

Keeping children safe in education

**Statutory guidance for schools and
colleges**

September 2016 ²

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Summary

What is the status of this guidance?

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 must have regard to it when carrying out their duties to safeguard and promote the welfare of children. This means that they should comply with it unless exceptional circumstances arise.

About this guidance

This document contains information on what schools and colleges **should** do and sets out the legal duties with which schools and colleges **must** comply in order to keep children safe. It should be read alongside statutory guidance Working together to safeguard children, and departmental advice What to do if you are worried a child is being abused- Advice for practitioners.

Unless otherwise specified, 'school' means all schools whether maintained, non-maintained or independent schools, including academies and free schools, alternative provision academies, maintained nursery schools¹ and pupil referral units. 'College' means further education colleges and sixth-form colleges as established under the Further and Higher Education Act 1992, and relates to their responsibilities towards children under the age of 18, but excludes 16-19 academies and free schools (which are required to comply with relevant safeguarding legislation by virtue of their funding agreement).

¹ The Early Years Foundation Stage Framework (EYFS) is mandatory for all early years providers. It applies to all schools that provide early years provision including maintained nursery schools. Maintained nursery schools, like the other schools listed under 'About this guidance', must have regard to Keeping Children Safe in Education 2016 when carrying out duties to safeguard and promote the welfare of children (by virtue of section 175(2) of the Education Act 2002 – see footnote 10 for further detail on this requirement).

² The proprietor will be the Academy Trust, where the Academy Trust has entered into a funding arrangement under the Academies Act 2010 concerning an independent school or alternative provision academy.

Who this guidance is for

This statutory guidance should be read and followed by:

- governing bodies of maintained schools (including maintained nursery schools) and colleges;
- proprietors of independent schools (including academies and free schools), alternative provision academies and non-maintained special schools;² and
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- management committees of pupil referral units (PRUs).

The above persons should ensure that **all staff** in their school or college **read** at least Part one of this guidance.

The above persons should ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities as set out in Part one of this guidance.

What this guidance replaces

This guidance replaces Keeping children safe in education July 2015.

A table of changes is included at Annex H. 5

Part one: Safeguarding information for all staff

What school and college staff should know and do

A child centred and coordinated approach to safeguarding

1. Schools and colleges and their staff are an important part of the wider safeguarding system for children. This system is described in statutory guidance Working together to safeguard children.
2. Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the **best interests** of the child.
3. No single professional can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, **everyone** who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.
4. 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 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.
5. Children includes everyone under the age of 18.

The role of school and college staff

6. School and college staff are particularly important as they are in a position to identify concerns early, provide help for children, and prevent concerns from escalating.
 7. **All** school and college staff have a responsibility to provide a safe environment in which children can learn.
 8. Every school and college should have a designated safeguarding lead who will provide support to staff members to carry out their safeguarding duties and who will liaise closely with other services such as children's social care.
 9. **All** school and college staff should be prepared to identify children who may benefit from early help.³ Early help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage
- ³Detailed information on early help can be found in Chapter 1 of Working together to safeguard children 6 years. In the first instance, staff should discuss early help requirements with the designated safeguarding lead. Staff may be required to support other agencies and professionals in an early help assessment.
10. **Any staff member** who has a concern about a child's welfare should follow the referral processes set out in paragraphs 21-27. Staff may be required to support social workers and other agencies following any referral.
 11. The Teachers' Standards 2012 state that teachers, including headteachers, should safeguard children's wellbeing and maintain public trust in the teaching profession as

part of their professional duties.

⁴ The Teachers' Standards apply to: trainees working towards QTS; all teachers completing their statutory induction period (newly qualified teachers [NQTs]); and teachers in maintained schools, including maintained special schools, who are subject to the Education (School Teachers' Appraisal) (England) Regulations 2012.

What school and college staff need to know

12. All staff members should be aware of systems within their school or college which support safeguarding and these should be explained to them as part of staff induction. This should include:

- the child protection policy;
- the staff behaviour policy (sometimes called a code of conduct); and
- the role of the designated safeguarding lead.

Copies of policies and a copy of Part one of this document (Keeping children safe in education) should be provided to staff at induction.

13. All staff members should receive appropriate safeguarding and child protection training which is regularly updated. In addition all staff members should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

14. All staff should be aware of the early help process, and understand their role in it. This includes identifying emerging problems, liaising with the designated safeguarding lead, sharing information with other professionals to support early identification and assessment and, in some cases, acting as the lead professional in undertaking an early help assessment.

