

Keeping Children Safe in Education – September 2020

This is statutory guidance from the Department for Education issued under Section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014, and the Non-Maintained Special Schools (England) Regulations 2015. Schools and colleges in England must have regard to it when carrying out their duties to safeguard and promote the welfare of children.

For the purposes of this guidance children includes everyone under the age of 18.

The DfE uses the terms “**must**” and “**should**” throughout the guidance. It uses the term “**must**” when the person in question is legally required to do something and “**should**” when the advice set out should be followed unless there is good reason not to.

In June, the government published a draft of the statutory guidance, Keeping Children Safe in Education, to come into force in September 2020. A consultation on KCSiE was halted due to the Covid-19 pandemic. Changes have only been made:

- Where legislation requires it
- To add helpful information
- To provide important clarification

There are no core changes or new statutory expectations, though reference to Covid-19 guidance is included within the document.

What’s new?

- definition of safeguarding
- focus on the impact of mental health
- whole school safeguarding culture, including online learning
- children who have a social worker
- safer recruitment (including supply teachers)
- role of the Designated Safeguarding Lead

The new definition of safeguarding

The definition of safeguarding has been expanded to specifically mention ‘mental and physical’ health.

Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment;
- preventing impairment of children’s mental and physical health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

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Part 1 – information for all staff

All staff working in schools are expected to read at least part 1 of KCSIE. The changes to this part are:

New information on mental health (paragraphs 4 and 34-38)

Mental health is explicitly included in the definition of safeguarding, which now includes "preventing impairment of children's **mental** and physical health or development"

New paragraphs have been added to say:

- All staff should be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation.
- Only trained professionals should make a diagnosis of a mental health problem, but staff are well placed to observe children and identify those whose behaviour suggests they may be experiencing a mental health problem, or be at risk of developing one.
- Abuse, neglect and other traumatic adverse childhood experiences can have a lasting impact, and it's key that staff are aware of how these experiences can affect children's mental health, behaviour and education.
- Staff should take action on any mental health concerns that are also safeguarding concerns, following the school's child protection policy and speaking to the DSL or deputy.

There's DfE guidance available on [preventing and tackling bullying](#) and [mental health and behaviour](#), as well as Public Health England guidance on [promoting children's emotional health and wellbeing](#) and lesson plans and teaching materials from [Rise Above](#)

New information on child criminal exploitation (CCE) and child sexual exploitation (CSE) (paragraph 28) and in Annex A

Other minor changes

- Information about contextual safeguarding has been moved (it's now paragraph 21) and rewritten to make it clear that:
- All staff should be aware that safeguarding incidents and/or behaviours can be associated with factors outside school and/or can occur between children outside of this environment
- All staff should consider whether children are at risk of abuse or exploitation in situations outside their families (e.g. sexual exploitation, criminal exploitation, serious youth violence)
- It's been clarified that staff should refer concerns or allegations about supply staff to the headteacher (paragraph 56)

Part 2 – the management of safeguarding

This is for headteachers, designated safeguarding lead (DSL) teams and governors.

There is new information on supporting children who need a social worker (paragraphs 109-112)

- Children may need a social worker due to safeguarding or welfare needs, such as abuse, neglect and complex family circumstances. These experiences can leave children vulnerable to further harm, as well as potentially creating barriers to attendance, learning, behaviour and mental health
- Your local authority should tell you if a child has a social worker, and the DSL should hold and use this information in the best interests of the child's safety, welfare and educational outcomes, such as when decisions are made on:

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There's further information in the [findings](#) from the Children in Need review, including the steps the government is taking to support this

New information on supporting children who require mental health support (paragraphs 113-116)

Some of this new guidance repeats what is already set out in part 1 (see above). The unique points set out here are:

- Schools have an important role to play in supporting the mental health and wellbeing of their pupils
- Governing boards should ensure there are clear systems and processes in place for identifying possible mental health problems, including routes to escalate and clear referral and accountability systems

The DfE will be supporting the costs of:

- A training programme for senior mental health leads to develop a whole school approach to mental health (this should be available by 2025)
- The national rollout of the [Link Programme](#)

Other minor changes

- There's a new link for DSLs to [NPCC guidance](#) on when to call the police and what to expect if you do (paragraph 70)
- The information on multi-agency working now reflects that new local safeguarding partner arrangements should now be in place (paragraphs 74-78)
- Guidance on the GDPR has been clarified to explain that you can refuse to share information if a serious harm test is met (paragraph 84)
- There's now a link to the DfE's [data protection toolkit](#) (paragraph 86)
- It's been made clear that the guidance in Annex C will apply to children learning at home (paragraph 92)
- There's new guidance and links to further advice on the introduction of compulsory relationships education (primary), relationships and sex education (secondary) and health education (all state-funded schools) (paragraph 94)
- The recent changes to Ofsted's inspection framework are now reflected (paragraphs 96-98)
- Your procedure for managing allegations against staff should cover supply staff (paragraph 101), and concerns that may meet the 'harm test' should be addressed as set out in part 4 of KCSIE (paragraph 102) – see the section below for a full explanation

Part 4 – allegations of abuse

Consider behaviours that indicate someone may not be suitable to work with children (paragraph 211)

- A new bullet point in this paragraph now means that the procedures set out in part 4 of KCSIE should apply to anyone working in the school who has behaved, or may have behaved, in a way that indicates they may not be suitable to work with children
- Annex H gives the example of a member of staff involved in domestic violence at home where no children were involved, but you would need to consider what triggered these actions and whether a child in school could trigger the same reaction and be put at risk

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New guidance on handling allegations against supply staff (paragraphs 214-217)

These new paragraphs explain that:

- In some cases you may have to consider an allegation against someone not directly employed by you, where your usual disciplinary procedures don't fully apply, like supply staff provided by an agency
- You should make sure allegations are dealt with properly, and you shouldn't decide to stop using a supply teacher due to safeguarding concerns without finding out the facts and liaising with your LADO to determine a suitable outcome

What school and college staff should do if they have concerns about another staff member who may pose a risk of harm to children?

