



Supplementary guidance for inspecting safeguarding in schools and PRUs

September 2024

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
- ▲ all-age schools
- ▲ special schools
- ▲ pupil referral units
- ▲ independent schools
- ▲ further education
- ▲ independent specialist colleges
- ▲ adult community learning
- ▲ local authority education services for children and young people
- ▲ teacher education and training
- ▲ Welsh for adults
- ▲ work-based learning
- ▲ learning in the justice sector

We also:

- ▲ report to Senedd Cymru and provide advice on quality and standards in education and training in Wales to the Welsh Government and others
- ▲ make 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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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, Post-16 colleges, specialist colleges, pupil referral units and non-maintained nursery settings

From when should the guidance be used? September 2024

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Supplementary guidance

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 schools with a religious character).

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

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 2024.

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, a member of the safeguarding lead officer team 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:

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.

- (1) An “adult at risk”, for the purposes of this Part, is an adult who—
 - (a) is experiencing or is at risk of abuse or neglect
 - (b) has needs for care and support (whether or not the authority is meeting any of those needs)
 - (c) 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

When evaluating safeguarding arrangements Inspectors must do more than simply ensure that policy documents exist, and staff know about the detail within. They must assess how well the provider creates a safeguarding culture in all of its work. In addition to this, they must evaluate how well policies and procedures are understood, and assure themselves that staff, leaders and governors follow safeguarding procedures appropriately.

Inspectors must consider 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.

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 1: Teaching and Learning

How well do pupils:

- develop their knowledge, skills and understanding?
- develop positive attitudes to learning?

Inspectors should evaluate how the curriculum

- supports pupils' spiritual, moral, social, and cultural awareness or fosters positive and respectful attitudes to diversity. (RSE)
- develops pupils' awareness and understanding of different identities, views and values, the diversity of relationships, gender, sexuality including LGBTQ+ lives and explore the themes of gender equity, rights and advocacy (RSE)
- supports pupils' personal, social development including their understanding the characteristics of healthy relationships (RSE)
- helps pupils to develop the skills, knowledge and understanding they need to make healthy lifestyle choices and understand the impact of these choices (including how to stay safe online)

Inspection Area 2: Well-being, care, support and guidance

How effectively does the school/PRU ensure that all pupils, including those at risk of adverse outcomes, for example those pupils affected by poverty, with ALN or other identified barriers to progress:

- are safe and secure?
- attend school regularly?
- are respected and fairly treated?
- receive the guidance and support they require for the next steps in their development?

Inspectors should evaluate how well teachers and other practitioners:

- create and maintain a culture of safeguarding, including following child protection procedures so that pupils are safe and secure, respected and treated fairly, are free from bullying and harassment and free from physical, emotional, and verbal abuse
- ensure that pupils attend school regularly, for example by: promoting and monitoring attendance including that of specific groups, challenging persistent absenteeism working in partnership, for example with educational welfare services, social services, police, and other agencies
- co-ordinate suitable support for vulnerable pupils, including working in partnership with external agencies when appropriate
- support positive behaviour, and accurately record, report and respond to all types of bullying and harassment

Inspection Area 3 : Leading and Improving

How effectively do leaders:

- develop a culture, inclusive ethos and strategic direction that support the progress and **well-being** of all pupils?
- ensure that professional learning equips all staff to carry out their roles?

Inspectors should evaluate how well leaders

- develop a **culture, inclusive ethos** and strategic direction that are suitably focused on improving pupils' learning and **well-being**
- set and communicate **high expectations for staff**, pupils and have established a track record of making and sustaining improvements and the extent to which they have led to a positive impact on pupils' learning and **well-being**
- plan and deliver professional learning opportunities for staff that have a positive impact on pupils' learning and **well-being**

Leaders and managers should be clear about their statutory responsibilities regarding safeguarding and the steps they are taking to promote a strong safeguarding culture in their provision and how they develop good practice beyond the statutory minimum.

The governing body of a maintained school, FE College and the proprietor of an independent school is accountable for ensuring that there are effective safeguarding policies and procedures in place in accordance with the Welsh Government's guidance. This includes ensuring that safe recruitment checks are carried out in line with statutory requirements.

If the provider does not have effective policies and procedures for safeguarding and promoting the welfare of learners and does not take sufficient steps to ensure these are adhered to, this will influence the evaluation made about the quality of leading and improving.

Since 2019, the governing body has had specific responsibilities regarding the school's anti-bullying policy and procedures¹. 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.

¹ 11.17 <https://gov.wales/sites/default/files/publications/2019-11/rights-respect-equality-statutory-guidance-for-governing-bodies-of-maintained-schools.pdf>

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.

