Inspecting safeguarding

Briefing for section 5 inspection

This briefing paper aims to support inspectors in reviewing schools’ safeguarding arrangements when carrying out section 5 inspections.

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Introduction

1. This briefing captures overarching issues relating to the inspection of safeguarding. It also looks at the relationship between safeguarding and the evaluation schedule as a whole, as set out in the School inspection handbook¹.

Background

2. Inspectors must be familiar with the document Ofsted safeguarding policy and procedures,² (this document is currently under review) which covers children, young people and vulnerable adults, and Management of cross-remit concerns about children’s welfare.³ All inspectors should be aware of what to do in the event of receiving allegations about safeguarding; actions to take are detailed in Ofsted safeguarding policy and procedures.

3. It is essential that inspectors are also familiar with the content of the Department for Education’s (DfE’s) guidance for schools, Safeguarding children and safer recruitment in education,⁴ which came into force on 1 January 2007 under the then Department for Children, Schools and Families (DCSF) and remains as current guidance. It sets out the responsibilities placed on schools⁵ to safeguard and promote the welfare of children and young people, and governing bodies and proprietors are required by section 157 and section 175 of the Education Act 2002 to have regard to it. This document is currently being considered for review and consultation.

4. Inspectors should also be aware of the changes to disclosure and barring⁶.

5. The Protection of Freedoms Act 2012 has made a number of changes to the government requirements referred to in this guidance, and reduced the scope of the definition of regulated activity (to which the Disclosure and Barring Service (DBS)⁷ checks apply). Inspectors must ensure that they are familiar

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¹ School inspection handbook (120101), Ofsted, 2014; www.ofsted.gov.uk/resources/120101.
² Ofsted safeguarding policy and procedures (100183), Ofsted, 2010; http://www.ofsted.gov.uk/resources/ofsted-safeguarding-policy-and-procedures
⁵ It applies to pupil referral units, governing bodies and headteachers of maintained schools (including aided and foundation schools), non-maintained schools, proprietors and headteachers of independent schools (including academies and city technology schools) and corporations and principals of further education colleges (including sixth form colleges).
⁶ For more information see the DBS website: http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/ and the Department for Education website: http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring.
⁷ The DBS was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/about-us1/what-we-do/.
with these changes so that they are not asking schools to do more than the
government requires. It is still a requirement for schools to maintain a single
central record of the recruitment checks they have made on their own staff.
However, the Act has removed the requirement for schools to carry out a DBS
check on governors simply because of their office, and it has removed the
requirement to routinely carry out DBS checks on all volunteers, even where
they regularly work with children. Instead, the Act introduces the concept of
supervision of volunteers. Where a school is satisfied that it can provide an
adequate level of supervision by a suitably checked person, that is, someone
who is defined as working in regulated activity, it is not required to request
any DBS checks on the volunteer and is not entitled to request a barred list
check. The school is entitled to request a standard or enhanced DBS
disclosure certificate without the barred list check. The entitlement to request
a barred list check for volunteers working regularly with children will apply only
to those working unsupervised.

Key telephone numbers

6. In the event of concerns or queries the following telephone number is available:

   ■ Ofsted helpline (0300 123 4234)

Definition of safeguarding

7. Ofsted adopts the definition of safeguarding used in the Children Act 2004, and
in the government’s guidance document Working together to safeguard
children. This can be summarised as:

   ■ protecting children and young people from maltreatment
   ■ preventing impairment of children and young people’s health or
development
   ■ ensuring that children and young people are growing up in circumstances
consistent with the provision of safe and effective care
   ■ undertaking that role so as to enable those children and young people to
have optimum life chances and to enter adulthood successfully.

The impact of safeguarding arrangements will be tested under the new
framework judgement on behaviour and safety. Judgements on behaviour and
safety must not be made solely on the basis of what is seen during the
inspection. Inspectors must take into account a range of evidence to judge
behaviour and safety over an extended period. The range of evidence that
inspectors should consider is set out in the School inspection handbook.

