

HHCL meeting on Safeguarding . May 2022

Questions emerging from the Chat , and some Answers

Q. Why are out of school settings unregulated? Some people really wanted the schools to be regulated and safeguarding enforced. There was a request to take this higher up into DfE.

A. The sector is large, broad and diverse – no setting is the same; difficult to design a flexible but effective system of oversight. Challenge for smaller, voluntary settings. Worry that the oversight would impact on teaching -i.e. the effect on religious and other freedoms. Definitions imprecise around fundamental British values, extremism and undesirable teaching. Argument that existing safeguarding legislation is sufficient.

DfE adds: There is no simple answer to explain why out-of-school settings are currently unregulated under education and childcare law, however to try explain the complexities of the policy:

In 2015, the department consulted on proposals to introduce a new regulatory system to enable intervention when safeguarding concerns arise in out-of-school settings. This consultation received a varied response from stakeholders. The department announced a package of activity aimed at enhancing local capacity to identify and tackle settings of concern.

This included a £3 million multi-agency pilot scheme working with 16 local authorities across the country. The final phase of this work concluded in December 2021, and we are currently evaluating its findings. We will set out our next steps in due course.

The department has also developed of a voluntary code of practice for out-of-school settings providers and accompanying guidance for parents. The [code of practice](#) was published in October 2020.

Q. What are the DBS equivalent documents from other countries?

A. Most other countries have no equivalent to the DBS check.

Anke adds : *'Certificates of Conduct' would be comparable to a point or at least explain a bit what a DBS is about. For Germany, it would be 'Polizeiliches Fuehrungszeugnis'*

DfE adds: DBS doesn't have access to databases outside of the UK and **most other countries have no equivalent to the DBS check.** There are different avenues they can go through though; some are listed here: [DBS checks for foreign nationals moving to the UK | CBScreening](#)

Q -Most of the Saturday schools are based in mainstream schools, so can the mainstream schools provide the safeguarding training for the teachers working in the Saturday school?

A. IF they have an understanding of the Saturday school situation, certainly. That would be a great support!

Anke adds : (Some of) the schools that I work with are indeed 'based at a mainstream school', but this is just the relationship between a landlord and tenant. Most schools, i.e. Headteachers, teachers of modern foreign languages, EAL staff etc are not aware of the community schools, do not know what they are about and have no further relationship with them. It would be great if that relationship could be deepened, with this caveat.

DfE adds: There is no obligation for the school to offer such training to providers operating on their premises.

Q -Can we have a periodic meeting in order to update us with the recent legislation

A. Yes HHCL will hold a meeting if there is a change to the legislation

Q -Who can check our Safeguarding policy?

A. In drawing up your safeguarding policy, refer to the DfE documents in the links below to ensure you have included all the information required. Places you can ask for further information and advice include ;

- your local authority
- NRCSE (links below)

Anke adds : This question shows the deep insecurity people feel when it comes to safeguarding. People who are well trained and have read a bit about safeguarding (DfE guide below) should not need anyone to 'check the policy'. Networking with other schools can really help here to develop self-confidence.

DfE adds: is a specific checklist within this guidance which will be beneficial to providers when drafting their safeguarding policy.

[Keeping children safe in out-of-school settings: code of practice - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/Keeping_children_safe_in_out-of-school_settings_code_of_practice.pdf)
(www.gov.uk)

Places you can ask for further information and advice include ;

- Any umbrella body / accreditation body you might be aligned to
- NSPCC

Q. Who can help with DBS applications?

Anke advises : By law, you need to run a DBS check for all trustees/all members of the management committee and everyone else who either directly gets in contact with the children (i.e. teachers and class room assistants) or has access to their data (membership secretary). It does not matter whether individuals are paid or not. Teachers and other people in contact with the children need an enhanced check; for people handling data a basic check is sufficient.

A DBS check can be obtained locally (e.g. via an organisation called Cambridge Student Community Action. <http://cambridgesca.org.uk/dbs-services/>)

Other so-called umbrella bodies that can run DBS checks for you can be found here [Find a DBS umbrella body company – GOV.UK \(www.gov.uk\)](#) .

They all should charge the same fees. If you expect a person to stay with you for several years, ask them to sign up for the update service as this costs considerably less for ongoing years.

DfE adds: A [Responsible Organisation](#) (RO) is an organisation registered with the DBS to submit basic checks through a web service.

An RO will capture the details of a basic check application in their system, before transferring it to DBS via a web service. You can apply for DBS basic checks by visiting the website of a Responsible Organisation.

Individuals can also apply for a basic check directly to DBS using our [new online application route](#) if they live or work in England or Wales, or to [Disclosure Scotland](#) if they live or work in Scotland.

A standard or enhanced DBS check is a more in-depth criminal record check than the basic one. Individuals cannot apply directly for a standard disclosure, it is carried out by employers or organisations for roles that require it.