Pre-inspection scrutiny of staff Disclosure and Barring Service (DBS)

All uploaded documents are securely stored in the inspectorate's SharePoint, with restricted access and strong authentication measures. The VIR undergoes regular security testing, and there are established terms and conditions for inspectors. When collecting and using personal data that we obtain from providers, Estyn acts as an independent controller of personal data. The lawful basis for data processing is outlined in Article 6(1)(e) of the UK GDPR, relating to public tasks as a regulator. It is important to note that all DBS information requested is not sensitive data and is used solely for inspection purposes, aligning with GDPR guidance on criminal offense data. Estyn's privacy notice provides additional details on data collection, usage, individual rights, and contact information for inquiries or complaints.

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 inspection area. 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* (2022).

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 TIF 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 ((2022). [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 normally 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 include a recommendation to improve the provision and that the school/PRU address the safeguarding / wellbeing issues identified during the inspection. This should be the first recommendation.

Well-being letters and their impact on evaluations and recommendations in the report

Where safeguarding shortcomings, including site management issues, are minor, easily and quickly addressed, and do not put learners at risk, then there is no need to issue a wellbeing letter. However, the shortcomings must be noted in the RIF, and fed back to the provider both when first identified and at the final feedback session.

Where safeguarding is found to be inadequate, the RI must discuss the shortcomings at the team's moderation meeting, include details in the report, and include a recommendation to address these issues. The RI must then issue a wellbeing letter. The Inspection Co-ordinator will guide the RI through the process and manage the drafting of the letter with the appropriate Assistant Director.

Inadequate safeguarding arrangements may mean:

- Incomplete and/or ineffective safeguarding processes
- where the provider does not comply with statutory requirements
- where learners are obviously not safe
- staff are not clear about safeguarding policies and procedures, their responsibilities and what they need to do to protect learners
- approaches to safe recruitment for paid and volunteer staff are poor, records are incomplete, vetting or barred list checks and references are missing, or no risk assessments to cover exceptions to DBS checks
- the management and reporting of safeguarding incidents and behaviour management issues are ad hoc or inconsistent
- arrangements for supervising visitors or volunteers are inadequate
- bullying is not dealt with effectively
- arrangements for developing learners' awareness and understanding of how to be safe including online safety and sexuality and healthy relationship education are not effective
- arrangements for learners with medical conditions are inadequate

Where there are site safety and other health and safety concerns, the RI must notify the IC **DURING** the inspection. The IC will send a letter to the relevant local authority to notify them of their obligations to respond to the concern. The LALI for the local authority will then monitor the LA's response and any further developments.

Remember

An incident may come to light after an inspection, and we may be asked to account for what we knew at the time and the actions we either took or did not take. In the case of serious injury or death, this accountability could be through a Child Practice Review. Your recording in your TIF, and any confidential information stored in the safeguarding files will be relevant here, so it is imperative that you note every detail if you think it is relevant.

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.

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.

Pre-inspection scrutiny of staff Disclosure and Barring Service (DBS)

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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.

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

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

<https://gov.wales/keeping-learners-safe>

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.

Procedures for reporting misconduct and incompetence in the education workforce in Wales. Welsh Government circular 168/2015

<https://gov.wales/keeping-learners-safe>

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.

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.

Violence against women, domestic abuse and sexual violence

The Welsh Government requires that anyone whose client group is made up of those affected by violence against women, domestic violence and sexual abuse participate in training and continuous professional development. Therefore, all school staff are required to complete the VAWDASV e-learning module online. (The National VAWDASV Training Programme)

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.

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 TIF, and any confidential information shared from our safeguarding files.

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

Physical restraint

Restraint is used in providers and colleges across Wales. These practices do not only apply to special providers, it is important that HMI evaluate these practices equally across all settings.

What is restraint?

Glossary of terms

Restraint

Note: this is an umbrella term referring to the many forms of restraint listed below. It is sometimes taken to refer only to physical active restraint.

The [Mental Capacity Act 2005 \(MCA\)](#) (UK Government, 2019) defines restraint as when someone “uses, or threatens to use, force to secure the doing of an act which the person resists or restricts a person’s liberty whether or not they are resisting”.

The [EHRC enquiry](#) (EHRC, 2021) defines restraint as an act carried out with the purpose of restricting an individual’s movement, liberty and / or freedom to act independently.

Restrictive practices

Otherwise known as: restrictive interventions.

Restrictive practices are a wide range of activities that stop individuals from doing things that they want to do or encourages them to do things that they don’t want to do. They can be very obvious or very subtle. ([Care Council for Wales, 2016](#))

This term covers a wide range of activities that restrict people. It includes:

- physical restraint (active or passive)
- chemical restraint
- environmental restraint
- mechanical restraint
- seclusion or enforced isolation
- long term segregation
- coercion ([WG, 2021a](#))

Physical Active Restraint

Otherwise known as: physical intervention, physical restraint, safe holds, the application of reasonable force, clinical holding.