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8 Following the merger of the CRB and the ISA in December 2012, a barred list check is known as an
enhanced check for regulated activity.
8. Safeguarding is not just about protecting children from deliberate harm. It includes issues for schools such as:

- pupils’ health and safety
- bullying, including cyber-bullying (by text message, on social networking sites, and so on)
- racist abuse
- harassment and discrimination
- use of physical intervention
- meeting the needs of pupils with medical conditions
- providing first aid
- drug and substance misuse
- educational visits
- intimate care
- internet or e-safety
- issues which may be specific to a local area or population, for example gang activity
- appropriate arrangements to ensure school security, taking into account the local context.

Leadership and management: the effectiveness of safeguarding procedures

9. A school’s leaders and managers should be clear about their statutory responsibilities regarding safeguarding and the steps they are taking to develop good practice beyond the statutory minimum. The governing body is accountable for ensuring that the school has effective policies and procedures in place in accordance with the DfE’s guidance, and is monitoring the school’s compliance with this.9

10. The guidance indicates that safer practice in recruitment should be reflected in every stage of the process, and that safeguarding judgements need to be made, in differing degrees in relation to all those that a pupil in school may come into contact with, as they may be perceived to be safe and trustworthy adults.10 All those who employ people to work regularly in schools must carry out specified recruitment and vetting checks on intended new appointees, particularly identity and qualification checks, and where relevant, DBS checks, barred list checks, and right to work in the UK checks.11

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9 DfES 2006, paragraph 2.18.
11. Regardless of local authority procedures, it is the governing body’s responsibility to ensure that safe recruitment checks are carried out in line with statutory requirements, currently set out in *Safeguarding children and safer recruitment in education*. There is no requirement for schools to carry out retrospective checks on current staff – the necessary checks are those that were in force at the time the appointment was made. There has never been a statutory requirement for DBS disclosure certificates to be renewed, except for agency staff or those with breaks in service, and the DfE is renewing and strengthening its guidance to deter schools from such routine re-checks which are considered to be a poor use of resources. Inspectors should avoid giving any impression that Ofsted considers such routine re-checks to be good practice.

12. The phased implementation of the Safeguarding Vulnerable Groups Act (2006) was halted in June 2010. However, the government did not move to rescind those elements of the Act that had already come into force, and the Protection of Freedoms Act 2012 has not repealed these duties. It therefore remains a criminal offence for employers to:

- take on an individual in DBS regulated activity such as schools or childcare provision whom they know to have been barred from such an activity
- not refer to the DBS details of anyone who is permanently removed from regulated activity (or who leaves while under investigation) for allegedly causing harm or posing a risk of harm.

13. Under the terms of the School Staffing (England) Regulations 2009\(^\text{12}\), schools are required to maintain records of the recruitment checks they make in a single central record (SCR). This duty is not removed under the Protection of Freedoms Act 2012. However, there is no prescribed format or layout for the SCR, as long as it shows the nature of the checks made, the date on which they were made and the identity (for example, function or job title) of those making the checks or entering the details in the record.

14. Where a school has recruited volunteers who are not checked, as outlined in paragraph 5, inspectors should explore with senior leaders and governors how the school has reached this decision - for example, how it has assessed the level of supervision provided.

15. Ofsted expects schools to be able to demonstrate that they meet all regulations and duties for the purposes of the safeguarding judgement under leadership and management in the *School inspection handbook*. Inspectors will check the school’s SCR early in the inspection with the expectation that it will be complete and meet statutory requirements.

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\(^{12}\)The regulations were amended by the School Staffing (England) (Amendment) Regulations 2012 (SI 2012/1740) but the amendments do not relate to the keeping of a single central record.
16. However, if there is a **minor** administrative error such as the absence of a date on the record, and this can be easily rectified **before** the final team meeting, schools will be given the chance to resolve the issue.

17. Ofsted has established a definition for ‘administrative errors’ in relation to the SCR. No allowance will be made, for example, for breaches to the requirements for the DBS disclosures.

18. Administrative errors may be defined as follows:

   - failure to record one or two dates
   - failure to record the name/s of the person/s that carried out the checks
   - individual entries that are illegible
   - one or two omissions where it is clear that the information is already held by the school but the school has failed to transfer over the information in full to the SCR.

