Department for Education

Consultation outcome

Out-of-school settings (OOSS) voluntary safeguarding code of practice: Government consultation response

Updated 21 October 2020

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Introduction

On 2 December 2018, the Department for Education (DfE) published a consultation on a draft voluntary safeguarding code of practice for out-of-school settings (OOSS), and accompanying guidance for parents and carers. This consultation provided respondents with an opportunity to comment on the suitability of the draft code and propose revisions and recommendations to be incorporated into the final version.

Interested OOSS providers, staff and volunteers, parents and carers, accreditation bodies, local authorities, schools, young people, charities, and other interested groups and individuals were invited to comment on the documents, in order to inform their development and dissemination.

The consultation closed on 24 February 2019.

The consultation sought views on the documents' layout, accessibility, and relevance. It also sought views on to what extent the documents would help providers put in place adequate safeguarding arrangements; and what communication methods and channels would be most effective in raising awareness of the documents and ensuring their take-up.

When referring to OOSS, we mean organisations, or individuals, providing tuition, training, instruction or activities to children in England, without their parents' or carers' supervision.

OOSS are not:

- schools[1]
- colleges[2]
- 16 to 19 academies
- providers caring for children under 8 years old registered with Ofsted or a childminder agency[3]

OOSS generally provide tuition, training, instruction, or activities, outside of normal school hours (for example, during the evenings, weekends and school holidays), although some OOSS are run part-time during school hours to help meet the needs of those in home education.

An OOSS should not, however, be operating full-time (preventing a child from attending a lawfully operating school). Full-time is not defined in law. Further information on institutions that are required to register at schools is contained in DfE's guidance on registration. Such a setting would likely be regarded as operating as an illegal school, if it also met the remaining requirements for registration as an independent school. In such cases, the provider would risk a criminal prosecution for operating an unregistered school.

OOSS can take place in many kinds of venue, from a person's home to much larger and more formal places, such as community and youth centres, sports clubs, and places of worship. Fees may or may not be charged, and some settings may operate on a commercial basis.

Summary of responses received and the Government's response

This section sets out a summary of the responses that we received. It also sets out where we have decided to make additional changes as a result of consultation responses.

The responses received have been important in shaping and strengthening the code of practice, and accompanying guidance for parents and carers, to ensure both documents are fit for purpose. The responses have also informed the development of a supporting communications strategy to help raise awareness, and encourage take-up, of both documents amongst providers and parents or carers. DfE welcomes feedback from respondents. We have analysed every response and, in some cases, made changes to the guidance as a result.

Not all respondents submitted an answer to every question. Therefore the number of responses analysed below varies from question to question. Throughout this document, percentages are expressed as a measure of those answering each question, not as a measure of the total responses.

Due to rounding, percentage figures may not always add up to 100%.

This analysis does not include any issues raised by respondents which were outside the scope of the consultation, or the scope of the guidance.

Of the 227 responses we received:

- 78 were from OOSS providers
  - 14 of these respondents were also parents or carers
  - 25 of these respondents were also the designated safeguarding lead (DSL)
- a total of 42 respondents were parents or carers
- a total of 62 respondents identified themselves as the DSL
- the remaining respondents did not state which type of respondent they should be categorised as

We are pleased that over 200 organisations and individuals responded to the consultation, and grateful for the care, attention and detail that people gave in their responses.

A list of organisations that responded (which did not ask to remain anonymous) can be found at Annex A.

Consultation with steering group

Following the consultation closing, we have also been working closely with sector experts through the DfE steering group, including the NPSCC, Local Government Association, faith sector representatives, and representatives from the youth and tuition sectors, to discuss potential changes and additions to the OOSS non-statutory code of practice and accompanying parental guidance.

Working with this stakeholder group has provided us with the opportunity to receive feedback on amendments to these documents before we publish the final versions. We felt it was important to get this guidance right, and the DfE's steering group feedback has helped us to develop higher quality and more robust guidance.

A full list of steering group members can be found at Annex B.

Common Themes

Code of practice

Whole document

We are pleased that most respondents were positive towards the code of practice and noted that the document will be a useful tool for the sector. DfE also welcomes suggestions to improve the content and format of the document to help us ensure robust and high-quality guidance is developed.

A large proportion of feedback highlighted the need for the code of practice to be user-friendly, with the use of plain language and a simple format. This point was mentioned by respondents across several of the consultation questions. Therefore where we have addressed this fully in our answer to Question 1, we have not covered to the same degree of detail elsewhere in the document to avoid repetition. We have ensured the guidance meets plain English standards, so the language used is as straightforward as possible, and so that the meaning can be easily understood by those who are not safeguarding experts.

Some respondents believed that the term 'out-of-school settings' was likely to cause confusion, as it is not widely used by either providers or parents. This was subsequently echoed by the steering group of sector experts who felt that the title "Voluntary safeguarding code of practice: draft guidance for out-of-school settings providers" could result in the document not being considered relevant to some providers. They felt it could be seen to be covering extra-curricular activities linked to a school, such as school trips.

To aid understanding of the term 'out-of-school-setting' we have therefore changed the title of the code of practice to "Keeping children safe during community activities, after-school clubs and tuition: non-statutory guidance for providers running out-of-school-settings", and replicated this phrasing for the parental guidance. Also fed back as being particularly important by some was the inclusion of wording around "keeping children safe" to make it clear that the document was governing activities which children attend.

We also received feedback that describing the code of practice as 'voluntary' could serve to discourage providers from applying the best practices outlined within the document. While the code will remain voluntary, aside for the existing legal requirements highlighted throughout it, we have changed the title so that it is now 'non-statutory guidance for providers', in order to make it clearer that the code will be a helpful tool for providers to determine what existing legal obligations they need to meet, as well as to understand what basic safeguarding practices they should put in place to reduce the risk of harm to the children in their care.

Many respondents noted that shortening and simplifying the code of practice would make the document more comprehensible, with specific suggestions to include summary sections, checklists and more practical examples. We welcome these suggestions and have added section summary checklists to give providers more practical guidance, as well as contextual examples to provide applied examples of how practices can be implemented.

We also received feedback that many accreditation schemes and codes exist for specific types of setting, and so the code of practice may duplicate information already covered in existing policies or guidance (for example, uniformed youth organisations like Scouts and Guides are likely to already have comprehensive health and safety policies). We appreciate that larger OOSS are likely to have comprehensive policies which cover much of the content from the code. We have, therefore, been more explicit to state that, where providers are affiliated to, or members of larger organisations or accreditation schemes, they may already have appropriate policies in place – where they are required to meet certain policies and requirements as a condition of their affiliation or membership –but that having an accreditation or membership does not guarantee that your setting is safe. Individual accreditation schemes and large organisational bodies should be able to confirm whether their scheme or advice aligns with the DfE guidance for providers at a minimum.

Section 1: health and safety

Some respondents suggested additional content to be included in this section, specifically more information on mental health and wellbeing in pupils and staff, considerations for allergies, and specific information on food hygiene practices. Based on this feedback, we have added content on mental health and wellbeing, allergies and food hygiene.

Respondents also mentioned in several of the consultation questions that information on supervisor/child ratios be included. However, we have chosen not to include additional information on this point, as appropriate ratios are likely to differ depending on the circumstances of the setting (for example, whether they cater for children with SEND). We have covered this point in detail in our answer to Question 6 but to avoid repetition we have not referred to it elsewhere in the response.

