



NORTH EAST LINCOLNSHIRE

SAFEGUARDING CHILDREN PARTNERSHIP

Local Safeguarding Education Guidance and Expectations (Under Ofsted Education Framework May 2019) Keeping Children Safe in Education (2019)

North East Lincolnshire Local Safeguarding Children Board

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1) Purpose of this Guidance

The purpose of the Local Safeguarding education guidance and expectations is

- To make explicit the expectations of all educational establishments in respect of safeguarding children
- To outline the statutory guidance and expectations within Keeping Children Safe in Education 2019
- To outline the expectations in Respect of Working Together to Safeguard Children
- To provide guidance on a best practice child protection policy
- To Align the above guidance to the local safeguarding procedures on the Safer NEL website

What is the status of this guidance?

This is statutory guidance from the Department for Education (the department) 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 guidance should be read alongside:

- statutory guidance [Working Together to Safeguard Children 2018](#); 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, free schools and 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 institutions designated as being within the further education sector. It relates to their responsibilities towards children who are receiving education or training at the college. It excludes 16-19 academies and free schools (which are required to comply with relevant safeguarding legislation by virtue of their funding agreement).

The Early Years Foundation Stage Framework (EYFS) is mandatory for all early years' providers. It applies to all schools, including maintained nursery schools that have early years provision. Maintained nursery schools, like the other schools listed under 'About this guidance', must have regard to Keeping Children Safe in Education 2019 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 14 for further detail on this requirement). Under section 28 of the Further and Higher Education Act 1992 ('designated institutions').

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, free schools and alternative provision academies) and non-maintained special schools. In the case of academies, free schools and alternative provision academies, the proprietor will be the academy trust; and
- 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 [Keeping Children Safe in Education 2019](#) 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.

Multi-agency safeguarding transitional arrangements

The department has published Working Together Transitional Statutory Guidance to support Local Safeguarding Children Partnership (SCP) the new safeguarding and child death review partners, and the new Child Safeguarding Practice Review Panel in the transition from LSCBs and serious case reviews (SCRs) to a new system of multi-agency arrangements and local and national child safeguarding practice reviews. Locally, the three safeguarding partners (the local authority; a clinical commissioning group for an area within the local authority; and the chief officer of police for a police area in the local authority area) will make arrangements to work together to safeguard and promote the welfare of local children, including identifying and responding to their needs.

Governing bodies, proprietors, management committees and their senior leadership teams, especially their designated safeguarding leads, should be aware of their local arrangements and timelines for the transition. Keeping Children Safe in Education 2019 has been drafted in line with revised Working Together to Safeguard Children to reflect these new arrangements. Details of the new local arrangements must be published by the three safeguarding partners no later than 29 June 2019 and be in place no later than 29 September 2019. Until the new arrangements are in place, schools and colleges should continue to work in partnership with the SCP and follow any relevant local arrangements.

What this guidance replaces: This guidance replaces Keeping Children Safe in Education September 2016. A table of substantive changes is be found on page 104 - Annex H of [Keeping Children Safe in Education 2019](#)

2) The Management of Safeguarding

The responsibility of Governing Bodies, Proprietors and Management Committees

Legislation and the Law

Governing bodies and proprietors (includes management committees) must ensure that they comply with their duties under legislation. They must have regard to this guidance, ensuring that policies, procedures and training in their schools or colleges are effective and comply with the law at all times. Governing bodies and proprietors should have a senior board level (or equivalent) lead to take **leadership** responsibility for their school's or college's safeguarding arrangements.

The Designated Safeguarding Lead

Governing bodies and proprietors should ensure an appropriate **senior member** of staff, from the school or college **leadership team**, is appointed 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 page 92 - Annex B of [Keeping Children Safe in Education 2019](#)) which describes the broad areas of responsibility and activities related to the role). 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.

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. The designated safeguarding lead and any deputies should liaise with the three safeguarding partners and work with other agencies in line with Working Together to Safeguard Children.

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.

