repeated against or in relation to a child would endanger the child (this is termed 'relevant conduct'⁹); or
- Satisfied the harm test¹⁰ in relation to children and / or vulnerable adults. eg there has been no relevant conduct but a risk of harm to a child still exists; or
- Been cautioned or convicted of a relevant offence. Further detail is available on the [DBS's website](#).

72. The duty on a regulated provider to make a referral still applies where these conditions have been met and the individual has been re-deployed (e.g. to another location), or has resigned, retired, or left the organisation.

73. This is a legal duty and failure to refer when the criteria are met is a criminal offence. For more information on regulated activity, regulated activity providers, and regulated activity establishments, see DfE guidance on '[Regulated Activity in Relation to Children](#)'.

Checking the immigration status of staff – Paid employment

74. If you have found someone suitable to work in the setting, before they are appointed you must check that they have the right to work in the UK and to carry out the type of work in question. A criminal record certificate issued by the DBS does not confer a right to work. It is illegal to employ someone who does not have permission to work in the UK, or to employ someone in breach of their work restrictions. As an employer you could face a civil penalty of up to £20,000 per illegal worker or criminal prosecution.

75. In line with Home Office guidance, there is a three-step check you must carry out before employing someone:

- Request to see original, acceptable documents showing the individual's entitlement to work—these include identity documents such as a passport or permanent residence card. A full list of acceptable documents is set out in Home Office [Guidance](#);

⁹ Put simply, relevant conduct is an action or inaction that has harmed or placed a child or vulnerable adult at risk of harm. This is a legal term which is defined for both Children and Vulnerable Adults under Schedule 3 of the Safeguarding Vulnerable Group Act 2006.

¹⁰ To satisfy the harm test there needs to be credible evidence of a risk of harm to children or vulnerable adults such as statements made by an individual regarding conduct/behaviour, etc. For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a "feeling" that a person represents a risk to children and / or vulnerable adults. For example, an instructor who confides in their head instructor that they are sexually attracted to children (but who had not engaged in 'relevant conduct') would satisfy the harm test. More information on the harm test and relevant conduct is available [here](#).

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- Check that the documents are genuine in the presence of the holder and that they belong to the person presenting them. Make sure that they allow the holder to carry out the type of work you are offering; and
- Take photocopies or scan the documents checked, noting the date they were checked, and retain the copies carefully.

76. You will be required to conduct a follow-up check only on those employees from outside the European Economic Area and Switzerland who have time-limited permission to do the work in question. When you need to do this will depend on the documents you are provided with. Further information is available in the [employer's guide to right to work checks](#).

77. As an employer, you should refer to the latest Home Office guidance documents and tools to assist you on right to work checks.

78. As a provider, you may be considering appointing a religious worker from abroad. Ensure you are familiar with the guidance on Tier 2 (Minister of Religion) and Tier 5 (Religious Workers) visas before appointing a religious worker.

Checking immigration status of staff – Volunteers

79. If you are recruiting volunteers it is also good practice to carry out checks along the lines set out in the paid employment section above.

Post-appointment

80. Once appointed, you should regularly review the individuals in post to ensure that they continue to be well suited and have the necessary skills to carry out their responsibilities. This could be conducted twice a year, for example.

81. It is also good practice to have a staff behaviour policy in place. This should, amongst other things, include:

- Acceptable use of technologies;
- Staff and volunteer / child relationships and communications, including the use of social media; and
- Staff and volunteer / parent relationships and communications, including the use of social media.

What do I need to do next?

- Seriously consider whether you should request DBS checks for your staff and volunteers.
- When appointing staff you must check their identity, and that they have the right to work in the UK and the right to carry out the type of work on offer.
- Post-appointment, continue to develop staff and volunteers so that they remain suited for the posts and have the right skills for the job.

Questions a parent / carer may ask you:

Q: Have staff and volunteers undertaken DBS checks? How recent was the check?

A: DBS checks are not always required by law. However, obtaining a DBS check is considered good practice as part of any employer's recruitment and safeguarding policies and practice. Parents may decide to send their children to another setting if yours does not have its staff and volunteers DBS checked.

It is good practice to run a check before recruiting someone, and then re-checked them at what you consider an appropriate interval. It is common practice to re-check once every three years, but the appropriate interval may differ for your organisation.

Q: What training have staff and volunteers had?

