

Supplementary guidance for inspecting safeguarding in schools and PRUs

September 2021

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What is the purpose?

This provides further guidance for inspectors to use for reference during inspection alongside the sector guidance for inspection, to support specific lines of enquiry.

For whom is it intended?

Maintained and independent schools, specialist colleges and pupil referral units

From when should the guidance be used?

September 2021

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Copyright statement

About this guidance

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:

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About this guidance

Overview

Our inspection guidance explains What we inspect and How we inspect. However, we also produce supplementary guidance to help inspectors to consider specific aspects of education and training further.

The supplementary guidance documents set out some key principles, considerations and resources for inspectors. They relate to all sectors that we inspect, unless they state that they are for a specific sector. They expand on certain aspects of education/training (e.g. the inspection of literacy) or on ways of conducting inspections (e.g. the use of learning walks) or specific inspection arrangements (e.g. guidance on inspecting church schools).

The supplementary guidance documents do not aim to be comprehensive. Inspectors are not required to work through them exhaustively when covering any specific aspect on an inspection. However, inspectors may find them useful when responding to specific emerging questions that arise during inspections or when they wish to reflect or investigate further.

The supplementary guidance documents may help providers gain an understanding of our inspection arrangements. They may also be helpful to providers in evaluating specific aspects of their own provision.

Our inspection work is based on the following principles:

- Inspectors will approach inspection with a positive mindset to ensure it is the best possible professional learning experience for the staff in each provider
- Inspectors will take a learner-focused approach to inspection
- Inspectors will always focus strongly on the quality of teaching and learning
- Inspectors will seek out well-considered innovative practice
- Inspectors will tailor the inspection activities according to the circumstances in each provider as far as possible
- Inspectors will be agile and responsive to emerging findings and will use the increased range of inspection tools and approaches available
- Inspectors will consider everything in the inspection framework, but will only report on the key strengths and weaknesses within each provider

Guidance

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Introduction

This supplementary guidance aims to support inspectors as necessary in evaluating schools' safeguarding arrangements when carrying out inspections. For the purpose of this document, the term school will include PRUs.

In all aspects of our work, the needs interests and wellbeing of children, young people and vulnerable adults must be put above the needs and interests of all others. Hence, our Safeguarding Policy and the guidance contained within it must have priority over all other policies and advice. Through this guidance and through appropriate training we will raise the awareness and understanding of our staff to potential abuse, neglect and unsafe professional practice both within settings we inspect and within other settings we visit.

The supplementary guidance should be used for reference during inspection alongside our [Policy and Procedures for Safeguarding](#).

This guidance does not cover how inspectors should deal with allegations in respect of safeguarding received during an inspection. Inspectors must be familiar with our Policy and Procedures for Safeguarding (see above), 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.

Inspectors of independent schools also need to take account of the Independent School Standards (Wales) Regulations 2003.

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 our website. This is because their query may have already been addressed in another setting.

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

<https://www.estyn.gov.wales/inspection/safeguarding-0>

Where existing guidance is unclear or is not in place, inspectors should contact the relevant Sector Lead or Assistant Director with any queries.

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

A member of our Lead Officer safeguarding team: 02920 446482 (also available out of office hours)

Our main office (during office hours): 02920 446446

Definition of safeguarding

All schools, including independent schools, 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 schools 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 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.

Safeguarding vulnerable adults

In respect of safeguarding vulnerable adults, again, there is no statutory definition. Whilst 'In Safe Hands: implementing Adult Protection Procedures in Wales' contains no definition of safeguarding of vulnerable adults, it does separately define the concepts of a 'vulnerable adult' and 'significant harm'.

The definition of a 'Vulnerable Adult' is set out in section 126 of the Social Services and Wellbeing (Wales) Act 2014.

An "adult at risk", for the purposes of this Part, is an adult who -

1. is experiencing or is at risk of abuse or neglect
2. has needs for care and support (whether or not the authority is meeting any of

- those needs)
3. as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it

Essentially, all vulnerable adults have the right to be protected from abuse and neglect, the right to receive proper care and be supported in seeking help in the event that they have been abused.

