Guidance

Keeping children safe during community activities, after-school clubs and tuition: Non-statutory guidance for providers running out-of-school settings

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Summary

This is non-statutory guidance from the Department for Education (DfE).

It aims to:

- help providers of out-of-school settings (OOSS) understand best practice for keeping children and young people safe when they are open
- give parents and carers confidence that their child is in a safe and enjoyable environment
- ensure that children are kept safe while in the care of children's services providers

Following this guidance is voluntary for settings (guide for the stage requirements and regulations that Ofsted inspectors use to decide if they will monitor or assess whether providers are implementing the practices set out. By following this guidance, providers will be demonstrating their commitment to the safety of children using your services and attending your settings.

What are out-of-school settings (OOSS)?

OOSS are organised, non-statutory activities, provided by clubs, instruction or activities to children in England without their parents' or carers' supervision, such as:

- schools[1]
- colleges[2]
- education settings providing alternative provision
- FE sixth academies
- independent schools (that are registered with Ofsted or a childminder agency)[3]

These settings generally provide tuition, training, instruction or activities outside normal school hours (for example, weekday, weekend, school holiday), although some settings can run part-time during school hours to help children who are not in school. They are also known as 'out of school learning' or 'operating Out-from' (operating a school or providing a building where school and wraparound activities are organised or operating Despite) if it also has a school. Providers of these activities are responsible for ensuring that the activities they provide are not a criminal prosecution for operating a school without a licence.

These settings can occur in many kinds of venue, from a person's home to much larger and more formal venues such as sports centres, or even at sports clubs, stadiums and arenas. Fees may or may not be charged, and some settings may be open to all children, or only to:

The following are typical types of settings. Though this is not meant to be a complete list:

- tuition or learning support (which may be used to support mainstream, or home education), for example:
  - a tutor's home
  - holiday course or study class for 5-16 students
  - a university or college campus
  - exam preparation (for example, GCSE, A-level, and Tests or other school-leaving exams)
- sports and activity settings, for example:
  - Ballet classes
  - gymnastic training
  - Karate classes
  - martial arts instruction
  - martial arts training
  - drama classes
  - uniformed youth organisations, for example:
  - Scouts
  - Guides
  - open access youth providers, for example, centre-based and detached youth clubs
- supplementary schools, or other educational establishments, such as schools, for example, those offering support or education in addition to the mainstream school, such as Saturday schools, Sunday schools, or weekend
- private language schools, including those for children coming from abroad
- religious or faith-based settings, for example, faith clubs, or religious or faith-based activities, for example, for example:
  - Jewish services and clubs
  - Muslim madrasahs
  - Hindu settings
  - Sikh settings
  - Christian Sunday schools

As a provider, you and your staff and volunteers have a duty of care towards the children who attend. This means that you must take reasonable steps to ensure the safety of the children and to protect them from harm.

A student's DfE unique reference number (URN) is required by Ofsted's Children in Care Council (formerly known as the Children's Rights Director) to contact children and young people who are looked after by a local authority and who are a child's parents, or who are a child's parents, or who are a child's parents.

We recognise that characteristics of settings can vary, including the activities provided, the age of children, and the duration of the activity. We also recognise that providers of these activities may be in different stages of their operation, for example, size. Type of activity or tuition being offered, physical location, hours of operation, and the number of children and young people, and the number of parents that their children and young people attend.

Home education: Parents (including guardians and foster carers), who have chosen to home educate their children and young people, are not children's parents. They may wish to refer instead to the DfE departmental guidance for parents, guardians and carers on their rights and their responsibilities and the there to with the local authority's role.

About this guidance

This guidance is non-statutory and is consultation with representatives from organisations linked to out-of-school settings, including individuals with a good understanding of the sector, such as:

- the Department for Education's Children's Services Strategy Unit
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- sports clubs, Ofsted, and local authorities. It has been created with reference to the Ofsted inspection framework, and to the Ofsted inspection framework, stakeholders in the sector.

Many accreditation schemes, quality marks, and codes exist for specific types of activity, such as the Ofsted inspection framework.

Adopting the guidance does not guarantee a good Ofsted inspection.

If your setting has already signed up to an accreditation scheme, check whether an inclusion in the scheme means that it covers all the requirements in this guidance. Where many accreditation schemes place safeguarding requirements on their members, they may not cover all the requirements in this guidance, in particular their governance, staffing, and premises requirements. Providers should also be confirm whether their scheme aligns and covers all the guidance.

Settings that operate as independent schools must follow the Ofsted inspection framework and the independent school standards.

All settings, without exception, should also refer to DfE's current guidance on protective measures for children and young people in education and other settings during the coronavirus (COVID-19) outbreak. This is national guidance that provides information on how to manage the risk of coronavirus (COVID-19) to children, staff and parents who attend your setting by reducing the risk of infection and transmission of coronavirus (COVID-19).

How the guidance can help you as a provider

The guidance will help providers understand how they can run safe settings to ensure children are safe while they are in your care. It will also help providers meet mandatory requirements for the existing requirements specified. However, all the actions we outline are good practice and should be supported by appropriate risk assessments. Providers should also be aware of the wider ofsted policies that will be taking into account when inspecting and of children attending your setting, and review their regularly to ensure the children's safety and well-being is maintained.

The guidance covers safeguarding best practice in 4 sections:

- health and safety
- safeguarding and child protection
- suitability of staff and volunteers
- supervision

You should ensure that parents and carers know about, and are happy with, your policies and practices, and that they know what to do if their child is hurt or affected. So each section includes information on what you should tell parents and carers might ask you, and the types of reassurance you should be able to give to ensure their child is safe and enjoyable while in your care.

How to use this guidance

We expect all providers to review, and comply with, what the law says you must do, and the legal requirements, which is contained in each section. Depending on the provision you offer, certain pieces of legislation may or may not apply to your setting. We also expect you to follow the guidance, which explains what is good practice, and how to meet the requirements in practice.

The definition of an out-of-school setting covers various types of provision, so we have tried to make this guidance as flexible and practical as possible. The best safeguarding checklist of requirements for all providers details the key requirements that all providers must meet, regardless of the type of provision. Further checklists in each section of the guidance detail the requirements and safeguarding in the guidance that different types of provider should follow.

Regarding the safeguarding and child protection requirements in the suggested actions, you are taking the first steps in safeguarding the children in your care. Your risk assessment should be based on the specific circumstances of organisations accessible information about the children and their parents and carers, and the wider environment in which your setting operates. Regularly review and keep a record of your risk assessment, and keep it up to date. Ongoing assessment is a key part of safeguarding children and young people.

In dealing which requirements are most relevant, you should identify whether you are a:

- large provider (2 or more volunteers or paid staff members)?
- small provider (2 or fewer volunteers or paid staff members)?
- volunteer, participant-led provider?

Some sections specific guidance documents are also available about:

- Section 7: Activities and visits, for providers organising trips, depending on what you are offering.

For example:

- clearly - proposals referring to the Charity Commission's safeguarding guidance, you may want to review specific resources provided by the Charity Commission, the Independent Schools Inspectorate, Ofsted, and any other relevant regulatory bodies. Ofsted's website has the definitive guidance for both charities, or the sports provider guidance for smaller organisations.
- sports providers, you may want to review the NSPCC's Safeguarding Children Sport's specific guidance for the sector and issues like harassment.
- Section 8: Parents and carers, for providers who want further information on how to engage with parents and carers, and how to provide information to the highest standards of child protection.
- Section 9: Inclusion, for providers who want specific resources provided by the NSPCC, and Disadvantaged Kids Institution, on safeguarding in faith communities.

Basic safeguarding checklist of requirements for all providers

Health and safety

- must consider the suitability and safety of the setting for employees and volunteers, children and young people
- must have first aid training and qualified first aid kit available, and be able to respond to emergencies of what to do in an emergency (for example, call 999 if a child is seriously ill or injured)
- must have the contact details of parents and carers
- should have more than one emergency contact number for each child, where reasonably possible, and know if any medical conditions or allergies.

Safeguarding and child protection

- must have a safeguarding and child protection policy in place, including procedures for responding to concerns, including how allegations against staff or volunteers will be dealt with, and how to report concerns to the local authority children's services, or the police, if necessary
- must be responsible for health and safety regulations of your setting, whether it is a company, a sports club, a church centre, your own home[4], etc. It might be helpful to have a written policy, but it is not a requirement. Ofsted will be looking for evidence that you have a clear understanding of what to do
- must have a designated safeguarding lead (DSL), who is a person who is responsible for health and safety regulations
- must provide parents with a named individual (such as the DSL) or the cross-cutting safeguarding lead, who is a person who is responsible for health and safety regulations of your local authority children's services or the NSPCC to report concerns to
- should have contact details for the local authority designated officer (LADO) and know the local routes when concern is raised

Suitability of staff and volunteers

- should ensure all staff and volunteers have been checked and employment checks (for example, DBS checks, verification of identity) or, if you are a company, ensure you have a written policy in place that covers how you will carry out your employment checks (for example, DBS checks or your school)
- should have regular performance reviews in place to check the suitability and training requirements of staff and volunteers after their appointment

Governance

- should have a clear complaints procedure
- should have an effective whistleblowing policy

Remember: These basic safeguarding practices should be supported by appropriate risk assessments and a culture of guidance around children's welfare in your setting.

