

Keeping Children Safe in Education – September 2021

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.

A whole school and college approach to safeguarding

The guidance emphasises that governing bodies should ensure they facilitate a whole school or college approach to safeguarding. This means ensuring safeguarding and child protection are at the forefront and underpin all relevant aspects of process and policy development. Ultimately, all systems, processes and policies should operate with the best interests of the child at their heart.

What’s new?

- A condensed version of part 1 (Annex A) for staff who don’t work directly with children
- New guidance and expectations around tackling sexual violence and harassment (including peer-on-peer abuse)
- New information on what the child protection policy should include
- Updated guidance on the two levels of allegations against staff, those that may meet the harms threshold and those that don't (low level concerns)
- Guidance on online safety has been moved to part 2 to give it more prominence (previously in annex C)
- New best practice advice on recruitment processes and updated guidance on conducting pre-employment checks

Part 1: safeguarding information for all staff

All staff working directly with children are expected to read at least part 1 of KCSIE and Annex B. Those who don’t work directly with children can now read the condensed version of part 1, in Annex A, if that is what the school prefers. The changes to part 1 are:

New information on what staff should be alert to (paragraphs 18 to 23 and 52)

It's been clarified that all staff should:

- Reassure victims that they are being taken seriously and that they will be supported and kept safe. They shouldn’t be given the impression they are creating a problem or made to feel ashamed for making a report.
- Know the indicators of abuse and neglect for specific safeguarding issues such as child criminal exploitation and child sexual exploitation.
- Be vigilant as multiple safeguarding issues will overlap with one another.
- Be aware of the risk factors that increase the likelihood of involvement in serious violence.

Updated list of factors which may indicate a child may benefit from early help - to include children with: health conditions, a mental health need, a family member in prison or affected by parental offending, a risk of honour-based abuse such as female genital mutilation (FGM) or forced marriage, and persistent absence from education (including absences for part of the day).

Updated list of extra-familial harms to include sexual abuse and county lines

New expectations around peer-on-peer abuse (paragraphs 24, 29, 46, 47, 48 and 50)

There's new expectations that all staff should:

- Be aware that technology is a significant component in many safeguarding and wellbeing issues, and that children are at risk of online abuse (as well as face to face).
- Be aware that children can abuse their peers online through:
 - Abusive, harassing, and misogynistic messages.
 - Non-consensual sharing of indecent nude and semi-nude images and/or videos, especially around chat groups.
 - Sharing of abusive images and pornography, to those who don't want to receive such content.
- Recognise the indicators of peer-on-peer abuse, know how to identify it and respond to reports.
- Recognise that peer-on-peer abuse may be taking place, even if it is not reported
- Understand their role in preventing it and responding to it if they believe a child may be at risk.
- Understand the importance of challenging inappropriate behaviours between peers. If they don't, it can create an unsafe environment and lead to a culture that normalises abuse.
- Abuse can take place inside and outside of school or online.

Updated guidance on the types of peer-on-peer abuse (paragraph 49)

- Updated the definition of bullying to include prejudiced-based and discriminatory bullying
- Added abuse in intimate personal relationships between peers.
- Updated the definition of physical abuse to include an online element which facilitates, threatens and/or encourages physical abuse.
- Updated the definition of sexual violence to include an online element which facilitates, threatens and/or encourages sexual violence.
- Added causing someone to engage in sexual activity without consent, such as forcing someone to strip, touch themselves sexually, or to engage in sexual activity with a third party.
- Updated the definition of 'sexting' to refer specifically to the consensual and non-consensual sharing of nude and semi-nude images and/or videos.
- Updated the definition of 'upskirting' to specify that it typically involves taking a picture under a person's clothing without their permission (previously this was 'without them knowing').
- Updated the definition of initiation/hazing type violence to include an explanation of what may be involved, including an online element.

New information on child criminal exploitation (CCE) and child sexual exploitation (CSE) (paragraphs 32 to 39)

The new paragraphs on CCE explain that:

- It can include vehicle crime and threatening/committing serious violence (previous examples located in annex B).
- Children may become trapped as they or their families may be threatened with violence and they may be coerced or entrapped into debt or into carrying weapons. They may carry weapons as a form of protection.
- Children involved in criminal exploitation need to be treated as victims themselves (particularly older children), even though they may commit crimes themselves.
- You should be aware that girls are at risk of criminal exploitation too, even though their experience may be different.

The new paragraphs on CSE:

- Explain that it's a form of child sexual abuse.
- Specify the types of activities that it covers, including physical contact and non-contact activities.
- Add details on which pupils it can affect (previously located in annex B).
- Clarify that some children may not realise they've been exploited (e.g. they believe they're in a romantic relationship).

In addition, there is new information on:

- responsibilities for safeguarding (paragraphs 81 to 82 and 119)
- school policies (paragraphs 85, 126 and 185)
- training (paragraphs 117 to 118)
- online safety (paragraphs 123 to 135)

Part 3: more details on safer recruitment measures

There have been no changes to the statutory requirements in this section, but there is new information on the recruitment process (paragraphs 188 to 213), pre-employment checks, the single central record (SCR) (paragraphs 251, 254 and 280), agency staff, contractors and visitors (paragraphs 269 to 286), making referrals to the Disclosure and Barring Service.