What is a child?

The Welsh Assembly Government (2007) document 'Safeguarding children: working together under the Children Act 2004' explains that a child is anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people' throughout that document. The fact that a child has become sixteen years of age is living independently or is in Further Education, or is a member of the armed forces, or is in hospital, or in prison or a young offenders institution does not change their status or their entitlement to services or protection under the Children Act 1989.

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 school is in the following:

- creating and maintaining a safe learning environment for children and young people
- 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 and young people
- 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 school, and initiate or take appropriate action to keep them safe
- contribute to effective partnership working between all those involved with providing services for children and young people

In all instances, the inspection framework looks beyond a tick list of compliance and instead evaluates a provider's approach to safeguarding, and the degree to which this

promotes and supports a culture of safety and wellbeing within the school community.

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 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 pupils' behaviour, including withdrawal provision and the use of restraint
- how well the provider monitors pupil attendance and engagement with the provision, which is able to identify quickly unexplained medical conditions, unusual absences, and disappearances
- pupil health and safety and wellbeing, on and off-site
- developing pupils' knowledge and understanding of emotionally damaging or unsafe behaviours, for example grooming, harassment, discrimination, bullying and extremism
- bullying, including cyberbullying
- the provider's record keeping procedures
- arrangements for meeting the needs of children with medical conditions
- first aid and the management of medicines
- relationships and sexuality education
- promoting healthy relationships
- child sexual exploitation
- forced marriage
- preventing radicalisation and exploitation
- trafficking
- signposting victims of abuse to appropriate help and support
- mandatory reporting duty for female genital mutilation
- drugs and substance misuse
- online safety Liberty Protection Safeguards (LPS) relevant to young people aged sixteen and above.

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, schools 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.

Our inspection arrangements

Safeguarding aspects within the framework

Inspection Area 4 (section 4.2 Safeguarding) considers the school's approach to safeguarding and the degree to which this promotes and supports a culture of safety and wellbeing within the school community whether on-site, off-site or online. This includes considering the effectiveness of the school's own evaluation of its safeguarding arrangements.

Inspectors should consider the provider's record-keeping processes for attendance and absences from school (this may include absences for all or part of the school day). They should consider how well the school or PRU addresses persistent absenteeism, for example, through partnerships with education welfare services, social care services, health services, youth services or the police.

The RI should provide the team with information about pupil movements (in and out of the school) between Y10 and Y11 for the last 3 years. You should ask the nominee to provide (anonymised) information on the individual pupils who did not transfer from Y10-11 (sometimes referred to as 'off-rolling'), reasons why they didn't and what provision they did access in their final year of compulsory education.

The team should consider any other data the school wishes to share, for example behaviour referrals. However, inspectors should focus on how the school uses this information to monitor and support pupils' wellbeing and progress.

Inspectors should evaluate how well staff and governors understand and implement the school's safeguarding procedures, for example in the following areas: the recording and management of incidents of bullying

- child protection
- safe recruitment of staff and volunteers
- first aid
- welfare of pupils with medical conditions
- welfare of pupils on vocational placements
- safety on educational visits
- school security
- the management of pupil discipline including physical intervention and restraint

- the management of transport including traffic on the school site
- arrangements for the use of Liberty Protection Safeguards where appropriate for young people aged sixteen and above.

Inspectors should assess carefully not only whether these documents exist, but their quality and crucially, how well they are understood and applied. These policies should cover services that extend beyond the school day (e.g. where provided, community activities on school premises.)

In addition the following inspection areas will include aspects of safeguarding

Inspection Area 2 is concerned with the extent to which pupils feel safe and secure, and free from physical and verbal abuse in the school. It is here that inspectors will evaluate and report on the impact of the school's provision for safeguarding and on pupils' wellbeing.

Comments on the school's provision for safeguarding and promoting welfare will be in **Inspection Area 3** (section 3.1, **the school's curriculum**) and in **Inspection Area 4** (section 4.1 **Personal Development**) which is concerned with the school's arrangements for the care, support and guidance of pupils.