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.** 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, and at least annually, to keep up with any developments relevant to their role. (See page 92 - Annex B of [Keeping Children Safe in Education 2019](#))

Safeguarding Policies and Procedures

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. This should include:

- Individual schools and colleges having an effective child protection policy. The child protection policy should describe procedures which are in accordance with government guidance and refer to locally agreed multi-agency safeguarding arrangements put in place by the three safeguarding partners. It should be updated annually (as a minimum), and be available publicly either via the school or college website or by other means.
- 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.
- 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.
- Where reasonably possible, schools and colleges should hold more than one emergency contact number for each pupil or student. This goes beyond the legal minimum School Attendance Guidance and is good practice to give the school or college additional options to make contact with a responsible adult when a child missing education is also identified as a welfare and/or safeguarding concern.
- Further information on schools' duties regarding children missing education, including information schools must provide to the local authority when removing a child from the school roll at standard and non-standard transition points can be found in the department's statutory guidance: Children Missing Education.
- Further information for colleges providing education for a child of compulsory school age can be found in: Full-time-Enrolment of 14 to 16 year olds in Further Education and Sixth Form Colleges.
- General information and advice for schools and colleges can be found in the Government's Missing Children and Adults Strategy.

These policies and procedures, along with Part One of [Keeping Children Safe in Education 2019](#) and information regarding the role and identity of the designated safeguarding lead (and any deputies), should be provided to all staff on induction. Governing bodies and proprietors should take a proportionate risk-based approach to the level of information that is provided to temporary staff and volunteers. Headteachers and principals should ensure that the above policies and procedures, adopted by governing bodies and proprietors, and particularly concerning referrals of cases of suspected abuse and neglect, are followed by **all** staff.

Achieving a Whole School Safeguarding Policy Framework

The Ofsted inspection framework (January 2018) for inspectors sets out a safeguarding policy framework for inspecting safeguarding arrangements within schools and education settings. Schools and education settings will be judged on:

- their ability to keep pupils safe whether within or out of school/college;
- their effectiveness in preventing and tackling discrimination and bullying including cyber bullying racist and homophobic bullying.
- action taken following a serious safeguarding incident including e-safety.
- the understanding, resilience and response of its pupils to risks and extremist behaviour.

- how the school manages attendance, punctuality, persistent absence and exclusions and;
- how the school engages with its community including with parents, carers, staff and Governors.

The following is a helpful guide for the development of a comprehensive safeguarding policy within schools and education settings. In developing your establishments safeguarding policy you may wish to ensure you cover these elements:

- ✓ Does the policy clearly set out its purpose and aims?
- ✓ Does it provide a secure framework for members of staff and volunteers and visitors?
- ✓ Does it link with other relevant safeguarding policies such as bullying, behaviour, attendance and e-safety?
- ✓ Does it set out what other arrangements are in place to help pupils feel safe and adopt safe practice, e.g. PHSE modules and the curriculum, managing allegations and whistleblowing?

The model policy may be adapted and personalised by each school/education setting to make it relevant to the particular safeguarding issues the setting may be dealing with in relation to its local community. It is a statutory expectation that all schools/education settings will have a safeguarding policy and that this will be reviewed at least annually in discussion with the school/education settings governing body/management committee. The policy will also need to make links to the Local Safeguarding Children's Board requirements.

Policies - *Schools still need their own policy appropriate to their school and community context. Multi Academy Trusts may issue one that schools can then adapt.*

Single Central Record – *Each school should ensure that the record is stored securely, and easily accessible for staff in their school.*

Whole school Safeguarding Policy Purpose, Aims and Expectations

The purpose of school/ education safeguarding policy is to provide a secure framework for schools/education settings in safeguarding and promoting the welfare of those pupils/students who attend. The policy aims to ensure that:

- All pupils/students are safe and protected from harm.
- Other elements of provision and policies are in place to enable pupils/students to feel safe and adopt safe practices;
- Staff, pupils/students, governors, visitors, volunteers and parents/carers are aware of the expected behaviours' and the establishment's legal responsibilities in relation to its pupils/students.

Ethos: Safeguarding is considered everyone's responsibility and as such all schools/education establishments aim to create the safest environment within which every pupil/student has the opportunity to be safe and achieve their full potential. Schools/education establishments recognise the contribution they can make in ensuring that all pupils/students registered or who use the establishment, feel that they will be listened to and have appropriate action taken to any concerns they may raise. Schools/education establishments will do this by endeavouring to work in partnership with other agencies and seek to establish effective working relationships with parents/carers to develop and provide activities and opportunities throughout our curriculum that will help to equip all children and young people with the skills they need. This will include materials and learning experiences that will encourage all children and young people to develop essential life skills and protective behaviours.

