

Safeguarding children and young people and young vulnerable adults policy

Ofsted aims to assure the safe and secure provision for children, young people and learners across all remits through effective inspection and regulation. Therefore, safeguarding the welfare of children, young people and some vulnerable adult learners is part of our core business and all staff must be aware of their responsibilities in this regard.

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Purpose

1. This document outlines Ofsted's policy on identifying and responding to concerns regarding the safeguarding and protection of children and young people, with a specific section on protection of vulnerable adults. This policy, with the associated procedures, provides guidance for all staff who may come across concerns of this nature within the context of their work for Ofsted. These include:
 - all members of Ofsted's workforce, both inspectors and office-based staff
 - additional inspectors
 - other individuals, consultants and agencies contracted by Ofsted.
2. The policy seeks to promote effective multi-agency working in light of the Children Act 2004 and *Working Together to Safeguard Children* (DfE 2013).
3. Ofsted inspects settings and services for young people, some of whom are vulnerable adults. The policy and procedure for responding to concerns regarding the protection of vulnerable adults, when these are identified through inspection or other activity, are incorporated in this document. Although the legislative and policy base is different when responding to the safeguarding needs for adults, most of the principles and procedures for staff are the same as those for children and young people.

The definition of safeguarding – children and young people

4. In relation to children and young people, Ofsted adopts the definition used in the Children Act 2004¹ and the Department for Education (DfE) guidance document: *Working Together to Safeguard Children* 2013 (paragraph 2),² which define safeguarding and promoting children and young people's welfare as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care, and
- taking action to enable all children to have the best outcomes.

The above statutory guidance defines child protection as part of safeguarding and promoting welfare. Child protection is the activity undertaken to protect specific children who are suffering, or are likely to suffer, significant harm.

5. For the purposes of this policy, Ofsted's responsibilities cover:

- identifying specific safeguarding concerns that need to be raised with a senior manager within the responsible provider and/or authority as part of inspection or regulation work. Such concerns could include but may not be limited to:
 - no designated senior person for child protection within a school
 - inadequate safeguarding arrangements in a nursery
 - incomplete records of serious incidents in a children's home
 - inadequate response to bullying within a school
 - poor and unsafe social work practice by a council or other agencies in the recent past
 - incomplete records of recruitment checks/inadequate recruitment checking processes
 - lack of clarity about the safeguarding needs of children, young people and vulnerable adults
 - concern about the presence of radicalisation and/or extremism within any setting or the failure to address such issues appropriately
 - failure to share information on children and young people on child protection plans with relevant providers

¹ The Children Act 2004: www.legislation.gov.uk/ukpga/2004/31/part/2/crossheading/general

² Working together to safeguard children, DfE, 2013; www.gov.uk/government/publications/working-together-to-safeguard-children

gathering evidence on the effectiveness of safeguarding arrangements to inform inspection judgements. (This will vary depending on the context and focus of the individual inspection)

- the role of designated staff in Ofsted's Application, Regulatory and Contact team in responding to notifications of serious incidents and child deaths
- responding to specific child protection concerns about children at risk of significant harm that are likely to need to be referred through to social care services and possibly the police.

Aims and objectives

6. Ofsted has a broad remit and has a wide range of inspection and regulation activity which covers settings which also have broader safeguarding responsibilities. In all of this activity, as well as responding to immediate concerns, we will ensure that there is a clear focus on the safety and welfare of children, young people and vulnerable adults. This focus will be consistent across our inspection frameworks and our approach to inspection and regulation.
7. Ofsted will disseminate the learning from inspection outcomes and from serious case reviews in which Ofsted has participated to staff. This will maintain Ofsted's role as a learning organisation with a focus on continuous improvement and provide clarity about the roles and responsibilities of staff and inspectors, including those working for inspection service providers, in safeguarding children.
8. In inspection and regulation, we expect that providers will have appropriate measures in place to safeguard and promote the welfare of children and that they will bring matters requiring local attention to the relevant authorities.
9. All Ofsted staff and inspectors are required to complete an on-line basic safeguarding training and assessment programme, supplemented by a refresher module after three years, and to attend safeguarding training focussing on what constitutes safe settings. Staff and inspectors are therefore expected to have a good understanding of safeguarding concerns, including potential abuse and neglect of children and young people, which may come to light in the work place as well as in the settings we regulate and inspect.
10. Staff and inspectors who work in areas involving vulnerable adults are also required to complete an online training and assessment module on this aspect of safeguarding.
11. At whatever level we identify risks, Ofsted will highlight them and seek to ensure that appropriate steps are taken to safeguard the children concerned.