Inspectors will evaluate how well the provision helps pupils to develop skills, knowledge and understanding in making healthy lifestyle choices. This includes evaluating the school or PRU's personal and social education programme. Inspectors should consider how well the provider supports the social and emotional skills of all pupils, including those from disadvantaged backgrounds. For examples, inspectors should evaluate the school's arrangements for teaching pupils about:

- bullying including cyber bullying
- internet safety
- harassment and discrimination
- drug and substance abuse
- sex and healthy relationships education
- preventing radicalisation and exploitation
- pupils' age-appropriate knowledge and understanding of emotionally damaging or unsafe behaviours, for example grooming, child sexual exploitation and extremism.

Inspection Area 5 is about leadership and management.

Inspectors should evaluate the priority that leaders have given to ensuring that all staff

understand and promote the school's safeguarding culture. 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. Inspectors should consider the priority that leaders have given to ensuring that all practitioners understand and promote the school's safeguarding work.

The governing body of a maintained school, management committee of a PRU, and the proprietor of an independent school, is accountable for ensuring that the school has effective policies and procedures in place in accordance with the Welsh Government's guidance, and should monitor the school's compliance with this. This includes ensuring that safe recruitment checks are carried out in line with statutory requirements.

Since 2019, the governing body has had specific responsibilities regarding the school's anti-bullying policy and procedures. In particular, the Welsh Government expects school governing bodies to monitor the following in relation to bullying:

- that schools maintain an overview of recorded bullying incidents in their setting to see how long it takes on average for cases to be resolved
- the recurrence rates
- whether learners who have reported bullying incidents believe they got a satisfactory outcome
- whether there are any emerging trends or groups being discriminated against
- whether there are online cases that suggest work is required with the learners, parents/carers and staff to counter new forms of bullying
- absenteeism rates
- that the regularly collected data on reported incidents is showing progress towards the equality objectives.

Inspectors should assess carefully how well senior managers and governors monitor and evaluate all the aspects for safeguarding, and promote the school's safeguarding culture. If the school does not have effective policies and procedures for safeguarding and promoting the welfare of pupils, and does not take sufficient steps to ensure these are adhered to, this will influence the evaluation made about the quality of leadership and management in the school.

Education with boarding or residential provision

Where education has boarding provision or is linked to a residential setting, inspectors must liaise with Care Inspectorate Wales (CIW) to ensure that the provision contributes

to boarders' or residents' needs in relation to their safety.

Where education has boarding provision or is linked to a residential setting, these policies and procedures should cover services that extend beyond the school day.

Guidance for inspectors in evaluating 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, the Reporting Inspector will consider:

- the school's most recent evaluation of its safeguarding and child protection procedures
- the local authority report on the school
- the previous inspection report
- data on aspects of behaviour such as exclusions; serious incidents and the use of physical interventions
- the school's policies for safeguarding and promoting welfare, including the child protection policy
- written information from parents or other partners
- any complaints we may have received
- responses to the pupils' questionnaires, in particular the responses to questions about feeling safe, bullying, having someone to talk to if worried, keeping healthy and taking regular exercise
- responses to the parents' questionnaires, especially the questions about encouragement to be healthy and take exercise, being safe and receiving the additional support for any particular needs
- responses to staff and governor questionnaires, especially the questions referring directly to the school's safeguarding procedures, managing pupils' behaviour and dealing with bullying and harassment.

It is important that we do not share individual comments from any questionnaire with the school. The comments from the learner and parent questionnaires are in the inspection documents area and should be kept confidential to the team. Comments from the staff and governor questionnaires are kept securely in the RI area and should remain confidential to the RI.