19. The Lord Laming report emphasises that if safeguarding is ‘everybody's’ responsibility then everyone should know who to contact if they are concerned about a child or young person. School staff should explicitly understand their responsibilities in order to achieve positive outcomes, keep children safe, and complement the support that other professionals may be providing. All service providers must look critically at how they receive referrals, at the point known as their ‘front door’.\(^\text{13}\) This reinforces a key message in the DfE guidance of the importance for all staff in an establishment of having appropriate training and induction so that they understand their roles and responsibilities and are confident about carrying them out.\(^\text{14}\)

20. School staff need to be particularly sensitive to signs which may indicate possible safeguarding concerns. This could include, for example, poor or irregular attendance or children missing from education.

21. The inspection framework sets out how Ofsted will report on the way that schools make pupils aware of how they can keep themselves safe and what behaviour towards them is not acceptable. Inspectors should include e-safety in their discussions with pupils (covering topics such as safe use of the internet and social networking sites, cyber bullying, including by text message and so on), and what measures the school takes to promote safe use and combat unsafe use, both proactively (by preparing pupils to engage in e-systems) and reactively (by helping them to deal with a situation when something goes wrong).

\(^\text{13}\) Laming 2009, paragraphs 3.6, 4.2.
\(^\text{14}\) DfES 2006, paragraph 3.52.
Inspecting and reporting on safeguarding

22. Safeguarding concerns may arise during an inspection or may be brought to the attention of an inspector or Ofsted about a school being inspected. Particular concerns may include the following.

- Issues where a school was aware of information about a child at risk of or suffering significant harm and where the staff or governor(s) were negligent or slow in passing these concerns on to the relevant agencies.
- Circumstances where a member of staff is suspended and there is currently a safeguarding investigation taking place.
- All schools and further education colleges should have procedures for dealing with allegations against staff. The procedures should make it clear that all allegations should be reported immediately, normally to the headteacher, principal or proprietor if it is an independent school. The procedures should also identify the person, often the chair of governors, to whom reports should be made in the absence of the headteacher or principal; or in cases where the headteacher or principal themselves is the subject of the allegation or concern. Procedures should also include contact details for the local authority designated officer (LADO) responsible for providing advice and monitoring cases. It may be the case that these procedures are not in place or that they are in place but have not been followed in specific incident(s).
- There may have been a failure to adhere to the legal requirement to make a referral to the independent safeguarding authority (ISA) where employers think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the ISA arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person’s services.

23. This is an area which requires considerable care in terms of what is reported. It is important to also be mindful of the fact that where a particular matter is under investigation it is not proven.

- It is extremely important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 at s141F, introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation).
The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions also cease to apply if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so. The provisions commenced on 1 October 2012. It is equally important that Ofsted is mindful that a reference in an inspection report to an alleged incident could inadvertently lead to the identification of a teacher who is the subject of an allegation.

- The legislation imposing restrictions makes clear that publication of material that may lead to the identification of the teacher who is the subject of the allegation is prohibited.

- In most instances the LADO, police and children’s social care services will have agreed: (a) who needs to know and, exactly what information can be shared; (b) how to manage speculation, leaks and gossip; (c) what, if any information can be reasonably given to the wider community to reduce speculation; and (d) how to manage press interest if and when it should arise.

- Writing about the detail of specific concerns, for example failure of the school to act in relation to a specific child protection issue about a pupil, may raise undue concerns among parents and the wider public that the pupils in general are unsafe.

- There are instances when a member of staff may be absent because s/he has been suspended pending a safeguarding investigation. Parents or other staff may not be aware of these circumstances, and are most unlikely to be aware of any detail.

Some suggestions for inspection practice

24. If an issue is already known by Ofsted, for example, through the Provider Information Portal (PIP) or through the Inspection Service Providers’ own portals, the lead inspector, if unsure of what action to take, should seek guidance in advance of the inspection as to the trail to follow and what line to take.