Q. If an issue happens outside the school but involves the students of the supplementary school, can the supplementary school deal with it?

A. Yes! If an issue involves your students, the designated safeguarding lead should deal with it.

Anke adds: *It does not matter what happened or where. The only point is who hears about it. That person needs to act.*

DfE conforms : Yes! If an issue involves your students, the designated safeguarding lead should deal with it. Depending on the issue, you may want to engage the mainstream school the child may be attending (or other education establishment), whilst also engaging their parents if appropriate. There will be limitations regarding how much the DSL can react and respond to the issue, as there may be a lack of information due to the issue occurring offsite.

Q If a supplementary student has special needs, can you get access to their notes?

DfE: A child or young person's EHC plan must be kept securely so that unauthorised persons do not have access to it, so far as reasonably practicable (this includes any representations, evidence, advice or information related to the EHC plan). An EHC plan must not be disclosed without the consent of the child or the young person, except for specified purposes or in the interests of the child or young person. If a child does not have sufficient age or understanding to allow him or her to consent to such disclosure, the child's parent may give consent on the child's behalf.

Q We need from HHCL a real case study as an example from start to the end and this will help in widen the understanding of the raised cases

Anke comments : The four scenarios that I included in the notes of my presentation are very good, because they are ambiguous. Take the one I cited. When participants in the safeguarding training discuss it, they will throw up a lot of questions.

- **How old is the child? (It is OK for a volunteer to hold a baby, but not OK to have a 15 year old on their lap)**
- **Was the picture taken during school hours or outside? (in either case and depending on other circumstances, the safeguarding lead needs to act)**
- **Is the Facebook group an open or a closed group?**
- **And VERY important: 'Somebody says...'**

The safeguarding lead first needs to establish the facts. Nothing may have happened at all.

The process of discussing the scenarios teaches more than the presentation of a 'real example' would. (btw Scenario 2 is a real example from a school (I have been told).)

Q Is the policy different if parents are present during the teaching?

Anke comments : Most aspects, if not all, of a safeguarding policy would not be affected by this. Having a second person present is very good practice and can help with avoiding certain situations (one person in my discussion group mentioned teenagers who made all kinds of accusations to get out of the lessons), improve behaviour (though often the presence of a parent of a child in the class can disturb), and gives a second pair of eyes and ears.

In the case of an informally run toddler or baby group where every child is always supervised by their parent/carer, I advise that no policies are needed, only perhaps a one-pager with some rules. (Holding insurance is also a good idea.)

DfE comments : OOSS are organisations or individuals that provide tuition, training, instruction or activities to children in England **without their parents' or carers' supervision**, but are not:

- schools
- colleges

- education settings providing alternative provision
- 16 to 19 academies
- providers caring for children that are registered with Ofsted or a childminder agency

Where parents or carers are present, setting leaders should use their professional judgment about the need to escort or supervise such visitors.

Safeguarding policies should set out the arrangements for individuals coming onto their premises.

Settings should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a lesson.

Where parents and carers do attend, providers should still have due regard to their duty of care to all those present.

Q Have gender neutral toilets in mainstream schools been an issue for any schools and how have you dealt with it.

Anke says: I don't really have an answer for that but wonder whether the community school could just assign some toilets for each gender, if this is what is wanted. (Toilets, supervision of children going there, possibly having to help with dressing etc. is a huge problem. A second person in the classroom can help with covering the children who need the toilet. Taking two children at a time can be a policy. Asking young children to come out of the cubicle (but stay in the forerom of the toilet) when helping them to get the clothes back in place... Difficult area in general.)

DfE : Many schools have gender neutral toilets (in addition to sex-specific facilities, which [must be provided](#) for children over the age of 8). We are not aware of gender neutral facilities causing problems in schools. We continue to work closely with those in the sector and across government to understand these matters and how they affect schools. We will be working with the Equalities and Human Rights Commission to make sure we are giving the clearest possible guidance to schools.

Useful links

From the DFE

<https://www.gov.uk/government/publications/keeping-children-safe-in-out-of-school-settings-code-of-practice>

and accompanying parental guidance, which has been translated into several languages –

<https://www.gov.uk/government/publications/guidance-for-parents-and-carers-on-safeguarding-children-in-out-of-school-settings>

contact - WrapAround.OOSS@education.gov.uk - if you want to reach Francesca directly, please include her name

From Cambridge Bilingual Groups

<https://cambilingroups.org/>

From NRCSE (National Resource Centre for Supplementary Education)

<https://www.supplementaryeducation.org.uk/>

If anyone is interested in getting more info about achieving NRCSE Quality Mark Award or taking part in projects, please get in touch with mon@nrcse.org.uk

<https://www.supplementaryeducation.org.uk/new-nrcse-good-management-e-learning-programme/>

Ideas for future meetings

- Out-of-school settings and children with SEN and disabilities.
- Updates on legislation relating to out-of-school settings