Guidance on effective safeguarding

for boards of governors
in independent schools

Education Scotland
Foghlam Alba

For Scotland's learners, with Scotland's educators

care
inspectorate

The Scottish Government commissioned an [independent review](#) following the closure of The New School Butterstone in 2018. The subsequent report of the review findings outlined a number of recommendations for the various national bodies and partners involved in the closure of the school. Following the recommendations, the Registrar of Independent Schools, the Care Inspectorate and Education Scotland have worked together to produce guidance for Boards of Governors to assist with self-evaluation and monitoring of child protection and safeguarding practices in their own schools.
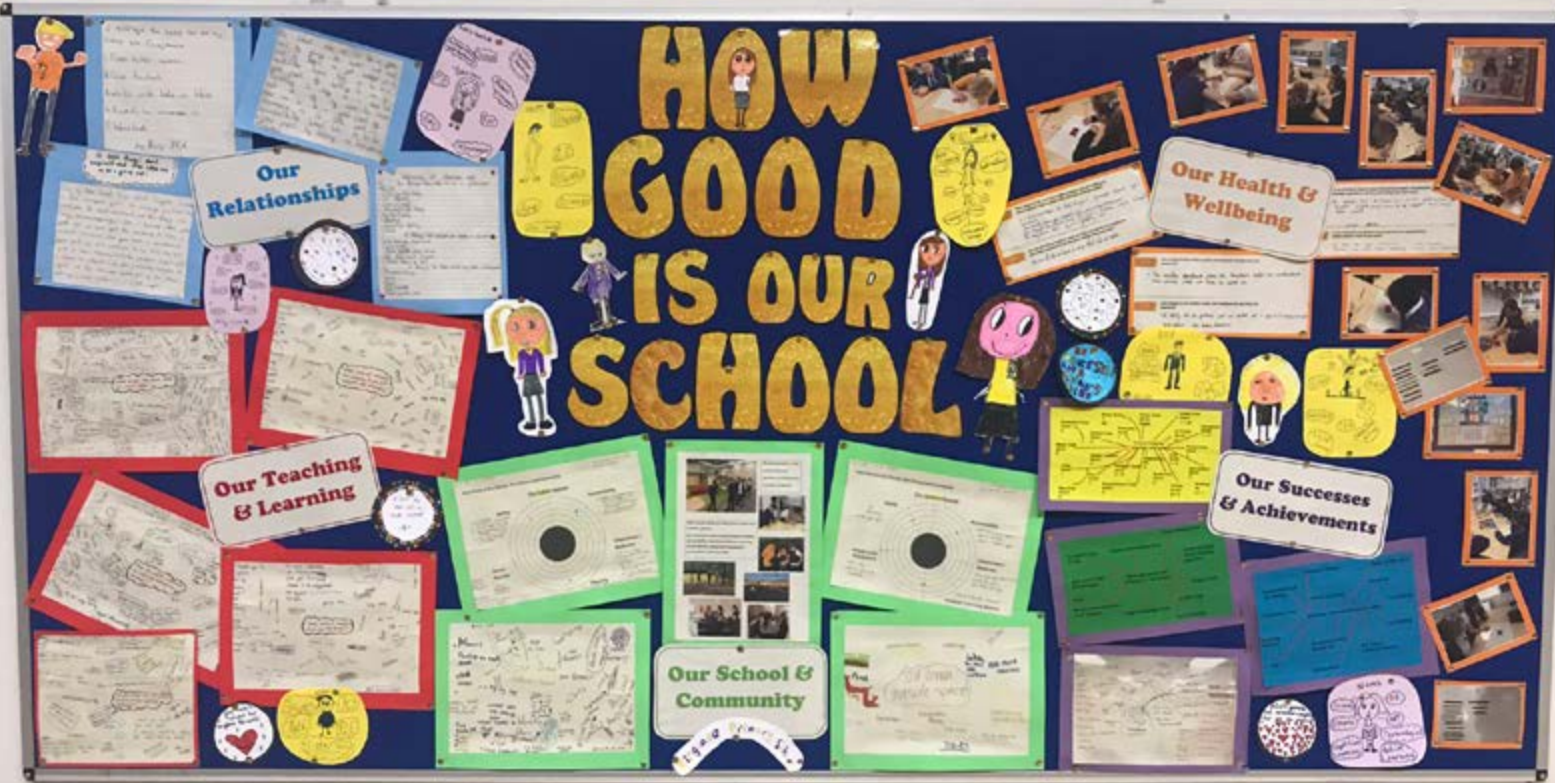
1. Introduction

Boards of Governors of independent schools have a duty to ensure that the policies and practices within their schools, for keeping children and young people safe, are as good as they can be.

The Care Inspectorate, HM Inspectors of Education and the Registrar of Independent schools have worked together to produce the following guidance. The purpose of this guidance is to support Boards of Governors in their own self-evaluation and monitoring of child protection and safeguarding practices in their schools to ensure it is effective. We know from The Promise how important it is to have a focus on the safety and wellbeing of children. Children and young people must be listened to and meaningfully involved in decision-making about their care and welfare, with all those involved properly listening and responding to what children and young people want and need.