25. Information about investigations may be held in a number of possible locations within Ofsted, but anything we know should be available to Ofsted inspectors through searching PIP or to additional inspectors via the relevant Inspection Service Providers’ own portals.

26. If an issue is already known by Ofsted through other sources, for example, through correspondence with Ofsted, guidance should be provided to the lead inspector in advance of the inspection as to trail to follow and what line to take.
27. Inspectors should ensure that they are informed about information available to the public, reported in the press or accessible on the internet, including that available on the school’s website. This may contain information related to safeguarding. Inspectors should therefore do a check on the internet as part of their pre-inspection planning to see whether there are any safeguarding issues that may need to be followed up during inspection.

28. On all inspections, the lead inspector must either meet or speak with a representative from the local authority or academy chain. The lead inspector should check during this meeting if there have been any safeguarding incidents since the last inspection which have either been resolved or are on-going. The purpose in asking this question is to establish if there is any information which could impact on the judgement of leadership and management or any other aspect of the inspection which needs to be included in the report. Of particular relevance are the questions as to (a) whether the school has responded in a timely and appropriate way to concerns / allegations; (b) how effectively the school has worked in partnership with external agencies regarding any concerns. This should be done early in the inspection, if possible.

29. When evaluating the effectiveness of a school’s safeguarding procedures, inspectors should also ask whether there have been any recent safeguarding incidents or allegations, and consider if this needs to be explored further during the inspection, or if it needs to be reported on.

30. Inspectors should give careful consideration to the judgements relating to ‘behaviour and safety’ and ‘leadership and management’, when it is known that a member of staff has been convicted of sexual offences.

31. If there are issues regarding safeguarding, and this is reflected for example in a judgement of inadequate leadership and management, inspectors should give careful consideration to the judgement on ‘behaviour and safety’.

**Serious incidents - report writing guidance for inspectors**

32. There have been a small number of instances in recent years when Ofsted has become aware of an investigation by another agency into a serious incident or serious allegations involving a setting or provider that we are inspecting. It has been agreed that in future, where relevant and appropriate given the particular circumstances, inspection reports should make a brief reference to such a situation, without going into such detail that it would risk prejudicing the outcome of the investigation or identifying individuals who may be wholly innocent of the alleged wrongdoing. Any references will be confined to the most serious incidents, such as the death of a child or a serious safeguarding failure, or allegations of serious fraud. Inspectors should avoid making any reference to a serious incident if there is any possibility that doing so would prejudice such an investigation or prejudge the outcomes, breach confidentiality or where the reference could risk identifying individuals subject
to or related to the investigation. *If reference is to be made it should be clear that Ofsted is not coming to any determination on the concerns raised.*

33. Inspectors should note that the restrictions in this guidance apply to what may be reported in the published inspection report about active, external investigations, not to what may be included as lines of enquiry in the inspection. Inspectors are required and remain free to comment upon any matter they think is relevant to the quality of the care provided as long as it is based on the inspection evidence.

**Legal basis**

34. The legal powers under which Ofsted inspects and reports provide the basis for such references to be included in an inspection report. For example, Section 5 inspection reports must cover the quality of leadership in and management of the school and the safety of pupils (section 5(5A) of Education Act 2005); EY Childcare inspection reports must cover the quality of leadership and management at the provision and the contribution made to the well-being of children (section 50 of the Childcare Act 2006) and; Social care inspection reports of children’s homes focus on compliance with the Children’s Homes Regulations 2001 and NMS, in particular the fitness of the provider, manager and workers, the promotion of children’s welfare and appropriate behaviour management and restraint.

35. In cases in which the serious incident does not fall within Ofsted’s express inspection and regulatory powers, Ofsted may, after careful consideration and decision, rely upon its ancillary power to do whatever is necessary or expedient for the purposes of its functions in referring to these incidents (paragraph 13 of Schedule 11 and paragraph 6 of Schedule 12 to Education and Inspections Act 2006). It is to be noted that Ofsted has an overarching obligation to have regard to the need to safeguard and promote the rights and welfare of children in performing its functions (sections 117 and 119 of Education and Inspections Act 2006).