Inspectors should take particular account of the school's context, including where available 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 and transfers of pupils

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

Planning the inspection

Responsibility for inspecting safeguarding should be shared by all members of the team, but ultimately rests with the reporting inspector. The RI may allocate specific tasks to any team member, including the peer inspector and lay inspector. It may be that different inspectors are responsible for different aspects of safeguarding and promoting welfare as they occur in more than one quality indicator, for example in 2.1, 4.1 and 4.2 as well as in aspects of leadership and management in Inspection Area 5. As in all inspections, the reporting inspector takes on overall responsibility for the conduct of the inspection and needs to monitor the work of the inspector(s), taking the lead on issues concerned with safeguarding and promoting the welfare of learners, particularly those regarding child protection.

All schools will complete a comprehensive self-evaluation in relation to safeguarding and child protection prior to inspection. This will provide a useful overview of the issues which need to be taken into consideration when evaluating the school's policy and procedures for safeguarding, including child protection. Providers are at liberty to use any suitable safeguarding and child protection self-evaluation model they wish. A useful self-evaluation template can be found on our website and within the Welsh Government guidance document, *Keeping Learners Safe* (2020).

Where a safeguarding issue has been raised about the school / PRU prior to an inspection, a safeguarding officer will have flagged the provider using a safeguarding alert. The IC will inform the RI of the flag and will ask them to contact the safeguarding officer for further information and advice. This might include possible questions and further areas to evaluate, linked to the safeguarding issues raised in the alert. RIs should include a brief comment in the safeguarding section of the reporting JF detailing what actions were taken during the inspection relating to the safeguarding alert.

The reporting inspector will need to consider how effectively the school has evaluated their own procedures for safeguarding and promoting welfare. This will help establish the extent to which safeguarding policies and procedures are properly implemented and monitored. If the school does not upload an evaluation, this should cause concern about how robustly the school evaluates its own procedures, and how well leaders promote the

school's safeguarding culture. In the light of this evaluation, the reporting inspector will need to allocate time to gather enough evidence to support the team's judgements. This may include asking questions specifically relating to safeguarding and promoting welfare at meetings with:

- the headteacher or principal / teacher in charge
- representative(s) of the governing body / management committee
- staff
- parents
- pupils

Inspectors may also arrange to meet with the designated person with responsibility for child protection if this is not the headteacher /principal / teacher in charge.

Inspection activity

When inspecting schools in relation to safeguarding, inspectors will evaluate the following:

- whether the school has an up-to-date self-evaluation which considers the effectiveness of its safeguarding and child protection duties, including online safety activity, and how well it sets out areas of strength and areas for improvement
- how well the school implements and monitors its policies and procedures to improve how it safeguards and promotes the welfare of children in accordance with Welsh Government's statutory guidance found in Keeping Learners Safe ((2020). [keeping-learners-safe-the-role-of-local-authorities-governing-bodies-and-proprietors-of-independent-schools-under-the-education-act.pdf](#)
- whether the school reports regularly to senior managers and governors, and how well it uses its data and evaluations of safeguarding about incidents in the school, including online safety aspects and incidents
- whether all school staff are clear about their responsibilities and what they need to do to protect pupils and that all staff have received relevant child protection and safeguarding training, including 'Prevent' duties
- whether all safeguarding related records are up to date, including incidents of alleged bullying, physical intervention, child protection referrals, safe recruitment and DBS checks, and safeguarding training
- whether there are consistent approaches to the management and reporting of safeguarding incidents and behaviour management issues within the school, which are supported by clear policies and procedures, and which include the management of internet and social media related incidents
- whether there are suitable arrangements to take action where any pupil's pattern of attendance causes concern, and whether the school's monitors and acts on pupil absences for all or part of the school day

- how well the school develops pupils' knowledge and understanding of emotionally damaging or unsafe behaviours, for example grooming, harassment, discrimination, prejudice-related bullying, and extremism, in line with their stage of development
- whether there are appropriate arrangements for developing pupils' awareness and understanding of how to be safe including safety on line, and which are regularly included in the school's curriculum

Reporting on safeguarding

Inspectors will report on whether the school's arrangements to keep pupils safe meet requirements and give no cause for concern.

They should consider whether it is appropriate to describe the nature of any strengths or shortcomings in the report, for example to allay parents' concerns.