15. All staff should be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989⁵ that may follow a referral, along with the role they might be expected to play in such assessments.

⁵ Under the Children Act 1989, local authorities are required to provide services for children in need in their area for the purposes of safeguarding and promoting their welfare. Local authorities undertake assessments of the needs of individual children to determine which services to provide and what action to take. This can include: Section 17- A child in need is defined under section 17(10) of the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health or development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.

Section 47- If the local authority have reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm they have a duty to make enquires under section 47 to enable them to decide whether they should take any action to safeguard and promote the child's welfare. This duty also applies if a child is subject to an emergency protection order (under section 44 of the Children Act 1989) or in police protective custody under section 46 of the Children Act 1989.

⁶ Detailed information on statutory assessments can be found in Chapter 1 of Working together to safeguard children

16. All staff should know what to do if a child tells them he/she is being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality whilst at the same time liaising with relevant professionals such as the designated safeguarding lead and children's social care. Staff should never promise

a child that they will not tell anyone about an allegation, as this may ultimately not be in the best interests of the child.

What school and college staff should look out for

17. **All** school and college staff members should be aware of the types of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Types of abuse and neglect, and examples of safeguarding issues are described in paragraphs 35-44 of this guidance.

18. Departmental advice What to do if you are worried a child is being abused- Advice for practitioners provides more information on understanding and identifying abuse and neglect. Examples of potential signs of abuse and neglect are highlighted throughout the advice and will be particularly helpful for school and college staff. The NSPCC website also provides useful additional information on types of abuse and what to look out for.

19. Staff members working with children are advised to maintain an attitude of **'it could happen here'** where safeguarding is concerned. When concerned about the welfare of a child, staff members should always act in the **best** interests of the child.

20. Knowing what to look for is vital to the early identification of abuse and neglect. If staff members are unsure, they should always speak to the designated safeguarding lead.

What school and college staff should do if they have concerns about a child

21. If staff members have any **concerns** about a child (as opposed to a child being in immediate danger - see paragraph 28) they will need to decide what action to take. Where possible, there should be a conversation with the designated safeguarding lead to agree a course of action, although any staff member can make a referral to children's social care. Other options could include referral to specialist services or early help services and should be made in accordance with the referral threshold set by the Local Safeguarding Children Board.

8 directs staff to their local children's social care contact number. 9

Why is all of this important?

30. 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. Poor practice includes: 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; sharing information too slowly; and a lack of challenge to those who appear not to be taking action.⁸

⁸ Serious case reviews, 2011 to 2014

⁹ Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.

What school and college staff should do if they have concerns about another staff member

31. If staff members have concerns about another staff member, then this should be referred to the headteacher or principal. Where there are concerns 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 as appropriate. In the event of allegations of abuse being made against 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. Staff may consider discussing any concerns with the school's designated safeguarding lead and make any referral via them. Full details can be found in Part four of this guidance.

What school or college staff should do if they have concerns about safeguarding practices within the school or college

32. All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school or college's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team.

33. Appropriate whistleblowing procedures, which are suitably reflected in staff training and staff behaviour policies, should be in place for such concerns to be raised with the school or college's senior leadership team.

34. Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them:

- General guidance can be found at- Advice on whistleblowing
- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call 0800 028 0285 – line is available from 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk 10

1. In cases which also involve an allegation of abuse against a staff member, see Part four of this guidance.

2. Early help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged. Chapter one of Working together to safeguard children provides detailed guidance on the early help process.

3. Under the Children Act 1989, local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. This can include s17 assessments of children in need and s47 assessments of children at risk of significant harm. Full details are in Chapter one of Working together to safeguard children

4. This could include applying for an Emergency Protection Order (EPO).

Types of abuse and neglect

35. All school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases, multiple issues will overlap with one another.

36. **Abuse:** a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults or by another child or children.

37. **Physical abuse:** a form of abuse which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

38. **Emotional abuse:** the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

39. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

40. **Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to: provide adequate food, clothing and shelter (including exclusion from home or abandonment); protect a child from physical and emotional harm or danger; ensure adequate supervision (including the use of inadequate care-givers); or ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

Specific safeguarding issues

41. **All** staff should have an awareness of safeguarding issues, some of which are listed below. Staff should be aware that behaviours linked to the likes of drug taking, alcohol abuse, truanting and sexting put children in danger.