This is a method of restrictive practice in which a learner’s actions or movements are controlled by the active use of force. ([EHRC, 2021](#))

Physical Passive Restraint

A method of restrictive practice that involves direct physical contact, but not active force, to restrict or control a learner’s movement or actions. ([EHRC, 2021](#)) For example, holding someone’s hand near a busy road.

Chemical Restraint

When assistance is sought from a medically trained member of staff to administer medication to control or subdue a learner’s behaviour. This medication could be

taken directly in response to challenging behaviour, or as part of a daily routine. (EHRC, 2021)

Mechanical Restraint

This is the use of materials or equipment by staff to restrict a learner's ability to move or act, such as arm splints, belts or cuffs. This also includes the removal of an auxiliary aid such as a wheelchair or walking stick to prevent a learner from being able to move independently. (EHRC, 2021)

Seclusion

This is the withdrawal of a learner from a classroom or other provider situation against their will and involuntary confinement of a learner, apart from others, in a place where the learners must remain alone separate from other learners. (EHRC, 2021)

Environmental Restraint

Environmental restraint is the restriction of movement by someone without their consent.

Behaviour

The way in which a person behaves in response to a particular situation or stimulus. The term 'behaviour' does not necessarily mean the actions are negative, or unwanted. (Oxford Languages, 2021)

Behaviours that challenge

Otherwise known as: challenging behaviour.

Culturally abnormal behaviour of such intensity, frequency or duration that the physical safety of the individual or others is likely to be placed in serious jeopardy or behaviour which is likely to seriously limit or deny access to and use of ordinary community facilities. (Emerson, 1995)

Behaviour can be described as challenging when it is of such an intensity, frequency or duration as to threaten the quality of life and/or the physical safety of the individual or others and is likely to lead to responses that are restrictive, aversive or result in exclusion. (Royal College of Psychiatrists et al, 2007)

Blanket restrictions

A general lack of access to certain places or activities that are in place irrespective of an individual's needs.

De-escalation

The act of moving from a state of high tension to a state of reduced tension. (Richards, 2007)

Prone restraint

The person subject to physical active restraint is lying face downwards. It has been shown to be associated with high rates of injury and, in certain circumstances, death, due to positional asphyxia.

Supine restraint

The person subject to physical active restraint is lying face upwards.

Post incident review

Otherwise known as: debrief, reflection.

A review that consists of two separate components:

1. Post incident support.

This is the support that is immediately offered to an individual who has been involved in an incident. It should include assessment and treatment of any medical needs and provision of immediate emotional support.

2. Post incident reflection and learning review.

This is a non-blaming review where the factors that led to the restraint being used are examined and actions are agreed that support the prevention of future incidents or the minimisation of impact and less restrictive response in the future. ([Restraint Reduction Network, 2019](#))

When is it justifiable to use restraint?

In England and Wales, provider staff have the power to use 'reasonable force' to prevent a learner from:

- committing any offence
- causing personal injury to, or damage to the property of, any person (including themselves)
- prejudicing the maintenance of good order and discipline at the provider or among any learners receiving education at the provider

Staff may also use reasonable force when exercising the statutory power to search learners for weapons, without their consent, where they have reasonable grounds for suspicion.

Staff may also seclude or isolate a learner in an area away from other learners if they are disruptive. This approach can be used as a disciplinary penalty. Providers have discretion about how long to isolate a learner and in what circumstances, leading to a variety of practices. Providers must have a behaviour policy that should set out what these practices are.

It is never lawful to use:

- restraint with intent to torture, humiliate, distress or degrade someone
- a method of restraining someone that is inherently inhuman or degrading, or which amounts to torture
- physical force as a means of punishment
- restraint that unnecessarily humiliates or otherwise subjects a person to serious ill-treatment or conditions that are inhuman or degrading (EHRC, 2019)

Evidence to consider on inspection:

- Staff training records
- Individual development plans or equivalent
- Manual handling plans
- Exclusion records
- Observation and discussion
- Restraint records
- Adherence to policy
- Use of 'quiet spaces'

Evidence	Possible lines of enquiry
Staff training records	<ul style="list-style-type: none"> - Are key staff regularly and appropriately trained? - Does training keep staff and learners safe? - Are the right staff trained? - Is training appropriate for the age/ stage/ medical needs of learners?
IDPs	<ul style="list-style-type: none"> - Are learners medically exempt from restraint? Is this followed? - Are restrictive practices hindering progress against IDP objectives? - Are learners subject to restrictive practices involved in the process of decision making, or person-centred practice, where these decisions affect them?
Observation and discussions	<ul style="list-style-type: none"> - Is there a consistent response to behaviours that challenge? - Do staff follow behaviour and positive handling plans? - Are these plans helpful? - Does the provider have strong links with parents and carers of learners subject to restrictive practices that help continuity at home?
Restraint records	<ul style="list-style-type: none"> - Do they meet the requirements in the provider's own policy? - Are they accurate, complete and up to date? - Is there a process for the oversight of these records? - Are leaders checking the prevalence of restraint and whether there are any trends? Particularly considering protected characteristics.