Section 1: health and safety

Basic requirements

Large provider (2 or more staff):
You should meet:

- duty of care
- health and safety policy
- fire safety
- parental consent and alternative registers

Small provider (2 or fewer staff):

- a written health and safety policy, including a risk assessment section
- a nominated person and/or a lead person responsible for health and safety
- fire safety and evacuation plan
- manual and electrical health and safety
- created a GDPR-compliant registration form for the children in your care, including a section for parental consent and medical details
- have a register of the children in your care

I am a small provider (2 or fewer staff):
You should meet:

- duty of care
- health and safety policy
- fire safety
- parental consent and attendance registers

This is to ensure you have:

- considered health and safety and taken steps to reduce risks
- an appointed person and/or at least one staff member who has first aid training
- fire safety and evacuation plan
- manual and electrical health and safety
- created a GDPR-compliant registration form for the children in your care, including a section for parental consent and medical details
- have a register of the children in your care

I am a volunteer, a paid employee, or lone provider:
You should meet the following requirements:

- duty of care
- health and safety policy
- fire safety
- parental consent and attendance registers

This is the ensure you have:

- considered health and safety and taken steps to reduce risks
- first aid training, or at a minimum, a basic understanding of what to do in an emergency
- fire safety and evacuation plan
- more than one emergency contact number for each child (where possible) and knowledge of any medical concerns (held in compliance with GDPR)
- have a register of the children in your care

Remember: The practices that you put in place should be regularly reviewed to ensure the children in your care are safe and enjoyable. If you change venue, you should carry out a new risk assessment, and review your risk assessment at several stages to take into account any changes.

Duty of care

Duty of care is an area likely to have a legal duty of care to try to ensure the environment is safe for people who visit or attend[5]. This means you have a duty to take reasonable steps to ensure that people and be safe using the premises, and that they are not harmed by your activities.

You are responsible for health and safety regulations of your setting, whether it is a classroom, a sports pitch, a church centre, your own home[4], etc. It might be helpful to have a written policy, but it is not a requirement. Ofsted will be looking for evidence that you have a clear understanding of what to do. Ofsted will be observing children's welfare and safety in your setting and maintenance taking place in an around your site which could impact the children's safety.

As part of this, you should consider the safety and needs of all people within your setting, including children, young people, parents and carers, and volunteers. Children's disabilities and any other vulnerabilities, you may need to think about their specific needs when considering your evacuation route in the event of a fire.

You should also consider how you can manage these risks while ensuring children are still able to gain the benefits from the tuition, training, instruction, or activities. The Health and Safety Executive has written a guidance on managing risks and risk assessments.

Health and safety policy

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You should also consider how you can manage these risks while ensuring children are still able to gain the benefits from the tuition, training, instruction, or activities. The Health and Safety Executive has written a guidance on managing risks and risk assessments.

Health and safety policy

You should have considered health and safety and taken reasonable steps to reduce risks, and have a written health and safety policy.

This should:

- assess the risks to any staff, volunteers, children and others involved in the setting or activities. This should include the health and safety risks and measures that are necessary
- be clear, concise, proportionate and appropriate for the activity (for example, access to outdoor activities and adventure activities)
- include a site risk assessment of the venue (access, lighting, fire), equipment, and any other risks, and be reviewed regularly (for example, a community hall, the outdoor environment, or a sports pitch, should check they have complied with health and safety law as set out by the Health and Safety Executive (HSE))
- introduce measures to control the identified risks
- ensure that adequate and appropriate arrangements and facilities for providing first aid are in place, and that there are enough trained first aiders and appropriate first aid kits
- tell any employees about the risks, and clearly designate and define measures to be taken to manage them
- ensure that relevant training is given to employees and volunteers on health and safety
- include appropriate measures for fire prevention and fire safety arrangements. If you are unsure which insurance is relevant, contact your local Council for Voluntary Service.

If you have more than 5 employees or volunteers, you must have a written health and safety policy, but you may wish to record any significant hazards and risks.

Example scenario: creating a health and safety policy

A self-employed basic teacher who teaches basket-to-children aged 5-12 is moving her class to a new premises. The premises is a church hall which has already provided her with a health and safety checklist that they expect all users to follow. The teacher has also created a health and safety policy, a risk assessment, and a GDPR-compliant registration form, including a section for parental consent and medical details. The teacher has also created a register of the children in her care, including their emergency contact information, date of birth, and any medical conditions or allergies.

Our advice

Ofsted through the camera of the hall have provided information to show that they are complying with health and safety law. The dance teacher should still carry out a risk assessment of the premises, and review it at several stages to ensure that the hall is suitable, and safe.

By carrying out a risk assessment, she may identify for instance that there is a fire, or a child slipping on the floor, and she can put measures in place to deal with them need to introduce measures to manage those risks (for example, ensuring there is a fire extinguisher, and ensuring that the floor is cleaned and mop any patches which appear).

As she does not employ any staff or volunteers, the dance teacher does not need to write down her health and safety policy. However, she should be able to show Ofsted that she has taken reasonable steps and to inform parents of the relevant activities (for example, a dance class, a dance class, a dance class).

Fire safety

Fire safety is a relevant policy and evacuation plan must form part of your risk assessment, and the Government's Fire Safety Guide for Small Businesses and Sole Traders provides a checklist.

The order does not apply to people's private homes, including individual flats in a block or house, and to some business premises (for example, if operating a self-employed accommodation/bed-and-breakfast or residential). However, it is good practice to follow the guidance in the order, and to carry out a risk assessment, and to make your home or another venue safe.

Specific guidance is available depending on the type of premises where you are operating (for example, a school, a church hall, a sports club, or a community centre) and how long the child is in your care. For example, you may refer to Fire safety risk assessment: large places of assembly. If you are running a sports club, you may refer to the Fire safety risk assessment: sports stadia and smaller places of assembly.

If you are the responsible person, you must ensure you:

- carry out a fire risk assessment (page 7 assessment guidance) and what an assessment should include
- consider who may be at risk
- reduce the risk from fire as much as reasonably possible and prepare a fire evacuation plan (page 8 of the guidance)
- take further measures to reduce the risk from a protection if information or explosive materials are used in dance
- ensure that there are enough fire exits for your premises, to deal with emergency situations, and that they are properly maintained and free from obstructions
- ensure that fire risk assessment findings if you have 5 or more employees or volunteers

If your organisation is relatively small and you think potential risks are not obvious, your responsibility is to be prepared for an emergency.

If your organisation is large and complex or you do not feel able to do the assessment yourself, you should seek advice from a fire safety professional. Fire safety is a specialist area, and you should be confident that you have a competent fire risk assessor.

Fire safety risk assessments are not a requirement, and it is not needed to be written if it is unused it is no longer valid, up if the area of risk in your premises changes significantly (for example, a change in the number of people using your setting).

Example scenario: fire safety

A self-employed basic teacher who teaches basket-to-children. Lessons typically take place in his home with one child at a time and their parent present. The teacher has a fire extinguisher in his home, and has a fire evacuation plan in the event of a fire. The teacher is the only person in the premises.

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Our advice

This section applies to most places except your own home (unless you run a paying panel). This means that the much teacher does not need to carry out a DBS check on parents who come to their home to pick up their child, or who drop their child off to the school.

Children are a group that can be considered especially at risk when there is a. Therefore, to safeguard children, the teacher may need to take a. There are clear evaluation issues. To reduce the risk, the teacher might want to develop a policy on home visits.

Teachers is quite vulnerable in the people they meet, the places they go and the clients, identify excuse rules (for example, through the kitchen to the back door) and ensure that the teacher is not left alone (for example, two people decide the door is or has quickly opened if locked).

Parental consent and attendance registers

It is good practice to have a parental consent form for children who participate in your setting, so you have relevant information for each child, such as parental contact details and medical information. Under the Education (Pupil Registration) Regulations 2006 and Education (Independent Schools Standards) Regulations 2010, many forms will normally contain data that is subject to the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. The General Data Protection Regulation (GDPR) is included in the UK version of the GDPR after the Brexit transition period.

When enrolling a child in your setting, consider the following points:

- Ask for a birth certificate, immunisation record, a photo of the child, where reasonably possible, and ensure you are aware of any health conditions or allergies before the child starts. Ask for a recent photo of the child if a birth certificate is not available. Ask for a recent photo of the child if you suspect that their parents and carers can complicate for their child. The NSPCC provides an online guide to talking to parents about photos.
- Ask for the contact details of the child's parents and carers and ensure you carry them you will address these.
- Ask for information about the child's diet, details, you could do this once a year if it indicates the child's diet does not change.

Before they send their child, you might consider encouraging parents and carers to visit your setting. It is good practice to encourage the child to be separated from their child and be with a your care. Visiting parents and carers should not be rushed, and it is good practice to encourage them to stay for a period of time. Induction follow-ups if necessary, and ensure that they are not unsupervised with another parent or carer.

Using a regular of attendance is also considered good practice as it lows you how many and which children are present at your setting.

Under the Education (Pupil Registration) Regulations 2006 the designated safeguarding lead (DSL) is entitled to receive a copy of the register. The DSL is senior staff member should calmly search inside and outside the building. If a child is not in the building, the DSL should make a call to the parents to find out where the child is. They should then inform the parents that they are going to call and follow their instructions. The DSL or senior staff member should continue to search while waiting for the parent to arrive.

If you discover that a child is missing and are a lone provider, or staff member, you should follow the DSL's instructions. If the child is not found, the DSL should contact the parents and ask for their permission to contact other contacts and the missing child's parents and the police and stay with the other children until help arrives.

Legal requirements and statutory guidance

When considering health and safety in your setting, you must comply with the following legal requirements where they apply:

- Health and Safety at Work etc. Act 1974 – is the primary piece of legislation covering the health, safety and welfare of people at work. It also covers the public in relation to work activities and places a duty on employers to ensure safe, and that those who work in a particular environment are not in danger from work activities.
- The Management of Health and Safety at Work Regulations 1999 – promotes minimum fire safety standard in England and Wales. It applies to those who have control over premises, such as landlords and those who are responsible for maintenance or repairs. It also covers premises, including residential premises, individual flats in a block (with the exception of shared areas). It requires the responsible person to carry out a fire risk assessment, to put in place fire safety control by taken reasonable steps to reduce the risk of fire and make sure people can safely escape if there is a fire, and sets out other fire safety duties. Fire Safety Order 2005
- Firearms Act 1968 – prohibits the possession of firearms or ammunition by those who sell their premises and extends to the occupier's activities as well, such as those who rent out a room in their premises. Those who have over the premises, or can reasonably control access to the premises.
- Employers' Liability Compulsory Insurance Act 1969 – requires employers to insure against liability for injury and disease to employees arising from their employment. Employers' Liability Compulsory Insurance.
- Food Safety Act 1990 – provides the framework for all food legislation in England and Wales. It covers the sale of food, preparation and hygiene and all food business. Food Safety.
- General Data Protection Regulation 2018 and the Data Protection Act 2018 – provides a framework for information or data protection and the requirements for using it fairly and properly.