Where arrangements do not meet requirements, inspectors should normally include a recommendation to improve the provision and that the school/PRU address the safeguarding / wellbeing issues identified during the inspection. After the inspection, we will issue a 'wellbeing' letter to the school and the local authority to seek assurance that they are addressing the shortcoming(s) suitably.

Where inspectors judge safeguarding arrangements in maintained schools and PRUs to be incomplete, ineffective, or not compliant with statutory requirements and /or learners are not safe, it is important that these issues, are properly recorded in the reporting JF and brought to the attention of the provider. Where the disclosure of the exact nature of these concerns would create additional risks to the wellbeing of pupils, inspectors should include the following statement in the main evaluation for inspection area 4:

'The school's / PRU's arrangements for safeguarding pupils do not meet requirements and give serious cause for concern.'

Where inspectors judge that drawing attention to the exact nature of a concern would not expose pupils to additional risks, inspectors can refer to the concern in their main evaluation for inspection area 4. For example, where there are concerns over traffic management at a school site inspectors can make reference to this in their report

The RI should issue a wellbeing letter detailing the exact nature of the safeguarding / wellbeing concerns. The Inspection Co-ordinator will guide the RI through the process

and manage the drafting of the letter with the appropriate Assistant Director.

Where matters are **minor** and/or **easily remedied**, and are not considered significant, there is no need for a comment or a recommendation in the final inspection report. Consequently, the RI should not issue a wellbeing letter to the provider. However, the RI must ensure that the concerns are raised and plans to address them discussed with the provider as soon as possible.

The RI must ensure that details of the concerns are recorded in the Reporting JF, including any action taken by the provider to address them.

In **independent schools** when safeguarding arrangements are incomplete, not effective, do not comply with statutory requirements and /or learners are not safe you must discuss them at the team's moderation meeting, and include a comment in the report. In these cases, the school will not meet the requirements of standard 3 of the Independent school standards regulations and depending on the nature of the issues may not comply with regulations in standard 4. Where standards relating to safeguarding are not met, we will issue a wellbeing letter to the proprietor, copied to Welsh Government as the regulator for independent schools. Welsh Government will ask the school to provide an action plan.

Where there are serious concerns over safeguarding arrangements in an independent school the RI should discuss these with the sector lead who will liaise with the safeguarding team, the Assistant Director and Welsh Government.

Annexes

Annex 1: Disclosure and Barring Service (DBS) checks, repeat checks and portability

Annex 2: Regulated activity as defined by the Protection of Freedoms Act 2012

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Annex 1: Disclosure and Barring Service (DBS) checks, repeat checks and portability

The Protection of Freedoms Act 2012 came into effect on 10 September 2012 with further changes coming into force on a staged basis over the next few years.

The following changes were put in place in September 2012:

- a new definition of “regulated activity” to focus on work which involves close and unsupervised contact with vulnerable groups
- activities and work that have been taken out of the definition of “regulated activity” will still be eligible for Enhanced DBS checks
- the repeal of “controlled activity”
- the repeal of registration and continuous monitoring
- the repeal of the provision of additional information
- the implementation of a minimum age (16) at which someone can apply for a DBS check
- a more rigorous ‘relevancy’ test for when the police release information held locally on an enhanced DBS check

On 1 December 2012, the CRB and ISA merged to form the Disclosure and Barring Service.

The DBS is responsible for administering three types of checks;

- **Standard** – a check on the Police National Computer (NPC) records of convictions, cautions, reprimands, and warnings
- **Enhanced** – a check on the PNC as above plus also other information held by the police that is considered relevant by the police
- **Enhanced with barred list information** – for people working in regulated activity with children. This adds checks of the DBS children’s barred list to the enhanced check.

During 2013, the DBS launched its Update Service. Employees are now able to register once for a DBS check, which is then automatically updated and available for organisations to check.

