

## Voluntary safeguarding code of practice for out-of-school settings providers: Submission by the Sport and Recreation Alliance

### The Sport and Recreation Alliance

The Sport and Recreation Alliance (the Alliance) is the representative body for the sport and recreation sector, with a diverse membership of more than 330 national and local organisations across the sport and recreation sector. As the voice of the sector, we work with Government, policy makers and the media to make sure grassroots sport and recreation grows and thrives. The Alliance launched a new four-year strategy in April 2017, with working with children and young people prioritised within this as one of our four strategic objectives.

#### **1. Overall, is the layout of the code clear and easy to follow?**

Yes.

The breadth of content within the draft guidance is welcome, however the scale of detail may see providers miss important information where this is not highlighted as such.

Many providers may be volunteer-led, and this guidance must make the necessary actions as clear as possible for readers.

#### **2. Is the code of practice written in an accessible way that out-of-school setting providers will be able to use?**

Yes.

The “What do I need to do next?” boxes are useful in reiterating key actions for providers to consider, however they do not detail all the actions which are indicated in the respective paragraphs of the guidance.

Likewise, there may be opportunities to make the document more accessible and user-friendly by including flow charts to clearly depict processes and specific calls to action.

There may be value in adapting the checklist on page 38 to create an appendix where all actions, both wholly and potentially required, are listed for providers’ ease and further reference in subsequent action planning.

#### **3. Are the five sections set out in the code of practice relevant to out-of-school setting providers?**

Yes.

Separating out the first three sections (Health and Safety, Safeguarding and Child Protection and Suitability of Staff) from the latter two sections (Governance and Financial Management) is useful to highlight where providers should initially prioritise their efforts.

Whilst the draft guidance highlights the first three sections as “a minimum three broad areas in which we recommend all OOSS providers adopt policies” on page 7, we would encourage government to reaffirm this on the first page of Part 1, before leading into section 1.

We anticipate that section 2 will be particularly useful for providers, as will the “What do I need to do next?” boxes within each section of the guidance.

The introductory text on page 6 makes reference to sporting examples and we would suggest including the following link here to the CPSU website where parents can find out more information about the safeguarding contacts within sporting bodies: <https://thecpsu.org.uk/help-advice/deal-with-a-concern> (see ‘Contact your national governing body’)

**4. Does Section 1 (health and safety) set out clearly what out-of-school setting providers should do to keep children attending their settings safe from harmful practices, which could impact their physical or mental health, development, or safety?**

Yes.

Paragraph 2 provides an example for consideration by the reader, however it would be more helpful to use an OOSS example which is not based in a school.

Paragraph 4 details the Good Estate Management guide which is used by schools where considering venue compliance with the appropriate statutory and regulatory standards but are there any equivalent resources for other OOSS locations which might be referenced and linked to within the draft guidance?

This applies to the management of respective venues’ health and safety but is a recurring theme in our comments across the other sections of the draft guidance as well – the addition of further links to wider resources, best practice examples and available templates would add value to the guidance and should be a priority for government in the further development of this document.

Paragraph 4 also details a number of calls to action for providers, some of which are then explored in more detail later on in section 1. Government should consider referencing these later paragraphs where applicable, to direct the reader’s attention to specific content.

Paragraph 8 emphasises what should be covered by an OOSS providers’ health and safety policy, but this should also include whether there is access to a telephone/phone signal and how an absence of this would be addressed if required.

Similarly, a notable omission from the considerations highlighted in paragraph 11 is the need for a process for children arriving and leaving activities, including late collections. This should be included.

**5. Does Section 2 (safeguarding and child protection, including online and digital safety) set out clearly what out-of-school setting providers should do to help ensure children’s wellbeing is comprehensively addressed?**

Yes.

That being said, there is some confusion around the term ‘safeguarding’ in paragraphs 12-17, where safeguarding and child protection are used interchangeably. It is important to be clear to the reader that safeguarding is a concept which encompasses a preventative element and child protection is a part of safeguarding. More broadly, Section 2 should emphasise throughout that “safeguarding is everyone’s responsibility” in line with Working Together to Safeguard Children 2018. .

In this context, Paragraph 16 refers to a child protection policy but we believe this should be referred to as a safeguarding policy instead.

It also states that a policy and the surrounding procedures should be reviewed on an annual basis. This seems excessive – the NSPCC’s Child Protection in Sport Unit generally recommend that procedures are reviewed every three years, or to take into consideration significant changes in legislation or government guidance.

A policy should also detail the training which would be important to support safeguarding procedures.