Section 2: safeguarding and child protection, including online and digital safety

Feedback suggested that additional information, including the process for raising concerns (including children highlighting concerns), information on peer-on-peer abuse and mobile phone use, should be included in this section. Based on these recommendations, this section now includes information on how providers should respond to allegations made by a child, more detail on peer-on-peer abuse and recommendations around mobile phone use in OOSS.

Some respondents also noted that the information did not seem appropriate for volunteers only working a few hours per week, and suggested including shorter or more practical guidance. To assist with this, we have included a summary checklist, specifically for volunteers, at the start of the section, which can be used as a quick reference guide.

Section 3: suitability of staff and volunteers

Most respondents felt that this section was written clearly. Those who were less satisfied with the information provided helpful suggestions, such as adding information on the type of roles under-18s and ad-hoc volunteers can undertake.

However, we are keen that the document remains proportionate and, consequently, we have chosen not to include additional information on the type of roles under-18s and ad-hoc volunteers can undertake, as this is likely to differ depending on the circumstances of the setting or the type of activity.

Section 4: governance

Feedback suggested that the information provided had some crossover with wider organisations' procedures, in particular registered charities, which have separate legal requirements, and where they must adhere to Charity Commission guidance as a condition of their charitable status. Because of this some respondents felt that this section was of less value. We have added wording to the code of practice, to explicitly state that some settings may already have appropriate policies in place and those running, working or volunteering in settings, should check whether their organisation's existing governance arrangements meet the basic requirements highlighted within DfE code of practice.

Section 5: finance

We received mixed feedback around the usefulness of the finance section within the code of practice. Respondents felt that this section was not wholly relevant, and finance should not be part of a document about child safeguarding. The DfE steering group also agreed that this section was less useful.

In light of this feedback as well as comments that the code of practice is too lengthy, we have decided to remove this section from the document.

Parental guidance

We also consulted the sector on our accompanying parental guidance document, which is designed to provide additional information to parents and carers who enrol their children in OOSS. Feedback on this document was also positive, with respondents highlighting that the guidance will be a useful tool for parents or carers to help them choose a safe setting for their children.

Suggestions to improve the document typically focused on the document being fully accessible rather than differing with the approach. For instance, we received feedback that the document needed to be written in clear, jargon-free language. Therefore we have ensured the guidance meets plain English standards so the language used can be easily understood by those unfamiliar with technical safeguarding terms.

Respondents also requested that the document be made available in a range of different languages, to support those who have English as an additional language, and in different formats, to support those who are computer illiterate or do not have access to the internet. We have worked with our design agency to develop a printed leaflet version of the parental guidance. We have also commissioned a translation service provider to ensure that the parental guidance is available in 10 additional languages, to enable those parents, for whom English may not be their first language, to still access the document. The 10 languages selected have been identified in collaboration with our steering group and are those which we understand are predominantly spoken in England by those for whom English is not their main language. They are Polish, Romanian, Lithuanian, Urdu, Bengali, Punjabi, Arabic, Gujarati, Yiddish, and Somali.

Some respondents also requested additional content to be included in the guidance, including more information around how children can influence change in OOSS, raising concerns and feeling empowered. Based on this feedback, we have added information about how to raise concerns. To better empower parents to recognise safe versus unsafe settings, we have included checklists of 'red flags' and 'positive signs' to look out for when choosing a setting.

Consultation responses

Information about the voluntary safeguarding code of practice

Question 1

Overall, is the layout of the code clear and easy to follow? If no, please say what is unclear and how it could be improved.

There were 221 responses to this question.

	Total	Percent
Yes	194	85%
No	21	9%
I don't know	6	3%

Consultation findings

85% of respondents agreed that the layout of the code is clear and easy to follow.

We welcome feedback that most respondents thought that the code was clear and a useful resource. Those who thought that the code was less clear gave specific recommendations to improve clarity. Suggestions included ensuring the code is written in clear and consistent language and for the format to be more user-friendly, for instance through the use of bullet points and summary sections and providing more practical examples. Respondents also requested that the document be made available in a range of different languages.

Others suggested that the code was too long, and having a condensed version available for providers to summarise key points would be a helpful resource. Feedback also noted that considerations should be made in the document for smaller or newly operating OOSS providers.

Government response

We welcome that most respondents were positive about the current layout of the code of practice. We have attempted to reduce the length of the document, whilst ensuring all essential information is covered in enough detail. To make the guidance clearer and easier to understand, we have ensured the code meets plain English standards so that the meaning can be easily understood by those unfamiliar with technical safeguarding terms.

Based on feedback that condensed versions of the code would be helpful for providers, we have included checklists specific to different types of providers throughout the document. These include a 'basic requirements' checklist at the beginning of the code, summarising the first steps that providers should take to run a safer setting, as well as three 'basic requirements' checklists at the beginning of each section which clearly distinguish between the different requirements for large providers, small providers, and volunteers or lone providers.

The sectional checklists suggest which subheadings within the section are relevant for each type of provider to read, and what policies they should have in place, to reduce the risk of harm to the children in their care.

Question 2

Is the code of practice written in an accessible way that out-of-school setting providers will be able to use? If no, what can be changed about the code to make it more accessible?

There were 224 responses to this question.

	Total	Percent
Yes	181	81%
No	32	14%
I don't know	11	5%

Consultation findings

81% of respondents agreed that the layout of the code is clear and easy to follow.

Most respondents noted that the code of practice is written in an accessible way, to be of use for providers to use. Of those who thought that the document was less clear, some believed that the document was too long; the length could be overwhelming for small providers and therefore may not be read. Some respondents noted that certain providers would be unable to implement the guidance without additional training or resources. Similar to answers received to Question 1 regarding the layout of the code, feedback from respondents suggested that the code of practice should be available in a condensed form, with the inclusion of more practical guidance that can be applied to different settings. Respondents also gave specific suggestions to make the code more user-friendly, such as including checklists, templates and summary sections.

Other feedback highlighted the need for the guidance to be tailored for niche providers and settings run by individuals (such as coaches or tutors). Related to this, some respondents noted the difficulty to cater for a range of different OOSS providers in one document, where arrangements could be different for larger, more established providers, compared to smaller or newer providers, or those providers offering niche activities to children (for example, outdoor activities such as climbing).

Government response

We are pleased that most respondents agreed that the code of practice is written in an accessible way to enable OOSS providers to use the document effectively.

DfE welcomes suggestions to make the code of practice more accessible, to ensure it is used widely amongst providers. As mentioned previously, we have attempted to reduce the length of the document whilst ensuring all essential information is covered in enough detail.

Following feedback that the code could be made more accessible through the addition of practical guidance, we have added example scenarios and check lists. These example scenarios help to explain how different types of providers can implement the good practices detailed in the code. We have also signposted to practical tools that providers can use to support implementation of the safeguarding practices outlined in the code, including links to fire safety and risk assessment templates.

In addition to new 'basic requirements' summaries for each of the four document sections, outlining the specific policies providers should have in place depending on their size, we have included a checklist at the beginning of the code setting out the 'basic safeguarding requirements' we would expect all providers to meet regardless of their size and type of activity. We also recognise that certain providers offering specific activities will have requirements that other providers do not.