Part 4: handling allegations against staff

Part 4 has been split into two sections covering the two levels of allegation - those that meet the harms threshold and those that don't.

The updated guidance explains that:

- The school should do basic enquiries in line with local procedures to establish facts before contacting the local authority designated officer (LADO)
- A case manager (likely the headteacher or principal) will lead any investigation
- The case manager should discuss any concerns about the welfare of other children in the community or member of staff's family with the DSL, and make a risk assessment. The DSL may then need to make a referral to children's social services

The last bullet point in paragraph 339 refers to behaviour that may have happened outside of school that might make an individual unsuitable to work with children.

Allegations that may meet the harms threshold: allegation outcomes (paragraphs 364,369 and 389)

The updated paragraphs explain that:

- As another alternative to suspending a member of staff, you should consider moving the child to a class where they won't come into contact with the staff member
- No information about the staff member involved can be shared with other staff or parents not directly involved
- For reports found to be 'unsubstantiated, unfounded, false or malicious', it's the DSL that will consider the appropriate next steps
- For reports found to be 'deliberately invented or malicious', it's the school that should consider possible disciplinary action in line with its behaviour policy

New guidance on allegations that don't meet the harms threshold ('low level' concerns) (paragraphs 406 to 427) There's new paragraphs to explain:

- You should have policies and processes in place to manage concerns and allegations that don't meet the 'harms threshold' to take appropriate action to safeguard children
- How you can promote an open and transparent culture where all levels of concern are shared and dealt with promptly and appropriately
- Definition and examples of low level concerns
- How to record low level concerns

Part 5: child-on-child sexual violence and sexual harassment

New information in the summary section (paragraphs 428 to 434)

The updated summary explains that:

- Guidance in part 5 refers to child-on-child sexual violence and harassment that takes place inside or outside of school and online
- All staff need to maintain an attitude of "it could happen here"
- Addressing inappropriate behaviour can help prevent abusive/violent behaviour
- Victims of this abuse will likely find the experience distressing, which can affect their progress in school, this can be made worse if the alleged perpetrator(s) attends the same school
- Staff should be aware that girls are more likely to be victims and boys are more likely to be the perpetrators
- It could be done by a group, not just an individual, and therefore saying "perpetrator(s)" in this section, rather than "perpetrator"

You should read part 5 alongside the DfE's advice on [sexual violence and harassment](#)

There is new and helpful information on responding to an initial disclosure (paragraphs 441 to 444). The updated procedures explain that staff:

- Don't need to wait for a child to make a disclosure, they should act on any concerns immediately.
- May overhear a conversation that suggest a child may have been harmed or a child's behaviour may be an indicator.
- May confiscate devices for evidence to hand to the police, if the report includes an online element.
- Can ask children outright if they've been harmed and what the nature of the harm was.

- Should keep in mind that certain children may face additional barriers to telling someone because of their vulnerability, disability, gender, ethnicity and/or sexual orientation.
- Should reflect back, using the child's language, when hearing a report.
- Should recognise it may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory, so children may not be able to recall all details or timeline of abuse.

Your response should be underpinned by the principle that "there is a zero tolerance approach to sexual violence and sexual harassment and it is never acceptable and it will not be tolerated". The DSL (and deputies) should know what the early help process is and how and where to access support.

Annex B: specific safeguarding issues

There's updated guidance on:

- CCE and CSE - this is because some of the detail has been moved to part 1
- County lines - added a list of indicators of abuse
- Domestic abuse - added information about the Domestic Abuse Act 2021, including the statutory definition
- Channel - added information about sharing information with a new school
- Peer-on-peer abuse - updated to reflect the additions made in parts 1, 2 and 5 of KCSIE
- Sexual violence and harassment - updated to reflect the additions made in parts 1, 2 and 5 of KCSIE

There's also new sections on:

- Child abduction and community safety incidents
- Modern slavery
- Cybercrime

Annex C: role of the designated safeguarding lead (DSL)

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 C sets out the role of the Designated Safeguarding Lead and includes additional responsibilities from September 2021.

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
- Maintaining accurate and secure child protection records
- Acting as a point of contact with the three safeguarding partners (Local Authority, Police, Health)
- Specific reference to online safety where it's mentioned that DSLs should take lead responsibility for safeguarding and child protection
- Working with the mental health leads where safeguarding concerns are linked to mental health
- Promoting supportive engagement with parents and carers

- Promoting educational outcomes of children in need by knowing and helping to address issues they're experiencing or have experienced, by:
 - Ensuring the school or college knows who its cohort of children who currently need a social worker are, understanding their academic progress and attainment, and maintaining a culture of high aspirations for this cohort
 - Supporting teaching staff to provide additional academic support or reasonable adjustments to help children who have or have had a social worker reach their potential.

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	
Our Deputy DSL(s) is/are	

Additional guidance and further reading

- Keeping children safe in education –statutory guidance for schools and colleges (September 2021)
- Working Together to Safeguard Children (July 2018)
- Sexual Violence and Sexual Harassment Between Children in Schools and Colleges (September 2021)
- Effective Support for Children and Families in Essex (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
- Essex Schools Infolink safeguarding resources <https://schools.essex.gov.uk/pupils/Safeguarding/Pages/Safeguarding.aspx>
- Essex Primary Headteachers’ Association <https://essexprimaryheads.co.uk/info-and-documents/safeguarding/>