If staff have safeguarding concerns, or an allegation is made about another member of staff (including supply teachers and volunteers) posing a risk of harm to children, then:

- this should be referred to the headteacher or principal;
- where there are concerns/allegations about the headteacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school; and
- in the event of concerns/allegations about the headteacher, where the headteacher is also the sole proprietor of an independent school, allegations should be reported directly to the designated officer(s) at the local authority.

Why is all of this important?

It is important for children to receive the right help at the right time to address risks and prevent issues escalating. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action. Examples of this poor practice include:

- failing to act on and refer the early signs of abuse and neglect;
- poor record keeping;
- failing to listen to the views of the child;
- failing to re-assess concerns when situations do not improve;
- not sharing information;
- sharing information too slowly; and
- a lack of challenge to those who appear not to be taking action.

Annex A – further information

There's updated guidance on:

- Child criminal exploitation (CCE) – this has been separated from 'county lines', and explained in full as in part 1 of KCSIE (see above) with a new list of possible indicators
- Child sexual exploitation (CSE) – this reflects the update to part 1 of KCSIE on this (see above)
- County lines – there's a more in-depth explanation of the specific exploitation techniques used here
- Domestic abuse – there's now an explanation that domestic abuse can impact children if they witness it at home and/or suffer it in an intimate personal relationship, and there are new links to additional information and support
- Honour-based abuse – this used to be called 'honour-based violence', but the name has changed to recognise non-violent forms of abuse
- Preventing radicalisation – there's new information on what terrorism looks like and more details on Channel
- Upskirting – there's a more detailed description of what upskirting means

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Annex B – DSLs

There's new guidance (page 100) to say that:

DSLs should help promote educational outcomes by sharing information about the welfare, safeguarding and child protection issues that children (including those with a social worker) are experiencing, or have experienced, with teachers and other staff

This could be done by, for example:

Making sure that staff know who these children are, understand their academic progress and attainment, and maintain a culture of high aspirations for them

Supporting teaching staff to identify the challenges that children in this group might face, and the additional academic support and adjustments that they could make to best support them

Annex C – online safety

There are new links to information and support to keep children safe online

A new paragraph on education at home has been added, explaining that you should follow [coronavirus safeguarding guidance](#) and [guidance on safeguarding and remote education during coronavirus](#)

Keeping Children Safe in Education Part 1 has to be read by all members of the staff; and everyone working directly with children should read Annex A.

Designated Safeguarding Lead

Every school and college should have a designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children's social care. The designated safeguarding lead (and any deputies) are most likely to have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns. Annex B sets out the role of the Designated Safeguarding Lead.

The school/academy's Designated Safeguarding Lead (DSL) is the first point of contact for any member of the school staff who has a concern about the safety and well-being of a pupil. The designated safeguarding lead or a deputy should always be available to discuss safeguarding concerns. If in exceptional circumstances, the designated safeguarding lead (or deputy) is not available, this should not delay appropriate action being taken. Staff should consider speaking to a member of the senior leadership team and/or take advice from local children's social care. In these circumstances, any action taken should be shared with the designated safeguarding lead (or deputy) as soon as is practically possible.

Our school's Designated Safeguarding Lead	Mr M Watson
Our Deputy DSL(s) is/are	Clare Hannon Laura Weaver Lucy Scarr Debbie Wilson Katy Nesom

Key Aspects of the Designated Person role:

- Making sure all staff are aware how to raise safeguarding concerns
- Ensuring all staff understand the symptoms of child abuse and neglect
- Referring any concerns to social care
- Monitoring children who are the subject of child protection plans

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- Maintaining accurate and secure child protection records
- Acting as a point of contact with the three safeguarding partners (Local Authority, Police, Health)

Additional guidance and further reading

- Keeping children safe in education –statutory guidance for schools and colleges (September 2020)
- Corona Virus (Covid-19): safeguarding in schools, colleges and other providers <https://www.gov.uk/government/publications/covid-19-safeguarding-in-schools-colleges-and-other-providers/coronavirus-covid-19-safeguarding-in-schools-colleges-and-other-providers>
- Safeguarding and remote education during Corona Virus <https://www.gov.uk/guidance/safeguarding-and-remote-education-during-coronavirus-covid-19>
- NSPCC Corona Virus support <https://www.nspcc.org.uk/keeping-children-safe/coronavirus-advice-support-children-families-parents/>
- When to call the police –guidance for schools and colleges
- <https://www.npcc.police.uk/documents/Children%20and%20Young%20people/When%20to%20call%20the%20police%20guidance%20for%20schools%20and%20colleges.pdf>
- What to Do If You’re Worried a Child Is Being Abused (2015)
- Working Together to Safeguard Children (July 2018)
- Guidance for safer working practice for those working with children and young people in education settings (May 2019)
- The NSPCC Helpline is a service for anyone concerned about the safety or welfare of a child. You can contact the helpline 24 hours a day, seven days a week by phone, email or online. 0808 800 5000
- Childline <https://www.childline.org.uk/> 0800 1111
- Andrew Hall – Safeguarding in Schools – invaluable advice and safeguarding resources <https://www.safeguardingschools.co.uk/andrew-hall/>