12. All Ofsted employees, and those who undertake work on Ofsted's behalf, must maintain a proper focus on safeguarding children, young people and vulnerable adults, and this must be reflected both in sound individual practice and in our internal policies and guidance. All permanent and contracted staff working with children and young people (including young people who are vulnerable adults) must:
- give highest priority to their safety and welfare
 - recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children and young people
 - respond appropriately to disclosure by a child, or young person, of abuse
 - respond appropriately to allegations against staff, other adults and against themselves
 - understand and implement safe practice in carrying out their duties in inspection
 - be alert to the risks which abusers, or potential abusers, may pose and vigorously pursue concerns to ensure that providers are able to demonstrate a similar level of commitment
 - be aware of the importance of the role of inspected services in promoting the safety and welfare of children and young people
 - contribute, as necessary, to all stages of Ofsted's safeguarding and protection processes.

Ofsted's responsibilities

13. Ofsted does not investigate individual child protection cases or referrals. Ofsted is not the statutory authority for the conduct of enquiries into specific child protection concerns; therefore, all staff should follow the procedures to ensure that all allegations or suspicions of abuse or significant harm to any child are reported to the children's services department³ of the relevant local authority. We will share all relevant information with the respective statutory child protection agencies (children's services and/or police) without delay and within agreed protocols. The reasons for action taken, or not taken, by Ofsted will be clearly recorded.
14. Ofsted will ensure that it fulfils its responsibilities to work jointly with others to safeguard and promote the welfare of children and young people and, where necessary, to help bring to justice the perpetrators of crimes against children.
15. Ofsted will also fulfil its own responsibilities and powers as a regulator (e.g. in relation to early years and childcare settings and social care settings such as

³ The term Children's Services is used throughout this document to include children's social care services

children's homes) and take whatever enforcement action is deemed necessary to protect children.

16. Ofsted is involved in a wide range of inspection, regulatory activity and surveys covering the following organisations and settings and functions:

- state and independent day schools
- residential special schools
- pupil referral units
- boarding schools
- residential children's homes
- residential children's home with education on the premises
- secure children's homes
- secure training centres
- residential family centres
- early years and childcare
- youth services
- colleges
- independent specialist colleges
- work-based learning and training
- training of armed forces
- adult learning
- initial teacher training
- fostering and adoption services and agencies
- private fostering arrangements
- Children and Families Court Advisory Support Services (Cafcass)
- youth offending teams (with HMI Probation)
- young offender institutions (with HMI Prisons)
- child protection
- children looked after

17. Ofsted undertakes some of its inspection activity in partnership with other inspectorates. In some cases, Ofsted takes the lead when working with other inspectorates, in others the lead responsibility lies elsewhere. In all joint inspections, it is expected that the policy and procedures of the lead inspectorate will be followed when reporting a matter of concern. Notwithstanding this, individual inspectorates, including Ofsted, will need to

fulfil their own statutory responsibilities and comply with their own internal procedures.

Safeguarding vulnerable adults

18. The legal and policy basis for responding to concerns regarding the safeguarding and welfare of vulnerable adults is different from that of children and young people under 18. *Working Together to Safeguard Children 2013* only applies to children and young people until they reach the age of 18. Any incidents or concerns relating to a young person of 18 years and over, even if still at school, are not covered by Local Safeguarding Children Boards or their procedures.
19. Government guidance in relation to adults is contained in the document 'No Secrets' and the previous Protection of Vulnerable Adults (POVA) guidance (now Adult's List guidance).⁴ Good practice guidance is also available through the Association of Directors of Social Services (ADSS) publication – *Safeguarding Adults: A national framework of standards for good practice and outcomes in adult protection work*.⁵
20. However, it is important to be aware that following amendments to the Safeguarding Vulnerable Groups Act 2006, by the Protection of Freedoms Act 2012, adults are no longer deemed vulnerable because of their personal attributes, characteristics or abilities. An adult is considered 'vulnerable' if they receive a health, personal or social care service from a professional. Personal services would include, for example, help with financial matters, feeding, washing or dressing.
21. In this policy, the term 'vulnerable adults' is used for any persons over the age of 18 who meet the statutory definition in paragraph 18 above, and whose education or welfare falls to be considered under one of the Ofsted's remits set out in paragraph 16 above.