The National Guidance for Child Protection in Scotland 2021, published in September 2021, underlines this child-centred approach to child protection. The guidance describes the responsibilities and expectations of everyone who works with, or comes into contact with children and young people, families and carers in Scotland. It affirms and strengthens the key role of the education workforce in protecting children through the inclusion of education staff in all references to multi-agency arrangements.

2. Responsibilities of Boards of Governors of independent schools with residential boarding

a. Care Inspectorate

As the provider, it is the board's legal responsibility to ensure a variety of factors in the provision of a care service, as detailed in The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011. This includes, for example, to:

- be fit to provide the service (SSI 210, 6(1));

- provide for the health, welfare and safety of people using the service (SSI 210, 4(1)(a));

- respect the privacy and dignity of people using the service (SSI 210, 4(1)(b));

- ensure that no person using the service is subject to restraint, unless it is a justifiable response to ensure safety (SSI 210, 4(1)(c));

- have appropriate procedures for infection prevention and control (SSI 210, 4(1)d));

- establish an appropriate complaints procedure (SSI 210, 18(1));

- prepare a personal plan, for each person using the service (SSI 210, 5(1));

- ensure only people who are fit to be so employed, are employed in the care service (SSI 210, 9(1));

- ensure suitably qualified and competent persons work in the care service in such numbers as are appropriate for the health, welfare and safety of people using the service (SSI 210, 15(a));

- ensure that persons employed in the service are appropriately trained (SSI 210, 15(b));

- ensure that the premises are fit for the provision of a care service (SSI 210, 10(1)).

As providers, the Care Inspectorate expect boards to make arrangements to meet these statutory requirements, for example by:

- Pro-actively and effectively leading, supporting and challenging the service and it's management;

- Monitoring and evaluating the service's performance;

- Making efficient use of financial and physical resources;

- Having sufficient knowledge of outcomes for users of the service and their parents/carers.

With this in mind, the Care Inspectorate expect the expertise of the provider (i.e. membership of the board) to reflect the key concerns and responsibilities of the board in terms of the details referred to above. Paramount within this must be the safety of young people. Therefore, the recruitment to, and structure of the board, should reflect this in individual board members' ability and knowledge to undertake these expectations.

Where there are concerns about how the service is operating, the Care Inspectorate will respond to this in a proportionate manner. We aim to work collaboratively with providers, however where this is not possible enforcement responses against the provider (i.e. the board), as specified in The Public Services Reform (Scotland) Act 2010, may include:

- Improvement notice (S62);

- Proposal to impose conditions (S73);

- Proposal to cancel (S73);

- Emergency cancellation (S65).

b. HM Inspectors of Education

Scottish Ministers' powers relating to inspection of educational establishments and services are set out in legislation. Inspections of educational establishments are carried out by HM Inspectors. HM Inspectors use a set of standards to evaluate and report on quality and improvement in Scottish education. The standards are set out in a series of quality frameworks. Each framework includes a set of quality indicators (QIs) which HM Inspectors use to make professional evaluations. When inspecting schools, HM Inspectors use a selection of quality indicators from the quality framework "How good is our school?" (4th edition) (2015) (HGIOS4). In all inspections HM Inspectors evaluate the theme: "arrangements for safeguarding, including child protection" contained within QI 2.1 Safeguarding and child protection. Should HM Inspectors find important weaknesses in a school's safeguarding approaches, including approaches to how the school has dealt with incidents of sexual harassment and violence, HM Inspectors will return with a specified time to further evaluate approaches and determine if the school has made improvements.

3. Safeguarding - features of effective practice and challenge questions to support independent school boards of governors

How Good is Our School? 4th edition

Quality Indicator 2.1

SAFEGUARDING AND CHILD PROTECTION

Health and Social Care Standards

2.25, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 4.14

Quality Indicator 1.2 A quality framework for mainstream boarding schools and school hostels

Quality Indicator 1.2 A quality framework for care homes for children and young people and schoolcare accommodation (special residential schools)

Features of effective practice	Reflective questions
Child protection and safeguarding policies and procedures reflect current legislation and guidance. All child protection records are stored safely and securely ensuring all sensitive information is only accessible to relevant staff members.	To what extent are approaches to child protection and safeguarding known and understood by all, across the school community? How effective are the recording and planning processes in delivering positive outcomes for children and young people where there are concerns about wellbeing, safeguarding or child protection?
Governors ensure that all responsible for safeguarding are clear about the expectations of their role, and provide effective support and direction for staff. Governors speak directly to young people to ask if they feel safe and protected.	How good is the leadership team in driving forward this important area of practice, and how do we know? To what extent do children and young people feel safe and protected? Are there any examples of: • Bullying, including bullying online? • Concerns about physical, sexual, or emotional abuse? • Violent incidents involving young people and their peers? If there are no reported examples, what exploration is given to how realistic a representation of children's and young people's experiences this is?

