

HEALTH AND WELLBEING BOARD

22 January 2020

Title:	Out of Schools Settings (OOSS) Project Update
Report of the Director for People and Resilience LBBB	
Open Report	For Information
Wards Affected: All	Key Decision: No
Report Author: Dharmesh Patel OOSS Project Officer	Contact Details: Tel: 020 8227 3099 E-mail: dharmesh.patel@lbbd.gov.uk
Sponsor: Chris Bush, Commissioning Director Children Care and Support LBBB	
Summary <p>In August 2018 the Department for Education (DfE) launched the Out-of-Schools Settings (OOSS) pilot involving 16 local authorities of which Barking and Dagenham is one of seven authorities in the East London Cluster (ELC). The ELC comprises of Hackney Learning Trust, Havering, Redbridge, Tower Hamlets, Newham and Waltham Forest, with the co-ordination of the cluster administered through Waltham Forest.</p> <p>The DfE's ambition for the pilot is to improve the oversight of, and safeguarding in, OOSS by:</p> <ul style="list-style-type: none">▪ Strengthening our understanding of these settings and the associated risks▪ Identifying and sharing best practice on identification and intervention▪ Further developing the evidence base to inform a national approach, including the case for potential future action <p>We know that many of our children and young people attend OOSS, with the majority of settings providing enriching activities in a safe and trusted environment. However, there are some which do not. This group falls primarily into 2 categories, those that organise activities with a genuine desire to positively enhance children and young people's experience without a comprehensive appreciation of safeguarding requirements in their broadest sense and those who knowingly and deliberately avoid these responsibilities. This was a feature of a number of issues identified in the borough during 2018.</p>	
Recommendations <p>The Health and Wellbeing Board is recommended to note:</p> <ol style="list-style-type: none">(i) The considerable progress that has been made during the first phase of the project as described in this report;(ii) That a formal partnership strategy will be developed which sets out a clear, comprehensive, and transparent approach to dealing with unregistered educational settings in the borough.	

1. Introduction and Background

1.1 The DfE's call for evidence on OOSS between November 2015 and January 2016 invited education providers, local authorities and other organisations to consider proposals for an OOSS regulatory system. The range of responses prompted the DfE to further explore the viability and necessity of a separate regulatory arrangement for OOSS.

1.2 The DfE defines an OOSS as:

Any institution providing tuition, training or instruction to children aged under 18 in England that is not a school, college, 16-19 academy, early years provider or registered childcare provider; and otherwise not regulated under education law. This can include, but is not limited to; supplementary schools, tuition centres, extra-curricular clubs (e.g. dance classes, football clubs), uniformed youth organisations (e.g. Scouts, Brownies), religious settings offering education (e.g. Yeshivas, Madrassahs, Sunday schools).

1.3 From the outset the DfE were clear that the definition in its widest sense was applied as opposed to a singular focus. Each LA was required to submit a plan that detailed how the work was to be undertaken across the OOSS landscape.

1.4 The DfE committed £3 million of targeted funding to test different approaches of multi-agency working with specific focus on:

- Mapping and risk assessment of settings.
- Testing approaches to identify concerns and intervene (including reviewing existing powers available).
- Engagement and outreach work with providers, communities and providers.

1.5 This pilot is supporting the Council to identify, map and improve its understanding of safeguarding risks and practices across the range of OOSS in the borough and develop robust partnerships and processes with relevant agencies to share intelligence and mitigate against safeguarding risks in OOSS. The work will also promote the safeguarding of children and young people with OOSS and amongst the wider community within LBBD.

2 National Context

2.1 From a national perspective the pilot has generated lively debate, particularly in terms of the number of direct interventions with OOSS, being far less than the DfE had anticipated. From an early stage it became apparent that the DfE's broad definition of an OOSS would have a subsequent impact on volume and mapping capacity. There is a national consistency in terms of the challenges, not least the limitation of legislative mandate (with the exception of legal duties of care in relation to health and safety, and child protection) to enter OOSS premises.