However, there are aspects of the old system which are not changing, these are:

- employers must make appropriate referrals to the DBS
- employers must not allow someone whom they know has been barred by the DBS to undertake regulated activity
- employers may undertake checks for anyone employed in activities which fall within the pre-September definition of regulated activity, as they remain eligible for enhanced DBS checks, whether or not they fall within the post-September definition of regulated activity (but they will no longer be eligible for barred list checks if they do not fall within the new definition of regulated activity)

Previously there has been widespread misunderstanding about when and how frequently to undertake checks. The following sets out the current position in relation to schools as to when checks need to be in place before an employee can start work.

- CRB 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 was that they must have been List 99 checked.
- CRB checks became mandatory for the entire maintained schools' workforce from 12 May 2006 (September 2003 for independent schools). Employees who took up post from this date must have an enhanced CRB disclosure.
- **No further checks are required** for any staff unless the person has a break in service of more than three months. There is no statutory requirement for staff to have routinely updated checks, although some employers may require this as policy. There is also no statutory requirement for staff employed before March 2002 to have retrospective CRB or 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.

An employer can only ask for a barred list check for those staff undertaking regulated activity. It's a criminal offence to ask for a barred list check for any other role.

Under the Education Workforce Council (Main Functions) (Wales) Regulations 2015, registration with the Education Workforce Council is a statutory requirement for every teacher who works in a maintained school or PRU in Wales. The DBS provides EWC with regular updates on barred individuals. Note that some criminal offences do not debar a person registering as a teacher.

Supply staff and visitors employed by an agency

Staff such as educational psychologists, supply teachers, trainee teachers, nurses, sports

who are employed by an agency should be CRB or DBS checked by their employer, for example the supply agency, the university, or local authority.

It is sufficient for schools to seek written confirmation that all appropriate checks, have been carried out for these people (most commonly on appointment) and by whom (most commonly the relevant human resources department). Schools should then confirm the identity of these visitors.

Supply staff who are not employees of an agency

Many of these staff are not employees of a supply agency, therefore, schools cannot assume that supply staff matched with them in this way have been through the necessary vetting procedures. Schools should confirm directly with the individual supply, that the necessary recruitment checks have taken place before staff start work with them.

Part-time staff

Part-time staff may use the same CRB or DBS check for two or more posts as long as they are at a similar level **and** the school has satisfied themselves about their veracity and appropriateness.

Governors/members of PRU management committee

The position relating to governors has changed under the **Protection of Freedoms Act 2012**. As school Governors are no longer undertaking regulated activity, there is no requirement for them to be subject to vetting and barring checks. However, where governors are undertaking some form of regular contact (as defined by the Act); with pupils, they are subject to risk assessment and possible vetting and barring unless adequately supervised.

Moving between schools and local authorities

Since September 2006 supply agencies have been able to pass CRB or DBS checks

between other school supply agencies and between individual schools.

- If an employee has been CRB or DBS checked, **there is no statutory requirement** that another CRB or 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 CRB or 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 decide for itself if it wishes to undertake a new check or not. If it decides not, then it should 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 CRB or DBS disclosure certificate because they believe that we would be critical of such arrangements. Inspectors should avoid giving any impression that we consider good practice to request repeat CRB or 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.
- Schools / local authorities which fail to secure evidence that paid staff and unsupervised volunteers have undergone the appropriate DBS checks before the staff member begins face to face teaching, should receive a judgment of unsatisfactory. However, a school or local authority has only initiated the checking process but has not received confirmation of suitability they must have carried out a suitable risk assessment and put in place appropriate supervision for the member of staff. This will be reflected in the inspection report.
- It is only volunteers who are supervised who do not need DBS with barred list checks

The regulations above apply to all schools, including pupil referral units. 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 children and young people.

Initial teacher training

In the case of student teachers on initial teacher education courses, it is the initial

teacher education partnership's responsibility, not the receiving schools, to ensure that appropriate recruitment checks are made. In the event of a delay in receiving disclosures from the DBS, the Welsh Government's guidance gives discretion to allow students to start working in a school subject to a satisfactory check of the DBS' children's' barred list and completion of other normal recruitment procedures.