	<ul style="list-style-type: none"> - Are incidents of restraint tracked and is there an improvement in behaviour over time?
Adherence to provider policy	<ul style="list-style-type: none"> - Are staff aware of policies in this area? - Are policies implemented effectively and consistently?
Use of 'quiet spaces'	<ul style="list-style-type: none"> - Are these being used as a punishment? - Are there viewing panels on doors?
Post incident support	<ul style="list-style-type: none"> - What is in place for staff? And learners? - How effective is it?

What should provider restraint records contain?

This is sometimes referred to the 'bound book', however, providers may store this information electronically or in paper-based records.

Providers MUST:	Best practice:
Follow their own policy accurately.	<p>The record should include:</p> <ul style="list-style-type: none"> • the type of restraint • the reason(s) for the use of restraint • where and when the restraint was used • the length of the restraint • the impact on the learner, including any injuries, and any risks to their physical or mental well-being • the protected characteristics of the learner (including age, sex, disability – broken down by impairment type and race) • the outcome of any incident review, including any measures that will be taken to avoid or minimise restraint and the risk of harm in future • the learner's involvement in the review • when the parents were informed • Reviewing trends considering all this information at a whole provider level

Annex 1: Inspecting safeguarding in Non-Maintained Nursery Settings

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 5

Inspectors should evaluate whether children are cared for in a safe, clean and secure environment, whether unnecessary risks to children have been identified and as far as possible eliminated. Inspectors should evaluate if there is a balance between the need to promote children's safety and protect them from harm, and the need to support children to take risks. Inspectors should check that the premises are well maintained, there are suitable facilities for staff and that there are appropriate arrangements to hold confidential conversations and to store records securely.

NOTE: Failures in the above will influence the judgement for safeguarding

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 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 – Reporting on safeguarding

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

Inspectors should 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' 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 Judgement form

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 TIF, and given as feedback to the leader and registered person / responsible person as soon as possible.

Annex 2: Inspecting Safeguarding in post-16 providers (including specialist colleges)

All post-16 providers 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 providers 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, or harm
- 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.

Important legislation and guidance in this area:

- All Wales safeguarding procedures 2019
- Anti-racist Wales action plan 2023
- Education workforce council main functions regulations 2015
- Independent inquiry into child sexual abuse
- Independent special post-16 institutions guidance
- Keeping learners safe 2022
- Managing risk of radicalisation in your education setting 2023
- Peer-on-peer sexual harassment among 16 to 18-year-old learners in further education
- Prevent duty guidance: for further education institution in England and Wales (2023)
- Procedures for reporting misconduct and incompetence in the education workforce in Wales (gov.wales) (2015)
- Protection of freedoms act 2012
- Reducing restrictive practices 2022
- Safe and effective intervention- use of reasonable force and searching for weapons
- Safeguarding children in education: handling allegations of abuse against teachers and other staff
- Safe learning communities 2019 (Work-based learning only)
- Social services and well-being (Wales) act 2014
- Statutory guidance issued under section 29 of the Counter-Terrorism and Security Act 2015
- Supporting learners with healthcare needs
- Welsh Government Health and Safety Code of Practice for Contracted Provision

This list is not exhaustive.

It is important to note that providers should refer to Welsh legislation and guidance only within their policies unless there is a specific reason to do otherwise. For example, where UK wide legislation applies, such as in relation to the Prevent duty.

Safeguarding vulnerable adults

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

- (2) An "adult at risk", for the purposes of this Part, is an adult who—
- (a) is experiencing or is at risk of abuse or neglect
 - (b) has needs for care and support (whether or not the authority is meeting any of those needs)
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it

"Abuse" in this context is defined in the All Wales Safeguarding Procedures as "physical, sexual, psychological, emotional or finance abuse (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place. "

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.

Preventing radicalisation and extremism

From 1 July 2015, providers 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 aim of this legislation is to stop people becoming terrorists or supporting terrorism.

The Prevent duty requires specified authorities such as education, health, local authorities, police and criminal justice agencies (prisons and probation) to help prevent the risk of people becoming terrorists or supporting terrorism. It sits alongside long-established safeguarding duties on professionals to protect people from a range of other harms, such as substance abuse, involvement in gangs, and physical and sexual exploitation. The duty helps to ensure that people who are susceptible to radicalisation are supported as they would be under safeguarding processes.