For instance, a drama club must obtain a licence before a child can take part in certain types of performances. To cater for these specialist providers, while also being mindful of the length of the main sections of the code, we have added an 'other requirements' section. These new additions will make the code of practice digestible for a wide variety of providers and support the implementation of the good safeguarding practices outlined within it.

Question 3

Are the 5 sections set out in the code of practice (health and safety; safeguarding and child protection, including online and digital safety; suitability of staff; governance; and finance) relevant to OOSS providers? Please add which areas are most useful and if there are additional areas the code should cover.

There were 225 responses to this question.

	Total	Percent
Yes	193	86%
No	23	10%
I don't know	9	4%

Consultation findings

86% of respondents agreed that the five sections set out in the code of practice (health and safety; safeguarding and child protection, including online and digital safety; suitability of staff; governance; and finance) were relevant to OOSS providers.

We are pleased that most respondents agree that the content is relevant to providers. Some respondents noted that sections one to three were more relevant and the sections on governance and finance were less relevant in a document about safeguarding.

Respondents noted that the governance section could have crossovers with existing organisational policies, such as requirements placed on them by an accreditation scheme, or the Charity Commission, as a condition of their membership or charitable status respectively. Other individuals highlighted how this section could put additional pressure on small providers, which might disincentive them from operating.

General feedback on the finance section was that the information provided was loosely helpful, but generally less relevant than other parts of the code. Some respondents highlighted that they did not see the relevance of finance to children's safeguarding.

Government response

We welcome that most respondents found the sections included in the code of practice relevant to OOSS.

Given feedback about the length of the code of practice, we have removed the finance section which was seen by respondents as the least essential.

We have also reduced the length of the governance section, by reducing the content and signposting relevant guidance instead. Not only does this cut down the length of the document while continuing to signpost to relevant advice, but also ensures that providers can access the most recent versions of legislation referred to in this section, such as 'charity law' which is frequently updated.

Question 4

Does section 1 (health and safety) set out clearly what OOSS providers should do to keep children attending their settings safe from harmful practices, which could impact their physical or mental health, development, or safety? If no, please say what additional guidance is needed in this section.

There were 223 responses to this question.

	Total	Percent
Yes	177	79%
No	37	17%
I don't know	9	4%

Consultation findings

79% of respondents agreed that section 1 clearly set out what out-of-school setting providers should do to keep children attending their settings safe from harmful practices.

Respondents who were less assured on the content in this section included suggestions on additional content. Including, information on mental health and wellbeing in pupils and staff, considerations for allergies, food hygiene practices, accident reporting and GDPR.

Some respondents noted that more practical guidance such as the inclusion of risk assessment templates and checklists would help providers to implement best practice.

As in previous questions, some respondents also noted that the code of practice duplicates information which is covered in the policies of accreditation schemes or other membership organisations.

Government response

We welcome suggestions from respondents including specific requests for additional information to be included within the code. Based on this feedback, we have added content on mental health and wellbeing, considerations for allergies, and food hygiene.

With some respondents specifying requests for more practical guidance, we have added links to templates and practical tools to help a wide range of providers implement the practices outlined in the code. We have also included 'basic requirements' checklists, and example scenarios, to show how providers of different sizes can use the code to reduce the risk of harm to the children in their care.

We appreciate that several providers are likely to have comprehensive policies which cover much of the content from the code. We have explicitly stated this in the 'How to use this guidance' section of the code and have advised that providers, who are signed up to an accreditation scheme or another OOSS membership organisation, can check whether its policies at a minimum cover the same basic requirements listed in the code.

Question 5

Does Section 2 (safeguarding and child protection, including online and digital safety) set out clearly what OOSS providers should do to help ensure children's wellbeing is comprehensively addressed? If no, please say what additional guidance is needed in this section.

There were 223 responses to this question.

	Total	Percent
Yes	164	74%
No	49	22%
I don't know	10	4%

Consultation findings

74% of respondents agreed that Section 2 (safeguarding and child protection, including online and digital safety), clearly sets out what providers should do to ensure children's wellbeing is comprehensively addressed in OOSS.

Where respondents were less assured on the information in this section, they were clear on specific improvements. Some respondents requested additional information to be included in this section, such as the process for raising concerns (including children highlighting concerns), information on peer-to-peer abuse, mobile phone and social media use, behaviour management, and when a provider should report, and act on, concerns about abuse that may be happening outside their care (for example, domestic abuse).

Others noted that the information did not seem proportionate for volunteers only working a few hours per week, with suggestions that shorter guidance should be available to be used as a checklist.

Government response

We are pleased that the majority of respondents agree that Section 2: safeguarding and child protection, including online and digital safety, is clear in setting out what providers should do to help ensure children's wellbeing is being comprehensively addressed.

Following the specific suggestions raised, we have included additional information around the process for raising and dealing with concerns (in particular those raised by children). We have also included more practical advice and examples on how to handle specific safeguarding issues, such as responding to allegations of peer-on-peer abuse, and suspected child abuse or neglect.

Further information has also been included on online safety issues and what should be included in a setting's online safety policy. To ensure the code of practice remains proportionate and up-to-date, we decided against including a specific subsection on social media, as the use of these sites cuts across many of the issues mentioned in the code, and the specific technologies used change rapidly.

However, we have added additional guidelines to the code on acceptable use of technologies and sharing images of children on social networking sites, and recommended that the use of social media is included in providers' staff behaviour policies. We will however keep this under review for any further revisions that we might seek to make to the code at a later date.

We appreciate that the code of practice is a comprehensive document, and the full document may not be suitable for a volunteer helping an organisation for a few hours a week. However, child safeguarding is everyone's responsibility and we believe that it is important that a volunteer helping for a few hours a week is equally as prepared to respond to safeguarding issues as a paid employee.

Where possible, we have made amendments to this section to make it clearer for volunteers. For instance, example scenarios, such as those highlighted above, have therefore been included to contextualise policies to make them more digestible. We have also, as mentioned previously in this response, produced summary checklists of 'basic requirements' at the beginning of the document, and at the start of each section, to signpost volunteers to relevant sub-headings they should review, and what actions they should take to help create a safer setting for the children in their care.

Question 6

Does Section 3: suitability of staff and volunteers set out clearly what procedures OOSS providers should undertake when hiring and maintaining staff and volunteers? If no, please say what additional guidance is needed in this section.

There were 222 responses to this question.

	Total	Percent
Yes	158	71%
No	43	19%
I don't know	21	9%

Consultation findings

71% of respondents agreed that Section 3: suitability of staff and volunteers is clear in setting out what procedures OOSS providers should undertake when hiring and maintaining staff and volunteers.

The general theme from the respondents was that this section was largely clear. Those who were less satisfied with the information provided helpful suggestions to include in the code, such as supervision ratios, the type of roles under-18s can undertake, and ad-hoc volunteers.

Other suggestions included having more clarity around:

- GDPR
- situations where personal information should be shared if there is a potential safeguarding concern
- distinction between staff and volunteers
- limitations of DBS checks
- arrangements for self-employed individuals.

For instance, concerns were raised around the administrative burden for smaller settings, with limited resources to complete certain checks, such as DBS and immigration status checks.

Government response

We welcome that most respondents were positive about the content and format of section 3: suitability of staff and volunteers, and note additional suggestions to make the document more accessible and user-friendly.