Responsibilities and expectation: Schools/education establishments have a governing body whose legal responsibility it is to ensure that the school/establishment has an effective safeguarding policy and procedures in place and to monitor that the school/establishment complies with them. The governing body should also ensure that the policy is made available to parents/carers if requested. It is also the responsibility of the governing body to ensure that all staff and volunteers are properly vetted to make sure they are safe to work with the pupils/students who attend the school/establishment and that the school/establishment has procedures for handling allegations of abuse made against members of staff (including the principal/head teacher and volunteer helpers). The governing body will ensure that there is a named governor and a designated safeguarding lead that has lead responsibility for dealing with all safeguarding issues in school/establishment.

It is the responsibility of the school/establishment's designated safeguarding person to ensure that all safeguarding issues raised are effectively responded to, recorded and referred to the appropriate agency. They are also responsible for arranging whole school/establishment safeguarding training for all staff and volunteers who work with children and young people in the school/establishment and that this training takes place at least every three years.

The school/establishment's designated safeguarding person can deliver safeguarding within schools/establishments provided they are linked in to the support and quality assurance process offered by North East Lincolnshire Council. This includes mandatory attendance at an annual 'Training for Trainers' programme and receiving monitoring visits from the professional advisor or local authority delegated staff. The school/establishment's designated safeguarding person is required to attend or ensure that a senior member of staff who has the relevant training and access to appropriate supervision, attends where appropriate: all conferences, core groups or meetings where it concerns a child/young person at the school/establishment and to contribute to multi-agency discussions to safeguard and promote the child/young person's welfare.

The school/establishment's designated safeguarding person is also required to complete a self-assessment audit report annually which demonstrates that the safeguarding arrangements in the school/establishment are being met. If the self-assessment highlights any areas for improvement, this will be detailed in the action plan which will be signed off and monitored by the named governor for safeguarding to ensure these improvements are implemented. The self-review assessment is to be shared annually with the local authority, which will have an auditing role in ensuring the school/education setting is meeting its safeguarding requirements under sec 175/157 of the Education Act 2002 for both maintained and independent schools.

All child protection concerns need to be acted on immediately. If school/establishment staff are concerned that a child/young person may be at risk or is actually suffering abuse, they should tell the school/establishment's designated safeguarding person immediately. They should also follow the procedure set out in the local authority's child protection procedure document.

All adults have a duty to refer all known or suspected cases of abuse to NEL children's services or the police. Where a disclosure is made to a visiting staff member from a different agency, e.g. school nurse, education welfare officer, it is the responsibility of that agency staff to formally report the referral to the designated child protection lead in the first instance. Where the disclosure is made by a child/young person attending a Pupil Referral Unit (PRU) or alternative provision, the referral should be recorded and referred to the on-site senior designated person and a formal notification made to the host school/establishment's designated child protection lead where the child/young person is on roll for information or to agree the appropriate action to be taken. Any records made should be kept securely on the child/young person's main education/child protection file. A referral should not be delayed if it is felt/identified that a child/young person is at immediate risk.

Schools and colleges should hold more than one emergency contact number for their pupils and students

File transfers – staff may consider it appropriate to share information regarding students in advance of leaving. Professional judgement needed. Expand to be clear. GDPR Governors **checks – cross reference with guidance/ including section 128 checks Maintained school governors**. Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the governing body to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

3) Part One Keeping Children Safe in Education

Safeguarding information for all staff. What school and college staff should know and do. A child centred and coordinated approach to safeguarding

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 2018](#). Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners 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.

No single practitioner 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. 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
- Taking action to enable all children to have the best outcomes

Children includes everyone under the age of 18.

The Role of School and College Staff

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. **All** staff have a responsibility to provide a safe environment in which children can learn and **all** staff should be prepared to identify children who may benefit from early help. 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 years.

Any staff member who has a concern about a child's welfare should follow the referral processes set out in paragraphs 22 -33 of [Keeping Children Safe in Education 2019](#). Staff should expect to support social workers and other agencies following any referral. 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. The Teachers' Standards 2012 state that teachers (which includes headteachers) should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.

All staff 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 behaviour policy;
- The staff behaviour policy (sometimes called a code of conduct);

- The safeguarding response to children who go missing from education; and
- The role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).

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

All staff should be aware of their local early help⁶ process and understand their role in it.