A: Training will differ according to the type of OOSS, but all staff and volunteers should have good working knowledge of, and be appropriately trained in, health and safety and child protection as a minimum. Parents may also wish to ask if staff and volunteers have had equalities training, on topics such as cultural sensitivity and mental health.

OOSS providers should as part of their policies and procedures be able to detail the training that has been undertaken by staff and volunteers.

Part 2: Other Areas to Consider

Section 4: Governance

82. Good governance is important to ensure that there is a clear process in place for decision making on all aspects of the setting's operations. The approach to governance will depend on a number of factors. For example, a setting which is or which operates within an organisation which is a charity must comply with charity law.

Charities

83. As a new provider, you might want to consider whether setting up as a charity to deliver your services and activities is appropriate. Charities in England and Wales are regulated by the Charity Commission, and must comply with a number of rules and regulations (including legal requirements and regulatory expectations related to safeguarding including children and at risk groups from harm). Having charitable status and being registered with the Commission may therefore increase public confidence and provide parents and carers with assurance that providers are regulated and accountable.

84. There are some charities which are exempt from registration and regulation by the Commission. The Charity Commission provides more information [online](#), which includes a full list of exempted charities at Annex 1.

85. Some OOSS might not be charities in their own right, but may be part of a larger charitable organisation.

86. Charities must have and be established for wholly charitable purposes; their activities (this could include for example: advancement of education; advancement of religion; the advancement of the arts, culture, heritage or science; and the advancement of amateur sport) must further these purposes for the public, as opposed to private benefit. Charities are run by trustees who ultimately have responsibility for the management and administration of their charity. You should refer to Charity Commission guidance on [registering as a charity](#); and becoming, and being, [an effective trustee](#).

87. All charities must have a governing document which sets out how the purposes for which it is established and how it will be run. A charity must, unless exempt or excepted, register with the Charity Commission once its annual income exceeds £5,000. [CC22a](#) provides more information how to choose a charity structure.

88. Charities, unless exempt, with an income under £5,000 fall within the jurisdiction of the Charity Commission. They receive all the benefits of charitable status but do not need to register with the Charity Commission.

89. Further guidance on charities is available on the Charity Commission [website](#).

All other providers

90. If you run a small, informal setting which is not a charity in law, it is still good practice to set up a management committee to ensure the effective running and day-to-day management of the organisation. This group could be referred to by a different name, such as the executive committee or steering group. For guidance on setting up a management committee, refer to the 'What do I need to do next' at the end of this section.

Complaints policy

91. There may be occasions where a parent or staff member is alerted to an issue by their child or another parent regarding an OOSS. As a provider, you should have a clear policy to deal effectively with complaints. You should:

- Set out a complaints policy and procedures so that people know how to raise a concern. This should include how to make a complaint, whether in person or in writing, who to complain to, and how it will be dealt with; and
- Establish a whistleblowing policy so that staff and can raise concerns about how the provision is run, about other members of staff, any bad practice or about the maltreatment of a child.

Whistleblowing policy

92. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the OOSS's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.

93. Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, should be in place for such concerns to be raised with the OOSS's senior leadership team. ACAS has [guidance](#) on raising grievances at work. A list of prescribed organisations for whistleblowing for charities is available [online](#).

94. Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, the Government's guidance can be found [online](#).

95. Personal grievances such as bullying, harassment and discrimination are not covered by UK whistleblowing law, unless a particular case is in the public interest. Therefore staff may not be legally protected against unfair treatment or loss of income as a result of 'blowing the whistle' if they are not an employee of the organisation in question. However, although there is no obligation to do so under the law, it is recognised good practice that all OOSS should have a formal and clear whistleblowing policy.

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96. Volunteers may not be protected under whistleblowing law. They may wish to read the following [government guidance](#) or seek independent advice from organisations such as Citizens' Advice or ACAS before taking action.

What do I need to do next?

- You must [register with the Charity Commission](#) if your charity's annual income exceeds £5,000.
- If you run a non-charitable organisation, you should use a constitution as your governing document.
- If you need advice on setting up a management committee:
 - Your local voluntary and community sector organisation might be able to help. Search for your local organisation [online](#).
 - You may also wish to refer to '[Good Governance](#)', a code for the voluntary and community sector.
- Make sure you have a complaints and whistleblowing policy.