The definition of abuse of vulnerable adults

22. The definition of abuse of adults is contained in 'No Secrets' (para 2.5). Abuse is a violation of an individual's human and civil rights by another person or persons. Abuse may consist of single or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual

⁴ *No Secrets: guidance on protecting vulnerable adults in care*, Department of Health, 2010: www.gov.uk/government/publications/no-secrets-guidance-on-protecting-vulnerable-adults-in-care

⁵ *Safeguarding adults: a national framework of standards for good practice and outcomes in adult protection work*, Association of Directors of Social Services, 2005: <http://lx.iriss.org.uk/content/safeguarding-adults-national-framework-standards-good-practice-and-outcomes-adult-protection>

transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

Within this context abuse can take the form of:

- physical abuse – including hitting, pushing, kicking, misuse of restraint or inappropriate sanctions
- sexual abuse – including sexual assault or acts to which the adult did not, or could not, consent
- psychological abuse – including emotional abuse, threats, deprivation of contact, humiliation, intimidation, coercion, verbal abuse, isolation or withdrawal from services
- financial or material abuse – including exploitation and pressure in connection to wills, property, inheritance or financial transactions
- neglect or acts of omission – including ignoring medical or physical care needs, withholding of medication or adequate nutrition and failure to provide access to appropriate health, social care or educational services
- discriminatory abuse – including racist, sexist and other forms of harassment.

Ofsted's responsibilities

23. Ofsted is committed to working with other agencies to ensure that people in settings that we inspect are safeguarded. People who use services have a right to live and work in environments free from abuse, neglect and discrimination. Please refer to Annex A for details of how Ofsted inspectors check that early years and social care providers ensure that any risks arising from individuals, other than staff or users, living on or accessing the premises (both those employed by the setting and those who do not work for the organisation), are determined, assessed and acted on.
24. Ofsted does not investigate issues of concern in relation to vulnerable adults. Local authorities and the police hold the lead responsibility for responding to allegations of abuse in relation to adults, and in coordinating the local interagency framework for safeguarding adults.
25. Ofsted will bring to the attention of the local authority social services and the police any concerns in relation to safeguarding or allegations of abuse identified through any part of its work.

Ofsted Safeguarding Group

26. Ofsted has established a cross-remit Safeguarding Group, chaired by the National Director, Social Care, to ensure that these arrangements are effective. The terms of reference of the group are:

Purpose

27. To ensure that robust internal arrangements are in place with respect to Ofsted's responsibilities and duties for assuring safe and secure provision for children, young people and adult learners across all remits and includes work undertaken by contracted inspectors.

Objectives

28. The group is established as a sub-committee of the Operations Executive Board (OEB) and works across all inspection remits to improve safeguarding practice. It works to:
 - oversee the implementation and revision of Ofsted's safeguarding policy and procedures and review how effectively they are being applied in the field
 - provide a holistic view of serious incidents to ensure that cross-cutting issues are identified and appropriate action taken within defined timescales
 - consider and advise on the development of inspection methodologies to ensure that safeguarding issues are adequately addressed
 - consider Individual Management Reviews (IMRs) in respect of their quality and appropriateness, ensuring that actions are progressed, are dealt with correctly and appropriate policy/training is developed and disseminated where this is required
 - ensure that Ofsted understands the key messages arising from its involvement in serious case reviews, ensures that these are disseminated and appropriate learning takes place
 - oversee the delivery of the single safeguarding action plan, updated quarterly to reflect new/emerging issues
 - annually assess the impact of the safeguarding action plan
 - ensure that appropriate staff training and induction arrangements are developed and delivered, and the impact of these on practice is systematically and routinely evaluated
 - ensure that Ofsted's recruitment and other HR processes and procedures take appropriate account of safeguarding considerations
 - ensure all Ofsted staff and relevant colleagues from ISP are consistently communicated with on safeguarding matters
 - consider issues escalated from regions or corporate teams as they relate to safeguarding.