Questions a parent or carer may ask you

Some parents of these questions will be relevant for inspection purposes. For example, if you are providing piano lessons to children, you should be able to show that you have a DBS check and that you have a policy on home visits. However, keeping a log of home visits is good practice, and it will help you to keep a list of dates in your home, and know what to do in case of emergency.

Do you have a policy on home visits and safeguarding?

You should be able to provide, or show parents, a health and safety policy or a home visits policy. Keeping a log of home visits is good practice, and it will help a minimum date to visits, consider how you will keep a list of dates in your home to reduce the health and safety risks in your setting. A good policy should be specific to your setting, and should include information about how you will reduce risks.

Your policy should also have a well-stocked first aid and emotional:

- electrical equipment
- accident and incident reporting to the relevant services.
- fire safety
- cleaning

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

Yes, it is good practice that one emergency contact number (where reasonably possible) is provided for each child/children for each child. To collect this information, you might consider giving parents a pamphlet or leaflet to take home with them, so they can fill in the information at their pace. Provide a pamphlet or leaflet that includes a list of questions for the information to be updated each year.

Consider how you will keep a log of your setting. It is good practice to create a spreadsheet or a log of your setting, so it is as, if in the event of one of the children in your care going missing, the parental data you collect through parental forms or registers should be securely stored and not misplaced or lost that necessary.

Q: Who is in charge of first aid?

A: Regardless of the type of provision you offer, you should be able to name a person responsible for first aid. Ensure that the person in charge of first aid is this designated person. Ensure the designated person is clearly pointed out to another person employed or volunteering at the setting. You should set out the responsibilities of the person in charge of first aid in your policy and staff members. The location of the first aid kit should be clearly displayed in the setting.

Section 2: safeguarding and child protection

Basic Requirements

I am a large provider (3 or more staff):

You should have:

- safeguarding and child protection policy, including procedures
- a designated safeguarding lead
- designated safeguarding lead (DSL) including managing safeguarding concerns and working with staff and volunteers
- working alone with children
- working with other children
- what to do if child makes a disclosure
- local authority children's social care and multi-agency safeguarding arrangements

This is to ensure you:

- have a written child protection policy and written procedures in place
- are aware of the specific safeguarding issues that can put children at risk and know what to do and who to contact for example, abuse and neglect, peer-on-peer abuse
- have appointed a suitably trained DSL
- have made staff and volunteers aware of what to do if they have concerns about a colleague or other adult who works with children
- have ensured that all staff and volunteers know the referral route into children's social care

I am a volunteer, a paid employee, or lone provider:

You should have the following:

- safeguarding and child protection policy
- working with children
- designated safeguarding lead (DSL) including managing safeguarding concerns
- working alone with children
- reporting concerns about a colleague
- what to do if a child makes a disclosure
- local authority children's social care and multi-agency safeguarding arrangements

This is to ensure you:

- have a written child protection policy and where can complaint to deal with any concerns you have about a colleague or other adult who works with children
- are aware of the specific safeguarding issues that can put children at risk and know what to do and who to contact
- have appointed a suitably trained DSL
- know what to do if they have concerns about a colleague or other adult who works with children
- know how to contact your DSL, if you are the DSL, the referral route into children's social care

Remember: The policies and training that you put in place should be regularly reviewed to ensure the children in your care are safe.

Safeguarding and child protection is everyone's responsibility. DfE statutory guidance Working Together to Safeguard Children applies to all organisations and individuals working with children in England. It sets out that all should work together to safeguard and promote the welfare of children in the case that anyone working with children should make their approach child centered for example, to consider what is best for each child in their care.

So, you should designate an adult (which could be yourself) to have lead responsibility for child protection issues in your setting. This person is the designated safeguarding lead (DSL) and should be trained to DSL level. They should consider the needs and characteristics of the children attending your setting.

At staff, especially the DSL, should be able to provide advice and support on safeguarding incidents occur. For example, threats to children's welfare could arise in school or at home, and it is important that the DSL knows how to deal with the situation and how to contact the appropriate agencies, such as the local authority designated officer (LADO) or the local authority children's social care team. Ofsted's Inspection of childcare and early years provision sets out the requirements in this guidance. The NSPCC provides guidance on how to write your Friends and Family Policy.

Procedures

If you have one or more employees or volunteers in your setting, then it is important to write down your procedures so that everyone in your staff or volunteers understand their responsibilities and know what to do in case of a safeguarding concern or allegation. Your procedures should:

- accurately convey what is the day to day practice in your setting and what is not of abuse or exploitation
- procedure to use in the event of allegations or concerns of peer-on-peer abuse
- procedure to deal with allegations or concerns that an adult working with children and young people or volunteer may be a threat to a child or abuse
- complaints procedure that includes procedure for children, young people, parents and carers to make a complaint

If you have employees or volunteers, you should provide them with additional guidance, information, or expectations that you may have for them to assist. These should include:

- a code of conduct for staff and volunteers.
- a whistle-blowing policy, procedure, and signs, and symptoms
- how to respond directly to a child who disclosure abuse.

You should distribute written copies of your procedures to all staff or volunteers in your setting and ensure that they understand the contents of OSCC guidance. guidance on how to write your Friends and Family Policy.

Specific safeguarding issues

Staff and volunteers should be aware of safeguarding issues that can put children at risk. Training of staff and volunteers should be ongoing, but all staff and volunteers should be appropriately trained in safeguarding and child protection. The DSL should be trained to DSL level and should know how child protection. Behaviourally challenging children, peer-on-peer abuse, missing education and 'setting' (also known as sharing with generalised instruction) are important to know.

Abuse and neglect

Staff and volunteers should be aware of indicators of abuse and neglect so they can identify children who may need help or protection. Knowing what to look for is vital for the early identification of abuse and neglect, so that staff are able to act in a timely manner. In a variety of settings, including in the family environment or the local community, abuse and neglect can be difficult to identify. Staff should be aware of potential indicators of abuse and neglect, such as children's behaviour, becoming withdrawn or seeming anxious, physical signs, such as being neglected or having bruises, and changes in behaviour or in their school performance. Staff should also be aware of the signs of sexual abuse and sexual exploitation. For information about safeguarding concerns and indicators of abuse can be found in the Department for Education's (DfE) guidance on Keeping Children Safe in Education, Ofsted's Inspection of childcare and early years provision.

Any concerns about a child should be acted on immediately. This will typically involve speaking to the designated safeguarding lead (DSL) who will assess the concern and consider making a referral to the local authority children's social care team. If a child is in need or is at risk of significant harm, it is important to make a referral to the local authority children's social care team. For political etc. If you are the DSL, you should talk to your local authority children's social care team about any concerns you have, and follow their advice. Ofsted's Inspection of childcare and early years provision.

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Sample scenario: noticing abuse and neglect

Two volunteers at a local group for young children notice a father shouting at his 4 year old daughter in the street. They decide to report the incident to their supervisor, who is the local authority's designated officer.

The volunteers have concerns because they have heard the child crying the day before, and they have seen the child with bruises on her face and arms. They don't want to report it in case they have misunderstood due to the language barrier. The supervisor tells them to record and use the 4 Ps plus outline to help them decide on further action.

Peer-on-peer abuse

Staff and volunteers should meet the needs of the guidance and be aware that children can abuse other children. This is often referred to as peer-on-peer abuse. It can abuse is most likely to include, but not limited to, bullying (including cyber bullying):

- abuse in intimate personal relationships between peers
- bullying (including cyberbullying)
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm
- sexual violence, such as rape and assault by penetration
- sexual harassment, such as sexual comments, remarks and jokes either in person or online
- sexting (also known as sharing self-generated indecent images)
- upskirting (typically involving taking a photo of someone's genitals or bottom) and
- criminal and sexual exploitation

Staff and volunteers should have clear about their setting's policy and procedures on peer-on-peer abuse. As stress that under the safeguarding and child protection policy and procedures, it should be set out in the child protection policy.

Sample scenario: handling peer-on-peer abuse

A preschool manager of a community preschool is informed by a parent that a child in the preschool has been bullying her child. The manager has to carry out a explicit photo of himself to his 10-year-old boyfriend. He says he didn't feel comfortable sharing the information with the parents of the child who bullied, where the bullying took place, and what the bullying involved. The parents and other children who attend the football club and who were there the incident.

Our advice

Peer-on-peer incidents happen outside your organisation, you are responsible for taking action to protect the children and prevent exploitation. If you are concerned for a child or young person in your group, report it to your DSL, or if you are the DSL, report it to your local authority children's social care team.

Children are at risk of abuse and neglect from their parents or other members of their local community, and it is important that staff and volunteers are aware of the signs of abuse and neglect. Staff and volunteers should be able to identify and report concerns to their DSL, or if they are the DSL, report it to their local authority children's social care team. If a child is in need or is at risk of significant harm, it is important to make a referral to the local authority children's social care team. For political etc. If you are the DSL, you should talk to your local authority children's social care team about any concerns you have, and follow their advice. Ofsted's Inspection of childcare and early years provision.

Staying safe online includes a wide range of issues. The 3 main ones are:

- content: being exposed to illegal, inappropriate or harmful material, for example, pornography, fake news, racist or religious bigotry, extremism or radical views
- contact: being subjected to harmful online interaction with other users, for example, peer pressure or adult users seeking children
- conduct: personal online behaviour that increases the likelihood of, or causes, harm, for example, sending and receiving explicit images, or online bullying

You should also be aware of online safeguarding concerns and ensure children stay safely and young people when appropriate.