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

Leaders should demonstrate an understanding of the local context and risk, the most appropriate type of Prevent activity for them to be involved in, and the nature of their

primary responsibilities and functions. Staff should understand that a person's susceptibility to radicalisation may be linked to their vulnerability. A person can be vulnerable if they need special care, support or protection because of age, disability, risk of abuse or neglect.

Expectations on providers include:

- Maintaining appropriate partnerships and effective partnership working eg with the police, local Prevent leads and local authorities
- Having due regard to the need to prevent people from becoming terrorists or supporting terrorism
- Appointing a designated person in a leadership position who is responsible for overseeing Prevent delivery
- Ensuring staff (and, where appropriate, learners) understand the risks of radicalisation
- Building and promoting capabilities to deal with radicalisation concerns
- Promoting the importance of Prevent and the role all staff play in countering terrorism
- Demonstrating that they understand and manage risk and share information as required
- Conducting a risk assessment (formats may differ across sectors, leaders should ensure that they consult the most recent guidance for their sector in developing this)
- Ensuring staff are appropriately trained in this area
- Reducing permissive environments
- Monitoring and assurance of training, risk assessments and management concerns

This list is not exhaustive.

Further, the provider should ensure that all staff are appropriately trained in this area. Free online training is available on the UK government website. There are three levels of training for awareness, referrals or multi-agency panels, dependant on the role of each member of staff.

Providers should ensure that they have appropriate policies, procedures and risk assessments in place in this area to safeguard learners.

Safeguarding aspects within the framework
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Inspectors will consider the provider's approach to safeguarding and the degree to which this promotes and supports a culture of safety and well-being within the provider community, whether on-site, off-site or online. This includes considering the effectiveness of the provider's own evaluation of its safeguarding arrangements.

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

The team should focus on how the provider uses information to monitor and support learners' well-being and progress.

Inspectors should evaluate how well staff and governors/directors understand and implement the provider's safeguarding policies and 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 learners with medical conditions or personal care needs
- welfare of learners on vocational placements
- safety on educational visits
- site security, where appropriate to the nature of provision
- the management of learner discipline including physical intervention and restraint
- the management of transport including traffic on the provider's site, where appropriate
- training and staff understanding of these important areas of practice

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 working day (e.g., where provided, community activities on the provider's premises.)

In addition inspectors will consider other aspects of safeguarding:

For example, the extent to which learners feel safe and secure, and free from physical and verbal abuse in the provider. It is here that inspectors will evaluate and report on the impact of the provider's safeguarding arrangements and on learners' well-being.

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

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

Inspectors will consider how well leaders support safeguarding Inspectors should evaluate the priority that leaders have given to ensuring that all staff

understand and promote the provider's safeguarding culture. A provider'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 provider's safeguarding work.

The provider's governing body or proprietor (where relevant) is accountable for ensuring that the provider has effective policies and procedures in place in accordance with the Welsh Government's guidance and should monitor the provider's compliance with this. This includes ensuring that safe recruitment checks are carried out in line with statutory requirements.

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

Education with boarding or residential provision, or education within the justice sector

Where education has boarding provision or is linked to a residential or justice setting, inspectors must liaise with Care Inspectorate Wales (CIW) or HMI prisons (HMIP) 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 or justice setting, these policies and procedures should cover services that extend beyond the working day.

Pre-inspection evidence

Inspectors will use a wide range of evidence. Before the inspection, in relation to safeguarding and promoting welfare, the Reporting Inspector (RI) will consider (not for unannounced inspections or visits, such as those in the justice sector, see Annex 10):

- the provider's most recent evaluation of its safeguarding and child protection procedures
- any Welsh Government audit or information about the provider's performance or, policies
- the previous inspection report, if there is one
- data on aspects of behaviour such as disciplinary actions; serious incidents and the use of physical interventions
- the provider'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

- where applicable, responses to the learners' questionnaires,
- where applicable, responses to the staff and governor questionnaires

It is important that we do not share individual comments from any questionnaire with the provider. The comments from the learner 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.

Where pre-inspection evidence identifies possible safeguarding issues or poor management practice by the provider, inspectors should seek guidance from their sector assistant director (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 peer inspectors. It may be that different inspectors are responsible for different aspects of safeguarding and promoting welfare as they occur across the inspection framework. 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 providers (not including those within the justice sector) will complete a comprehensive self-evaluation in relation to safeguarding prior to inspection. This will provide a useful overview of the issues which need to be taken into consideration when evaluating the provider's policy and procedures for safeguarding. The format of this may differ across sectors, leaders should ensure that they consult the most recent guidance for their sector when developing this document.

