

# Document details

**Copyright statement**

**Introduction**

**Definition of safeguarding**

**Guidance handbook**

**Guidance for inspectors**

# Copyright statement

The purpose of Estyn is to inspect quality and standards in education and training in Wales. Estyn is responsible for inspecting:

- nursery schools and settings that are maintained by, or receive funding from, local authorities
- primary schools
- secondary schools
- special schools
- pupil referral units
- all-age schools
- independent schools
- further education
- independent specialist colleges
- adult learning in the community
- local authority education services for children and young people
- teacher education and training
- Welsh for adults
- work-based learning
- learning in the justice sector

Estyn also:

- reports to Senedd Cymru and provides advice on quality and standards in education and training in Wales to the Welsh Government and others
- makes public good practice based on inspection evidence

Every possible care has been taken to ensure that the information in this document is accurate at the time of going to press. Any enquiries or comments regarding this document/publication should be addressed to:

Publication Section

Estyn

Anchor Court

Keen Road

Cardiff

CF24 5JW or by email to [publications@estyn.gov.wales](mailto:publications@estyn.gov.wales)

This and other Estyn publications are available on our website: [www.estyn.gov.wales](http://www.estyn.gov.wales)

This document has been translated by Trosol (English to Welsh).

© Crown Copyright 2021: This report may be re-used free of charge in any format or medium provided that it is re-used accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document/publication specified.

# Introduction

This supplementary guidance aims to support inspectors as necessary in evaluating settings' safeguarding arrangements when carrying out inspections. It should be used for reference during inspection alongside Estyn's Policy and Procedures for Safeguarding.

[Keeping learners safe: the role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002](#)

This guidance does not cover how inspectors should deal with allegations in respect of safeguarding received during an inspection. Inspectors must be familiar with Estyn's Policy and Procedures for Safeguarding which covers children, young people and vulnerable adults. All inspectors should be aware of what to do in the event of receiving allegations in relation to safeguarding, and the requisite actions are outlined in this document. You can find a [copy of the document](#) on Estyn's website.

## Further advice and guidance

Inspectors who need advice or guidance should initially consult the 'on-going' queries log maintained on Sharepoint, and the FAQs section of on Estyn's website. This is because their query may have already been addressed in another setting. You can find the queries log here

[Report an Issue \(sharepoint.com\)](#)

Answers to frequently asked questions (FAQs) about evaluating a provider's arrangements for safeguarding can be found at:

[Estyn\\_safeguarding\\_guide.pdf \(gov.wales\)](#)

Where existing guidance is unclear or is not in place, inspectors should contact the relevant Sector Lead or Assistant Director with queries regarding the evaluation of setting's' safeguarding arrangements.

In the event of concerns or queries in relation to receiving safeguarding allegations, the following telephone numbers are available:

Estyn's Lead Officer for safeguarding: 02920 446482 (also available out of office hours)

Estyn's Deputy Officer for safeguarding: 02920 446484 (also available out of office hours)

Estyn's main office (during office hours): 02920 446446

# Definition of safeguarding

All settings have statutory duties to operate in a way that takes into account the need to safeguard and promote the welfare of children. The arrangements that settings have in place need to ensure that:

- reasonable measures are taken to minimise risks of harm to children's welfare
- appropriate actions are taken to address concerns about the welfare of a child or children, working to agreed local policies and procedures in full partnership with other local agencies

## Safeguarding and promoting the welfare of children

**Safeguarding and promoting the welfare of children** is concerned with:

- protecting children from abuse and neglect
- preventing impairment of their health or development
- ensuring that they receive safe and effective care

This is to enable children to have optimum life chances.