We are keen to ensure the code of practice is a helpful resource for providers of all sizes. We have added more information and practical guidance to ensure small and new providers have appropriate measures in place. This includes the addition of a 'basic safeguarding requirements for all OOSS providers' checklist at the start of the code, which suggests some first steps providers can make to create a safer setting. The 'basic requirements' checklists at the start of each section list specific measures small providers should have in place to ensure they recruit suitable staff and volunteers.

We note concerns about settings being unsure how personal information can be shared while remaining compliant with GDPR, and we have been more explicit in the code of practice that 'concerns about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children'. This information has been added into the specific subsection on 'GDPR and the Data Protection Act'.

We appreciate suggestions for additional content to be included in the code of practice but, due to the length of the document, we are keen that the document remains proportionate. Consequently, we have chosen not to include some of the additional content requested, such as the type of roles to be undertaken by volunteers, and the difference between paid staff and volunteers, as this is likely to vary significantly between different settings.

We have also not included information around limitations of DBS checks, but we are clear in the code that DBS checks will only:

- disclose certain unspent and spent convictions and cautions
- give information about records held in the UK
- provide a snapshot of a particular time period, and therefore should not be relied on indefinitely

We have also signposted to where more information can be found, including providing a link to an eligibility tool.

While we appreciate concerns about the completion of certain checks, such as DBS and immigration status, putting an additional administrative burden on smaller settings, DfE does view such checks as being an essential part of any providers' safeguarding arrangements and processes for ensuring volunteers, and staff are suitable to be working with children. Where eligible to do so, we would expect such checks to be undertaken as a matter of course.

Question 7

Does Section 4: governance set out clearly what procedures OOSS providers should undertake to help ensure strong governance of their setting? If no, please say what additional guidance is needed in this section.

There were 222 responses to this question.

	Total	Percent
Yes	169	76%
No	33	15%
I don't know	20	9%

Consultation findings

76% of respondents agreed that Section 4: governance was clear in setting out what procedures OOSS providers should undertake to help ensure strong governance of their setting.

We are pleased that most respondents found this section clear in outlining the appropriate procedures providers should have in place to ensure strong governance within their setting.

For those who thought this section was less useful, respondents noted that the information provided had some crossovers with existing governance requirements placed on them as a condition of their membership to an accreditation scheme, or sector organisation, in particular providers who were registered charities or operating under the Scouts or Girlguiding banner. Some respondents were unsure whether they should follow the guidelines in the code of practice, or if they were exempt from these, due to having existing governance arrangements that they must follow.

Some respondents were also concerned about additional pressure on small providers and volunteers, and noted that for them to be able to implement this section as intended, they would need additional help or support.

Government response

We welcome that most respondents were positive about the content and format of section 4: governance, and note additional suggestions to make the document more accessible and user-friendly.

To ensure checks and arrangements are proportionate to the type of provider, we have added checklists covering basic requirements to clearly highlight a summary of the essential arrangements needed for smaller providers. We have also reduced the size of this section by signposting to advice and practical guidance rather than detailing policies in full.

As many providers who are members of accreditation schemes, or larger sector organisations, are likely to have comprehensive governance policies which cover much of the content from this section, we have explicitly stated that some providers may already have appropriate policies in place. We have suggested that those running, working or volunteering in settings should check whether advice on governance arrangements is already in place within their organisation's policy. These, at a minimum, should meet the basic requirements highlighted within the DfE code of practice.

We appreciate that the code of practice is a comprehensive document, and not all the information will be applicable to a volunteer helping an organisation for a few hours a week. For this reason, we have included a checklist at the beginning of this section which specifically lists the subheadings that will be relevant for volunteers to read and what actions they should take as a result. For example, the volunteer checklist makes clear that volunteers should be aware of their organisation's whistleblowing policy, while the checklist for large providers notes that individuals running settings which have 5 or more staff members are expected to create a whistleblowing policy.

Question 8

Does Section 5: finance set out clearly what procedures OOSS providers should undertake to help ensure strong financial controls in their setting? If no, please say what additional guidance is needed in this section.

There were 222 responses to this question.

	Total	Percent
Yes	168	76%
No	21	9%
I don't know	33	15%

Consultation findings

76% of respondents agreed that Section 5: finance was clear in setting out what procedures OOSS providers should undertake to help ensure strong financial controls. Some respondents mentioned that the advice for providers to register with HMRC was particularly useful.

However, the general feedback from respondents was that whilst the information provided in this section was loosely helpful, it was less relevant than other parts of the code, and the relationship between children's safeguarding and financial arrangements was unclear.

Respondents who found the information in this section less helpful also noted that small providers would need additional support to implement the suggested practices given that finance is a very complex area. It was also suggested that this section focused too much on guidance for charities, given that the advice could be applicable to a wide range of providers such as those that are community interest companies.

Respondents also felt that more information was needed on areas such as:

- expenses for volunteers
- how to register gifts received
- approaches for external third party ad-hoc providers who may be subject to other financial processes

Government response

We welcome constructive comments on the relevance of the finance section within the code of practice. With general feedback that the code of practice was too long, and that the finance section was less relevant and useful in the context of OOSS, we have removed this section of the document.

Where respondents mentioned that information in this section was particularly useful, such as the reminder to register with HMRC, we have included it elsewhere in the code.

Question 9

To what extent will this code help providers deliver safeguarding in their setting?

Consultation findings

Most respondents noted that the code of practice is a helpful resource for providers, as it gives a clearer account of safeguarding good practice in OOSS by bringing together disparate guidance about children's safeguarding to improve consistency across the sector. Many noted that the code clearly clarifies roles and responsibilities of providers and reduces confusion by setting out minimum required standards.

Others noted that the introduction of the code is likely to improve standards across the OOSS sector by providing a useful framework for providers to build on. Generally, it was felt that the code would be most useful for new providers, or as a refresher for more established providers.

However, some respondents also raised that the code could put small providers out of business or disincentivise them from operating due to added pressures. Concerns were also raised over the effectiveness of the code due to the 'voluntary' nature of the document. Some believed that providers which are not currently following appropriate safeguarding procedures would be less likely to use the code and, therefore, safeguarding concerns could still exist in some settings.

Respondents also noted concerns that the document would only be useful if providers were aware of, and had access to, the code, with some suggesting a key difficulty would be ensuring the dissemination of the document across the sector. Others noted challenges communicating the document to providers, especially smaller providers which may be less known.

Government response

We welcome feedback that the code of practice is a helpful resource for the sector, giving clear information on safeguarding good practice.

DfE is conscious that the code of practice will need to be disseminated widely amongst OOSS providers for it to be effective. We have worked closely with communications teams across DfE, and representatives from the sector, to develop a communications strategy and to think about effective ways to share the document with OOSS providers (taking into account accessibility concerns raised throughout the consultation responses).

Large organisations within the sector, accreditation schemes, other sector membership organisations, faith organisations and local authorities have established networks which include smaller providers and, in some cases, parents as well. We aim to leverage the existing networks of these large organisations to raise awareness of the code of practice, and associated parental guidance, by providing them with a media pack which includes promotional posters, information leaflets and social media graphics for distribution across online and offline channels. We believe that using larger organisations to cascade down promotional and informational messages is the most efficient way of raising awareness amongst hard-to-reach providers.

