

Keeping Children Safe in Education – Revised Guidance commencing 3 September 2018

(N.B. schools and colleges must continue to have regard to KCSiE 2016 until September 2018)

Summary of Main Changes:

Part One: Safeguarding information for all staff

What school and college staff should look out for (para 18 – 22)

Additional information about children who may particularly benefit from early help, including additional bullet points relating to being at risk of being drawn into criminal behaviour, modern slavery, trafficking or exploitation, radicalisation.

Emphasis that if staff are unsure, they should **always** speak to the DSL or deputy.

What school and college staff should do if they have concerns about a child (para 23-37)

New paragraph included to cover situations where the DSL or deputy is not available.

New paragraph on the early help process.

Definition of child in need added.

Additional information about processes if a child is suffering or is likely to suffer significant harm.

What school and college staff should do if they have concerns about another staff member who may pose a risk of harm to children (para 38-39)

Inclusion of volunteers in addition to staff.

Specific safeguarding issues (para 49-53)

New paragraph on peer on peer abuse.

New paragraph on contextual safeguarding.

Instead of listing specific safeguarding issues in this section, they have been moved and itemised with additional information in Annex A.

Part Two: The management of safeguarding

New paragraphs relating to children missing education recommending that schools should hold more than one emergency contact for each pupil or student and referencing further information for schools on their duties regarding children missing education (para 57).

Multi-agency working (para 68-70)

New terminology, previously referred to an interagency working. N.B. this section will be updated in September to reflect Working Together to Safeguard Children and the new safeguarding partner arrangements.

Information sharing (para 71-75)

New section. Note: this section will be updated in September to reflect Working Together to Safeguard Children, GDPR and the Data Protection Bill.

New paragraph relating to transfer of child protection file when a child moves school with additional action that the DSL should also consider if it would be appropriate to share any information with the new school or college in advance of a child leaving.

Peer on peer abuse (para 89-90)

This section was previously called Allegations of abuse made against other children. Updated with additional detail.

Looked after children and previously looked after children (para 93-101)

Details new requirements around safeguarding previously looked after children and the role of designated teachers and virtual school heads, including link to statutory guidance.

New paragraph in relation to care leavers.

The use of 'reasonable force' in schools and colleges (para 103-105)

New section. Includes paragraph in respect of children with SEND or medical conditions, highlighting the need to consider the risks, carefully recognising the additional vulnerability of these groups. N.B. The DfE expects to be able to link the joint DH/DfE Restraint and restrictive intervention advice (for special schools) in the 3 September 2018 KCSiE.

Part Three: Safer recruitment

Recruitment, selection and pre-employment vetting

Additional detail around undertaking DBS checks on volunteers in para 110.

Types of checks

DBS checks

Additional paragraph (113) relating to maintained school governors recommending that schools contact the Teaching Regulation Agency (TRA) to check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction.

Prohibitions, directions, sanctions and restrictions

Section 128 direction

Clarification that taking part in 'management' includes such staff positions as follows: head teacher, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship (para 121).

Addition of sentence clarifying that a section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained school.

Historic General Teaching Council for England (GTCE) sanctions and restrictions (para 123)

Addition that there remain a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012).

European Economic Area (EEA) regulating authority teacher sanctions or restrictions (para 124)

Additional reference.

Teacher services' checking system (para 125)

Additional information on Teacher Services' checking system.

Single Central Record

Clarification for independent school, including academies and free schools, that in the case of academies 'all members of the proprietor body' means the members of trustees of the academy trust (para 138).

Clarification for multi-academy trusts (MATs) that there is no requirement to have separate SCRs, but schools should ensure the record is securely stored and easily accessible to those who need to see it, including Ofsted inspectors (para 142).

Existing staff

New paragraph (154) to clarify that the legal duty to refer to the DBS also applies in circumstances where the school or college has a concern about an existing staff member's suitability to work with children and the individual is deployed to another area of work that is not regulated activity, or they are suspended. N.B. we recommend that this paragraph is read in conjunction with the referral guidance on the DBS website and that the school or college takes advice from the LA and/or their HR provider.

Volunteers

Addition of paragraph (159) about circumstances in which schools and colleges may obtain an enhanced DBS certificate (not including barred list information) for volunteers who are not engaging in regulated activity. Inclusion of link to DBS workforce guides.

Addition that where schools complete a risk assessment when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity the details of the risk assessment should be recorded (para 160).

Alternative provision

New paragraph (174) emphasising that where a school places a pupil with an alternative provision provider (APP), the school continues to be responsible for the safeguarding of that pupil and must be satisfied that the provider meets the needs of the pupil. Schools should

obtain written confirmation from the APP that appropriate safeguarding checks have been carried out on individuals working at the establishment.

Private fostering – LA notification when identified

Section moved from Annex E to main body of guidance.

Part Four: Allegations of abuse made against teachers and other staff

Duties as an employer and an employee

Third bullet point amended to replace 'would' with 'may' to reflect terminology in Working together to safeguard children.

Addition of volunteers.

Initial considerations

The term 'unfounded' has been added back in to main body, having been an optional additional definition for schools' use included in a footnote in the previous version. (para 189)

Resignations and 'settlement agreements'

Addition that schools and colleges must consider whether a referral to the Teaching Regulation Agency (TRA) is appropriate (para 206).

Suspension

Addition that where the case manager is concerned about the welfare of other children in the community or the teacher's family, those concerns should be reported to children's social care in addition to the LADO.

Change in para 219. In cases where the Secretary of State has made an interim prohibition order in respect of an individual, immediate action should be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work. Previous version states 'it will be necessary to immediately suspend that person from teaching'. N.B. this paragraph should be read in conjunction with the rest of the advice on suspension and we recommend that advice should be taken from the LA and/or HR provider.

Part Five: Child on child sexual violence and sexual harassment

New section. This is an important new addition and should be read in conjunction with detailed advice published by the DfE, link included.

Annex A: Further information

Contains important additional information about specific forms of abuse and safeguarding issues. New sections added include:

- Children and the court system
- Children with family members in prison
- Child criminal exploitation: county lines
- Homelessness

- Peer on peer abuse
- Sexual violence and sexual harassment between children in schools and colleges
- Table detailing links to additional advice and support

Annex B: Role of the designated safeguarding lead

New footnote added at page 88 to highlight that sole proprietors need to ensure that their DSL is a suitable person for the role.

Addition that in the DSL role of taking the lead responsibility for safeguarding and child protection, this includes online safety and that this should be explicit in the role holder's job description.

Training

Addition of two new bullet points relating to understanding of the risks associated with online safety, and the additional risks that children with SEND face online.

Child Protection file

Addition of sentence for receiving schools to ensure that key staff such as DSLs and SENCOs or the named person with oversight for SEN in colleges are aware as required on receipt of a child protection file.

Addition that when transferring a child protection file where children leave the school or college, the DSL should consider if it would be appropriate to share any information with the new school or college in advance of a child leaving.

Annex C: Online safety

Addition of section on opportunities to teach safeguarding and link to resources.
New paragraph on reviewing online safety.

Table detailing additional information and support, including links.

Annex D: Boarding schools, residential special schools, residential colleges and children's homes.

Now includes residential colleges.

New paragraph clarifying that the Visits to Children in Long-Term Residential Care Regulations 2011 apply to children and young people living away from home in residential settings for periods of 3 months or more (including those placed in residential schools and colleges)

Annex E: Host families – homestay during exchange visits

This section has been expanded and includes more detail on obtaining DBS checks for UK host families.