Where a safeguarding issue has been raised about the provider prior to an inspection, a safeguarding officer will have flagged the provider using a safeguarding alert. The inspection co-ordinator will inform the reporting inspector 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 evidence base detailing what actions were taken during the inspection relating to the safeguarding alert.

The reporting inspector will need to consider how effectively the provider 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 provider does not upload an evaluation, this should cause concern about how robustly they evaluate their own procedures, and how well leaders promote the provider'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:

- senior managers or the principal/CEO
- representative(s) of the governing body / board of directors (where relevant)
- staff
- learners

Inspectors may also arrange to meet with the designated person with responsibility for child protection if this is not the principal / senior manager.

Inspection activity

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

- whether the provider 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 provider implements and monitors its policies and procedures to improve how it safeguards and promotes the welfare of children in accordance with statutory guidance.
- whether the provider reports regularly to senior managers and governors/directors, and how well it uses its data and evaluations of safeguarding about incidents within its provision, including online safety aspects and incidents
- whether all provider staff are clear about their responsibilities and what they need to do to protect learners 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 provider, 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 learner’s pattern of attendance causes concern, and whether the provider monitors and acts on learners’ absences for all or part of the working day
- how well the provider develops learners’ 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 learners’ awareness and understanding of how to be safe including safety online, and which are regularly included in the provider’s curriculum

Reporting on safeguarding

Inspectors will report on whether the provider’s safeguarding culture, whether arrangements to keep learners 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.

Where arrangements do not meet requirements, inspectors should include a recommendation to improve the provision and that the provider address the safeguarding / well-being issues identified during the inspection. This should be the first recommendation on the inspection report. After the inspection, we may issue a 'well-being' letter to the provider to seek assurance that they are addressing the shortcoming(s) suitably.

Sector	Well-being letters applicable?	Concerns shared with
Further Education colleges	Yes	<ul style="list-style-type: none"> • Provider • Post 16 Quality Welsh Government • Commission for Tertiary Education and Research (CTER) - from August 2024 • Sector lead • Assistant director for the sector and for safeguarding
Independent specialist colleges	Yes	<ul style="list-style-type: none"> • Provider • FE support Welsh Government • CIW (where there is linked residential provision) • Sector lead • Assistant director for the sector and for safeguarding
Secure children's homes	Yes	<ul style="list-style-type: none"> • Provider • CIW • Local authority • Sector lead • Assistant director for the sector and for safeguarding
Justice sector	No	<ul style="list-style-type: none"> • Provider • HMIP • Sector lead • Assistant director for the sector and for safeguarding

Adult learning in the community	Yes	<ul style="list-style-type: none"> • Provider • Post 16 Quality Welsh Government • Commission for Tertiary Education and Research (CTER) - from August 2024 • Sector lead • Assistant director for the sector and for safeguarding
Work-based learning	Yes	<ul style="list-style-type: none"> • Provider • Post-16 Quality Welsh Government • Commission for Tertiary Education and Research (CTER) - from August 2024 • Sector lead • Assistant director for the sector and for safeguarding

Where inspectors judge safeguarding arrangements 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 evidence base and brought to the attention of the provider. Where the disclosure of the exact nature of these concerns would create additional risks to the well-being of learners, inspectors should include the following statement in the report :

‘The provider’s arrangements for safeguarding learners 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 learners to additional risks, inspectors can refer to the concern in their main evaluation. For example, where there are concerns over traffic management at a college site, inspectors can make reference to this in their report.

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 well-being 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 evidence base, including any action taken by the provider to address them.

Inspecting in specialist colleges: Evidence to consider on inspection

- Staff training records
- Individual development plans or equivalent
- Manual handling plans
- Exclusion records
- Observation and discussion
- Restraint records
- Adherence to policy

- Use of 'quiet spaces'

Evidence	Possible lines of enquiry
Staff training records	<ul style="list-style-type: none"> - Are key staff regularly and appropriately trained? - Does training keep staff and learners safe? - Are the right staff trained? - Is training appropriate for the age/ stage/ medical needs of learners?
IDPs	<ul style="list-style-type: none"> - Are learners medically exempt from restraint? Is this followed? - Are restrictive practices hindering progress against IDP objectives? - Are learners subject to restrictive practices involved in the process of decision making, or person-centred practice, where these decisions affect them?
Observation and discussions	<ul style="list-style-type: none"> - Is there a consistent response to behaviours that challenge? - Do staff follow behaviour and positive handling plans? - Are these plans helpful? - Does the provider have strong links with parents and carers of learners subject to restrictive practices that help continuity at home?
Restraint records	<ul style="list-style-type: none"> - Do they meet the requirements in the provider's own policy? - Are they accurate, complete and up to date? - Is there a process for the oversight of these records? - Are leaders checking the prevalence of restraint and whether there are any trends? Particularly considering protected characteristics. - Are incidents of restraint tracked and is there an improvement in behaviour over time?
Adherence to provider policy	<ul style="list-style-type: none"> - Are staff aware of policies in this area? - Are policies implemented effectively and consistently?
Use of 'quiet spaces'	<ul style="list-style-type: none"> - Are these being used as a punishment? - Are there viewing panels on doors?
Post incident support	<ul style="list-style-type: none"> - What is in place for staff? And learners? - How effective is it?