We appreciate concerns around the voluntary nature of the code. However, the intention behind the code of practice is for it to be a supportive resource for providers. By bringing together and consolidating in a central location what providers should be doing to meet the key existing legal obligations expected of them, alongside good practice on safeguarding issues, we hope to create a resource that will help providers to understand what the safeguarding expectations should be in OOSS.

By also raising awareness of the parental guidance with parents and carers, we hope to give parents and carers the tools they need to ensure that any OOSS they are choosing for their children has appropriate safeguarding measures in place, and that, in turn, this demand for safer settings will improve standards across the sector.

We are pleased that respondents noted that both more established providers, and newer providers, will find the code of practice a helpful resource. To build on this, we have distinguished what basic arrangements different sized providers should have in place within the code of practice. Promotional posters and information leaflets will also show providers some initial steps they can take to run a safer setting, acting as a helpful tool and encouraging them to explore the full code of practice document for further actions to take.

Question 10

What methods and channels would be most effective in raising awareness of the code among OOSS providers?

Consultation findings

Respondents noted several ways in which to raise awareness of the code amongst OOSS providers.

Many respondents noted that large organisations and providers within the sector, local authorities, and schools were key to raising awareness of the code with OOSS providers. Some respondents noted that governing bodies and related organisations, such as the Charity Commission, and faith sector organisations, could also help to share the code more widely with providers. Networks and groups, such as parent associations and online forums (for example, Mumsnet) were also suggested as a method to increase awareness.

Respondents thought that media and advertising would be essential to raise awareness of the code, with the majority suggesting social media as the most effective method through which to do this. Other suggestions included the use of emails, newsletters, news stations, websites and TV adverts.

Some respondents also made the point that it would be important for information about the code to also be made available in paper form, and promoted in public places, including at doctors' surgeries, sports centres, community halls and churches.

Government response

We welcome feedback from respondents around how to raise awareness of the code with providers. DfE has worked closely with our communications teams to ensure we use a wide range of channels, and collaborate with key organisations in the sector, to raise awareness of the code of practice.

The communications campaign we have developed, to raise awareness of the code of practice amongst OOSS providers, will focus on engaging key stakeholders from across the sector to cascade promotional materials, information and supportive messages down to providers. We recognise that the OOSS sector is extremely diverse so we believe that this strategy is the most effective approach for raising awareness of the code amongst a wide range of providers, and particularly those that are lesser known and hard-to-reach.

DfE has collaborated with a design agency to produce posters, leaflets and social graphics which can be shared via a range of channels including email, social networking sites and web pages. DfE has also developed versions of these materials which are suitable for printing and can be distributed by the large stakeholders we are engaged with.

Question 11

What would be the most effective way of helping to ensure that the code is taken up by providers and that OOSS meet the standards?

Consultation findings

We welcome feedback from respondents around how to ensure that the code is taken up by providers. Many respondents suggested including more practical guidance, such as the use of templates and checklists to help providers assess their current level of compliance against the standards recommended by the code. There were also requests for more formal training to be made available.

Some respondents were also in favour of providers being inspected on safeguarding. Others, however, had mixed views on the usefulness of inspections, with some noting that while inspections could help ensure providers implemented all the recommendations set out in the code, they could also add significant pressure and potentially disincentivise some providers from operating.

Respondents also noted the important role parents and carers can play in policing settings. Some believed that parents and carers who are aware of the code of practice and associated parental guidance would be more likely to choose settings which have a clear safeguarding policy and this, in turn, would encourage providers to meet the standards laid out in the code.

Other suggestions included certification for organisations to advertise that they follow the code of practice, and a registration scheme for OOSS providers to sign up to.

Government response

We appreciate suggestions from respondents to ensure that the code of practice is taken up by providers.

Using the feedback provided, we have included checklists within the code outlining the basic requirements OOSS providers should have in place to reduce the risk of harm to the children in their care. Where possible, we have also provided links to further guidance and templates which can used to complete the actions recommended in the code, for example, risk assessment templates are included in the health and safety section.

We appreciate that the availability of appropriate training for providers and volunteers will help to educate individuals about safeguarding and the necessary arrangements they should make within their specific settings. Some local authorities already offer free or supplemented training to support those operating or working in settings for children and young people.

We have also signposted low-cost and free online training courses in the code where appropriate, for example we have provided a link to the NPSCC's introductory child protection online course in Section 2: safeguarding and child protection.

However, where many settings are often voluntarily run on a not-for-profit, or low cost, basis we do see the benefit of there being a wider offer available which is free-of-charge for providers. We are therefore looking to develop a free e-learning package in collaboration with sector partners over the coming months, which would be made available online, and to which we will signpost from a gov.uk webpage dedicated to housing OOSS resources and promotional materials.

Question 12

Do you have any other comments on the providers' code of practice?

Consultation findings

Respondents' feedback was largely positive about the code of practice. Many individuals highlighted that the guidance was 'timely' and welcomed it as a useful tool for the sector. Some also indicated that the document would help to provide clarity for providers, who are often confused about how various pieces of disparate legislation and guidance work together.

DfE welcomes feedback on how to improve the code of practice. Some

DfE welcomes feedback on how to improve the code of practice. Some respondents noted that the document should provide more distinction between different types of settings, such as distinguishing between individuals running services and larger providers.

Some respondents also noted that the code was long, which raised concerns that it may disincentivise smaller providers from operating. Others were unconvinced that providers would implement the suggested practices in the code due to its voluntary nature.

Individual respondents noted challenges around carefully planning how the code is disseminated to local providers to raise awareness of the guidance. Others noted that parents also need to be aware of the guidance and necessary safeguarding measures in order to ask relevant questions of providers when choosing OOSS for their children.

Government response

We are pleased that respondents were largely positive about the code of practice and that its development is seen as timely for the sector.

Noting feedback from respondents, we have provided checklists and example scenarios which show how safeguarding arrangements may differ for settings of various types and sizes, including lone providers (such as tutors) versus large providers with multiple staff and volunteers.

We appreciate that the code of practice is relatively long. However, as the document is specifically designed to ensure children are kept safe when attending OOSS, we do not feel we can compromise on some of the detail. Where possible, we have condensed the information and signposted to relevant tools. We have also removed the 'finance' section of the code as this section was largely considered by respondents to be less relevant within a safeguarding document.

DfE also realises that disseminating, and ensuring all providers have access to, the code of practice will be a challenge. To address this challenge, we have developed a phased communications strategy which focuses on first engaging large stakeholders within the sector (such as local authorities, faith sector organisations, large OOSS providers and other OOSS membership organisations) to promote the code of practice.

These large stakeholders will then cascade information and promotional materials down to smaller, hard-to-reach providers. We have worked with a design agency to develop a range of assets to support the communications campaign. Large stakeholders will be provided with a pack of these assets to support their messaging which will include brand guidelines, promotional posters, information leaflets, a pdf version of the code of practice, and social graphics. These assets will be suitable for both online and offline distribution to ensure that awareness of the code is also raised with providers that have limited internet access.

The third phase of the communications strategy will focus on raising awareness of the code of practice and associated parental guidance document with parents. As many of the large stakeholders mentioned above (for example, local authorities and faith sector organisations), have established parent networks, we will leverage these existing relationships to inform parents and carers of the new guidance, and give them the confidence to ask providers questions about their safeguarding arrangements.