**Qualifying concerns/ incidents and the sentence to include in the report**

36. Where relevant and appropriate, given the particular circumstances, the lead inspector should give careful consideration to and seek advice about the insertion of specific text in the ‘Information about this school’ section of the report template.

**A serious case review that involves the setting**

‘Inspectors were aware during this inspection that a serious incident which occurred at the setting since the previous inspection is under investigation by the appropriate authorities. While Ofsted does not have the power to investigate incidents of this kind, actions taken by the setting in response to the incident(s) were considered
(where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors’ judgements.’

An investigation into the death or serious injury of a child at the setting or elsewhere while in the care of staff employed by the setting, for example during an educational visit.

‘Inspectors were aware during this inspection that a serious incident which occurred at the setting since the previous inspection is under investigation by the appropriate authorities. While Ofsted does not have the power to investigate incidents of this kind, actions taken by the setting in response to the incident(s) were considered (where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors’ judgements.’

An investigation into alleged child protection failings

‘Inspectors were aware during this inspection that serious allegations of a child protection nature were being investigated by the appropriate authorities. While Ofsted does not have the power to investigate allegations of this kind, actions taken by the setting in response to the allegations(s) were considered (where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors’ judgements.’

A police investigation into the use of restraint/restriction of liberty at the setting

‘Inspectors were aware during this inspection of a police investigation into serious allegations about restriction of liberty at the setting. While Ofsted does not have the power to investigate allegations of this kind, actions taken by the setting in response to the allegation(s) were considered (where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors’ judgements.’

An investigation into allegations of other serious offences such as fraud, involving the head, principal or registered manager of the setting

‘Inspectors were aware during this inspection of an investigation by the appropriate authorities into allegations of wrongdoing that did not concern child protection or safeguarding arrangements’. While Ofsted does not have the power to investigate allegations of this kind, actions taken by the setting in response to the allegation(s) were considered (where appropriate) alongside the other evidence available at the time of the inspection to inform inspectors’ judgements.’
Annex 1. Vetting and barring scheme: criminal offences related to disclosure and barring service requirements

The following guidance supplements the guidance: Ofsted inspections: guidance on responding to possible criminal activity.

The Vetting and Barring Scheme (VBS) was launched in October 2009. The three barring lists, Protection of Children Act (PoCA), the Protection of Vulnerable Adults (POVA) and List 99, were replaced by the creation of two new barred lists administered by the Independent Safeguarding Authority (ISA).\(^\text{15}\) The ISA merged with the Criminal Records Bureau (CRB) in December 2012 to form the Disclosure and Barring Service (DBS). The mechanism for making a barred list check through the DBS remains the same, although it is possible to request an enhanced DBS check without including a check of barred lists. Since 12 October 2009, it has been a criminal offence for employers to:

- take on an individual in DBS regulated activity such as schools or childcare provision whom they know to have been barred from such an activity
- not refer to the DBS details of anyone who is permanently removed from regulated activity or who leaves while under investigation for allegedly causing harm or posing a risk of harm.

In practice this means that employers must refer information to the DBS when they have dismissed an individual or an individual resigns, because they harmed or may harm a child or vulnerable adult.

If, in the course of the normal inspection of safeguarding within any DBS regulated provision, an inspector suspects a provider of not complying with either of the above they should bring this to the provider’s attention and ask them to take immediate action. Inspectors should also contact the national compliance investigation and enforcement professional via the national business unit dedicated number (0300 123 1231). This should be followed up in writing and emailed to the national compliance, investigation and enforcement team so that they can alert the regional director.

Inspectors should record all the evidence on an evidence form or the appropriate recording mechanism for that inspection. Dependent on the circumstances of the case and the action taken by the provider, inspectors should consider whether this information will affect their judgements on safeguarding, the effectiveness of leadership and managements and the overall effectiveness of the provision. Inspectors may also wish to consult the Ofsted helpdesk for further advice before coming to a final decision. Providers and inspectors can obtain further information on referrals at http://www.homeoffice.gov.uk/crime/vetting-barring-scheme/.