If your setting provides internet access or uses electronic devices connected, then it is important that you have an online safety policy for both staff and children. Online safety is a key part of the Ofsted Inspection of childcare and early years provision, Ofsted and Staff Behaviour policy in the Other Requirements section.

Extremism and radicalisation

Staff and volunteers should be vigilant to ensure that no person in the setting is being radicalised or is at risk of being radicalised. Radicalisation is the process of harmful ideologies, extremism or conflicts spread among people, including the shared values (defined by the Government as democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with other beliefs and belonging). This process leads to terrorism and can lead to violent and radicalise vulnerable people. Radicalisation is the process by which a person begins to support terrorism and extremist ideologies associated with terrorism.

Children can become exposed to extremist material and views associated with terrorism and extremism, for example, through the use of the internet. It is important that staff and volunteers are able to identify the signs of the risk of staff members promoting such views to the children in your setting. We recommend that you have a policy in place that sets out how staff and volunteers are expected to act, and what to do if they have concerns about a colleague or other adult who behaves in a way that, for example, disrespects other people, or promotes extreme or radical views, or behaves in a way that is not consistent with fundamental British values, or promotes other harmful ideologies. Ofsted's Inspection of childcare and early years provision. Ofsted's Inspection of childcare and early years provision.

If you have extremism-related concerns, you should contact your local authority's Prevent lead or the Prevent Duty Delivery Board for advice on how to locate them, see the safeguarding Managing safeguarding concerns section for more information on the prevention of Tackling Radicalisation.

Children with special educational needs and disabilities (SENDD)

Children with SENDD can feel additional safeguarding difficulties. Provision for children with special educational needs and disabilities (SENDD) is important, and staff and volunteers should be aware of the signs of abuse and neglect.

These can include:

- assumptions that indicate an offence such as behaviour, mood and injury relate to the child's disability, without further evaluation
- the non-disclosure of abuse and neglect because the child is not able to

- the potential for these children to be disproportionately affected by behaviours such as bullying, without showing any outward signs
- communication barriers and difficulties in managing or reporting these challenges

To address these extra difficulties, providers should consider giving more pastoral support to the children, for example by drawing on external specialist resources or providing staff with additional training.

Mental health and wellbeing

Mental health problems and suicidal thoughts can affect anyone, of any age and of any background. Mental health problems are common among children and young people, but it can be difficult to identify as they often keep it to themselves. This can also be true with other forms of safeguarding issues.

It is important that you and your staff know the signs and symptoms of mental health problems. These will differ from child to child, but some common signs include:

- becoming withdrawn from friends and family
- persistent low mood and unhappiness
- tearfulness and irritability
- sudden outbursts of anger
- loss of interest in activities they once enjoyed
- problems eating or sleeping

Children who are suffering from mental health problems may also be more vulnerable to harms such as exploitation, grooming and radicalisation. Mental health problems may also be indicators of, or seen in conjunction with, other forms of harm – such as abuse and neglect, peer-on-peer abuse, exploitation, grooming, or radicalisation.

If you are worried that a child who attends your setting may be suffering from a mental health problem, the NSPCC gives guidance on children's mental health and on preventing self-harm. As per your child protection policy, if there is a suggestion that a child has been harmed or is at risk of harm this should be raised with the DSL and consideration given to making a referral to local authority children's social care. You can find further advice and support by contacting the NSPCC at help@nspcc.org.uk or by phone at 0808 800 5000.

Designated safeguarding lead (DSL)

Information on appointing a designated safeguarding lead is included at the beginning of this section. Where appropriate, you can appoint yourself as the DSL (for example, if you are a lone provider).

DSLs should be suitably trained and have a good understanding of specific safeguarding issues (including bullying, physical abuse, sexual harassment and sexual violence, sexting, hazing, online safety, substance abuse and extremism and radicalisation), child protection, what abuse and neglect look like, referral processes into the local authority children's social care team and what to expect when a referral is made to children's social care.

Managing safeguarding concerns

Detailed information on a designated safeguarding lead's (DSL) duties and relevant training can be found at Annex B in the latest Keeping Children Safe in Education (KCSIE) guidance. Although KCSIE is intended for schools and colleges, it is useful for out-of-school settings. DSLs can also contact their local authorities for information on training and safeguarding.

It is good practice for DSLs to have the contact details for your local authority's children's social care team on hand in case you need guidance. This information is available through your local authority. To find your local authority, go to Find your local council and enter the postcode of your setting. Contact details for your local authority's multi-agency safeguarding hub, safeguarding lead or Prevent officer[18] are often listed on the website under 'child safeguarding' or 'child protection services'. Find details on how to make a referral to children's social care.

If concerned about a child, the DSL may discuss the matter with their local authority children's social care team before deciding whether to make a referral to them. In some cases, early help services can be delivered to children and their families[19].

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 website. These explain when referrals to children's social care should be made and what to expect afterwards.

The DSL should record any concerns regarding abuse and neglect, what they have done about them and the reason for their decisions. There are a range of templates available online which give examples of how concerns can be recorded in education settings, but these can also be adapted for use by out-of-school providers.

Working with staff and volunteers

Staff and volunteers should be aware that they must raise all safeguarding concerns with the designated safeguarding lead (DSL) immediately.

The DSL should act as a source of support, advice, and expertise to staff and volunteers on matters of safeguarding. But it is important that all staff and volunteers know the appropriate safeguarding policies they should follow.

The DSL should also know the contact information of their local authority designated officer (LADO), who may also simply be known as 'the designated officer'. The role of the LADO is to coordinate all allegations and concerns made against a person who works with children. The LADO will advise, in discussion with the Senior Manager within the Organisation (SMO), on what action should be taken by the provider and whether the matter should be referred to Children's Social Care. This will be important when considering any concerns about staff or volunteers as discussed under the subheading Reporting concerns about a colleague who may pose a risk of harm to children, or disclosures made by a child as described under the subheading What to do if a child makes a disclosure of abuse or harm. The LADO's contact details can usually be found on your local authority website.

In addition to alerting the LADO, the DSL should inform the police if a crime may have been committed.

Working alone with children

In most situations, you should have at least 2 adults present when working with children and young people in your setting. However, sometimes it may be appropriate or necessary for an adult to supervise a small group of children on their own, or to speak one-to-one with a child. This could happen if a child in your group asks to speak to a trusted adult alone, or if you are a lone provider, for instance.

If you typically work alone with children (for example, if you are a private tutor), then it is good practice to arrange a meeting with the child and their parent or carer so you can agree what will happen during sessions and where you will be and at what time. You should also give them a copy of your child protection policy.

You should consider if it's appropriate for a parent, carer or another trusted adult to be present during the session. You could also invite parents and carers to wait in a separate room during the session. If the child and their parents or carers are happy for you to work alone, you should get written consent. More information on parental consent can be found at Section 1 under the subheading Parental Consent and Attendance Registers.

If you are working alone unexpectedly with a child or young person, you should make sure you are somewhere where other people can see you – for instance, in a room with a window. You should also tell another adult that you are alone with the child; this could be your supervisor or designated safeguarding lead.

Reporting concerns about a colleague who may pose a risk of harm to children

Being clear about your expectations of the behaviour of staff is an important part of safeguarding the children in your care. A staff behaviour policy sets out the standards of behaviour your staff, including volunteers, should follow. It should include clear expectations of what people should do and say, and what they must not. This will help raise awareness of illegal, unsafe, unprofessional and unwise behaviour. See the subheading Staff behaviour policy in the Other Requirements section for more information on what should be included in a staff behaviour policy.

Providers should ensure they have procedures in place, including clear escalation routes, to manage concerns and allegations against staff and volunteers that might indicate they pose a risk of harm to children. Such allegations should usually be referred to the DSL[20] or another agreed senior person, who will then escalate the concern to the local authority designated officer (LADO).

Working Together to Safeguard Children gives more guidance on dealing with allegations about people in positions of trust. Part 4 of Keeping Children Safe in Education explains the procedure for handling the allegations.

If your setting is a charity, you are required to report serious incidents, including incidents of abuse or mistreatment (alleged or actual) of beneficiaries of the charity (adults or children) which have resulted in, or risk significant harm, to them. For help handling safeguarding allegations about the behaviour of an adult towards a child in a charity, see the Department for Digital, Culture, Media and Sport's online safeguarding tool. More information on when and how to report an incident is also available in the Charity Commission's guidance.

What to do if a child makes a disclosure of abuse or harm

If a child in your setting discloses to you that they have been abused or that they feel at risk of harm, you should follow your safeguarding policies and procedures immediately. These should include clear instructions on the local referral route into children's social care (as described at subheading Local authority children's social care and multi-agency safeguarding arrangements). If a child is at risk of immediate harm, you should call the police on 999.

When the child makes the disclosure, you should not confront the alleged abuser, but you should:

- listen carefully to the child so they know that you are taking the disclosure seriously
- take notes on what the child says as soon as possible after the disclosure
- reassure them they have done the right thing in telling you
- explain what you will do next (if age appropriate)
- report the abuse without delay

It is important not to investigate the disclosure yourself (beyond the information gathering set out above) as this may jeopardise a police or social care investigation and possibly the prosecution of the offender. It is important you take advice from children's social care and the police and cooperate with their investigations.

You should record any safeguarding incidents and store the information securely, ideally in a private office. Only the DSL, or other relevant senior colleagues, should have access to the records, and you should only keep them for as long as necessary. The information should not be given to other parties without the child's consent (or parental consent if the child is under 13) except for legitimate sharing of safeguarding information as described in the GDPR and the Data Protection Act 2018 in the other requirements section.

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

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)[21].

Local authorities, working with partner organisations and agencies, have specific duties to safeguard and promote the welfare of all children in their area.