We have commissioned a design agency to produce further assets for this arm of the campaign including information leaflets, social graphics, and a PDF version of the guidance. We have also engaged a translation agency to translate the parental guidance into 10 languages in order to better engage parents and carers who speak English as an additional language. They are Polish, Romanian, Lithuanian, Urdu, Bengali, Punjabi, Arabic, Gujarati, Yiddish, and Somali.

Information about the safeguarding guidance for parents and carers

Question 13

Are the questions and example answers for parents and carers clear and easy to understand? If no, please say what is unclear.

There were 217 responses to this question.

	Total	Percent
Yes	184	81%
No	20	9%
I don't know	13	6%

Consultation findings

81% of respondents agreed that the questions and example answers for parents and carers were easy to understand.

Some felt that by making the document easy to follow and accessible, we had however sacrificed content. Other respondents felt that the guidance needed to be more accessible to parents and carers, for instance by making the document available in a number of different languages.

Respondents also noted that the document was long, with a lot of information for parents and carers to read. Some suggested that a condensed version of guidance would be a more helpful resource, including a more practical checklist to help decision-making when choosing an OOSS.

Some specific additions were suggested for the guidance, including more information on how children can influence change in OOSS, how to raise concerns and feel more empowered.

Concerns were raised around the document adding to the workload of OOSS providers due to the increased time they might spend answering parental queries. Some also noted that parents would need to feel empowered to ask questions in the first instance. Others were concerned that the guidance would make a parent uneasy about leaving their child at an OOSS, and that the questions and answers should be phrased in a way that is less daunting.

Government response

We welcome these suggestions to improve the accessibility of the documents for parents. DfE has worked closely with a design agency to create a leaflet form of the guidance, summarising its key points in a user-friendly format which includes checklists and bullet-pointed lists. We hope, by providing a condensed version of the guidance in leaflet-form, that parents will be encouraged to read the full guidance for additional information.

Based on feedback from respondents, we have made it clear in the guidance that parents and carers should feel empowered to ask providers questions, and if questions are not welcomed by providers, then this should be considered a 'red flag'.

We hope that the accompanying communications campaign for the code and guidance will also instil confidence in parents to ask questions, as large sector stakeholders will be encouraged to promote safeguarding questions as a normal and right step in choosing OOSS. We have also added checklists of 'red flags' and 'positive signs to look out for' which include visual signs that parents can look out for, such as 'evidence of a dangerous environment, for example, loose wires, damp, no clear emergency exit, etc', to help them choose a safe setting for their child if they feel uncomfortable asking questions.

Taking into account comments from respondents, that parents and carers would benefit from further information in the guidance on raising concerns, we have added a specific section at the beginning of the document on what parents should do if they have concerns, including relevant contact details such as the NSPCC helpline.

Question 14

Are the questions and example answers for parents and carers right and sufficient? If no, please say what further questions and answers should be included and what you would change about the current questions and answers.

There were 215 responses to this question.

	Total	Percent
Yes	152	67%
No	38	17%
I don't know	25	11%

Consultation findings

67% of respondents agreed that the questions and example answers for parents and carers were right and sufficient.

We are pleased that the majority of respondents noted that the questions included within this part of the guidance are seen as a good minimum. Of those who were less assured with the questions included as part of the parental guidance, some specifically requested additional questions to be added, such as: more information about what training is undertaken by providers and their staff and how often, as well as more specific guidelines about how to escalate concerns (including when to contact the police).

Others noted that the parental guidance was too long for parents to read, and that several of the questions and example answers seemed too technical. Feedback also suggested that questions within the guidance should be stated in priority order.

Similar to the previous question, some respondents noted that not all parents would feel comfortable and empowered to question providers. Respondents noted that some parents would be unlikely to ask questions until something goes wrong, whereas others might find it difficult or feel embarrassed to ask questions (for instance, parents may worry it would be seen as rude to ask a provider, who is also a relative, family friend or well-respected community member, if they have a DBS check).

Government response

We welcome feedback around the example questions included in the parental guidance. With some noting that the document in its current form is too long for parents to read, we commissioned a design agency to develop a condensed version of the guidance in leaflet form which will cover the document's key points and signpost parents to the full guidance for more information.

We welcome specific suggestions to include additional content in the parental guidance and have, subsequently, included additional detail on how and when parents and carers should escalate concerns (including if a child is in immediate danger, to contact the police).

We have also encouraged parents to ask providers for their complaints policy, so they can be aware of how to raise concerns in the first instance with the provider (where appropriate), who they can complain to, and how concerns will be dealt with. We have revised the order of the questions based on further consultation with DfE's OOSS steering group to ensure that they are listed in priority order.

To ensure the document remains proportionate, we have not included more specific information on relevant training as this will likely vary based on the nature of the setting and type of activity being undertaken. In the parental guidance, we have stated that training should be repeated at frequent intervals or if the providers' circumstances change. However, there is more detail on the frequency of safeguarding training outlined within the code of practice which parents may also find useful to reference.

For instance, in the code we have recommended that the DSL reviews the training they have undertaken on an annual basis to help them determine whether they need to undertake additional or refresher courses.

Taking into account respondents' concerns that some of the questions and example answers were too technical, we have made the language more user-friendly. For instance, the example answer to the question 'Are your staff DBS-checked?' included technical and legal terminology that many parents may have struggled to understand without prior knowledge.

We have, therefore, changed the question to 'What checks do you undertake to ensure that staff are suitable to work with children?' and have removed the technical language around DBS in the example answer, replacing the content with more varied examples of the different recruitment checks that providers may undertake on staff and volunteers (for example, asking for references, identity checks, etc).

The parental guidance explicitly states that OOSS are not regulated under education and childcare law, and that the questions are, therefore, intended to support parents in their decision-making when choosing a provider. However, we appreciate that parents and carers need to feel empowered to ask appropriate questions.

To address this challenge, we will launch a communications campaign that will firstly target providers to raise awareness of the code of practice and parental guidance, and to encourage them to create a safeguarding culture within their setting which welcomes questions from parents.

We have made clear to providers that they should expect questions from parents by including a 'questions parents may ask you' component at the end of each section in the code of practice. Messages of support for the code of practice and parental guidance document, by large sector stakeholders (for example, local authorities, faith sector organisations, large OOSS providers, etc), will also show parents and carers that asking a provider safeguarding questions is a normal and acceptable part of choosing a safe OOSS for their child.

Question 15

Is the guidance presented in an accessible way that parents and carers will be able to use? If no, what can be changed about the guidance to make it more accessible?

There were 215 responses to this question.

	Total	Percent
Yes	135	63%
No	51	24%
I don't know	29	13%

Consultation findings

63% of respondents agreed that the parental guidance is presented in an accessible way to be of use to parents and carers.

Respondents who thought the document was not user-friendly gave specific suggestions to make the guidance more accessible. Some noted that the document appeared long and that this would discourage parents from reading it. Others noted that the document needed to be written in plain English and be made available in a range of languages to be accessible for those who speak English as an additional language. It was felt that a shorter, more user-friendly version of the guidance, which used bullet points to break up the text for instance, would make the content more engaging and digestible for parents.

Other feedback suggested that the content of the document assumed prior knowledge of the subject area (for example, DBS checks) so more background information should be given to parents and carers to aid their understanding.