What should provider restraint records contain?

This is sometimes referred to the 'bound book', however, providers may store this information electronically or in paper-based records.

Providers MUST:	Best practice:
Follow their own policy accurately.	The record should include: <ul style="list-style-type: none"> • the type of restraint • the reason(s) for the use of restraint • where and when the restraint was used • the length of the restraint

	<ul style="list-style-type: none">• the impact on the learner, including any injuries, and any risks to their physical or mental well-being• the protected characteristics of the learner (including age, sex, disability – broken down by impairment type and race)• the outcome of any incident review, including any measures that will be taken to avoid or minimise restraint and the risk of harm in future• the learner’s involvement in the review• when the parents were informed• Reviewing trends considering all this information at a whole provider level
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Annex 3: Inspecting in the justice sector

Estyn's inspection arrangements

Estyn's learning in the justice sector inspection arrangements for safeguarding provide for inspectors to evaluate whether the **education setting** ensures that

- Learners feel safe and secure, and free from physical and verbal abuse during their education, work and activities
- Learners know how they can protect themselves from harassment, discrimination and extremism
- Teachers help learners to understand issues relating to equality and diversity, and to develop the values of tolerance and respect
- Teachers challenge stereotypes in learners' attitudes, choices and expectations
- Staff have good systems in place to record and monitor learners' behaviour

Inspections in the justice sector are carried out in partnership with Her Majesty's Inspectorate of Prisons (HMIP) or Care Inspectorate Wales (CIW). Their respective frameworks make provision for inspecting safeguarding arrangements.

HMIP's [Men's Prison Expectations](#)

HMIP's [Children's Expectations](#)

CIW's [Inspection framework for care home services, secure accommodation services, residential family centre services, and domiciliary support services](#)

HMIP's inspection arrangements

HMIP's framework incorporates the following expectations:

For adults:

- The prison provides a safe and secure environment which actively reduces the risk of self-harm and suicide.
- Prisoners at risk of self-harm or suicide receive individualised care from a multidisciplinary team and have unhindered access to help, including from their families.
- Prisoners, particularly vulnerable adults at risk are provided with a safe and secure environment which protects them from harm and neglect.
- Adults at risk are appropriately located and supported by trained staff who are resourced to meet their needs.

For children:

- The establishment promotes the welfare of children, particularly those most at risk, and protects them from all kinds of harm and neglect.
- The establishment provides a safe and secure environment which reduces the risk of self-harm and suicide. Children at risk of self-harm or suicide are identified at an early stage and given the necessary support. All staff are aware of and alert

to vulnerability issues, are appropriately trained and have access to proper equipment and support.

- Children are kept safe through attention to physical and procedural matters, including effective security intelligence and positive relationships between staff and children.
- Children live in a safe, well-ordered and motivational environment where their good behaviour is promoted and rewarded. Unacceptable behaviour is dealt with in an objective, fair and consistent manner.

CIW's inspection arrangements

CIW's framework makes detailed provision for safeguarding, which can be found in the link above. The relevant lines of enquiry are as follows:

Care and Support

- The extent to which individuals are provided with the quality of care and support they need through a service designed in consultation with the individual and which considers their personal wishes, aspirations and outcomes of any risks and specialist needs which inform their needs for care and support.
- The extent to which service providers have in place mechanisms to safeguard vulnerable individuals to whom they provide care and support.

Inspecting safeguarding arrangements

Inspectors may encounter evidence that contributes to Estyn's and/or HMIP's inspection evidence of the setting's safeguarding arrangements. Where evidence relates to the Estyn's framework, this information will form part of Estyn's evidence base and inform the team's evaluations of learners' well-being and their care, support and guidance. If the inspection evidence concerns the wider prison setting, or relates to learners' safety, the RI will share this evidence with HMIP's and CIW's lead inspector for their consideration and referral as part of their inspection activities. Where a referral is made to HMIP, CIW or the setting's managers or governors, the RI must a record of the referral and date of referral in the evidence base.