2.2 In some pilot areas entry into an OOSS has very occasionally been refused or met with a considerable degree of resistance. The challenge lies in striking a balance between persuasive negotiated engagement with an OOSS to assertive contact.

2.3 The pilot was initially scheduled to conclude after 12 months, and this was subsequently extended twice until March 2020 in recognition of recruitment challenges and the disproportionate time invested in the mapping component of the

pilot. As part of the externally commissioned national evaluation the DfE expect all pilot areas to submit the majority of their findings by early February 2020 albeit the pilot formerly concludes in March 2020.

- 2.4 Nationally pilot leads have established links with their LADO and the ELC is no exception to that. The LADO is the professional with the most links to OOSS prior to the pilot starting, given the nature of their work.
- 2.5 Links with Prevent vary due in part to the role and profile the Prevent agenda has in respective local authorities. Given the Safeguarding role held within Prevent, it is important for the OOSS lead and Prevent Officers to have a good line of communication and certainly that is the DfE perspective, which is reflected in the membership of the OOSS National Steering Group. This group has a broad range of representation from national government bodies including, Home Office (Prevent), Metropolitan Police, Charity Commission and Fire Service, Ofsted and local authorities.

3. East London Context

- 3.1 In September 2018 the ELC Operational Steering Group was established and agreed a collective approach with regard to developing information material for parents and carers and a common approach to risk. As the pilot progressed, this view has changed, and areas are keen that publicity material reflects a borough's contextual landscape alongside a commitment to sharing ideas and good practice across the cluster. Similarly, with risk there are agreed parameters that influence risk-based decisions i.e.
 - Physical safety of a building
 - Links to national umbrella organisations
 - Is the location a multi-use building or one that solely accommodates an OOSS?
 - Evidence of a safeguarding policy
- 3.2 In the absence of oversight and regulation, safeguarding concerns have been raised for children that attend OOSS, particularly in relation to the safety of the premises used, and adherence to safeguarding protocols.
- 3.3 There has been little available data to indicate how many OOSS may be in existence or how many children may attend. Information shared across the East London Cluster Group suggest that a significant proportion of OOSS are faith based, where the ethos, teaching and learning are based around the teachings of a specific religion, predominantly Islamic, Jewish, or Christian.
- 3.4 Through the work of the OOSS Project Officer, in addition to uncovering the scale of the challenge, there will also be a set of recommendations that will help to develop an agreed pathway among local stakeholders to ensure children attending OOSS in Barking & Dagenham are safeguarded, and that their needs are met in respect of health, safety and the quality of education that they receive.

4. Local Context

- 4.1 A project co-ordinator was appointed to post in April 2019 to lead and deliver this work. Since this appointment, the project lead has undertaken comprehensive multi-agency identification and mapping through established relationships with internal and external partners and organisations. This has included promoting OOSS mapping activities and opening lines of communications for sharing of information / intelligence around OOSS.

- 4.2 These key partnerships and stakeholders include; LADO Service, Prevent Team, Electively Home Education and Child Missing in Education, Community Safety Partnership, Participation and Engagement Team, School Improvement Partnership Team, Children’s Care & Support (Commissioning), Community Solutions, Panning Enforcement, Business Rates, Enforcement and Community Safety, Parks Team, Met Police, Charity Commission, Ofsted and Barking and Dagenham CVS.
- 4.3 Several existing partnerships with relevant multi-agencies that are engaged with the project include Local Safeguarding Children Boards, Community Safety Partnership and Prevent Strategy Steering Group, Tension Monitoring and Hate Crime, Intolerance and Extremism.
- 4.4 As of the end of November 2019, 158 OOSS have been identified in the borough as follows

Numbers identified Category of OOSS

59	Religious Settings - Church Services, Sunday Schools, Madrassahs & language classes.
49	Extracurricular clubs or settings
22	Uniformed youth organisations
20	Tuition and Learning Centres
6	Open access youth providers
2	Supplementary Schools

The majority of these have been identified through relationships made with internal and external partners and desk-based research activity.