The local authority, chief officer of police and chief executive of the clinical commissioning group have a shared and equal duty to make arrangements to work together to safeguard and promote the welfare of all children in their area. This involves working with named 'relevant agencies', which could include out-of-school settings– see chapter 3 of Working Together to Safeguard Children for more detail. All local areas published online their new multi-agency safeguarding arrangements by the end of June 2019, and implemented them by the end of September 2019.

You should familiarise yourself with your local arrangements and contact the partnership should you need more information or engagement. Check the guidance for contact details on how to make a referral in your area.

Legal requirements and statutory guidance.

When considering safeguarding and child protection in your setting, you should have regard to the following statutory guidance[22]:

Working Together to Safeguard Children – outlines that every voluntary, community and social enterprise (VCSE), faith-based organisation and private sector organisation or agency should have policies in place to safeguard and protect children from harm. They should be aware of how to work together with the safeguarding partners in a local area to safeguard and promote the welfare of local children, including identifying and responding to their needs.

Questions a parent or carer may ask you

Note – some of these questions will not be relevant to all providers. For example, if you are running an informal football club by yourself on a voluntary basis, we would not expect you to talk regularly to children in your setting about online safety, but you should be able to provide reassurance to parents that you are taking reasonable steps to ensure the children in your care are safe.

Q: Who is responsible for child protection and what training have they had? How recent was this training?
A: You should be able to name a person who is responsible for safeguarding; if you are a lone provider this may be yourself. The DSL should have had the training that gives them the knowledge and skills needed for their role. At a minimum the DSL should be aware of the safeguarding issues children may face in settings and have the contact details for the local authority children's social care team.

There is no set requirement for how often training is to be repeated, but the DSL may want to conduct a regular review of the training they have undertaken, and consider whether there are new legislative requirements or if the circumstances of your provision have changed (for example, an increase in the number of children or catering for children with special educational needs and disabilities [SEND]). This might mean they need to repeat or seek extra training. The DSL may want to consider conducting this review once a year, for example.

Q: Will anyone besides the instructor, or other children's parents, be present in the setting while my child is there? If so, will they be there regularly?
A: As a rule, you should not have people who are not a part of your organisation at your setting while children are present. If other people will be present besides the instructor or other children's parents, you should have a visitors' book where they can sign in and also ask them to show ID. You should ensure that any adult who is not a member of staff is never alone with a child in your care.

Q: May I see your child protection policy and procedures?
A: If you run provision for children, and engage one or more volunteers or paid employees, you should be able to give or show a physical or electronic copy of your setting's child protection policy to a parent on request.

Make sure it includes:

- a short policy statement setting out the priority you give to keeping children safe
- a commitment that no member of staff will ever inflict corporal or emotional punishment
- a list of procedures that will enable you and your staff to achieve the measures you refer to in your policy statement

Each procedure you detail in your child protection policy should also be written down clearly and distributed to all staff members.

If you are a volunteer or are a lone provider, you should still have a written child protection policy that you can give to parents on request. You do not need to write out your safeguarding procedures but you should be able to provide reassurance to parents that you are aware of the specific safeguarding issues that children can face in your setting and detail reasonable steps you will take to ensure the children in your care are safe.

Q: How do you securely store the information you hold on my child? Who has access to it, and do you give it to anyone else?
A: If you keep any information on children who attend your setting, such as a register, you should be able to detail how you store paper and electronic copies of files. If you store electronic data, it should be encrypted, and password protected. If you store paper data, it should be secured with a lock and ideally in a private office.

The DSL, 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 (or parental consent if the child is under 13) with the possible exception of legitimate sharing of safeguarding information as described at subheading GDPR and the Data Protection Act 2018 in the other requirements section.

Q: Is my child allowed to access the internet unsupervised?
A: Children should be 13 or older to access the internet unsupervised. Your setting should not allow children under 13 to do so.

If children can access the internet unsupervised, you should have filtering and monitoring systems in place as outlined at subheading Online safety policy in the other requirements section.

Q: How do you talk to children about online safety?
A: You should be able to show you have a good general understanding of the different risks young people can face online, such as adults posing as children on anonymous chatrooms. You should be able to show you have positive, supportive conversations about online safety with young people when appropriate.

Section 3: suitability of staff and volunteers

Basic requirements

I am a large provider (5 or more staff)
You should read:

- recruitment
- pre-employment checks
- references
- are you a regulated activity provider?
- have staff and volunteers undergone DBS checks?
- what regulated activity providers should do if concerns are raised about staff and volunteers
- after appointment

This is to ensure you:

- have taken appropriate steps during the recruitment of new staff and volunteers to ensure they are suitable
- have determined whether your setting makes you a regulated activity provider
- have undertaken the appropriate checks on staff and volunteers (for example, DBS, pre-employment, etc)
- regularly review the performance and suitability of staff and volunteers after appointment.

I am a small provider (4 or fewer staff)
You should read:

- recruitment
- pre-employment checks
- references
- are you a regulated activity provider?
- have staff and volunteers undergone DBS checks?
- what regulated activity providers should do if concerns are raised about staff and volunteers
- after appointment

This is to ensure you:

- have taken appropriate steps during the recruitment of new staff and volunteers to ensure they are suitable
- have determined whether or not your setting makes you a regulated activity provider
- have undertaken the appropriate checks on staff and volunteers (for example, DBS, pre-employment, etc)
- regularly review the performance and suitability of staff and volunteers after appointment

I am a volunteer, a paid employee, or lone provider
You should read:

- DBS checks when self-employed or volunteering

This is to ensure you:

- have checked whether an umbrella body or the employer who is contracting your services can apply for a DBS check on your behalf

> Remember: It is important to not rely on any single check (for example, DBS) when deciding on the suitability of staff. It is also important to continue reviewing the performance, skills and training of your staff, after appointment, and to ensure that they are aware of the safeguarding policies and procedures as described in Section 1 and 2 of this guidance.

Recruitment
Providers should safeguard and promote children's welfare. So, it is vital that you apply robust procedures that deter and prevent unsuitable people from working or volunteering in your setting.

To ensure you hire or recruit suitable people[23]:

- check that applicants have the right skill set and ask for details of previous experience – this could be in teaching experience, voluntary work, qualifications, subject knowledge, English-language skills and financial expertise
- ask for references and make sure you take them up. More details are given below.
- check whether your local authority children's social care team or local authority designated officer offer safer-recruitment training

Pre-employment checks
Before employing a person, employment law requires you to:

- confirm their identity
- confirm they are permitted to work in the UK

To assess a person's suitability to work with children, you should make some other important checks before allowing prospective staff or volunteers to take up their post, such as:

- the appropriate level of criminal records checks: Disclosure and Barring Service (DBS) checks) including a 'children's barred list' check where relevant for the role
- where relevant to the role, consider prohibition checks such as those that prohibit someone being a teacher at a school (teacher prohibition) or running an independent school (section 128 checks)

We give more guidance and advice on how you should complete these checks below.

References
The purpose of seeking references is to get objective and factual information to support appointment decisions. You should scrutinise references and resolve any concerns satisfactorily before confirming the appointment, including for any internal candidate.

You should always ask for written information about employment history, qualifications, or personal references, and check it is consistent and complete. Always take up a reference from the candidate's current employer. If a potential employee does not have a career history, seek personal references from school/university staff. If a candidate is not currently working, get verification of their most recent period of employment and reasons for leaving from the organisation where they were employed.

Taking up references enables any concerns to be explored further with the referee and raised with the successful candidate. References should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague.

Do not rely on open references, for example 'to whom it may concern' testimonials, nor should you only rely on information provided by the candidate as part of the application process without verifying it. If you are given electronic references, ensure they originate from a legitimate source.

On receipt, check the references to ensure they answer all specific questions satisfactorily. Contact the referee for more clarification as appropriate, for example if the answers are vague or insufficient. 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.

Consider carefully any information about past disciplinary action or allegations that are disclosed.

Example scenario: safe recruitment

A football coach runs training sessions for children, aged 7 to 15, 3 times a week alongside a volunteer assistant coach who helps her to supervise the children. The volunteer assistant coach is moving to another area in the next few weeks, so the football coach will need to find a new assistant to help her to supervise the children.

One of the children's parents has mentioned the opportunity to her brother-in-law who is keen to do more voluntary work within the local community. The football coach has never met him, but he comes well-recommended by the child's parent for the assistant coach position.

Our advice
Robust recruitment practices are an important part of keeping children safe. The football coach should not rely on a recommendation from one of the children's parents. She should advertise the assistant coach position, for example in the local newspaper or relevant websites, and recommend that he apply through the proper channels.

The football coach should undertake the appropriate pre-employment checks on any applicants (such as identity checks) and invite short-listed applicants to an interview where she can ask them for details about relevant experience that would make them suitable for the role. She should ask the successful candidate to provide her with references from previous voluntary experience, or employment, and check these references to make sure they answer all the appropriate questions satisfactorily.

As the assistant coach will be helping with training sessions 3 times a week, this would be considered regulated activity, and so the football coach should also ensure that the volunteer is DBS-checked.

Are you a regulated activity provider?

It is important to determine whether you are a regulated activity provider. If you undertake regulated activity, you have extra safeguarding responsibilities (specifically on DBS checks) which are outlined further in this guidance.

Regulated activity is defined at Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (as amended by Part 5 of the Protection of Freedoms Act 2012).

Regulated activity regarding children is:

- unsupervised activities:
  - teaching
  - training
  - instructing
  - caring for or supervising children
  - providing advice/guidance on wellbeing
  - driving a vehicle only for children
- working for a limited range of establishments (specified places), with opportunity for contact, for example:
  - schools
  - children's homes
  - childcare premises
  - this does not include work by supervised volunteers
- relevant personal care, for example, washing or dressing, or health care by, or supervised by, a professional
- registered childminding
- foster-carers

Unsupervised activities, and working for a limited range of establishments (specified places) with opportunity for contact, are both regulated activities only if done regularly. 'Regularly' is defined as activity by the same person frequently, or on 3 or more days in a 30-day period, or overnight (between 2am and 6am). Therefore, a ballet teacher training a class of children for 2 evenings

Have staff and volunteers undergone Disclosure and Barring Service (DBS) checks?