Some respondents noted that parents and carers would need to be able to access the document for it to be an effective resource. They suggested, therefore, that the parental guidance should be widely available in different formats to ensure that individuals who, for example, are not computer literate, or do not have internet access, can still access and use the guidance.

Government response

We welcome feedback that most respondents thought the parental guidance is presented in an accessible way to be of use to parents or carers.

With some concerns raised around accessibility of the document in its current form, we have worked with our design agency to develop a condensed version of the parental guidance in leaflet form. The leaflet will highlight key information from the guidance such as the 'red flags to look out for' checklist, as well as an example scenario of a parent asking a provider some questions from the guidance to help aid understanding of how the full document can be used in practice.

Illustrations will accompany the leaflet's content to make it more accessible to parents and carers who are unable to digest large amounts of text. We are also working with our design agency to create a PDF version of the parental guidance which can be printed for parents and carers without internet access. This will accompany the accessible HTML version of the parental guidance hosted on gov.uk.

As mentioned previously, we have also commissioned a translation agency to make the parental guidance available in 10 different languages to enable parents who speak English as an additional language to access the document.

Question 16

To what extent will this guidance help parents' and carers' decision making about which OOSS they choose for their children?

Consultation findings

Many noted that the parental guidance will help parents and carers to make an informed choice about the setting that they are sending their child to and provide them with reassurance that their child is in a safe environment. Some noted that the existence of the guidance will help parents to ask providers appropriate questions. Others noted that the document helpfully highlights that out-of-school settings are not regulated under education and childcare law and, as such, are not subject to oversight by a single body or agency. Where safeguarding is everyone's responsibility, this might encourage parents to take a more proactive role in terms of checking what the safeguarding arrangements are within individual OOSS.

Concerns were raised around the difficulty of ensuring all parents and carers have access to the document as the usefulness of the guidance would largely be dependent on the awareness, motivation and commitment of parents. Some also felt that despite the document's existence, parents and carers are still likely to base decision-making on other factors such as location, reputation of the setting and the type of activity provided.

Similar to responses to the previous question, some were also concerned that the guidance was too long and as a consequence parents may not read it. To overcome this, respondents suggested making the document more user-friendly by including more practical information such as what OOSS with good safeguarding practices in place look like as opposed to providers with little regard for safeguarding. However, others were concerned that parents would have to undertake their own risk assessment and use their judgement, based on conversations with providers, rather than concrete information.

Government response

We welcome feedback from respondents about whether the parental guidance will help parents and carers choose an appropriate OOSS for their child. We hope that the existence of the code of practice and accompanying parental guidance will enable parents and carers to take a more proactive role in considering the safety of settings, when choosing an OOSS for their children.

To highlight this, the guidance is explicit that there is no single legal framework governing the operation of these settings, and that they are not inspected or assessed by a single regulator. It is also clear that parents should feel that they are able to ask questions about providers' activities and policies and that a trustworthy provider should welcome these questions. To further highlight this, we have commissioned a design agency to create assets and brand guidelines for a communications campaign which aims to raise awareness of the parental guidance, and encourage large OOSS stakeholders to provide supportive messages, to increase parents' confidence in asking providers questions about safeguarding arrangements.

To address concerns about the length of the document, we have commissioned the design agency to create a condensed version of the guidance in leaflet form which includes a summary of 'red flags' that may suggest a setting is not a safe environment for a child and an example scenario to show how the guidance can be applied in practice. Summaries of 'red flags' and 'positive signs to look out for' are also included in the full version of the guidance to help parents and carers become more familiar of what good safeguarding practices within OOSS looks like.

Question 17

What methods and channels would be most effective in raising awareness of the guidance among parents and carers?

Consultation findings

We welcome feedback from respondents about the most effective ways to raise awareness of the parental guidance amongst parents and carers. Several respondents suggested that awareness of the code of practice should be raised through schools, local authorities and OOSS providers themselves.

It was also suggested that advertising platforms should be used to raise awareness, including social networking sites and relevant websites and forums such as Mumsnet. Other suggestions included distributing the guidance via mailing lists, parents' groups and social workers, as well as making paper copies available in public places, often visited by parents and carers, such as children centres, GP surgeries, libraries and leisure centres. A few respondents suggested information on the guidance could be distributed to parents and carers when they signed up to existing government services, such as child tax credits.

Government response

We appreciate suggestions on how DfE can raise awareness of the guidance among parents and carers.

After considering the feedback from respondents on what channels would be most effective, we commissioned a design agency to develop a range of assets that can be used to promote awareness of the guidance and code of practice, both online and offline. We recognise that 'parents' are an extremely diverse audience and so we believe that the most effective method of reaching them is by leveraging the existing parent networks, of key stakeholders in the OOSS sector, such as local authorities and large providers.

These key stakeholders will be provided with brand guidelines and a pack of assets that are both printable and suitable for sharing digitally. Social graphics in the asset pack can be used on stakeholders' social media channels, and guidelines on messaging will also be included so stakeholders can inform, support and boost the confidence of parents and carers to use the guidance document.

Question 18

Do you have any other comments on the guidance for parents and carers?

Consultation findings

Most respondents did not have any further comments on the parental guidance. Of those who had additional thoughts and feedback, they noted that the document was a good starting point to improve safeguarding and a useful document.

Others noted that a condensed version of the guidance would be useful to incentivise busy parents to use it as a tool to help them choose safer OOSS for their children. It was also highlighted that some parents and carers might want additional information on certain points and therefore more links to appropriate advice could be helpful.

Government response

We welcome feedback from respondents that the parental guidance is a useful tool for parents and carers and a good starting point to improve awareness of the safeguarding issues that can exist in OOSS.

DfE appreciates specific recommendations to improve the usability of the guidance and we have worked closely with our design agency to develop a condensed version in leaflet form which summarises the key information for parents and carers. Where possible, we have signposted to further advice so that parents and carers are able to access additional information on specific policies or further inform their understanding of safeguarding requirements for OOSS providers, where they wish to do so.

Responses from correspondents

We received similar themes from respondents who replied to our consultation via correspondence.

Generally, correspondents were positive about the code of practice, and feedback suggested that it would be a helpful resource for the sector. Specific comments noted that the code was a useful mechanism to demonstrate good practice and a helpful resource to strengthen safeguarding across the sector. Others also noted that the guidance aligned and fitted well with the Charity Commission's new strategy to instil trust in organisations. We welcome suggestions to improve the code of practice, including specific suggestions on additional content. Generally, respondents noted that the use of plain English and a more accessible format would help with uptake of the document. Suggestions also included making sure the document was published in a range of languages. Some noted that checklist style elements were particularly helpful throughout the document.

Some respondents noted that it would be helpful for additional content to be included, such as more specific information on how a DSL should be appointed and how their role is understood by staff members, volunteers and parents; content on promoting the moral and spiritual wellbeing of children; and more reference to the United National Convention on the Rights of the Child at the start of the document.

Feedback suggested that most OOSS should be able to meet the requirements, but this was likely to be more challenging for smaller settings. Similar to the majority of consultation responses, email responses also highlighted some concerns about cross-over with organisations' existing policies, such as those that providers may follow as a condition of their membership to an accreditation scheme. Others noted that the voluntary nature of the code could result in providers not implementing the good practices detailed within it and therefore put children at risk.