The partnership should keep its school leaders fully informed of the progress of applications for disclosures, since these leaders will need to maintain closer supervision of students who have not yet received enhanced clearance. Leaders must be satisfied that checks have indeed been done.

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

Annex 2: Regulated activity as defined by the Protection of Freedoms Act 2012

The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular by the Protection of Freedoms Act 2012).

Regulated Activity still excludes family arrangements, and personal, non-commercial arrangements.

The new definition of regulated activity relating to children comprises of:

- (i) **Unsupervised activities:** teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
- (ii) **Work for a limited range of establishments** ('specified places'), with opportunity for contact: for example, schools, children's homes, childcare premises. **Not work** by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly. Regular means carried out by the same person frequently (once a week or more often), or on 3 or more days in a 30-day period (or in some cases, overnight).

The government has provided statutory guidance about supervision of activity, which would be regulated activity if it were unsupervised.

- (iii) **Relevant personal care**, for example washing or dressing; or health care by or supervised by a professional;
- (iv) **Registered child-minding**; and foster-carers.

What is no longer a regulated activity when working with children?

- Activity supervised at reasonable level

- Health care not by (or directed or supervised by) a health care professional
- Legal advice
- “treatment/therapy” (instead “health care”)
- Occasional or temporary services, (not teaching etc.) e.g. maintenance at a school
- Volunteers supervised at a reasonable level

Annex 3: Handling allegations of abuse against teachers and other staff Welsh Government Circular 009/2014

[This is statutory guidance](#) for maintained schools and FEIs and non-statutory guidance for independent schools.

Schools and further education colleges should have procedures for dealing with allegations and all staff and volunteers should understand what to do if they receive an allegation or have concerns about another member of staff.

The procedures should make it clear that **all allegations should be reported immediately**, normally to the head teacher, principal or proprietor if it is an independent school.

The procedures should also identify the person, usually the chair of governors, to whom referrals should be made in their absence; or in cases where the head teacher or principal themselves is the subject of the allegation or concern. For PRUs this person might be a local authority officer rather than the chair of the management committee.

Procedures should also include contact details for the local authority officer with responsibility for providing advice and monitoring professional abuse cases. The Local Authority Officer should be informed of all allegations that come to a school's attention and appear to meet the criteria set out below.

A member of staff is alleged to have:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

The above procedures relate to members of staff who are currently working in any school, regardless of whether the school is where the alleged abuse took place.

Allegations against a teacher who is no longer teaching should be referred to the police.

Annex 4: Procedures for reporting misconduct and incompetence in the education workforce in Wales.

Welsh Government circular 168/2015

[This guidance](#) sets out the reporting arrangements for cases of professional misconduct and professional incompetence in the education service. It applies to education providers in both the maintained and independent sectors.

In summary:

- If a member of staff or volunteer is dismissed or resigns before being dismissed for misconduct that relates to the harm, or risk of harm, to a child or vulnerable adult the employer must refer the matter to the DBS. If the member of staff is registered with the Education Workforce Council (EWC), the employer must also make a referral to the EWC.
- If a member of staff or volunteer who is registered with the EWC is dismissed or resigns before being dismissed for misconduct that does not relate to the harm, or risk of harm, to a child or vulnerable adult the employer must refer the case to the EWC.
- If a member of staff or volunteer who is not registered with the EWC (eg caretaker) is dismissed for misconduct that does not relate to the harm of a child or vulnerable adult, the employer should deal with the case under their own disciplinary procedures.

Annex 5: Preventing radicalisation and extremism

From 1 July 2015, schools, PRUs and FEIs must have 'due regard to the need to prevent people from being drawn into terrorism'. This is set out in Section 26 of the [Counter-Terrorism and Security Act 2015](#) and the accompanying [Prevent duty guidance](#) under section 29 of the Act.

The context of the school will affect the extent to which inspectors will need to consider the school's work in this area. However, every school and PRU must comply with the duty and inspectors should satisfy themselves that the provider is aware of the duty and acting appropriately.