All staff should be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments. [Safer NEL](#)

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. This means only involving those who need to be involved, such as the designated safeguarding lead (or a deputy) and children's social care. Staff should never promise a child that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child.

What School and College Staff should look out for

Any child may benefit from early help, but all school and college staff should be particularly alert to the potential need for early help for a child who:

- Is disabled and has specific additional needs
- Has special educational needs (whether or not they have a statutory Education, Health and Care Plan)
- Is a young carer
- Is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- Is frequently missing/goes missing from care or from home
- Is at risk of modern slavery, trafficking or exploitation
- is at risk of being radicalised or exploited
- Is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- Is misusing drugs or alcohol themselves
- Has returned home to their family from care
- Is a privately fostered child

All staff should be aware of indicators of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection. Indicators of abuse and neglect, and examples of safeguarding issues are described on page 11. 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 indicators 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 abuse and neglect and what to look out for.

Staff 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 should always act in the **best** interests of the child. Knowing what to look for is vital to the early identification of abuse and neglect. If staff are unsure, they should **always** speak to the designated safeguarding lead (or deputy).

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

If staff have **any concerns** about a child's welfare, they should act on them immediately. If staff have a concern, they should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).

Options will then include:

- managing any support for the child internally via the school's or college's own pastoral support processes;
- an early help assessment; or
- a referral for statutory services, for example as the child might be in need, is in need or suffering or likely to suffer harm. [Safer NEL](#)

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.

Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. Information Sharing: [Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#) supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 and General Data Protection Regulation (GDPR). If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy. Fears about sharing information **must not** be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children.

Early Help. If early help is appropriate, the designated safeguarding lead (or deputy) will generally lead on liaising with other agencies and setting up an inter-agency assessment as appropriate. Staff may be required to support other agencies and professionals in an early help assessment, in some cases acting as the lead practitioner. Any such cases should be kept under constant review and consideration given to a referral to children's social care for assessment for statutory services, if the child's situation does not appear to be improving or is getting worse.

Statutory Assessments *Where a child is suffering, or is likely to suffer from harm, it is important that a referral to children's social care (and if appropriate the police) is made immediately.* Referrals should follow the local referral process. [Safer NEL](#)

Children in Need. A child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled. Local authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Children in need may be assessed under section 17 of the Children Act 1989.

Children suffering or likely to suffer significant harm. Local authorities, with the help of other organisations as appropriate, have a duty to make enquires under section 47 of the Children Act 1989 if they have reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm. Such enquiries enable them to decide whether they should take any action to safeguard and promote the child's welfare and must be initiated where there are concerns about maltreatment, including all forms of abuse and neglect, female genital mutilation or other so-called honour based violence, and extra-familial threats like radicalisation and sexual exploitation. The online tool [Report Child Abuse to Your Local Council](#) directs to the relevant local children's social care contact number.

What will the local authority do? Within one working day of a referral being made, a local authority social worker should acknowledge receipt to the referrer and make a decision about the next steps and the type of response that is required. This will include determining whether:

- The child requires immediate protection and urgent action is required
- The child is in need, and should be assessed under section 17 of the Children Act 1989
- There is reasonable cause to suspect the child is suffering or likely to suffer significant harm, and whether enquiries must be made and the child assessed under section 47 of the Children Act 1989
- Any services are required by the child and family and what type of services
- Further specialist assessments are required to help the local authority to decide what further action to take
- To see the child as soon as possible if the decision is taken that the referral requires further assessment.

The referrer should follow up if this information is not forthcoming. If social workers decide to carry out a statutory assessment, staff should do everything they can to support that assessment (supported by the designated safeguarding lead (or deputy) as required). If, after a referral, the child's situation does not appear to be improving, the referrer should consider following local escalation procedures to ensure their concerns have been addressed and, most importantly, that the child's situation improves. ([Safer NEL – Escalation Policy](#))

4) Recognising concerns

Safeguarding is not just about protecting children/young people from deliberate harm. It includes such things as pupil/student safety, bullying, racist abuse and harassment, educational visits, intimate care, children missing education and internet safety etc. The witnessing of abuse can have a damaging effect on those who are party to it, as well as the child/young person subjected to the actual abuse, and in itself will have a significant impact on the health and emotional well-being of the child/young person.