Those who were less pleased about the introduction of the code of practice highlighted concerns that it could diminish religious freedoms and the independence of the faith sector. For instance, some felt that the inclusion of the subheading on 'extremism and radicalisation' in Section 2: safeguarding and child protection of the code was concerning due to the definition of the term 'extremism' being viewed as ambiguous by respondents. In spite of the code being a voluntary document, some also felt that the inclusion of the 'extremism and radicalisation' subheading could be a precursor to OOSS being inspected on their teaching of fundamental British values.

Next steps

DfE recognises that the OOSS sector is large, very diverse and not regulated under childcare or education law. While there are existing legal powers in place that can be used to protect children in these settings, we are keen to ensure, that in the absence of a specific regulatory framework, we are doing all we can be to safeguard children and protect them from the risk of exposure to harmful practices, such as: unsafe premises, unsuitable staff, inappropriate forms of punishment and discipline, and exposure to harmful extremist views. That is why, as part of a wider package of work, we are taking steps to help raise safeguarding standards across the sector.

Amends to the code of practice and parental guidance

We have used feedback from this consultation to amend both the code of practice and accompanying parental guidance to ensure that they are useful tools for providers and parents. For instance, based on respondents' feedback.

For instance, based on respondents' feedback we have ensured that both documents meet plain English standards so that providers or parents with no prior specialist knowledge are still able to understand the content.

Other key changes implemented to make the documents more user-friendly include the addition of example scenarios to show how the guidelines can be put into practice in a setting, as well as checklists to make information more digestible, especially for smaller providers, volunteers, and parents and carers. Additionally, the parental guidance will be translated into 10 different languages to make it more accessible for those parents and carers who speak English as an additional language.

While many respondents cautioned against making the documents too lengthy, we did take suggestions to include some additional content on issues such as mental health and wellbeing, considerations about allergies, food hygiene practices and raising and dealing with allegations (including those made by children).

The code of practice and parental guidance was published alongside this response in October 2020. We intend to review the documents on an ongoing basis to ensure that they remain relevant and useful to the sector.

Launching a communications campaign to raise awareness of the code and guidance

We recognise that the code of practice and parental guidance are voluntary. To help ensure take-up, we will be launching a communications campaign to raise awareness of the documents as helpful tools for providers and parents and carers.

We will engage large stakeholders in the sector who can leverage their existing provider and parent networks to raise awareness of the code and guidance. We have worked with a design agency to develop assets and brand guidelines to support the campaign. Assets developed include promotional posters, information leaflets and social graphics.

Awareness will initially be raised with providers so that they can digest the code and put the suggested safeguarding practices in place in their setting. The second phase of the campaign will focus on raising awareness of the code and guidance with parents and carers to enable them to feel accountable and empowered when it comes to choosing a safer OOSS for their child.

The campaign's messaging will focus on:

- clarifying the purpose of the code and guidance
- dispelling concerns that the code and guidance are complex and burdensome
- informing providers, parents and carers about who the documents can be used by and where they can access them
- supporting providers, parents and carers to use the code and guidance to create and choose safer settings
- social-norming a culture where good safeguarding practices are implemented by and expected of all providers
- boosting the confidence of parents so they feel equipped to ask providers the right questions to determine whether a setting is a safe environment for their child

Gathering evidence from our OOSS pilot scheme to inform best practice

In addition to the development of the voluntary safeguarding code of practice for OOSS providers, and the accompanying guidance for parents or carers (published alongside this report), we have also been undertaking a package of activity aimed at boosting local capacity to identify and tackle settings of concern. This has included the provision of up to £3 million of targeted funding to selected areas to explore and examine the different means through which local authorities, working together with other relevant agencies – such as the police, local fire and rescue services, the Charity Commission and Ofsted – can conduct safeguarding activity in these settings; testing the utility of powers held; and the various community and outreach approaches that can be used.

The main phase of this work concluded in March 2020, and we are considering what our national next steps from this should be. However, where promising approaches for enhancing safeguarding activity have already been identified we are seeking to continue these further so that we may gain further insight and learnings from this work. We will also be considering how the outputs from the work can be used to help inform the development of best practice for local authorities and relevant partners on how existing legal powers can be used, and agencies most effectively work together, including through community engagement and outreach, in order to identify settings of concern and address safeguarding and welfare issues.

Annex A

List of organisations that responded to the consultation:

- The Lighthouse Learning Hub
- The Scouts
- 1st Chester-Le-Street Guides and 1st Birtley Guides and Birtley Rangers
- Centre for Young Musicians Taunton - a division of the Guildhall School of Music & Drama
- Scout Association
- Girlguiding
- Scout troop
- The United Reformed Church
- Medina Valley Centre
- UK Youth
- Play Learning Life CIC
- Faith Associates
- Staplehurst Free Church
- The Football Association
- The EBP
- Nishkam Gurmat School
- Kangaroos
- Woodcraft Folk
- Saint Saviour's Church
- Hornsey Lane Estate Community Centre
- Torwood House School
- VOICE
- Kalamna C.I.C.
- Belmont Chapel
- 1st Pudsey Guide Unit
- Manchester Metropolitan University
- St Marks Out of School Club
- National Resource Centre for Supplementary Education (NRCSE)
- Esseham Music Charity
- MathsMakers
- The Woodfield Nest Pre-school & OOSC
- Kelly H childminder
- SML College
- Warwickshire Contract Bridge Association
- Menphys
- CPAS
- The out of school experience
- London Play
- Youth Work Unit Yorkshire and Humber
- Wallingford Castle Archers
- Manor Farm Countryside Activity Club
- Breath of Life Seventh Day Adventist Church
- St John's Church, Hartford
- Rugby Football Union
- Monkfield Park Primary School
- General Assembly of Unitarian and Free Christian Churches
- The Association of Directors of Children's Services Ltd
- Article 39
- Chair of Surrey Clubs for Young People
- Rochdale Children's Services (on behalf of the North West regional LADO group)
- Madani Education Centre
- Northfields Education Centre
- Charity Commission
- Madrassahs in Manchester (Joint Statement)

Annex B

List of members of the code of practice steering group:

- Board of Deputies of British Jews
- Catholic Education Service
- Church of England
- Network of Sikh Organisations
- National Youth Agency
- UK Youth
- Youth United Foundation
- Local Government Association
- National Resource Centre for Supplementary Education (NRCSE)
- Sport England
- Department for Digital, Culture, Media and Sport
- Strengthening Faith Institutions
- Faiths Forum London
- The Tutor's Association
- Ministry of Housing, Communities and Local Government
- NSPCC
- The Association for Muslim Schools UK (AMS)
- Ofsted
- Charity Commission
- Hindu Council UK
- Leeds Makkah Mosque

Exemptions are set out in the Childcare (Exemptions from Registration) Order (SI 2008/ No 979) and are summarised in the registering with Ofsted guidance for childminders and childcare providers Providers who are exempt from compulsory registration may still apply to register on the voluntary part of the Childcare Register if they meet its requirements.

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1. School' means all schools whether maintained, non-maintained, or independent, including academies and free schools, alternative provision academies, and pupil referral units. It would also include maintained nursery schools. ↩2
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 within the further education sector. ↩3
3. Most providers caring 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 law states otherwise. ↩

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