42. **All** staff should be aware that safeguarding issues can manifest themselves via peer on peer abuse. This is most likely to include, but may not be limited to, bullying (including cyberbullying), gender based violence/sexual assaults and sexting. Staff should be clear as to the school or college's policy and procedures with regards to peer on peer abuse.

43. Expert and professional organisations are best placed to provide up-to-date guidance and practical support on specific safeguarding issues. For example,

information for schools and colleges can be found on the TES, MindEd and the NSPCC websites. School and college staff can access government guidance as required on the issues listed below via GOV.UK and other government websites:

- bullying including cyberbullying
- children missing education – and Annex A
- child missing from home or care
- child sexual exploitation (CSE) – and Annex A
- domestic violence
- drugs
- fabricated or induced illness
- faith abuse
- female genital mutilation (FGM) – and Annex A
- forced marriage- and Annex A
- gangs and youth violence
- gender-based violence/violence against women and girls (VAWG)
- hate
- mental health
- missing children and adults
- private fostering
- preventing radicalisation – and Annex A
- relationship abuse
- sexting
- trafficking

44. Annex A contains important additional information about specific forms of abuse and safeguarding issues. School leaders and those staff who work directly with children should read the annex.

Part two: The management of safeguarding

The responsibility of governing bodies, proprietors and management committees

Legislation and the law

45. Governing bodies and proprietors (in Part two, unless otherwise stated, this includes management committees) must ensure that they comply with their duties under legislation. They must have regard to this guidance to ensure that the policies, procedures and training in their schools or colleges are effective and comply with the law at all times.¹⁰

46. Schools and colleges should have a senior board level (or equivalent) lead to take **leadership** responsibility for the organisation's safeguarding arrangements.¹¹

¹⁰ Section 175 of the Education Act 2002 requires governing bodies of maintained schools and further education colleges (including sixth form colleges) in relation to their functions relating to the conduct of the school or the institution to make arrangements for ensuring that such functions are exercised with a view to safeguarding and promoting the welfare of children who are either pupils at the school or who are students under 18 years of age attending the further education institution. The Education (Independent School Standards) Regulations 2014 apply a duty to proprietors of independent schools (which include academies and free schools) to ensure that arrangements are made to safeguard and promote the welfare of children. The Non-Maintained Special Schools (England) Regulations 2015 oblige non-maintained special schools to comply with certain requirements as a condition of their approval and whilst approved by the Secretary of State. One condition of approval is that the proprietor must make arrangements for safeguarding and promoting the health, safety and welfare of pupils, which have regard to any guidance including where appropriate, the National Minimum Standards, about safeguarding and promoting the health, safety and welfare of pupils and, in the case of schools already approved that these arrangements at the school with respect to these matters are in accordance with the approval given by the Secretary of State. For colleges, non-maintained special schools and independent schools: the definition of 'children' applies to the statutory responsibilities for safeguarding and promoting the welfare of children i.e. those under 18.

¹¹ Chapter 2, pg 55, paragraph 11 and p53, paragraph 4 of Working together to safeguard children

¹² When drafting the staff behaviour policy schools and colleges should bear in mind the offence under section 16 of The Sexual Offences Act 2003, which provides that it is an offence for a person aged 18 or over (e.g. teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. A situation where a person is in a position of trust could arise where the

Safeguarding policies

47. Governing bodies and proprietors should ensure there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children's welfare.

48. This should include:

- an effective child protection policy; and
- a staff behaviour policy (sometimes called the code of conduct) which should amongst other things include - acceptable use of technologies, staff/pupil relationships and communications including the use of social media.¹²

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child is in full-time education and the person looks after children under 18 in the same establishment as the child, even if s/he does not teach the child.

This is not intended to be an exhaustive list. These policies, along with Part one of this guidance (Keeping children safe in education) and information regarding the role of the designated safeguarding lead, should be provided to all staff on induction. Governing bodies and proprietors should take a proportional risk-based approach to the level of information that is provided to temporary staff and volunteers.

49. The child protection policy should describe procedures which are in accordance with government guidance and refer to locally agreed inter-agency procedures put in place by the Local Safeguarding Children Board (LSCB), be updated annually (as a minimum), and be available publicly either via the school or college website or by other means.