Staff and volunteers, who are in regular contact with children or vulnerable adults, must have an enhanced DBS check. This includes those who are in contact with children or vulnerable adults through their role, or who are in a position to do so. Contact is not limited to direct contact.

An application for a DBS check must be countersigned by an organisation registered with the DBS. Organisations that are responsible for ensuring eligible checks are submitted (known as a registered body or an umbrella body). Your local Safeguarding Children Board (LSCB) or Local Authority Designated Officer (LADO) can advise regarding DBS checks. Guidance is available from Disclosure Scotland for employers and guidance for charities working with children and how and when to request DBS checks.

You should report DBS checks as completed on particular time periods. Do not report DBS checks as completed for an indefinite period.

If you want to ensure that your organisation's DBS checks are completed and recorded, check how the countries where they have lived and worked. The Disclosure and Barring Service (DBS) in England and Wales, Disclosure Scotland in Scotland and Access Northern Ireland in Northern Ireland are responsible for the country's ordinary based in the UK. It is also important to take up references from previous employers in relevant roles.

DBS checks when self-employed or volunteering

You can apply for a basic DBS check for yourself. If the role is eligible for a standard or enhanced DBS check, your organisation must be a registered or registered DBS umbrella body. The details of such bodies, see the DBS guidance for employers. If you are self-employed, you can't be a registered or an umbrella body. If you are self-employed and want to be a volunteer or a paid employee, you can apply for an enhanced DBS check. If you are working for an organisation such as a school or a charity, you can be a volunteer. Your organisation must be a registered body because it can apply for these checks.

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

If the activity in your setting means you are a regulated activity provider, you must ensure that any staff or volunteers who are in regular contact with children are subject to disclosure and barring service (DBS) checks (see section 327 of the DBS). This means you have a legal duty to refer an individual to the DBS, where appropriate, if you have:

- you have withdrawn permission for a person to engage in regulated activity with children and vulnerable adults, or would have if the person had not left (see section 34 of the DBS)
- you think at least one of the following requirements apply to the person: - the person has harmed a child or vulnerable adult or put them at risk of harm - a caution or conviction for a relevant offence (see section 35 of the DBS) - the person is guilty of relevant conduct (see section 36 of the DBS) - the person is cautioned or convicted for a relevant offence (see section 41 of the DBS) - the person is or might be, in relation to regulated activity with children, a risk of harm to a child still exists
- you have formed the opinion that a person's conduct is of relevance (Effective date: 12 October 2009 - Section 35 of the Criminal Justice and Immigration Act 2008 - Section 36 of the Criminal Justice and Immigration Act 2008)

For more about the DBS and when they should be used, and the recording of these checks, please see Disqualification under the Childcare Act 2006 statutory guidance.

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- you have formed the opinion that a person's conduct is of relevance (Effective date: 12 October 2009 - Section 35 of the Criminal Justice and Immigration Act 2008 - Section 36 of the Criminal Justice and Immigration Act 2008)

The legal duty on a regulated activity provider to make a referral still applies if a person has left the organisation, or if it is not known if the person still is available for work. For example, if a person has left to work for another organisation.

You can make a referral to DBS using the online form. This is easier, quicker and more secure than using the paper version. It also allows you to request updates on your referral, check your referral status, and respond to further information requests, such as DBS checks on employees, or DBS checks on volunteers.

Example scenario: responding to a concern about a staff member

The DSL of a volunteer in a setting has a volunteer that has witnessed another member of staff, who is a regulated activity provider, hit a child. The volunteer believes that he is the only adult who witnessed the incident. The volunteer is concerned that the member of staff may be a risk to children. The volunteer recalls other incidents and concerns that have been raised in the past. The DSL has never received any complaints about this contact before.

The setting:

The DSL should take the concern seriously, regardless of who the person is or how long they have been working for the organisation. The DSL follows the Sutton centre's safeguarding procedures, which have been written down and are available to all staff members.

Following these procedures, the DSL should report the concern to the relevant LADO, who ensures that they will investigate the allegation (for instance, by referring to the police). The DSL should also ensure that the person who raised the concern is kept informed of the outcome of the investigation, if the person comes to light.

The DSL must report the allegation immediately to child protection services, LADO and the police. The DSL should ask the parents of the child and explain that they have a duty to report the incident to the police and LADO. The DSL should also explain that the parents have a right to ask the police and LADO to keep them confidentially informed about the concern is being investigated, but that they may not be able to share information with the member of staff. The DSL should confirm serious the staff member's conduct is, and if it is, the police, LADO, DSL must also inform the DBS. Failure to do this would be a criminal offence.

After appointment

Once appointed, you should regularly monitor and review the individuals to ensure they continue to be suitable for their roles. Regular supervision and training is carry out their role are important.

This should include ensuring staff have appropriate training on health and safety, safeguarding and child protection. This should be a formal process conducted once a year, for example, as part of an annual appraisal process (change for example, in line with Special Education Needs (SENCo) or a disciplinary or grievance).

Legal requirements and statutory guidance

When considering suitability of staff and volunteers in your setting, you must comply with the following legal requirements and statutory guidance:

- Childcare (Disqualification) and Childcare (Early Years Provision) (England) Regulations 2009 and Childcare (Disqualification) Act 2009 - The Childcare Act 2006 provides the legislative framework for the powers and duties of local authorities in relation to the provision of childcare. It also implementation of the Early Years Foundation. The 2009 Regulations are made under the Childcare Act 2006 and set out the circumstances and circumstances in which an individual will be disqualified from providing childcare and managing, or being employed in, childcare provision in England and provision.
- Immigration, Asylum and Nationality Act 2006 Sections 15 to 25 set out offences of knowingly employing someone who is not legally entitled to work in the UK, or employing someone in a way that is contrary to their conditions of stay, does not have the right to undertake the work in question for immigration reasons.
- Safeguarding Vulnerable Groups Act 2006 - Provides a framework to provide the appropriate framework for the vetting and barring system for people who work with children and vulnerable adults.

Questions a parent or carer may ask you

Note that some of these questions will not be relevant to all providers.

Q: What checks do you undertake to ensure staff are suitable to work with children? How recent are these?

A: Regardless of the type and size of your setting, you should safeguard and promote children's welfare. This means that you should make sure that your employment practices are suitable for your setting. Your setting should be able to describe to parents a range of checks that you take when appointing staff and volunteers, and how these are recorded. For, for example, it is important that you check that someone is not subject to a prohibition order, that they are not disqualified from childcare, and that they are not barred from working with children. Advice is not their children to be certain setting if your staff and volunteers undergo appropriate checks.

Checks should not be relied on indefinitely and you should be able to explain to parents how you keep your staff and volunteers under review and how you ensure that they are suitable to work with children. Some checks need to be carried out every 3 years, but appropriate internal step differ for your organisation.

Q: What training have staff and volunteers had?

A: Staff and volunteers who work with children should be trained in all safeguarding and child protection procedures and be aware of their own responsibilities. Appropriate training in health and safety and safeguarding and child protection is a legal requirement. It is important that staff and volunteers have been trained in the procedures that your setting follows and that they have been undertaken (for example, copies of certificates).

Q: Are any prohibited people working in your setting? How can be sure they aren't prohibited from teaching?

A: Details of any prohibited teacher who is subject to prohibition order are available to anyone who wishes to consult the prohibition order lists. Anything in any school, sixth form college, children's home or youth accommodation is England.

When considering whether a person is suitable to teach their child/ren or to be employed in your setting, you should be able to explain to parents, if prohibited. Any member of the public may inspect the full list of teachers who are barred, which is held by the Teaching Regulation Agency (TRA). To do this, you should write to the TRA. Parents can also request information about the prohibition or lack of prohibition, such a section 128 are prohibited from running an independent school. A prohibition order does not prevent someone from teaching in a school, but it does prevent them from being employed to teach children in the care of a prohibited person. Parents may wish to consider the circumstances that led to the prohibition.

Section 4: governance

Basic requirements

I am a large provider (5 or more staff)

You should meet:

- charities
- all other providers
- complaints policy
- whistleblowing policy

This is to ensure you have:

- registered your setting as a charity (if appropriate)
- set up a management committee with VPMS (if appropriate)
- set up a management committee
- a clear and effective complaints policy
- a clear and effective whistleblowing policy

I am a small provider (4 or fewer staff)

You should meet:

- charities
- all other providers
- complaints policy
- whistleblowing policy

This is to ensure you:

- registered your setting as a charity (if appropriate)
- registered your setting with OFSTED (if appropriate)
- set up a management committee
- a clear and effective complaints policy
- a clear and effective whistleblowing policy

I am a childminder, a sport coach or a tutor

You should meet:

- all other providers
- complaints policy
- whistleblowing policy

This is to ensure you:

- understand how to become current from your setting on your tax return (if self-employed)
- have a clear and effective complaints policy
- aware of your safeguarding responsibilities

Remember: The practices and policies that you put in place, such as your complaints policy, should be regularly reviewed to ensure that they are working effectively.

Governance refers to the way organisations are run, and the rules, practices and processes they have in place to control this. Good governance is important for charities and other organisations, as it helps them to achieve their aims and the setting's operations. Your approach to governance will depend on several factors. For example, a setting that is a charity, or that operates within a charity, must comply with charity law.

Charities

As a new provider, you might want to consider setting up as a charity if you meet the legal tests. Charities are organisations that are set up for charitable purposes. To be a charity, your organisation must be set up for charitable purposes, rules and regulations (including legal requirements and regulations), governance and financial and reporting requirements. Charities are subject to charity law, including charities commission guidance, and must be registered with the charities commission if their income and assets from providers are regulated and accountable.