Everyone who works in education shares an objective to help keep children and young people safe. When inspecting a provider's safeguarding arrangements inspectors should consider how effective the setting is in the following:

- creating and maintaining a safe learning environment for children
- identifying where there are child welfare concerns and taking action to address these, where appropriate, in partnership with other agencies
- the development of children's understanding, awareness, and resilience through the curriculum

Achieving this objective requires systems designed to:

- prevent unsuitable people from working with children
- promote safe practice and challenge poor and unsafe practice within the provision
- identify instances in which there are grounds for concern about a child's welfare arising from home, community or setting, and initiate or take appropriate action to keep them safe
- contribute to effective partnership working between all those involved with

providing services for children

## Child protection

**Child protection** is a part of safeguarding and promoting welfare. This refers to the activity which is undertaken to protect specific children who are suffering or are at risk of suffering significant harm as a result of abuse or neglect.

## Safeguarding

**Safeguarding** covers more than the contribution made to child protection in relation to individual children. It also encompasses issues such as:

- the safe recruitment, supervision, training and management of staff
- how staff manage children's behaviour
- how well the provider monitors children's pattern of attendance and engagement with the provision, which is able to identify quickly unexplained medical conditions, unusual absences, and disappearances
- children's health and safety and wellbeing, on and off-site
- bullying, including cyberbullying
- arrangements for meeting the needs of children with medical conditions
- promoting healthy relationships
- child sexual exploitation
- forced marriage
- preventing radicalisation and extremism
- trafficking
- signposting victims of abuse to appropriate help and support
- mandatory reporting duty for female genital mutilation
- drugs and substance misuse
- e-safety

The Welsh Government has issued specific statutory requirements about many of these issues. There may also be other safeguarding issues that are specific to the local area or population.

Where there are statutory requirements, settings should already have in place policies and procedures that satisfy those and comply with any guidance issued by the Welsh Government. Similarly, arrangements about matters on which the Welsh Government has issued guidance should be evidenced by policies and procedures that are in accordance with that guidance or achieve the same effect.

# Guidance handbook

## Guidance handbook for inspecting care and education in regulated non-school settings eligible for funding for part-time education

### Safeguarding aspects within the framework

All settings have statutory duties to operate in a way that takes account of the need to safeguard and promote the welfare of children (see **Annex D** of **Guidance handbook for inspecting care and education in regulated non-school settings eligible for funding for part-time education**).

The arrangements that settings have in place need to ensure that:

- reasonable measures are taken to minimise risks of harm to children's welfare and safety
- appropriate actions are taken to address concerns about the welfare and safety of children

During the inspection concerns relating to the welfare or safety of a child/ren may be identified by any member of the inspection team. Where appropriate, the lead inspector will notify the setting. The CIW inspector will take appropriate action in line with the policy published on CIW's website. Estyn's inspector will also inform Estyn's safeguarding officer of the matter in line with Estyn's safeguarding policy.

### **Theme 3, 'Care and development' looks at how well do practitioners safeguard children whilst keeping them safe and healthy.**

Inspectors will make a judgement about the overall culture of safeguarding in the setting. Inspectors will evaluate the quality and effectiveness of the setting's policies and procedures for safeguarding and promoting children's wellbeing and how well practitioners implement them.

These include:

- child protection policy, including procedures for recognising signs of radicalisation and extremism
- the arrangements leaders have to recruit staff safely
- health and safety, including food hygiene and provision for infection control
- fire safety
- the arrangements for site security and safety
- safe administration of medication
- supporting children with medical conditions
- administering first aid
- safety on outings and visits
- internet safety
- bullying
- the management of children’s behaviour including policies and practices for physical intervention and restraint
- policies and procedures to promote healthy life styles, including healthy eating, drinking and physical activities

## Child protection

In considering the effectiveness of the provider’s procedures for child protection, inspectors should evaluate the suitability of the setting’s child protection policy and whether practitioners understand and recognise signs and symptoms of abuse in line with the [Wales Safeguarding Procedures 2020](#). They should also evaluate whether practitioners are aware of, and implement correctly, the setting’s child protection policy and are able to identify risks to children. Inspectors will report on whether the setting’s arrangements for safeguarding children meet requirements and give no cause for concern.

### Theme 6

Inspectors also need to evaluate how well leaders and managers follow safeguarding policies and procedures when inspecting Theme 6, for example when considering how well they follow safe, robust and timely processes. They should evaluate how well leaders and managers promote safe practices and a culture of safety, including implementing safe, robust and timely recruitment processes.