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\(^\text{15}\) From December 2012 the ISA merged with the Criminal Records Bureau (CRB) to form the Disclosure and Barring Service (DBS).
Annex 2. Disclosure and barring service: repeat checks and portability

There are widespread misunderstandings about the portability of enhanced DBS disclosure certificates that have led to schools carrying out unnecessary routine requests for renewed checks. The following sets out the current position in relation to schools and colleges and outlines the differences in social care settings as to when checks need to be in place before an employee can start work.

- DBS checks were strongly recommended for all employees who have regular contact with children if they were employed after March 2002. However, the only requirement for those appointed before this date is that they must have been List 99 checked.16

- DBS checks became mandatory for the entire maintained schools’ workforce from 12 May 2006 (September 2003 for independent schools, including academies). Employees who took up post from this date must have an enhanced DBS disclosure.

- **No further checks are required** for any staff unless the person has a break in service of more than three months.17 There is no requirement for staff employed before March 2002 to have retrospective DBS checks as long as they have been in continuous service. In this context, continuity means no break of service of longer than three months. However, prior to 2002, there was a requirement for all staff who work with children and young people to have to been checked against List 99, and evidence of this should be checked.

Visiting staff

Where staff such as educational psychologists, supply teachers, trainee teachers, nurses, sports coaches and inspectors are in regulated activity, their DBS disclosure certificates should be obtained by their ‘providing’ organisation, for example the supply agency, the university, primary care trust, local authority, and so on.

It is sufficient, for schools and colleges to seek written confirmation that appropriate checks, including DBS checks, have been carried out (most commonly on appointment) and by whom (most commonly the relevant human resources department), and to confirm the identity of these visitors. Written confirmation may take the form of a public statement on the providing organisation’s website, a practice adopted by Ofsted.

Part-time staff may use the same DBS check for two or more posts as long as they are at a similar level and the school/college have satisfied themselves about their veracity and appropriateness. This level of ‘portability’ is currently available to employers at their own risk.

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16 From 12 October 2009, the three barred lists (List 99, PoCA and PoVA) have been replaced by two new barred lists administered by the ISA, the Children’s List and the Vulnerable Adults’ List.

17 Please note that extended sickness/maternity leave does not constitute a break of service.
Governors

The Protection of Freedoms Act 2012 has removed the requirement for schools to carry out a DBS check on governors simply because of their office. Governors who volunteer to work with children are also exempt from the requirement to hold an enhanced DBS disclosure certificate as long as they are appropriately supervised by a member of staff who has undergone such checks.

Moving between schools/colleges and local authorities

Since September 2006 supply agencies have been able to pass DBS checks between other school/college supply agencies and between individual schools and colleges.

- If an employee has been DBS checked, **there is no statutory requirement** that another DBS check is carried out before taking up a job in a different school or even in a different local authority, provided they have continuous service and the check is at the correct level for the new post.
- The same applies to someone who may not have a DBS check due to being in post before 2002, that is, there is no statutory requirement for further checks to be carried out.
- It is up to the receiving organisation to carry out a risk assessment to assess whether the check is at the correct level for the current role, whether it is accurate and whether they trust the previous organisation to have carried out the check efficiently.
- The school or local authority should ask for evidence, from the previous school or local authority, that the check was undertaken. Some schools and local authorities are reluctant to accept transferring staff without requesting a fresh DBS disclosure certificate because they believe that Ofsted would be critical of such arrangements. Inspectors should **avoid** giving any impression that Ofsted considers it good practice to request fresh DBS disclosure certificates routinely whenever a member of staff is recruited directly from another school without a break in service. Schools should be **encouraged** to risk assess each case individually and be prepared to demonstrate the basis for their decisions.
- In all-day educational establishments, new members of staff can take up their posts prior to a full DBS check as long as they work under the close supervision of a colleague who has such clearance.

The regulations above apply to all schools, including pupil referral units and further education colleges. Social care and residential settings are subject to the national minimum standards which require more stringent requirements in respect of safeguarding checks. In such settings, staff **can** take up their posts before DBS clearance has been received, but it must have been applied for and the member of staff awaiting clearance must be supervised when in contact with young people.

