

By email: OOSS.consultation@education.gov.uk

Tuesday 26 February 2019

ADCS response to the DfE's consultation on a draft voluntary safeguarding code of practice for out-of-school settings.

1. The Association of Directors of Children's Services Ltd. (ADCS) welcomes the opportunity to respond to this consultation on a draft voluntary safeguarding code of practice for out-of-school settings (OOSS). ADCS is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the Children Act (2004). The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education.
2. The draft voluntary safeguarding code of practice, as well as the accompanying guidance for parents, are useful resources that provide a comprehensive overview of what providers of OOSS should do to ensure that children and young people are safeguarded and key questions for parents to consider asking providers when choosing an out-of-school setting for their child. It is important that parents and carers feel empowered to ask these questions and challenge providers where they have concerns.

Education settings

3. The consultation follows a previous call for evidence at the end of 2015 on out-of-school education settings where ADCS supported the introduction of a light-touch mandatory registration process for all out-of-school provision for children and young people. The system should be co-ordinated and overseen by local authorities, with Ofsted intervening if serious concerns arise that warrant further investigation during local authority checks. The government subsequently decided to not pursue proposals for a consistent regulatory system for OOSS although ADCS members remain in favour of reviewing the regulations regarding registration of OOSS for children and young people.
4. OOSS can offer children and young people in the community an enriching experience outside of mainstream education. It is difficult to know how many settings are in operation. It is estimated that there is somewhere between 3,000 and 5,000 supplementary schools alone in England that are generally community-led and offer an informal learning environment that seeks to complement mainstream education. As defined by the DfE, OOSS comprise a wide variety of providers such as youth clubs, extracurricular clubs and uniformed youth organisations as well as education settings such as faith schools or tuition centres. It is crucial that all OOSS are able to fully safeguard those who attend these settings, especially the most vulnerable. ADCS welcomes this much broader focus as compared to the DfE's previous call for evidence on OOSS.
5. While many OOSS offer an excellent opportunity for children and young people to develop interests as well as supplement their learning, there are undoubtedly illegal schools operating under the radar without any engagement with authorities, or mainstream schools, which is worrying on a number of levels. As highlighted in the

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code of practice, some OOSS are run part-time during school hours and used to meet the needs of those who are home educated. However, home education can be used as a cover for parents to send their children to an unregistered tuition centre where in fact they are receiving a full-time education and as such may be operating illegally, as recently demonstrated by the first successful prosecution of an unregistered independent school in London in October 2018.

6. OOSS are not currently regulated in the same way as full-time education settings and it is extremely difficult for local authorities or Ofsted to identify all those settings that do operate illegally. Consequently, countless children are put at risk of safeguarding issues such as radicalisation, online threats or abuse and neglect and both the [Casey Review \(2016\)](#) and the [Wood Review \(2016\)](#) raised concerns over the inability of local authorities to monitor the quality of education or level of risk that children and young people attending these settings face. Ofsted has received reports of nearly 500 suspected illegal schools and ADCS members would welcome legislation that further strengthens the ability of local authorities and the inspectorate to identify OOSS that are operating beyond the bounds of the law.
7. The code of practice does not emphasise the importance of providing appropriate content and high quality education in OOSS. The suitability of the learning environment and the curriculum must not be overlooked. In the case of the latter, suitability should be assessed against the purposes of the activity and whether or not it is full or part-time. There is a great deal of difference between an after school club and an unregistered training centre.
8. A recent [ADCS survey](#) of local authorities in England about elective home education found that the number of children and young people known to be home educated has increased by approximately 20 per cent each year over the past five years and many responding local authorities expressed deep concern over their lack of ability to quality assure OOSS that home educated children and young people attend, both in terms of the quality of the educational experience and the safeguarding arrangements.

General comments on the voluntary safeguarding code of practice and questions for parents and carers

9. The code of practice is comprehensive and offers best practice guidance for OOSS to follow when updating or creating their safeguarding procedures. Many OOSS, such as extracurricular clubs, should be able to meet the “what I need to do next” points, however, for smaller voluntary groups it may be difficult to meet these standards without additional support. This is not recognised in the draft guidance at this time.
10. Local authorities hold a statutory duty in promoting the health, safety, welfare and educational attainment of children and young people in their local area via children’s social care and education, yet there is little reference to the role of local authorities in the document. Although the guidance recommends that those who have safeguarding concerns consult NSPCC guidance, it would be preferable if concerns

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were reported immediately to the LA for further investigation. Any delays in this process could increase risk.

11. Due to the length and detail included in the document, many voluntary settings that operate for a morning or evening per week, for example, will be unlikely to follow the code of practice in its entirety. An accompanying more practical short summary document of the code of practice in plainer language, including a list of links to useful resources, would be a welcome addition. Further, providers of religious settings offering education in their own faith may not have English as their first language. It may therefore assist with take up if the code of practice were translated into other languages to accommodate these settings.
12. Section 3 of the document, concerning the suitability of staff and volunteers, focuses primarily on paid staff before including detail regarding volunteers. It would be preferable if the emphasis on volunteers appeared at the beginning of this section so that they can easily access vital information, for example that DBS checks are free for volunteers who are not paid. Although we do not know for certain how many OOSS are in operation, it is likely the majority are informal and run by volunteers.
13. The inclusion of contextual safeguarding within the guidance is welcome. The guidance references *Working Together to Safeguard Children* for more information and it is important to recognise that harm, particularly in relation to adolescents, can take place outside of the family home or school environment. It would be welcome if further information on contextual safeguarding is included within the code of practice to ensure that providers of OOSS are fully aware of the multiple risks that children and young people could potentially be exposed to, such as the growing threat of radicalisation and other forms of criminal or sexual exploitation by unscrupulous adults.
14. Section 2 of the document recommends that all OOSS should have an appropriately trained Designated Safeguarding Lead. This is a useful suggestion and it is essential that OOSS have a designated adult who can appropriately respond to safeguarding issues when they arise, however, it is unclear how all OOSS will be able to fund this training. To meet these and other safeguarding requirements of OOSS, additional funding should be made available by central government and could be disseminated by local authorities.
15. The safeguarding checklist at the end of the document is very useful and should act as a valuable reference tool for all providers of OOSS.
16. ADCS welcomes the list of suggested key questions for parents to ask when considering OOSS for their child. Although the questions seem reasonable, there could be a greater focus on health and safety issues. Rochdale MBC's [Safe After School Campaign](#), for example, includes questions useful for parents to ask providers which could be incorporated into the list of safeguarding questions. However, responsibility for ensuring the safeguarding of children and young people in these settings should not rest solely with parents. As already detailed, ADCS would

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welcome a light-touch regulation system of all out-of-school provision so that parents can be confident that their children are in a safe setting.

17. If you would like to discuss the points raised here, ADCS would welcome DfE officials to attend a meeting of the Educational Achievement Policy Committee. Please contact matt.cunningham@adcs.org.uk in the first instance.