Annex 6: Security

Site security and site safety

It is the responsibility of the headteacher and governing body to ensure that the school site and its building are safe. These arrangements will vary from school to school depending on the nature of the site and the age of the pupils on roll. Arrangements in primary schools may be different to those in secondary schools. In the case of a PRU, it is the local authority and not the teacher in charge / management committee that has ultimate responsibility.

We expect the school to:

- carry out a thorough risk assessment of the school site, for example taking account of site security, public rights of way, traffic management arrangements and the condition of all buildings
- make appropriate arrangements to manage those risks appropriately
- tell their employees about the risks and measures to be taken to manage the risks
- ensure that adequate training is given to employees on health and safety matters

The use of leisure centre facilities

It is the school's responsibility to ensure that learners are safe when using leisure centre facilities. This should include not only pupil use of the facilities but also travel arrangements for getting to these when not on a shared site. Learners should have designated changing facilities that cannot be accessed by members of the public when in use by them. We expect the school to carry out a thorough risk assessment of the school's use of such facilities and make appropriate arrangements to manage those risks appropriately.

Annex 7: Safeguarding Intelligence and inspections

Advice to RIs and team inspectors on the importance of taking account of any intelligence held by us regarding parental complaints against a provider, and any safeguarding matters in the management of an inspection.

When preparing for inspection, the IC will inform the Reporting Inspector (RI) if there is any relevant safeguarding intelligence, or complaints about the provider held by Estyn. This is so that the RI may use this information to inform lines of inquiry. This information is helpful and may alert the RI that parental concerns may be raised during the parents' evening, or even after the inspection. Where the IC has indicated that there is safeguarding intelligence the RI must contact a member of our Safeguarding Lead Officer Team for a briefing, who will suggest a suitable line of inquiry.

The RI is also able to use the provider's safeguarding self-evaluation form and the parent and learner questionnaires to inform their lines of inquiry for wellbeing and safeguarding. Where pre-inspection evidence in any sector identifies possible safeguarding issues or poor management by the provider, seek guidance from your sector's Assistant Director and the Safeguarding Team. Where any new issue is potentially referable, our safeguarding policy must be applied.

During the inspection, if we receive any relevant information about a safeguarding matter, a member of our safeguarding team will inform the RI and agree how to deal with the matter. The RI must ensure they record any evidence relating to any safeguarding lines of inquiry from interviews, observations or file reading in their JF, as this may be needed for any subsequent correspondence arising after the inspection. If the RI or another team member records any confidential information this should be passed to a member of our Safeguarding Team for secure filing. The detail of this confidential information should not be recorded in the JF but a note that the material has been passed to a member of our Safeguarding Team along with the relevant case number should be noted.

An incident may come to light after an inspection, and we may be asked to account for what the inspection team knew at the time and the actions the team either took or did not take. In the case of serious injury or death, this accountability could be through a Serious Case Review. It is vital to record any information in your JF, and any confidential information shared from our safeguarding files.

Annex 8: Supporting learners with healthcare needs

[Supporting learners with healthcare needs | GOV.WALES](#)

This document is designed to assist local authorities, governing bodies, education settings, education and health professionals and other organisations to support learners with healthcare needs and ensure minimal disruption to their education. It contains both statutory guidance and non-statutory advice.

In summary:

- Local authorities and governing bodies must have regard to this statutory guidance when carrying out their duties in promoting the welfare of children who are learners at the education setting, including meeting their healthcare needs. The guidance also applies to activities taking place off-site as part of normal educational activities.
- Learners with healthcare needs should be properly supported so that they have full access to education, including trips and physical education.
- Governing bodies must ensure that arrangements are in place to support learners with healthcare needs.
- Governing bodies should ensure that education setting staff consult the relevant professionals, learners and parents to ensure the needs of the learner with healthcare needs are properly understood and effectively supported.

The guidance provides information on

- The procedures for record keeping and management of learners' healthcare needs
- Creating an accessible learning environment
- The storage, access and the administration of medication and devices
- Staff training
- Emergency procedures
- Individual Healthcare Plans
- Unacceptable practice