Features of effective practice	Reflective questions
Robust arrangements are in place to ensure that all staff (including governors, volunteers and partners) are aware of their responsibilities in relation to child protection, children's rights and equalities policies and procedures.	To what extent are identified governors clear about their responsibilities in this important aspect of a school's work? Do they regularly scrutinise the procedures, documentation and decision-making of school leaders? How do governors explore cultural issues that can lead to children being abused or feeling unsafe? How do we ensure that staff are kept up-to-date with current safeguarding practice including, for example, e-safety, extremism, female genital mutilation and child sexual exploitation?
Safeguarding is an important theme running through the school's self-evaluation. The views of children and young people permeate policy development, implementation and self-evaluation.	To what extent are safeguarding arrangements regularly reviewed as an integral part of our self-evaluation processes? How well do staff take account of the views and experiences of children and young people, particularly where decisions are to be made that may impact on the choices that children and young people have?
Parents and pupils feel able to make a complaint against aspects of school practice and/or their school experience and procedures, and are confident their views will be taken seriously and acted upon. The culture is suitably supportive and responsive to allow people to raise concerns. Staff are alert to, and responsive in, observing children and young people, and proactively respond to any signs of unhappiness or distress.	How well are children and young people supported following a safeguarding or child protection concern? How effective are our approaches to support well-being (e.g. buddies, mentors, safe areas)? How do we measure the impact of these approaches? How are parents and young people made aware of external complaints bodies e.g. the Care Inspectorate?
Effective systems provide a systematic and strategic overview of the number and nature of cause for concerns raised, initial referral discussions, child protection case conferences, and child protection registrations. Consideration is given to other data that can be used to understand children's and young people's experiences.	How effective are we at monitoring the effectiveness of policies and procedures related to safeguarding and child protection? How effectively are incidents related to equalities acted upon to prevent future occurrences?

How Good is Our School? 4th edition

Quality Indicator 1.4

LEADERSHIP AND MANAGEMENT OF STAFF

Health and Social Care Standards 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, 4.23, 4.24, 5.17

Quality Indicator 2.2 A quality framework for mainstream boarding schools and school hostels

Quality Indicator 2.2 A quality framework for care homes for children and young people and schoolcare accommodation (special residential schools)

Features of effective practice	Reflective questions
A governance framework clearly outlines the roles and responsibilities of all staff and governing bodies, with a particular focus on safeguarding and child protection based on the most recent policy and legislation	To what extent do our governance arrangements promote a quality, safe, nurturing and supportive culture? How well do we promote staff rights and responsibilities?
There are clear processes for self-evaluation, that underpin approaches to monitoring and setting next steps for improvement.	How well do governors, staff, partners and volunteers understand their responsibility in improvement through self-evaluation? How well is evidence from self-evaluation used by governors and school leaders to drive forward change? How well do we take action to remove barriers to success? How do we know that the changes we have made have improved outcomes for children and young people?
Clear processes are in place for the robust safeguarding and child protection of all children and young people. These processes are frequently reviewed.	Are our safeguarding, child protection, health & safety and risk assessment procedures appropriate and implemented systematically? How do we know?

Features of effective practice	Reflective questions
The vision and values of the school have a clear focus on wellbeing and prioritise safeguarding and child protection. The vision and values are promoted and modelled by all relevant groups and individuals to ensure that they are known and understood by the whole school community	To what extent does the school promote an ethos and culture of positive engagement and participation with its pupils and parents? How well do we seek feedback about the effectiveness of our communications and take account of the views of staff, parents, pupils and partners?
Governors monitor responses to the range of complaints received by the school. There are processes in place to ensure that complaints are dealt with timeously and robustly.	How can we demonstrate that we review our complaints handling procedures and learn from our actions to support continuous improvement/ maintain high standards?
Governors, staff, partners and volunteers have current membership of the Protecting Vulnerable Groups (PVG) Scheme.	How effectively do we monitor and track PVG Scheme membership including retrospective checking?
All governors, staff, partners and volunteers engage in annual safeguarding and child protection update training. This includes timeous arrangements for newly appointed staff and staff returning from long periods of absence. Senior pupils with positions of responsibility are included in safeguarding and child protection training.	How well do we keep staff informed and reminded of expectations of their conduct?
"Dignity at work" and "whistleblowing" policies are in place and shared with all staff. All staff understand their responsibilities in relation to bullying and harassment and what to do if they have concerns.	Does all of our staff team, including our temporary and short-term staff, feel well supported? How effective are our procedures for whistleblowing?
Our safe recruitment procedures take full account of the need to have robust checks completed, including obtaining successful references, before new members of staff take up post. There is a strong emphasis on values-based recruitment.	How well does our implementation of recruitment and selection policies result in the best candidate for the post?
Children and young people benefit from effective joint working with other agencies and partners.	How well do we understand the key roles and responsibilities of partner agencies? How do we monitor the effectiveness of partnership working with other agencies?