A setting’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 registered person or responsible individual/s is accountable for ensuring that the setting has effective policies and procedures in place in accordance with the Welsh Government’s guidance, and is monitoring the setting’s compliance with this. It is the registered person’s responsibility or responsible individual/s to ensure that safe recruitment checks are carried out in line with statutory requirements. There is

further information on this in Annexes 1 and 2.

Inspectors should assess carefully how well the registered person or responsible individual/s monitor and evaluate all the aspects for safeguarding. If the setting does not have effective policies and procedures for safeguarding and promoting the welfare of children, and does not take sufficient steps to ensure these are adhered to, this will influence judgements made about the quality of leadership and management in the setting.

# Guidance for inspectors

## Pre-inspection evidence

### Guidance for inspectors in judging the effectiveness of safeguarding

#### Pre-inspection evidence

Inspectors will use a wide range of evidence. Before the inspection, in relation to safeguarding and promoting welfare, both Estyn and CIW inspectors will consider:

- discussions with the local authority advisory teacher
- the local authority report on the setting
- the previous inspection report
- the setting's policies for safeguarding and promoting welfare, including the child protection policy
- responses to the parents' questionnaires, especially the questions about encouragement for children to be healthy and take exercise, being safe and receiving the additional support for any particular needs
- written information from parents or other partners
- any complaints or concerns from either inspectorate

Inspectors should take particular account of the setting's context, including information on:

- the number of children on the child protection register
- the number of refugees or asylum seekers
- the number of looked after children
- exclusions of children

Where pre-inspection evidence identifies possible safeguarding issues or poor management practice by the provider, inspectors should seek guidance from their sector AD and a safeguarding officer from the safeguarding lead officer team. Where an issue is considered reportable, Estyn's safeguarding policy must be applied.

## Inspection activity

When inspecting settings in relation to safeguarding, inspectors will need to refer to **Annex E** of the '**Guidance handbook for inspecting care and education in**

**regulated non-school settings eligible for funding for part-time education’.**

## **Reporting on safeguarding**

**Inspectors will report on whether the setting’s arrangements for safeguarding children meet requirements.**

Inspectors should refer to the ‘Guidance handbook for inspecting care and education in regulated non-school settings eligible for funding for part-time education’ when making a judgement about how well practitioners implement the setting’s policies and procedures for safeguarding in Theme 3.

Annex E in the document provides detailed information on all aspects of safeguarding which inspectors must consider when making a judgement. Inspectors must include a comment on arrangements for safeguarding. Normally: **‘The setting’s arrangements for safeguarding children meet requirements and are not a cause for concern’ OR ‘The setting’s arrangements for safeguarding children do not meet requirements and give cause for concern.’** If any safeguarding arrangements give cause for concern, inspectors must not use the former sentence in their report but must state that they do not meet requirements. Inspectors should only report in detail on any shortcomings in safeguarding arrangements if it does not impact on the safety of the staff and children at the setting.

Inspectors also need to evaluate how well leaders and managers follow safeguarding policies and procedures when inspecting Theme 6, for example when considering how well they follow safe, robust and timely processes. However, inspectors must also include any concerns or failure to meet safeguarding requirements when making a judgement for safeguarding in Theme 3.

In these cases, the report must contain a recommendation that the setting address the safeguarding / wellbeing issues identified during the inspection. The CIW inspector will also judge whether or not there are issues of non-compliance (including safeguarding). In such cases, CIW’s [Securing Improvement and Enforcement Policy](#) must be followed. Estyn no longer issues a ‘well-being letter’ to non-maintained nursery settings who do not meet the necessary safeguarding requirements. If there has been a technical or isolated failure that has not been remedied to the satisfaction of the inspector during the course of the inspection, then the inspector will include this under the non-compliance section in the InputJF.

Where matters are **minor** and **easily remedied**, and are not considered significant, there is no need for a comment and/or a recommendation in the final inspection

report. However, it should be recorded in the inspection JF, and given as feedback to the leader and registered person / responsible person as soon as possible.