Section 5: Financial Management

97. No matter how large or small your setting, having effective financial management processes in place is key to operating a successful organisation, whether or not for profit. Some settings (and their financial arrangements) may be managed by an umbrella organisation, but it is still good practice to adopt sound financial management in your individual setting.

98. There are many benefits of having effective financial management processes in place. It is not just about knowing how much money is received or what is spent on a day-to-day basis, but also ensuring that you receive payments on time. It may also help you to secure grant funding from charitable organisations.

99. If you are a charity, please refer to the Charity Commission's guidance: [CC8: Internal Financial Controls](#).

100. If your OOSS is not a charity under law, you should consider the following basic principles of financial management:

Declaring income

101. If you operate with a low turnover or are self-employed, you may think that you do not have to declare your income to HM Revenue and Customs (HMRC). However, all income [must be declared for tax purposes](#). This includes fees that may be received 'cash in hand'.

Plan

102. Whether you are running a profit-making setting or not, it is best practice to keep track of budgets in the form of an outgoings log. This should include, for example, the total fees received per month, details of any donations and a breakdown of expenditure. You should also account for any additional costs you could incur such as rent, teaching and learning materials, salaries, utility bills etc.

Charities and tax

103. Charities can claim tax relief on income and claim back any tax paid on bank interest, for example. In order to make claims, your charity will need to be recognised by HMRC for tax purposes. This involves submitting an application to HMRC. Once approved, you will be given a reference number to use on all your claims. More information can be found on the [HMRC website](#).

Manage your budget

104. As well as planning, it is vital that you keep track of how much money you are taking in regularly and review your position on a monthly basis. This will help you to

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determine whether you have enough funds to provide the provision you intend. You will need to establish the minimum amount of funding your setting needs to operate effectively and, if fee-paying, reflect this in the fees you charge per child.

Open a bank account

105. It is good practice to have a dedicated bank account for the setting so that you can monitor expenditure and accurately record income. It might also help you to access grant funding, as some charities require a dedicated bank account as a condition.

Keep your books up to date weekly

106. It is good practice to update your paperwork regularly, to help you keep track of income and outgoings. This can also help when it comes to completing tax returns online. Failing to meet tax deadlines can incur fines, and interest on those fines.

Adopt control procedures

107. Having internal financial controls in place helps to administer finances and manage risk. Control procedures will help to protect against financial loss, theft and fraud. The Charity Commission [guidance on effective financial controls](#) is aimed at charities but also contains useful advice that can be adopted by non-charitable organisations.

Meeting tax deadlines – profit-making settings

108. This is only applicable if you are running a profit-making setting. More information on tax is available on HMRC's [website](#).

109. If you are a company limited by guarantee, you can access advice about financial management [online](#).

What do I need to do next?

If your OOSS makes a profit:

- Make sure that you're registered with HMRC for tax purposes.
- Make an income/outcome log and plan your budget.
- Open a dedicated bank account for your OOSS.

Useful Resources for Providers

Health and Safety

- For advice on site safety, check what is available on your local authority's website. The local Fire and Rescue Service, Police and local authority might be able to help.
- You can find a template for creating a health and safety policy for your setting [here](#). The link also includes an example of a good health and safety policy. If your OOSS is run in a classroom setting, [this checklist](#) may be more relevant.
- General guidance on workplace health, safety and welfare is available on the [Health and Safety Executive's website](#).
 - [Information for schools](#) but which you may also find useful for your OOSS is also available.
- [Advice on the control of substances hazardous to health](#) is available online.
- [Advice on fire safety](#) is available online.
- [The ABI provides online information on insurance](#), and public liability insurance in particular.

Safeguarding and Child Protection

- The NSPCC has a number of free resources for the voluntary and community sector to set up child protection policies and procedures. It also covers safeguarding standards and guidance, specific guidance for faith communities, and signposts to training:
 - [NSPCC Learning: are they safe?](#)
 - [NSPCC safeguarding standards and guidance \(England\)](#)
- The NSPCC also sends free weekly e-mail alerts to keep you up-to-date with the latest safeguarding and child protection news. [You can sign up online.](#)
- [What to do if you're worried a child is being abused](#) is DfE advice for anyone who comes into contact with children and families while working. It describes the signs of abuse and neglect and the action to take if a child appears to be, or is at risk of being, abused or neglected.
- [Working Together to Safeguard Children 2018](#) provides statutory guidance to all organisations and agencies who have functions in relation to children.