50. Headteachers and principals should ensure that the above policies and procedures, adopted by governing bodies and proprietors, particularly concerning referrals of cases of suspected abuse and neglect, are followed by all staff.

51. Governing bodies and proprietors should put in place appropriate safeguarding responses to children who go missing from education, particularly on repeat occasions, to help identify the risk of abuse and neglect including sexual abuse or exploitation and to help prevent the risks of their going missing in future. The government's missing children and adults strategy and the department's children missing education guidance provide information that governing bodies and proprietors will find useful when considering children who go missing from education.

The designated safeguarding lead

52. Governing bodies and proprietors should appoint an appropriate **senior member** of staff, from the school or college **leadership team**, to the role of designated safeguarding lead. The designated safeguarding lead should take **lead responsibility** for safeguarding and child protection. This should be explicit in the role-holder's job description (see Annex B, which describes the broad areas of responsibility and activities related to the role).

53. It is a matter for individual schools and colleges as to whether they choose to have one or more deputy designated safeguarding leads. Any deputies should be trained to the same standard as the designated safeguarding lead.

54. Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate **lead responsibility** for safeguarding and child protection, as set out above, remains with the designated safeguarding lead. This responsibility should not be delegated.

55. The designated safeguarding lead and any deputies should liaise with the local authority and work with other agencies in line with Working together to safeguard children.

56. During term time, the designated safeguarding lead and or a deputy should always be available (during school or college hours) for staff in the school or college to discuss any safeguarding concerns. It is a matter for individual schools and colleges and the designated safeguarding lead to arrange adequate and appropriate cover arrangements for any out of hours/out of term activities.

57. The designated safeguarding lead and any deputies should undergo training to provide them with the knowledge and skills required to carry out the role. The training should be updated every two years.

58. In addition to their formal training, as set out above, their knowledge and skills should be updated, (for example via e-bulletins, meeting other designated safeguarding leads, or taking time to read and digest safeguarding developments), at regular intervals, but at least annually, to keep up with any developments relevant to their role.

Inter-agency working

59. Governing bodies and proprietors should ensure that the school or college contributes to inter-agency working in line with statutory guidance Working together to safeguard children. Schools and colleges should work with social care, the police, health

services and other services to promote the welfare of children and protect them from harm. This includes providing a coordinated offer of early help when additional needs of children are identified and contributing to inter-agency plans to provide additional support to children subject to child protection plans. All schools and colleges should allow access for children's social care from the host local authority and, where appropriate, from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment.¹³

60. Governing bodies and proprietors of all schools and colleges should ensure that their safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the LSCB.¹⁴ This should include understanding and reflecting local protocols for assessment¹⁵ and

¹³ For further information see Chapter 1 of Working together to safeguard children

¹⁴ Section 10 of the Children Act 2004 requires a local authority to make arrangements to promote co-operation between itself, its relevant partners and such other persons or organisations as the authority considers appropriate, being persons or organisations who exercise functions or who are engaged in activities relating to children in the authority's area. The relevant partners include governing bodies of maintained schools maintained by the local authority, proprietors of non-maintained special schools situated in the local authority's area, proprietors of academies and free schools situated in the local authority's area and governing bodies of colleges the main site of which is situated in the local authority's area, which are under a duty to co-operate with the local authority in the making of such arrangements. Management committee of pupil referral units are also relevant partners, through paragraph 20B of Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007. The arrangements made by local authorities under section 10 may extend to other types of independent and non-maintained schools (i.e. other than academies and free schools) as such schools engage in activities relating to children.

¹⁵ Local authorities, with their partners, should develop local protocols for assessment. The protocol should set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care. 17

the LSCB's threshold document¹⁶ along with supplying information as requested by the LSCB.

61. As part of meeting a child's needs, it is important for governing bodies and proprietors to recognise the importance of information sharing between professionals and local agencies. Further details on information sharing can be found in Chapter one of Working together to safeguard children and at Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers.

62. Whilst the Data Protection Act 1998 places duties on organisations and individuals to process personal information fairly and lawfully, it is not a barrier to sharing information where the failure to do so would result in a child being placed at risk of harm. Fears about sharing information **cannot** be allowed to stand in the way of the need to promote the welfare and protect the safety of children.

63. Although inter-agency working and information sharing are vital in identifying and tackling all forms of abuse, it is clear they are especially important to identify and prevent child sexual exploitation.

