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27 June 2008

Mr Andrew Webb
Stockport Metropolitan Borough Council
Stopford House
Piccadilly
Stockport
SK1 3XE

Dear Andrew

We have been working closely with your staff to safeguard children who are cared for in settings that we inspect.

As our role in safeguarding children and young people has developed we thought it would be helpful to provide up to date information on Ofsted's responsibilities and procedures.

The information sheet attached to this letter provides this and answers some of the questions we are often asked by staff in local authority children's services.

We would appreciate if you could arrange for the distribution of the information sheet to relevant people in your authority.

We look forward to continuing to work with you to ensure the best outcomes for children and young people.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ray Langley", written in a cursive style.

Ray Langley
Regional Director

Information sheet



Ofsted's role in safeguarding children

Our remit

Ofsted is responsible for the regulation and inspection of children's social care, childcare and early education for children aged from birth to 17, the inspection of some independent and all maintained schools, as well as the inspection of some services for young people and adults. There are also circumstances in which we investigate concerns from parents and others about childcare provision or a school. When investigating concerns about registered provision we do so to ensure that providers continue to meet the requirements for registration. The law gives us a number of powers to safeguard children and to bring about compliance with requirements. These include prosecuting providers and cancelling registration.

Our role in referring child protection concerns

We have a protocol with Local Safeguarding Children Boards relating to our work with childcare. We intend to extend this to other areas of our work. Our practice is to discuss all concerns that have a child protection element with the local authority and provide as much detail as possible. This allows the local authority to make an assessment of the information and decide if a strategy meeting is needed. We do not necessarily expect the local authority to take action on all the cases we discuss.

When we refer cases to the local authority, we do not always know the name of the child. This is because we do not hold records of children who attend registered settings and complaints that have a child protection element are often made to us by third parties. We recognise this can cause difficulties but we cannot always obtain the name of the child. We will always work with local authority designated officers where we have named contacts.

Why we refer instances of bullying

Ofsted receives a number of referrals from parents about bullying in schools which meet our threshold as a child protection concern and we refer them to the local authority in accordance with our protocol. We know that some of these may not meet the local authority's own thresholds for investigation and we do try to restrict such referrals. However we do err on the side of caution. We currently refer parents who are worried about bullying to the Anti-bullying Association and/or back to the school concerned. We want to deal with allegations of bullying in the best possible way.

Taking action during child protection investigations

There are times where we refer cases that meet the local authority thresholds but are lower priority than other cases. Where possible, we will wait for the outcome of the local authority's investigation before we consider what action

to take. Sometimes we need to take immediate action even if the local authority prefers us not to, for example to suspend a registration to allow time for the circumstances causing risk to children to be investigated. This is not a decision we take lightly and we would like to establish a process with the local authority where we can manage cases effectively and promote good working relationships with the local authority. Our experience to date has been that this works well when we work closely with a local authority representative. Ofsted does not, of course, investigate child protection concerns; this continues to be your role. We are careful not to go beyond our remit but equally we cannot allow registration to continue where we believe this places children at risk.

Our attendance at child protection strategy meetings and conferences

As the regulator of childcare (for example nurseries and child minders) and children's social care, Ofsted is responsible for ensuring the suitability of the registered person, manager and others connected with the registration. Where there is an allegation of abuse made against any of these people, we usually attend the initial strategy meeting and, where appropriate, any further meetings. It is helpful for us to have as much notice as possible to ensure we are able to attend and have appropriate information available.

We do not usually attend strategy meetings if the allegation relates to a member of staff working in a regulated setting. This is because we do not make decisions about the suitability of staff. We expect the registered person, who is the employer, to attend these meetings and act appropriately. If you have concerns about the registered person's ability to do this, please tell us. This will help us to decide if we should be involved in future strategy meetings or any other follow up work regarding the registered person.

Occasionally we are asked to attend strategy meetings relating to unregistered childcare provision. We decide on a case by case basis whether to attend, but our role regarding unregistered care is limited. We do have enforcement powers which we will use in these cases, but in order to do so we will need information from the local authority.

We have no regulatory powers relating to schools or any other provision that we inspect but do not regulate, such as secure training centres or local authority fostering services. Therefore we do not attend strategy meetings relating to child protection issues in these settings.

We recognise that it can be useful to have advice about our powers and duties at strategy meetings we do not attend. We are happy to provide such information prior to or during strategy meetings. Please contact us for advice on 08456 40 40 40 and ask to be put through to North region Compliance, Investigation and Enforcement Team (CIE).

What we need from strategy meetings

Ofsted is not a child protection agency and we are not members of Local Safeguarding Children Boards. While we can request a strategy meeting we do not have any powers to insist on this. However, in order to help us carry out our regulatory duties, we will continue to need information from strategy meetings. Our protocol with Local Safeguarding Children Boards allows for the sharing of such information.

Child protection conferences

Ofsted does not attend child protection conferences unless there are exceptional circumstances. It is not appropriate for us to have access to the details about the family circumstances of individual children.

When we suspend childcare provider registrations

When child protection concerns are identified, local authorities or the police sometimes request that we suspend the registration of a childcare provider. Our powers to suspend registration are limited and we are only able to do this in particular circumstances. Such circumstances are where we have reasonable cause to believe that the continued provision of childcare exposes or may expose children to risk of harm. We may only suspend registration for two reasons:

- to allow time to investigate our concerns
- to allow time for the provider to reduce or eliminate the risk of harm

Suspension is time limited and initially is for a six-week period. We may extend this for a further six weeks but only exceptionally can we extend it beyond that date. These cases are normally where we are reliant on the outcome of a police or local authority investigation.

We must have sufficient evidence of the risk to children and be able to demonstrate this to a tribunal if asked. We have learned from experience that the tribunal is reluctant to allow suspension to continue where it believes that delay in completing investigations is avoidable. We must also give the provider sufficient information setting out our grounds for suspension. We must also lift suspension as soon as the grounds no longer apply.

Where suspension involves a child protection case, we will always consult with the local authority (and the police if necessary) about what we can share with the provider as we do not want to jeopardise any potential child protection investigation.

Our protocols

We already hold protocols with local authority Children's Services and with Local Safeguarding Children Boards. These can be found on our website at www.ofsted.gov.uk or specifically at the links below:

http://www.ofsted.gov.uk/assets/Internet_Content/Shared_Content/EYD/protocols/20070604DirectorsofChildrensServices.doc

http://www.ofsted.gov.uk/assets/Internet_Content/Shared_Content/EYD/protocols/20070604LocalSafeguardingChildrensBoards.doc