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- [Keeping Children Safe in Education 2018](#) provides guidance on safeguarding and promoting the welfare of children for schools and colleges.
- More [information on data protection](#) is available online.

Suitability of Staff

- The Child Protection in Sport Unit [outlines safe recruitment and selection procedures](#) online.
- You can find the [DBS Eligibility Check](#) tool online.
- The DBS also has a [general website](#).
- The Due Diligence Checking organisation [outlines what Regulated Activity with children is](#) online.

Miscellaneous

- The Charity Commission has a [dedicated website](#).
- The [Charity Governance Code](#) is available online.
- HMRC has a [dedicated website](#).
- [Funding Central](#) is a website where you can find funding for your voluntary organisation or social enterprise.
- You can search for your [local authority's website](#) online.

Glossary

Charity – an institution which is established exclusively for charitable purposes operating for the public benefit.

Charity Commission for England and Wales - an independent non-ministerial government department responsible for the regulation of charities in England and Wales.

Company limited by guarantee – a type of corporation used primarily for non-profit organisations.

Disclosure and Barring Service (DBS) – a government agency responsible for carrying out criminal records checks to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

Employers' Liability Insurance—Insurance which will help you pay compensation if an employee is injured or becomes ill because of the work they do for you

Health and Safety Executive (HSE) – the UK's independent watchdog for work-related health, safety and illness.

HM Revenue and Customs – the UK's tax authority responsible for making sure that money is available to fund public services and for providing targeted financial support.

Home Office – a government department responsible for domestic affairs, including immigration and DBS checks.

Local authority – local government responsible for providing services within the area e.g. planning, education, fire and public safety, libraries and waste management.

Local Safeguarding Children Board – a board with a range of roles and statutory functions including developing local child protection policy and procedures and scrutinising local arrangements. Every local authority in England must establish one in their area.

Policy – the agreed rules or principles explaining what you should always do or say in a particular situation. Normally these should be written down and everyone in your organisation should know about them.

Public liability/indemnity insurance – insurance which covers legal costs and compensation payments resulting from injuries or property damage to your clients, contractors or members of the public which was caused by an individual or their employees.

Regulated activity - activity relating to children is defined in Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (as amended), see [this document](#).

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Supplementary school – for the purpose of this code, an out of school hours setting for children offering support in subjects such as mother tongue language classes, religious studies, cultural studies or national curriculum subjects.

Safeguarding checklist

Health and safety

- Ensure the venue you use is safe for all users—do a risk assessment of the venue
- Write a health and safety policy, and include a section on fire safety
- Train all staff on matters of health and safety
- Seek appropriate insurance cover
- Create a registration form for children so that you have essential contact information; details of any health conditions and arrangements for parental pick-up if appropriate.
- Make parents and carers aware of the registration process.
- If parents and carers wish to observe a session before registering a child, consider allowing them to do so.

Safeguarding and child protection

- Make sure you have an effective child protection policy in place.
- Make sure you have an appropriately trained DSL.
- If you are a charity, the trustees are responsible for keeping children safe. You should refer to [guidance](#) produced by the Charity Commission.
- Contact your Multi-Agency Safeguarding Hub in your [local authority area](#) to find out about the local training programme on offer. Search online for 'MASH training' with your local authority name. If you are in a two-tier area, you will need to contact the county rather than the district council.
- Ensure that there are appropriate monitoring and filtering systems in place if your OOSS provides internet connectivity and/or internet connected devices
- Read the [ICO's guidance on the GDPR](#) and familiarise yourself with the responsibilities listed as a 'controller'.
- Read [Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#). The seven golden rules for sharing information will be especially useful.
- For more information on Children and the GDPR, you may wish to refer to the [ICO's website](#).

Suitability of staff

- Seriously consider whether you should request DBS checks for your staff and volunteers.
- When appointing staff, check their identity, and that they have the right to work in the UK and the right to carry out the type of work on offer.
- Post-appointment, continue to develop staff and volunteers so that they remain suited for the posts and have the right skills for the job.

Governance and finance

- You must [register with the Charity Commission](#) if your charity's annual income exceeds £5,000 and you are not on the [list of exempted charities](#).
- Make sure you have a complaints and whistleblowing policy.
- Make sure that you're registered with HMRC for tax purposes.
- Make an income/outcome log and plan your budget.
- Open a dedicated bank account for your OOSS.



Department
for Education

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