- In the case of trainees on initial teacher education courses, it is the initial teacher education provider’s responsibility, not the school’s, to ensure that appropriate recruitment checks are made. In the event of a delay in receiving disclosures...
from the DBS, the former Department for Children, Schools and Families guidance gave headteachers discretion to allow trainees to start working in a school subject to a satisfactory check of Independent Safeguarding Authority Children’s List (or List 99) check and completion of other normal recruitment procedures. Training providers should keep headteachers fully informed of the progress of applications for disclosures, since schools will want to maintain closer supervision of trainees who have not yet received enhanced clearance. Schools must be satisfied that checks have indeed been done.

- The situation is different for trainees on an employment based teacher training route. They are employed by the school and should therefore be cleared by the school and recorded on the SCR in the same way as other directly employed staff.

- A new online registration service is expected to be introduced by the DBS in late spring 2013 that will facilitate portability of DBS checks for individuals who choose to register. By providing a new employer with an existing disclosure certificate and their online registration number, prospective employees will be able to use the same certificate for any post of a similar nature. The prospective employer will be able to log on to the service and check whether there has been a change to the printed certificate. If there has been a change, the employer will have to decide whether or not they wish to apply for a new certificate in order to show the updated details. Although this service is not yet in place, schools may be aware of the development and may wish to discuss it with inspectors. However, Ofsted has no view on how or even whether schools should or should not be using such a service.
Annex 3. Training for designated members of staff

What is set out below is not a prescriptive table of contents for a training programme but a guide which helps inspectors in understanding the principal elements of a training programme. It can vary considerably from authority to authority, and it is often a programme put together by the Local Safeguarding Children Board, in line with the statutory guidance on training published in *Working Together to Safeguard Children* (2013).

Principal elements of specific training are likely to include the following:

- identification of the signs and symptoms of abuse
- relevant legislation and guidance
- national and locally agreed procedures
- managing disclosures
- confidentiality
- recording and keeping safe records: transfer of information
- how local statutory services are configured and referral processes
- thresholds for referral
- making referrals
- contact with parents
- Common Assessment Framework, initial and core assessments, child protection conference and review conferences, child protection plans
- training and supporting staff
- writing a policy, procedures and guidance for staff.
Annex 4. Female genital mutilation

Female genital mutilation (FGM) is a collective term for all procedures involving the partial or total removal of external female genitalia for cultural or other nontherapeutic reasons. The procedure is typically performed on girls aged between four and 13 years, but in some cases FGM is performed on new born infants or on young women before marriage or pregnancy. The age at which girls undergo FGM varies according to the community. FGM is illegal in the UK. It is also illegal to take a child abroad to undergo FGM. FGM is considered child abuse in the UK and causes physical, psychological and sexual harm.

FGM is much more common than many realise, both worldwide and in the UK. It is reportedly practised in 28 African countries and in parts of the Middle and Far East but is increasingly found in Western Europe and other developed countries, primarily amongst immigrant and refugee communities. There are substantial populations from countries where FGM is endemic in London, Liverpool, Birmingham, Sheffield and Cardiff, but it is likely that communities in which FGM is practised reside throughout the UK. It has been estimated that up to 24,000 girls under the age of 15 are at risk of FGM in the UK. The summer holidays, or other extended holiday absence during the school year, are particular periods when schools are encouraged to be alert to the signs of potential or actual abuse.

Designated senior staff for child protection in schools should be aware of the guidance that is available in respect of FGM, and should be vigilant to the risk of it being practised. Inspectors should also be alert to this when considering a school’s safeguarding arrangements, and where appropriate ask questions of designated staff. Key questions could include:

- Are designated senior staff for child protection aware of the issue and have ensured that staff in the school are aware of the potential risks?
- How alert are staff to the possible signs that a child has been subject to female genital mutilation or is at risk of being abused through it?
- Has the school taken timely and appropriate action in respect of concerns about particular children?

Further information


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