Annex A: Assessment of risk in settings, where children attend, because individuals reside on the premises or have access to children and young people

29. This sets out details of how Ofsted inspectors check that early years and social care providers ensure that any risks arising from individuals, other than staff or users, living on or accessing the premises (both those employed by the setting and those who do not work for the organisation), are determined, assessed and acted on.⁶
30. During an inspection or registration visit, inspectors must explore whether anyone lives on the setting premises,⁷ or whether anyone other than staff and users of the service have access to the premises. This requirement applies to the inspection of any setting, which children attend and/or where they are resident, but not those (such as fostering or adoption agencies) where children are never present on the premises.
31. Inspectors need to be vigilant when assessing how the provider mitigates all risks, including those arising from any individuals living on the premises. They must avoid making assumptions about who has access to the premises. Inspectors must not allow more immediate concerns to overshadow their assessment of arrangements where an individual, not employed by the provider, lives on or has access to the premises; this is a key safeguarding issue. Access to the premises by other individuals must be assessed even where there may appear to be less risk. For example, just because those who have access are council staff does not, in itself, mitigate possible risk to children and young people. The assessment of access needs to take account of the age and vulnerability of the children or young people who attend, or who are resident at, the premises.
32. Where individuals other than members of staff reside on or in the vicinity of the premises, the provider must demonstrate that they have fully assessed any risks they may pose to children. In the case of a regulated setting, this is a regulatory requirement.⁸ Inspectors should always establish if residential accommodation exists in, or in close proximity to, the premises, irrespective of whether anyone is actually living in that accommodation at the time of the

⁶ In the case of childminders who operate on domestic premises, household members who live in and have access to the premises (but do not work for the organisation) are routinely checked by Ofsted.

⁷ For the purposes of this guidance 'premises' is not restricted to the definition as set out in regulation (i.e. only those areas where the early years' service is provided; rather, it includes accommodation within the same main building, a completely self-contained apartment with a separate entrance which is part of that building, or a residence in the grounds.

⁸ In an early years setting this is a requirement where it pertains to the regulatory definition of 'the premises' (only those areas where the early years' service is provided). In the case of a children's home, it is a requirement that the registered person must ensure 'that the premises used for the purposes of the home are located so that children are effectively safeguarded'.

inspection (or registration visit). Inspectors should also establish who makes the decision about letting the accommodation (be that for rent or not) and what vetting of prospective tenants is undertaken before arranging any letting. Guidance on how this relates to particular settings will be available in service-specific guidance.

33. Inspectors should take account of the availability of access to the premises through any linked residential accommodation. If for example, the residential area where the individual or individuals live constitutes a fire escape route (which would be unacceptable in settings where children reside), inspectors should take account of whether access into the setting is also possible by the individual living there, and whether children could gain access to the accommodation other than in the case of fire.
34. In evaluating the risks posed because of close residential accommodation for third parties, the inspector should take account of the provider's track record in responding appropriately to previous actions/requirements or recommendations. Where actions/requirements or recommendations have been made previously, these must be followed up.
35. Where residential premises are occupied by an individual who is not directly connected with the provision, inspectors should take account of:
 - the views of children and, where appropriate, young people, parents and carers
 - the behaviour of that individual and any impact that their presence in the vicinity has on the experiences and safety of children and young people.
36. Inspectors should test how well staff would deal with a safeguarding concern relating to a third party resident should it arise, and how they monitor the situation and implement safeguarding procedures.
37. If an inspector is concerned about the arrangements in a provision or setting and is unclear what to do, they should consult a more senior officer within Ofsted or the remit appropriate duty desk.
38. All aspects of the assessment of risk posed by any individual living on the premises or having access to children and young people must be fully recorded on the main remit electronic recording system (RSA, PIP, Office Base etc.). Where actions need to be taken, this should be in line with the *Social care compliance handbook*⁹ and the *Early childhood compliance handbook*¹⁰ in regulated settings and for non-regulated settings in line with Ofsted's

⁹ *Social care compliance handbook*, Ofsted, July 2015; www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014

¹⁰ *Early childhood compliance handbook*, Ofsted, June 2015; www.gov.uk/government/publications/compliance-investigation-and-enforcement-handbook-childcare.

safeguarding policy and guidance. Recording must be sufficiently robust to form an audit trail for scrutiny later. The records should show clearly the discussion with the provider about how the risks of either current or future residents were or will be conducted, but such records should not name any individual.

39. In summary, inspectors should:

- ensure that a thorough review of the premises is conducted at the inspection or registration visit, and that the evidence of the review is clearly recorded. Particular attention should be paid to:
 - the layout and location of the premises
 - use of the outdoor space, who has access to the premises, and whether there are residential facilities on or in close proximity to the premises
 - scrutiny of how effectively the provider has identified and taken steps to minimise any potential risks arising
- raise awareness at each visit of the importance of checking the premises, who has access to the premises and whether anyone lives on or is in close proximity to the premises and, if so, whether they have any opportunity of access to the provision or to the children attending
- consider whether the provider has fully assessed the risks posed by residence or access, and is able to explain how children are safeguarded.