¹⁶ The LSCB should publish a threshold document that includes the process for early help assessments and the type and level of early help services; the criteria, including the level of need, for when cases should be referred to local authority children's social care for assessments and for statutory services under sections 17, 20, 31 and 47 of the Children Act 1989 and clear procedures and processes for cases relating to the sexual exploitation of children and young people.

Staff training

64. Governing bodies and proprietors should ensure that all staff members undergo safeguarding and child protection training at induction. The training should be regularly updated. Induction and training should be in line with advice from the LSCB.

65. In addition all staff members should receive regular safeguarding and child protection updates (for example, via email, e-bulletins, staff meetings) as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

66. Governing bodies and proprietors should recognise the expertise staff build by undertaking safeguarding training and managing safeguarding concerns on a daily basis. Opportunity should therefore be provided for staff to contribute to and shape safeguarding arrangements and child protection policy.

Online safety

67. As schools and colleges increasingly work online, it is essential that children are safeguarded from potentially harmful and inappropriate online material. As such, governing bodies and proprietors should ensure appropriate filters and appropriate monitoring systems are in place. Additional information to support governing bodies and

proprietors is provided in Annex C.

Opportunities to teach safeguarding

68. Governing bodies and proprietors should ensure children are taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum. This may include covering relevant issues through personal, social, health and economic education (PSHE), tutorials (in FE colleges) and/or, for maintained schools and colleges, through sex and relationship education (SRE).

69. Whilst it is essential that governing bodies and proprietors ensure that appropriate filters and monitoring systems are in place, they should be careful that “over blocking” does not lead to unreasonable restrictions as to what children can be taught with regards to online teaching and safeguarding.

Inspection

70. From September 2015 all inspections by Ofsted have been made under: A new common inspection framework: education, skills and early years. Inspectors will always report on whether or not arrangements for safeguarding children and learners are effective. Ofsted has published a document setting out the approach inspectors should take to inspecting safeguarding: Inspecting safeguarding in early years, education and skills settings. Individual inspectorates will also report on safeguarding arrangements and have published frameworks which inform how they inspect the independent schools that are not inspected by Ofsted at: School Inspection Service and Independent Schools Inspectorate.

Safer recruitment

71. In line with Part three of this guidance, governing bodies and proprietors should prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required and ensuring

volunteers are appropriately supervised. The school or college should have written recruitment and selection policies and procedures in place.

72. The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training.¹⁷ Governing bodies of maintained schools may choose appropriate training and may take advice from their LSCB in doing so. The training should cover, as a minimum, the content of this guidance.

¹⁷ Regulation 9 of the School Staffing (England) Regulations 2009. **19 Allegations of abuse made against teachers, headteachers, principals, volunteers and other staff**

73. Governing bodies and proprietors should ensure there are procedures in place to handle allegations against teachers, headteachers, principals, volunteers and other staff. Such allegations should be referred to the designated officer(s) at the local authority by the appropriate person as set out in Part four of this guidance.

74. There must be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been had they not resigned.¹⁸

75. This is a legal duty and failure to refer when the criteria are met is a criminal offence.¹⁹ More detail is provided at paragraph 120.

¹⁸ Section 35 of the Safeguarding Vulnerable Groups Act 2006.

¹⁹ Section 38 of the Safeguarding Vulnerable Groups Act 2006.

Allegations of abuse made against other children

76. Staff should recognise that children are capable of abusing their peers. Governing bodies and proprietors should ensure their child protection policy includes procedures to minimise the risk of peer on peer abuse and sets out how allegations of peer on peer abuse will be investigated and dealt with. The policy should reflect the different forms peer on peer abuse can take, make clear that abuse is abuse and should never be tolerated or passed off as “banter” or “part of growing up”. It should be clear as to how victims of peer on peer abuse will be supported.

77. Peer on peer abuse can manifest itself in many ways. Governors and proprietors should ensure sexting and the school or college’s approach to it is reflected in the child protection policy. The department provides searching screening and confiscation advice for schools. The UK Council for Child Internet Safety (UKCCIS) Education Group has recently published sexting advice for schools and colleges.

78. Governors and proprietors should ensure the child protection policy reflects the different gender issues that can be prevalent when dealing with peer on peer abuse. This could, for example, include girls being sexually touched/assaulted or boys being subject to initiation/hazing type violence.