Before the inspection, the Reporting Inspector will consider:

- the previous inspection report, if there is one
- any complaints we may have received
- where available, the provider's SAR and reports to governors/ senior managers
- where applicable, responses to the learners' questionnaires,
- where applicable, responses to the staff and governor questionnaires

It is important that we do not share individual comments from any questionnaire with the provider.

When inspecting safeguarding arrangements **during inspection** in relation to the education setting, inspectors will evaluate the following:

- whether the provider reports regularly to senior managers and governors/directors, and how well it uses its data and evaluations of learner's behaviour

- whether there are suitable arrangements to take action where any learner's pattern of attendance causes concern, and whether the provider monitors and acts on learners' absences for all or part of the working day
- how well the provider develops learners' 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
- how well the provider develops learners understanding of issues relating to equality and diversity, to develop the values of tolerance and respect and challenges stereotypes in learners' attitudes, choices and expectations

Safeguarding concerns

Estyn does not investigate individual safeguarding cases or referrals. That responsibility lies with HM Prisons and Probations Service for Wales, the Local Authority and the Police. However, inspectors must follow **this protocol** to ensure that all allegations or suspicion of abuse or neglect are reported and investigated by the appropriate authorities. This guidance sets out what to do to enable both Estyn and its partner inspectorates to fulfil their statutory safeguarding duties.

The full text of HMIP's Safeguarding Adult's Protocol and Children's Protocol can be found here:

[Safeguarding Adult's Protocol](#)

[Safeguarding Children's Protocol](#)

[CIW safeguarding policy](#)

Inspectors may encounter safeguarding concerns in several ways, including but not restricted to direct allegation by a learner or allegations of others in the setting. The concern may relate to what is happening now or in the past to a learner in the organisation that we inspect or outside of that organisation.

The concerns might be about the behaviour of

- Another learner or detainee in the setting
- Someone in the community
- A member or staff, volunteer or service provider within the setting
- Or a member of the inspection team (Estyn's, HMIP's or CIW's)

Where a concern is raised, inspectors should not undertake to maintain confidentiality or anonymity within the inspection process with regards to information which suggests any safeguarding concerns. Any written request for information must state this clearly. It should be explained to the person at risk that a safeguarding referral will be made, at the same time as ensuring their immediate safety.

It is important to share information promptly so that the necessary help can be provided and procedures can be put in place. Serious Case Reviews have repeatedly shown how poor information sharing has contributed to death or serious injuries. It should never be assumed that another professional or another agency has passed on information that might be critical to keeping someone safe.

Inspectors must inform the reporting inspector of any safeguarding concerns, having recorded basic information. Inspectors should only ascertain the minimum information required. The reporting inspector must inform

- the Governor or Manager of the setting, and HMIP's/CIW's Lead inspector and ask them immediately to follow their own safeguarding policy and protocol.
- Estyn's Safeguarding Team using our referral form

In all cases, inspectors must be thoroughly satisfied that the information has been shared appropriately.

Inspectors who raise concerns must be satisfied that the establishment and lead inspectorate is managing the safeguarding concern effectively using its own protocols, within appropriate timescales. This should include making sure appropriate and timely action has been taken to protect and support the child or adult at risk, both in the short-term and subsequently.

The reporting inspector must ensure all information, the referral, discussions and outcomes are recorded as contemporaneously as possible.

Safeguarding concerns about an Estyn inspector or HMIP/CIW member of staff

Any concerns about the behaviour or actions of a member of Estyn's inspection team or HMIP/CIW staff must be made immediately to the reporting inspector and the partner inspectorate's lead inspector, unless this person is the subject of the concern, in which case Estyn's and HMIP's/ CIW's Designated Safeguarding Lead must be advised. If no senior manager is available, then the Designated Deputy Safeguarding Lead and HMIP's Head of Human Resources must be notified.

The Designated Safeguarding Lead must consider if there is a person at risk of harm (either in a setting that HMIP/CIW is working in or in the community, for example at the home of the staff member). If this is thought to be the case, the Designated Safeguarding Lead must contact the local authority Adult Services Department immediately and make and implement plans to notify the setting if applicable.

In all cases, once the appropriate referral has been made, Estyn's, HMIP's or CIW's safeguarding protocols apply.

Who to contact:

Estyn Designated Post 16 Safeguarding Lead

Rachel Hackling

Rachel.Hackling@estyn.gov.wales

Safeguarding lead and officers:

- Dyfrig.Ellis@estyn.gov.wales
- Andrea.davies@estyn.gov.wales
- Liz.Counsell@estyn.gov.wales
- Delyth.gray@estyn.gov.wales

HMIP Designated Safeguarding Lead

Angus Jones

Angus.Jones@HMIPrisons.gov.uk

07813122038

CIW details

Olwen Davies

Olwen.Davies@gov.wales

Tel: 0300 7900 126