- 4.5 There has been no disruption activity directly linked to the pilot, however 2 enforcement notices pursuant to Section 171A (1) of the Town and Country Planning Act 1990 (as amended) have been issued on two separate private dwellings in breach of planning control of use of an outbuilding in the rear garden as an education centre. One setting has ceased use of the outbuilding and the project lead is monitoring OOSS progress in establishing safeguarding practices and policies. The other setting has appealed against the notice and the project lead is trying to engage with the setting to assess any potential risks to children welfare. Any further findings will be reported back to relevant agencies as appropriate. Some settings have been identified for further investigation.
- 4.6 40 OOSS providers have been briefed about the pilot and the importance of safeguarding of children and young people in OOSS through B&D CVS forums.
- 4.7 Contact has been made with approximately 25 OOSS including, tuition centres, sport clubs and faith settings directly, through visits, emails and telephone calls trying to establish what, if any safeguarding arrangements exist and how the local authority can support i.e. safeguarding training. To date, the uptake has been minimal with some settings not forthcoming to engage with the project lead. This outreach and engagement will continue with the offer of training via Safeguarding Partnership and DfE voluntary guidance.

- 4.8 Work is currently being undertaken with Parks teams, community centres and faith institutions to ensure that appropriate checks are undertaken when OOSS hire spaces and facilities. Recommendations made to request evidence of child protection policy, evidence that staff have appropriate safer recruitment checks, public liability insurance etc.
- 4.9 The Borough Metropolitan Police Safer Schools Sergeant and the Partnership Inspector have been engaged and detail about OOSS was sent to Neighbourhood Policing teams to enhance the scope for identification, investigation and intervention in settings where there are concerns about children's welfare. To date no information / intelligence had been reported.
- 4.10 Elective Home Education and Children Missing in Education team have supported with the identification of OOSS where parents are supplementing home education with OOSS. In addition to historical investigations of OOSS where concerns were raised.
- 4.11 All registered schools in the borough have been contacted with information about the pilot and were invited to share any OOSS operating on school premises for the purpose of the mapping process. Additionally, an information briefing report was sent to all school governing bodies, which was followed by a presentation to chair of governors. Similarly, School Designated Safeguarding Leads and secondary schools headteachers have received briefings that raised awareness around the importance of schools taking appropriate and proportionate steps to ensure that children attending such settings on school premises are properly safeguarded. This also forms part of the schools Section 157/175 of the Education Act annual safeguarding self-assessment.
- 4.12 The local Faith Forum has been well engaged in the work to date and members have been briefed at the quarterly meeting in September. Specific concerns and sentiment were raised about the OOSS pilot as being an extension of Prevent and the Counter Extremism agenda targeting the faith sector. Further work is required with faith settings in order to raise awareness and dispel any misconceptions of the pilot.
- 4.13 Parents are ultimately responsible for the safety and welfare of their children and legally obliged to ensure that they are in receipt of appropriate full-time education. The project lead is updating and producing information leaflets for parents and carers around keeping children safe in OOSS. Safeguarding advice and self-assessment documents for OOSS provisions and an OOSS information page will feature prominently on the Safeguarding Partnership website in the future.
- 4.14 Improved relationships with the community and with areas such as Planning, Fire Safety and the Charity Commission will help build links and to establish systems and processes which ensure local children are taught in safe conditions, that their welfare is safeguarded, and they obtain the best possible educational outcomes.