Paragraph 16 also sets out the minimum expectations for a policy and makes reference to “local safeguarding arrangements” in the final bullet point. We expect that this may not be common knowledge for all OOSS providers, and there may be value in signposting to where providers can find this information within their local authority.

We would also like to highlight that the link to the KCSIE guidance in paragraph 18 does not work.

Paragraph 19 goes on to make reference to the process for referrals to the Local Authority Designated Officer, but consideration needs to be given to how the provider will manage the concerns internally in addition to, or instead of (if the concern does not meet the local authority threshold), a referral to the LADO. This might include education, disciplinary action or further support.

Paragraph 35 encourages providers to consider extra pastoral support for children with special educational needs (SEN) and disabilities but government should consider signposting to any available guidance regarding relevant safeguarding practices for working with SEN or disabled children. This will be particularly useful for some providers.

Paragraphs 41 and 42 discuss compliance and management of data in accordance with GDPR and the Data Protection Act but it should be highlighted that neither GDPR or the Act prevent the legitimate sharing of information for the purposes of keeping children safe. This is stated in paragraph 41, but this should be highlighted further to draw readers’ attention to this specific assurance.

The detail in section 2’s “Questions a parent or carer may ask you” is welcome, but one of the question on page 20 – “who is your designated safeguarding lead?” – is unlikely to be asked by a parent. They are not likely to use this language and would be more likely to pose a question like: “who is responsible for keeping my child safe?”, or “who do I report safeguarding concerns to?”. Editing this as appropriate should be considered.

## **6. Does Section 3 (suitability of staff and volunteers) set out clearly what procedures out-of-school settings providers should undertake when hiring and maintaining staff and volunteers?**

Yes.

Paragraphs 47-54 discuss recruitment practices and collection of references but do not detail any links to further guidance which may be useful for readers. Government should consider signposting to available

guidance from elsewhere in government – in this circumstance, <https://www.gov.uk/browse/employing-people/recruiting-hiring> may be a useful reference point.

Paragraph 66 lists a series of regulated activity provision but there may be value in detailing practical examples within each of the four bullet points. This will help the reader assess whether their provision falls into the category of regulated activity.

Paragraph 69 makes reference to “where the relevant conditions are met” but does not make it entirely clear what these relevant conditions are – paragraphs 70 and 71 appear to be the conditions referred to but if so, this section should be reworded or reformatted for clarity.

Paragraph 79 advises of good practice in checking individuals’ immigration status where providers are recruiting volunteers but it should be made clear what, if any, legal requirement there is to do so.

Paragraph 80 refers to continuing to review individuals’ suitability post-appointment, but it would be useful for this to also emphasise the need for, following appointment, the training needs of the new appointee to be considered, and for training (including safeguarding) to be planned and delivered as part of this individual’s induction.

**7. Does Section 4 (governance) set out clearly what procedures out-of-school settings providers should undertake to help ensure strong governance of their setting?**

Yes.

Paragraph 83 refers to rules and regulations with which charities in England and Wales must comply. These should be well known by the relevant OOSS providers, but there may be value in linking to these for ease of reference by the reader.

Paragraph 91 also encourages the reader to establish policies and procedures around both complaints and whistleblowing. Some providers may be well informed as to what these policies and procedures should look like, but it would be useful to direct the reader to any relevant examples or guidance as to how an OOSS provider might develop their own.

**8. Does Section 5 (finance) set out clearly what procedures out-of-school settings providers should undertake to help ensure strong financial controls in their setting?**

Yes.

**9. To what extent will this code help providers deliver safeguarding in their setting?**

Within the sport sector there is already a wide range of sport-specific guidance available – much of which is referenced explicitly in the draft – but this code is nevertheless comprehensive and should help ensure that providers are informed as to how they should go about delivering safeguarding in their respective settings.

Government should also consider how it can further incentivise and assist more informal OOSS providers who may have limited capacity and resources to understand and act upon this guidance. This should encompass an assessment of the potential for additional support and training to help improve safeguarding standards.

**10. What methods and channels would be most effective in raising awareness of the code among out-of-school settings providers?**

Government must work with industry bodies across society to ensure dissemination of the code and relevant guidance reaches national, local and community providers as required.

It will also be important to ensure that statutory bodies are aware of the code to ensure a positive and collaborative response when contact is made by OOSS providers – broad promotion to local authorities and agencies and relevant individuals and teams such as LADOs, wider Children’s Services and those with safeguarding responsibilities within police and MASH teams must be a priority here. Whilst awareness is growing, national governing bodies of sport (NGBs) still experience some issues due to a lack of awareness of NGBs’

role (and likewise a lack of awareness of the limits of NGBs’ responsibilities) and we would anticipate that this may also become more of an issue in relation to smaller OOSS providers.