Further guidance on setting up a charity is available from the Charity Commission.

All other providers

If your setting has multiple employees or volunteers and is not a charity, it's important that you have a clear governance structure in place, with clear roles, reporting and decision-making processes. This group could include a number of different same, such as the executive committee or steering group. If you have a management committee, you should have a clear and effective governance, community service organisation (CIO) or a Community Interest Company (CIC). You may also want to refer to Good Governance, a web portal for governance in the voluntary sector.

If you are a sole trader, you should have a clear governance structure in place, and make a profit, then you must register with HMRC. You can find more information on the HMRC website.

If you are self-employed, you should also visit the HMRC website for guidance on completing a self-assessment tax return.

Complaints policy

Sometimes a parent or staff member may be sentenced to an issue by their child or another parent/ member of an out of school club, for example. A provider you should have a clear policy to deal effectively with complaints.

You should:

- publish a complaints policy and procedure on your website or display it in your premises (for example, on a notice board). Make it clear to parents that they have to make a complaint in writing, specifying what the complaint is about, by and how it will be dealt with
- make your complaints procedure or staff can raise concerns about:
- how the setting is run
- other members of staff
- the recruitment of any children
- other best practice

Whistleblowing policy

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the setting's methods. It is important that such concerns are taken seriously and the setting's management team.

Appropriate whistleblowing procedures, which are carefully reflected in staff training and clear lines of accountability, are a key part of effective safeguarding. Staff should be made aware of the NSPCC whistle-blowing helpline.

Volunteers, who may not be protected under whistleblowing law, may wish to read the following guidance on how to raise concerns about poor practice from organisations such as Charities' Advice or ACAS (where talking also.

You can use the Ofsted whistleblowing hotline form if you meet their actions and support with child protection concerns.

Legal requirements and statutory guidance

When considering suitability of staff in your setting, you must comply with the following legal requirements and statutory guidance:

- Charities Act 2011 is the main piece of legislation governing charities in England and Wales. Among other things, it covers the meaning of a charity and the legal duties and responsibilities of charity trustees.

Other requirements

Depending on your setting, the children in your care and the type of services, tuition or activity, you may be subject to other safeguarding requirements you should follow. There are detailed below.

Child performances

Under Section 37 of the Children and Young Persons Act 1963, a licence may be required for children to take part in a public performance. Performances include, for example, any performance in a theatre or cinema or radio, performances or promotions broadcast to sell alcohol (such as a theatre or hotel), or any performance in a place of worship or religious meeting. Performances do not include those given by pupils in a school or other educational institution, those given by people in a family record themselves and those if one is authority or social models.

Under the Children (Performances) Regulations 1968, a chaperone may be required to accompany children who are taking part in a public performance. These include performances organised by a school or where a child has not attained the age of 16 years. Under Section 37 of the Act, a local authority can grant a licence for a child to perform in a public performance. A licence, or a 'blue form', can be issued for an organisation (known as a 'body of persons') by the local authority in which the child is to perform, or in which the child is resident, if it is satisfied the approved. The granting of a licence allows an organisation receive the rights to apply for individual licences from each child's home local authority during the period specified in the licence. For more information, please see the Department for Education's guidance on the performance and activities and employment of children.

Parents and carers can also inquire whether you need to apply for a child performance licence, or whether you have applied for one.

If your setting puts on performances or events in which a child performance licence is required, you should follow the guidance. Failure to do so is a criminal offence. Your local authority will be able to provide advice and guidance on the chaperone requirements for child licence holders, or their parent / carer or guardian. Ofsted's inspectors will check that you have complied with the requirements and legislation.

Children with special educational needs or disabilities (SENDC)

If you provide overnight activities for children with SENDC, you should consider the additional safeguarding issues they face and consider what extra pastoral support.

Online safety policy

If your setting provides internet connectivity or internet-connected devices (or both), it is important to develop an appropriate online safeguarding policy. online material and inappropriate conduct or contact. As part of this process, you should consider your duty of care to your staff and children. You should outline what online behaviour is acceptable and what is not acceptable, acceptable behaviour online for children and staff to follow. You should ensure that your online safeguarding policy is consistent with your other policies and procedures, such as your child protection policy and your code of conduct. Online safeguarding will be a staff training session for more information).

You should also ensure that you have appropriate filtering and monitoring systems in place. Risk factors to consider when deciding on a system include the age of your children, the number of devices they have access to, and what they access. Children in the early years may be less aware of the risks than older children, deep because parents and carers find monitoring much harder.

Staff behaviour policy

It is good practice for a staff behaviour policy. This should, among other things, include:

- acceptable use of technologies
- sexting and relationships/ sexuality between children and staff/volunteers, including the use of social media
- communication and relationships between parents and staff/volunteers, including the use of social media
- rules on staff/volunteer contact with children by phone or messaging
- rules on staff/volunteer contact with children outside of school or setting hours and on social media
- a commitment that pride to circumstances should any staff member or volunteer infect physical or psychological harm on a child

Photography and sharing images

Depending on the type of provision you offer, it may be that family and friends want to take photographs or film their children participating in the activities of their achievements. If this is the case, you should consider having a photography policy. Photographs and videos of children participating in your setting are personal data under the GDPR.

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If you wish to take photographs of the children who attend your setting for your website, for example, to display children's achievements or promote your service or to explain to parents and carers how you use images of children and young people, you should have a clear policy on the use of photography and video and explain to parents why you need to take photographs. You may want to request consent annually if a child attends your setting for more than a year.

Visiting speakers

When booking visiting speakers, you should assess any risks and put in place appropriate measures to safeguard children. For example, a visiting speaker should not be left alone with children and should be supervised at all times.

Overnight stays

If you are taking children on an overnight stay, you will need a permit or carer's consent to authorise. You should consider whether you need to carry out a risk assessment for any such trip. Risk assessments should be carried out if you are taking to keep their children safe. Ensure parents and carers know the sleeping arrangements, and that you have a sufficient number of staff to discharge all your duties and responsibilities. Ensure that children know what to do if they feel the parent or carer of each child attending.

Consider carefully the sleeping arrangements ensure there are separate sleeping, washing and toilet areas for adults, older and younger children, and according to their gender and sexuality. Ensure that children know what to do if they need and are female staff.

Before taking children on an overnight stay, you should consider any risks or concerns that children may have and how you can address these.

You should make sure children know what to do if there is an emergency during the night, such as a fire alarm.

GDPR and the Data Protection Act 2018

The General Data Protection Regulation (GDPR) and Data Protection Act 2018 place duties on organisations and individuals to process personal information fairly and lawfully and keep the information they hold safe and secure. You must ensure that the information you collect is used fairly, stored safely and not disclosed to any other person unless required to do so by law. You may be asked to explain how you use personal information and how you keep it safe.

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 children and guidance, specific guidance for faith communities, visit signposts to training.

- NSPCC Learning introductory guide to safeguarding and child protection for the voluntary and community sector (formerly 'Are they safe?')
- NSPCC safeguarding standards and guidance (Scotland)
- The NSPCC's Child Protection in Sport Unit works to safeguard children in sport
- the NSPCC also sends free weekly e-mail alerts to keep you up-to-date with the latest serious safeguarding and child protection news. You can join 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
- Child sexual exploitation: definition and guide for practitioners is DfE advice for anyone who works with children and families. The guide can help DSOS practitioners to identify child sexual exploitation and to take appropriate action in response
- Sexual violence and sexual harassment between children in schools and colleges is DfE advice on how to minimise the risk of sexual violence and sexual harassment between children happening and what to do when it does occur. While the advice is primarily directed at schools and colleges, it may also be a useful starting point for processes
- the harmful sexual behaviour prevention toolkit has been designed by the Lucy Faithfull Foundation in collaboration with the Home Office for parents, carers and practitioners working with children. As well as support, advice and information, it has links to key organisations and helplines, resources about harmful sexual behaviour by children, tips about internet safety and advice about sexual development and preventing child sexual abuse.
- Safeguarding children who may have been trafficked is another statutory guidance for agencies in England which sets out the key principles for keeping children who are victims of trafficking and those who are trafficked. Children who are accompanied or have been seen at risk of trafficking are often at increased risk of safeguarding concerns such as child criminal exploitation or child sexual exploitation.
- Working Together to Safeguard Children 2018 provides statutory guidance to all organisations and agencies who have functions in relation to children. Keeping Children Safe in Education 2019 provides guidance on safeguarding and promoting the welfare of children for schools and colleges.
- more information on data protection
- the National Crime Agency's website for online safety resources. It has resources for various age groups from 4 to 14+, as well as for parents and carers, and people working with children

the Child Protection in Sport Unit has advice on how to deal with safeguarding concerns

the Charity Commission has guidance on safeguarding and protecting people for charities and trustees

for further help handling safeguarding allegations in a charity, see the Department for Digital, Culture, Media and Sport's online safeguarding tool

Suitability of staff

- the Child Protection in Sport Unit outlines safe recruitment and selection procedures

you can find the DBS Eligibility Check tool online, as well as a plain language explanation of regulated activity with children in England

the DBS also has information about applying for criminal records checks

Farmer and Co have produced guidance on dealing with low level concerns about adults to safeguard children

Miscellaneous

- the Charity Commission
- the Charity Governance Code
- the Charity Ethical Principles
- HMRC
- search for your local authority's website