The child’s wishes

79. Where there is a safeguarding concern, governing bodies, proprietors and school or college leaders should ensure the child’s wishes and feelings are taken into account when determining what action to take and what services to provide. Systems should be in place for children to express their views and give feedback. Ultimately, all systems and processes should operate with the **best** interests of the child at their heart.

Boarding schools, residential special schools and children's homes

80. Boarding schools, residential special schools and children's homes have additional factors to consider with regards to safeguarding. Schools and colleges that provide such residential accommodation and/or are registered as children's homes should be alert to inappropriate pupil relationships and the potential for peer on peer abuse, particularly in schools and colleges with a significant gender imbalance. Further details can be found at Annex D.

Looked after children

81. The most common reason for children becoming looked after²⁰ is as a result of abuse and/or neglect. Governing bodies and proprietors should ensure that staff have the skills, knowledge and understanding necessary to keep looked after children safe.

82. In particular, they should ensure that appropriate staff have the information they need in relation to a child's looked after legal status (whether they are looked after under voluntary arrangements with consent of parents or on an interim or full care order) and contact arrangements with birth parents or those with parental responsibility. They should also have information about the child's care arrangements and the levels of authority delegated to the carer by the authority looking after him/her. The designated safeguarding lead²¹ should have details of the child's social worker and the name of the virtual school head in the authority that looks after the child.

²⁰ A child who is looked after by a local authority (referred to as a looked-after-child) as defined in section 22 Children Act 1989, means a child who is subject to a care order (interim or full care order) or who is voluntarily accommodated by a local authority.

²¹ In maintained schools and academies the designated safeguarding lead should work closely with the designated teacher.

²² Section 20 of the Children and Young Persons Act 2008 sets this requirement for maintained schools. This legislation and accompanying statutory guidance on the role of designated teacher applies to academies through their funding agreements.

²³ The Children and Families Act 2014 requires local authorities in England to appoint at least one person for the purpose of discharging the local authority's duty to promote the educational achievement of its looked after children. That person (known as the virtual school head) must be an officer employed by the authority or another local authority in England.

The designated teacher

83. Governing bodies of maintained schools and proprietors of academy schools must appoint a designated teacher²² to promote the educational achievement of children who are looked after and ensure that this person has appropriate training.

Virtual school heads

84. Virtual school heads²³ receive pupil premium plus additional funding based on the latest published numbers of children looked after in the authority. In maintained schools and academies, the designated teacher should work with the virtual school head to discuss how that funding can be best used to support the progress of looked after children in the school and meet the needs identified in the child's personal education

²¹ In other schools and colleges, an appropriately trained teacher should take the lead.

Part three: Safer recruitment

Recruitment, selection and pre-employment vetting

86. It is vital that schools and colleges create a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children, (see paragraphs 71-72 about safer recruitment). This part of the guidance describes in detail those checks that are, or may be, required for any individual working in any capacity at, or visiting, the school or college. Governing bodies and proprietors must act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including criminal record checks (DBS checks), barred list checks and prohibition checks together with references and interview information. ^{25, 26}

87. The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in a school or college, as outlined in this guidance.

88. For most appointments, an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children;²⁷ or
- engage in intimate or personal care or overnight activity, even if this happens only once.

²⁵ Regulations 12 and 24 of the School Staffing (England) Regulations 2009 for maintained schools, apply also to the management committee of pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007. Part 4 of the Schedule to the Education (Independent School Standards) (England) Regulations 2014, applies to independent schools, including free schools and academies. Regulation 3 and paragraphs 4, 5 and 6 of Part 1 and paragraphs 15, 16 and 17 of Part 2 of the Schedule to the Non-Maintained Special Schools (England) Regulations 2015 apply to non-maintained special schools. Regulation 5 of the Further Education (Providers of Education) (England) Regulations 2006 apply to further education colleges.

²⁶ The Teachers' Disciplinary (England) Regulations 2012 apply to schools and sixth form colleges and any person that is subject to a prohibition order is prohibited from carrying out teaching work in those establishments. There is no duty for further education colleges (other than sixth form colleges) to conduct this additional prohibition check.

²⁷ Applies to any college that provides, exclusively or mainly, full-time education to children, i.e. persons under the age of 18.

A more detailed description of regulated activity is provided at page 24.

89. For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not

23 24 **Regulated activity**

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a Factual note on regulated activity in relation to children: scope

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly.³² Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:

- personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;³³
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.