In addition, it will be helpful to highlight to statutory bodies the role they can play in working with and supporting a wider range of OOSS providers to adopt the practices set out in the code.

Beyond this, speaking specifically from a sport, recreation and physical activity perspective, the organisations who will be well placed to support the dissemination of the code include, but are not limited to:

The Sport and Recreation Alliance; Sport England; UK Sport; the NSPCC Child Protection in Sport Unit; the Youth Sport Trust; UK Coaching; the Activity Alliance, the County Sport Partnership Network and the national governing bodies of sport.

We would be happy to assist government in engaging these stakeholders, our wider network of partners and our more than 325 member organisations.

**11. What would be the most effective way of helping to ensure that the code is taken up by providers and that out-of-school settings meet the standards?**

Recognising that the code is voluntary, it should be championed as expected practice, and government should commit to working closely with industry bodies to incentivise compliance with the code on a sector-specific basis.

Government should also consider to what extent further support and training may be required to help organisations implement the code. This is particularly relevant where organisations are entirely volunteer-run.

There is arguably potential, where signposting to local authorities and specific guidance, for these parties to be overwhelmed by increased demand for support – if pick up and implementation of the standards is as significant as we hope it will be.

**12. Do you have any other comments on the providers’ code of practice?**

The “What I need to do next?” box and “Questions a parent or carer may ask you” examples in each section are both particularly useful in drawing readers attention to specific items of note, as is the useful resources section of the draft guidance on pages 34 and 35.

Conversely, there are a number of elements which should be reviewed or considered for addition:

On page 6 (“About this code”), reference is made to various sporting examples, but this should also share a link to <https://thecpsu.org.uk/help-advice/deal-with-a-concern> so that can parents can find out more information about a particular sport’s safeguarding contacts (under ‘Contact your national governing body’)..

Section 4 (Governance) has a short introduction contextualising the need for action (see paragraph 82), but sections 1, 2, 3 and 5 do not. A short introductory paragraph for each section, before detailing each section’s relevant guidance, would help to set the scene for the reader and draw attention to particular items of note within each section of the code.

Likewise, robust safeguarding procedures arguably sit within sound governance practice, and separating out sections 4 and 5 and titling them as “other areas to consider” may give

the reader a false impression that it is not as important for them to take action in these areas as for sections 1, 2 and 3. Recognising that Health and Safety, Safeguarding and Child Protection, and Suitability of Staff and Volunteers are important areas of focus, government should nonetheless be wary of the unintended consequences of labelling Governance and Finance Management as additional areas to consider, rather than a similarly important section of the code of practice.

Government should also consider additional points of reference for further guidance, good practice examples and available templates which could be linked or signposted to from within the code of practice.

Beyond this, a couple of comments on the ‘Useful Resources for Providers’ section:

On page 35, under ‘Suitability of Staff’, a link is provided to the CPSU’s safe recruitment and selection procedures, however they have advised us that the better CPSU link here would be <https://thecpsu.org.uk/help-advice/topics/safer-recruitment/>.

We also encourage government to ensure that the resources section includes key contacts such as the NSPCC helpline and Childline.

Finally, we have noted that national governing bodies of sport (NGBs) are not mentioned in the code. We recognise that there are a range of OOSS providers, but NGBs must be recognised as a significant infrastructure in OOSS provision and should be explicitly referenced in the code of practice.

### **13. Are the questions and example answers for parents and carers clear and easy to understand?**

The question “May I have a copy of your child protection policy?” should make reference to a provider’s safeguarding policy, rather than a child protection policy. Child protection is a part of safeguarding.

The answer to the question “How are you securely storing the information you hold on my child? Who has access to it and are you giving it to anyone else?” should also direct parents and carers to the providers’ privacy notice, noting that information can be shared in order to fulfil respective safeguarding responsibilities.

### **14. Are the questions and example answers for parents and carers right and sufficient?**

In the separate document containing questions for parents, in the section headed “What to do if you have concerns” could, in addition to directing parents to the NSPCC or police, also potentially include other mechanisms for reporting concerns e.g. via local authority channels.

### **18. Do you have any other comments on the guidance for parents and carers?**

There may also be value in including information for parents/carers on what to do if they have concerns about safeguarding protocols from an OOSS provider. Besides the NSPCC, listing the likes of Local Safeguarding Children Boards for parents' reference should be considered.

**Sport and Recreation Alliance  
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