Glossary

- charity: an institution 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.
- child criminal exploitation (CCE): This occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. CCE is commonly associated with county lines (being coerced into moving drugs and/or money between locations), but it can also involve children forced to commit criminal acts, for example, theft and violence. The victim may be groomed to believe they are 'part of a family' or 'in a relationship' with the perpetrator. CCE does not always involve physical contact; it can also occur through the use of technology
- child sexual exploitation (CSE): is a type of child sexual abuse. When a child or young person is exploited, they're given things, like gifts, drugs, money, status and affection in exchange for performing sexual activities. Children and young people are often tricked into believing they're in a loving and consensual relationship. They may trust their abuser and feel they're being abused
- Disclosure and Barring Service (DBS): a non-departmental public body sponsored by the Home Office 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 that 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 regulator for work related health, safety and illness.
- HM Revenue and Customs (HMRC): is responsible for ensuring that the right 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 sponsorship of the Disclosure and Barring Service.
- local authority: local government responsible for providing services in the area, for example, planning, education, fire and public safety, libraries and waste management
- local authority children's social care team or service: will often provide a wide range of services to support children and their parents and is the main point of contact for safeguarding and welfare concerns in children. It is also the team can clarify the process for making safeguarding referrals to the local authority. The team also provides advice or support for children and the process
- local authority: lead agency or principles explaining what you should 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 that 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 relating to children: activity relating to children as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended) is:
  - staff: for the purpose of this code, a paid employee or unpaid worker or volunteer engaging in an out-of-school setting provision
  - 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
  - 'Children' refers to individuals who have not yet reached their 18th birthday. [1]
  - 'School' means all schools whether maintained, non-maintained, or independent, including academies and free schools, alternative provision academies, and pupil referral units. It includes maintained nursery schools. [2]
  - 'College' means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992 and institutions designated as being in the further education sector. [3]
  - Most providers using for children under 8 years old must register with Ofsted (on The Early Years Register or The Childcare Register) or a childminder agency, unless the sole business activity provided is one set out in the Childcare (Exemptions from Registration) Order 2018 (SI No 979) and are summarised in the exemptions with Ofsted guidance for childminders and childcare providers. Providers who are exempt from compulsory registration may choose to register on the voluntary part of the Childcare Register if they meet the requirements. [4]
  - Full time is not defined in law. Further information on institutions that must register as schools is contained in DfE's guidance on registration. [5]
- Education settings providing alternative provision (AP) are not considered to be DOSSs as this guidance is tailored towards settings that provide education which is supplementary to a child's main education.
- In English law, a person may owe a duty of care to another. The exact nature of the duty can vary but it is generally a duty to take reasonable care that other person from suffering foreseeable harm. A duty of care can be created by legislation or can arise because of a relationship or a set of circumstances. If you are unsure about your duty of care, you may wish to seek legal advice. [6]
- The specific duties for large and small providers have primarily been decided by the Independent Schools Council and safety legislation specifies duties that if you have fewer than 50 employees you do not need to have a written health and safety risk assessment. [7]
- If you employ more than 5 staff members but have not registered with Ofsted or equivalent on multiple days of the week, you may wish to follow the best practice suggested for 'large providers' throughout this guidance. [8]
- The Occupier's Liability Act 1957 places a duty of care on occupiers of premises in relation to visitors. [9]
- Where you are renting premises or visiting someone else's home (for example, when fostering), the owner is likely to have health and safety and other duties. Check with the owner of the premises to ensure they have and have appropriate fire precautions in place. As the owner, you are also responsible for managing risks arising from your own activities when you have control of premises or equipment on the premises. [10]
- See the Employers' Liability (Compulsory Insurance) Act 1969, which requires employers to insure against their liability for personal injury to their employees. [11]
- 'Escalation rules': refers to higher-ranked individuals that a member of staff or parent/carer can consult to resolve a concern. [12]
- Child sexual exploitation (CSE) is a type of sexual abuse. When a child or young person is exploited they're given things, like gifts, drugs, money, status and affection, in exchange for performing sexual activities. Children and young people are often tricked into believing they're in a loving and consensual relationship. They may trust their abuser and not understand that they're being abused. [13]
- Child criminal exploitation (CCE) is a type of child abuse where children and young people are manipulated and coerced into committing crimes. This could include, for instance, organised criminal gangs and drug dealers using cities exploiting young people into moving drugs from an urban hub into other markets such as suitable areas in coastal towns. Another form of CCE is 'County Lines'. [14]
- Having Christian commission) refers to the practice of rituals, challenges, and other activities involving harassment, abuse or humiliation used as a way of initiating a person into a group. [15]
- Upskirting typically refers to the practice of taking a picture under a person's clothing without their knowing, with the intention of viewing their genitals or buttocks. In England and Wales upskirting is a criminal offence under the Voyeurism Act. [16]
- Prevent officers are only appropriate to contact if you have extremism related safeguarding concerns. For all other safeguarding concerns, contact the local authority's safeguarding lead. [17]
- Early help, or early intervention, is support given to a family or child when a problem first emerges. For example, if a child is displaying risk-taking behaviour, early help or intervention might work with the child and their parents to find out the reasons for the child's behaviour and put strategies in place to help keep them safe. [18]
- If the concern or allegation is against the DSL then you should escalate the concern to the local authority designated officer. [19]
- Local arrangements vary for receiving referrals but your local authority will have the relevant roles and contact details for making a referral on its website. For instance, your local authority may have direct contact details for the relevant Children's Social Care office or multi-agency safeguarding hub. Whatever the local route for a referral, it should be assessed by a qualified social worker and a decision should be made by the relevant agency within the time scale of one working day about what should happen next. [20]
- Statutory guidance sets out what must be done to keep children safe in the law. Organisations or individuals that the statutory guidance is aimed at should follow it unless they have a very good reason not to. [21]
- You may find it helpful to refer to paragraph 138, part 3 of the Statutory Guidance on Keeping Children Safe in Education for a full list of pre-employment checks. [22]
- Previously known as Criminal Records Bureau (CRB) checks. [23]
- Spent convictions are those convictions that have reached a set period as defined by the Rehabilitation of Offenders Act 1974, and are not required to be disclosed for most roles. Unspent convictions are those records that have not yet reached this defined time and will appear on a Basic Criminal Record Check. [24]
- 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 that is defined for both children and vulnerable adults under schedule 3 of the Safeguarding Vulnerable Group Act 2006. [25]
- To satisfy the Karen 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. 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 or vulnerable adults (or both). 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 still satisfy the Karen test. More information on the Karen test and relevant conduct is available here. [26]
- Special category data is personal data that needs more protection because it is sensitive. In order to lawfully process special category data, you must meet one of the following conditions: personal data revealing political opinions, personal data revealing religious or philosophical beliefs, personal data revealing trade union membership, genetic data, biometric data (where used for identification purposes), data concerning health, data concerning a person's sex life, data concerning a person's sexual orientation. [27]

Useful resources for providers

General Data Protection Regulation (GDPR)

- guidance on data protection issues for employers carrying out criminal records checks is available on the ICO website
- 'Working Together to Safeguard Children' provides a GDPR myth buster
- DfE provides a data protection toolkit for schools that you may also find useful for your setting

Health and safety

- For advice on 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 by the Health and Safety Executive for creating a health and safety policy for your setting. The link also includes an example of a good health and safety policy. If you operate in a classroom setting, this checklist may be more relevant
- general guidance on workplace health, safety and welfare
- information for schools but which you may find useful for your setting
- DfE also provides advice on health and safety for schools, which you may find useful for your setting
- advice on the control of substances hazardous to health
- advice on fire safety
- the ABI provides online information on insurance and public liability insurance in particular
- DfE provides advice on health and safety for educational visits which settings may find useful

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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 children and guidance, specific guidance for faith communities, visit signposts to training
- NSPCC Learning introductory guide to safeguarding and child protection for the voluntary and community sector (formerly 'Are they safe?')
- NSPCC safeguarding standards and guidance (Scotland)
- The NSPCC's Child Protection in Sport Unit works to safeguard children in sport
- the NSPCC also sends free weekly e-mail alerts to keep you up-to-date with the latest serious safeguarding and child protection news. You can join 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
- Child sexual exploitation: definition and guide for practitioners is DfE advice for anyone who works with children and families. The guide can help DSOS practitioners to identify child sexual exploitation and to take appropriate action in response
- Sexual violence and sexual harassment between children in schools and colleges is DfE advice on how to minimise the risk of sexual violence and sexual harassment between children happening and what to do when it does occur. While the advice is primarily directed at schools and colleges, it may also be a useful starting point for processes
- the harmful sexual behaviour prevention toolkit has been designed by the Lucy Faithfull Foundation in collaboration with the Home Office for parents, carers and practitioners working with children. As well as support, advice and information, it has links to key organisations and helplines, resources about harmful sexual behaviour by children, tips about internet safety and advice about sexual development and preventing child sexual abuse.
- Safeguarding children who may have been trafficked is another statutory guidance for agencies in England which sets out the key principles for keeping children who are victims of trafficking and those who are trafficked. Children who are accompanied or have been seen at risk of trafficking are often at increased risk of safeguarding concerns such as child criminal exploitation or child sexual exploitation.
- Working Together to Safeguard Children 2018 provides statutory guidance to all organisations and agencies who have functions in relation to children. Keeping Children Safe in Education 2019 provides guidance on safeguarding and promoting the welfare of children for schools and colleges.
- more information on data protection
- the National Crime Agency's website for online safety resources. It has resources for various age groups from 4 to 14+, as well as for parents and carers, and people working with children

the Child Protection in Sport Unit has advice on how to deal with safeguarding concerns

the Charity Commission has guidance on safeguarding and protecting people for charities and trustees

for further help handling safeguarding allegations in a charity, see the Department for Digital, Culture, Media and Sport's online safeguarding tool

Suitability of staff

- the Child Protection in Sport Unit outlines safe recruitment and selection procedures

you can find the DBS Eligibility Check tool online, as well as a plain language explanation of regulated activity with children in England

the DBS also has information about applying for criminal records checks

Farmer and Co have produced guidance on dealing with low level concerns about adults to safeguard children

Miscellaneous

- the Charity Commission
- the Charity Governance Code
- the Charity Ethical Principles
- HMRC
- search for your local authority's website

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Coronavirus (COVID-19)
Keep up to date with coronavirus (COVID-19): guidance and support

The UK has left the EU
Check the new rules for January 2021

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