5. Next Steps

- 5.1 To develop a strategy that sets out the partnership approach to OOSS in the borough, agree safeguarding standards to be established in OOSS, for example DBS checks on staff, staff awareness and training in safeguarding, anti-bullying, complaints procedures, whistleblowing, health and safety.
- 5.2 The OOSS East London Cluster Group will continue to work with and report to the DfE for a more effective legislative framework for OOSS. Required legal powers would be:

- a) Expand the powers of entry, inspection, and enforcement of OOSS to give local authorities' greater powers to regulate and improve such settings, particularly in relation to health and safety and the safeguarding of children;
 - b) Provide further clarification about the introduction of a system of regulation for OOSS including inspection and sanctions for those not meeting required standards.
- 5.3 The OOSS coordinator to continue to map and understand the volume and different types of setting in operation on the borough.
- 5.4 To continue to engage and work with partners, OOSS and parents to raise awareness, identify and address OOSS of concern. This work will also include the design and content of information leaflets for parents and carers around keeping children safe in OOSS. Safeguarding advice and self-assessment document for out-of-school provisions. As well as an OOSS information page to feature on the Safeguarding Partnership website.

6. Consultation & Challenges

- 6.1 A wide range of partners have been consulted as part of the identification and mapping of OOSS in the borough. Statutory partners knowledge and identification is growing and could be further improved and formalised to help strengthen and improve a regulatory framework. This pilot is a regular topic for discussion at the multi-agency Prevent Strategy and Steering Group, which also counts key Home Office colleagues amongst the membership.
- 6.2 Engagement and interaction with OOSS have been made by offering free training, safeguarding support and resources, as well as promoting the importance of safeguarding through the prism of contextual safeguarding. However, some hard-to-reach OOSS are cautious of the project officer visiting settings and further work is needed to validate safeguarding policies, procedures and documentation in some settings.
- 6.3 There have been a number of barriers experienced when identifying settings of concerns and dealing with risk in OOSS such as; access issues, anxiety and fear of OOSS and staff being scrutinised, language barriers, misunderstanding that this would impact on what they can teach, or would somehow dilute their culture (particularly true of faith settings).
- 6.4 There are a range of legislation and soft powers that exist to intervene and disrupt settings of concerns, such as planning enforcement notices, health and safety, fire safety legislation, food safety and charity commission powers. However, these do not enable the project lead to gain access to a setting to assess any risks, unless specific breaches under the legislation has occurred. For example, under Health and Safety Legislation, the Health and Safety Executive has the power to enter any premises where there is reason to believe it is necessary for them to enter i.e. to enforce the health and safety act. Examples of breaching health and safety would include; harmful substances in the premises (chemical, fumes), broken windows and/or door locks, lack of lights etc.
- 6.5 It is recognised that greater work is needed to increase the scope and reach of community safeguarding activity, especially in the context of our fast-changing population and their needs. This is very much in line with developments within the borough around developing the voluntary and community groups, faith sector and engagement work to engage residents in new and different ways. The success of

safeguarding children in OOSS will in part be dependent on how we achieve the above, likewise with other community safeguarding issues such as FGM, physical chastisement, honour based violence, serious youth violence and exploitation, and radicalisation. This of course sits within the context of issues such as domestic abuse, substance misuse and neglect, and ensuring early help and social care interventions are adapted to meet the needs of residents and communities.

7. Mandatory Implications

Financial Implications

Implications completed by Isaac Mogaji, Finance Business Partner:

- 7.1 This report is largely for information only and sets out to inform the Health and Wellbeing Board of the considerable progress that has been made, as well as formal partnership strategy that are being developed, regarding unregistered educational settings in the Borough. As such there are no obvious financial implications arising from the report.
- 7.2 The outline of work contained in the report largely builds on work already underway during the project period funded by the DfE. This funding will cease in March 2020 and the continuation of OOSS work will be assimilated within the existing staffing and funding.

Legal Implications

Implications completed by Stephen Smith, Acting Senior Solicitor Safeguarding

- 7.3 This report to the Board is to note the progress of this project. Further legal advice will be provided should a formal partnership strategy be proposed for OSSS within the borough and ELC.
- 7.4 If at any time an OOSS is identified where there are significant safeguarding concerns in respect of a child, the local authority has statutory duties pursuant to the Children Act 1989, which would be applied in accordance with our current safeguarding policies and proceedings.

Safeguarding

- 7.5 The safeguarding of children is referenced throughout this report

Public Background Papers Used in the Preparation of the Report: None