Abuse can take place in any family, institution or community setting, by telephone or on the internet. Abuse can often be difficult to recognise as children/young people may behave differently or seem unhappy for many reasons, as they move through the stages of childhood or their family circumstances change. However, it is important to know the indicators of abuse and to be alert to the need to consult further.

Female Genital Mutilation Mandatory Reporting Duty for Teachers

Whilst all staff should speak to the designated safeguarding lead (or deputy) with regard to any concerns about female genital mutilation (FGM), there is a specific **legal** duty on **teachers**. If a **teacher**, in the course of their work in the profession, discovers that an act of FGM appears to have been carried out on a girl under the age of 18, the teacher **must** report this to the police.

Record Keeping

All concerns, discussions and decisions made in respect of safeguarding concerns, and the reasons for those decisions, should be recorded in writing. If in doubt about recording requirements, staff should discuss with the designated safeguarding lead (or deputy).

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.¹¹ Examples of 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.

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 volunteers) posing a risk of harm to children, then:

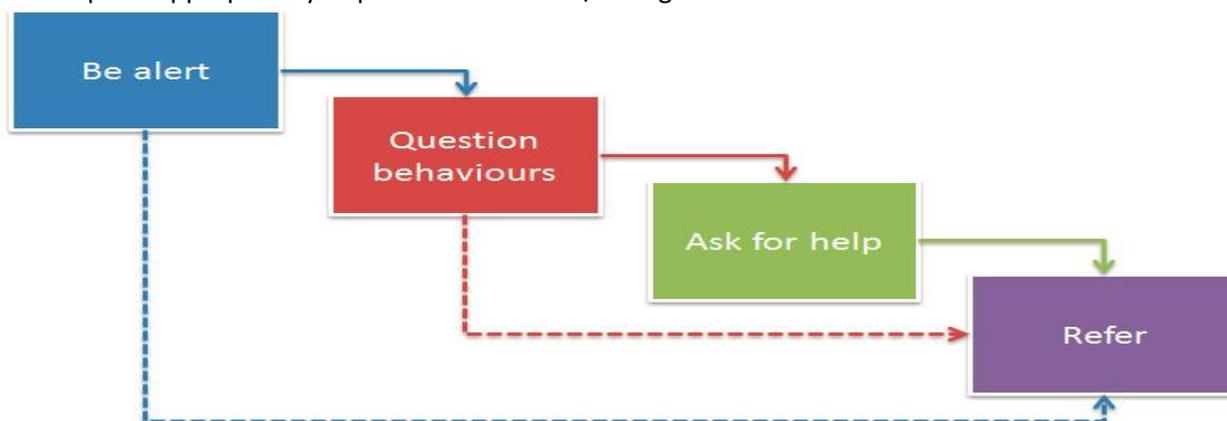
- this should be referred to the headteacher or principal;
- where there are concerns/allegations about the headteacher or principal, this should be referred to the chair of governors, chair of the management committee or proprietor of an independent school; and
- in the event of concerns/allegations 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. (Further 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

All staff and volunteers should feel able to raise concerns about poor or unsafe practice and potential failures in the school's or college's safeguarding regime and know that such concerns will be taken seriously by the senior leadership team. Appropriate whistleblowing procedures, should be put in place for such concerns to be raised with the school's or college's senior leadership team. 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 on whistleblowing can be found via: [Advice on Whistleblowing](#).
- The [NSPCC whistleblowing helpline](#) is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. 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

Identifying and responding to abuse/ neglect. There are four key steps to follow to help you to identify and respond appropriately to possible abuse and/or neglect.



It may not always be appropriate to go through all four stages sequentially. **If a child is in immediate danger or is at risk of harm, you should refer to children's social care and/or the police.** Before doing so, you should try to establish the basic facts. However, it will be the role of social workers and the police to investigate cases and make a judgement on whether there should be a statutory intervention and/or a criminal investigation. You should record, in writing, all concerns and discussions about a child's welfare, the decisions made and the reasons for those decisions.

Being alert to signs of abuse and neglect. The first step is to be alert to the signs of abuse and neglect, to have read this document and to understand the procedures set out in your local multi-agency safeguarding arrangements. You should also consider what training would support you in your role and what is available in your area.

Questioning behaviours. The signs of child abuse might not always be obvious and a child might not tell anyone what is happening to them. You should therefore question behaviours if something seems unusual and try to speak to the child, alone, if appropriate, to seek further information.

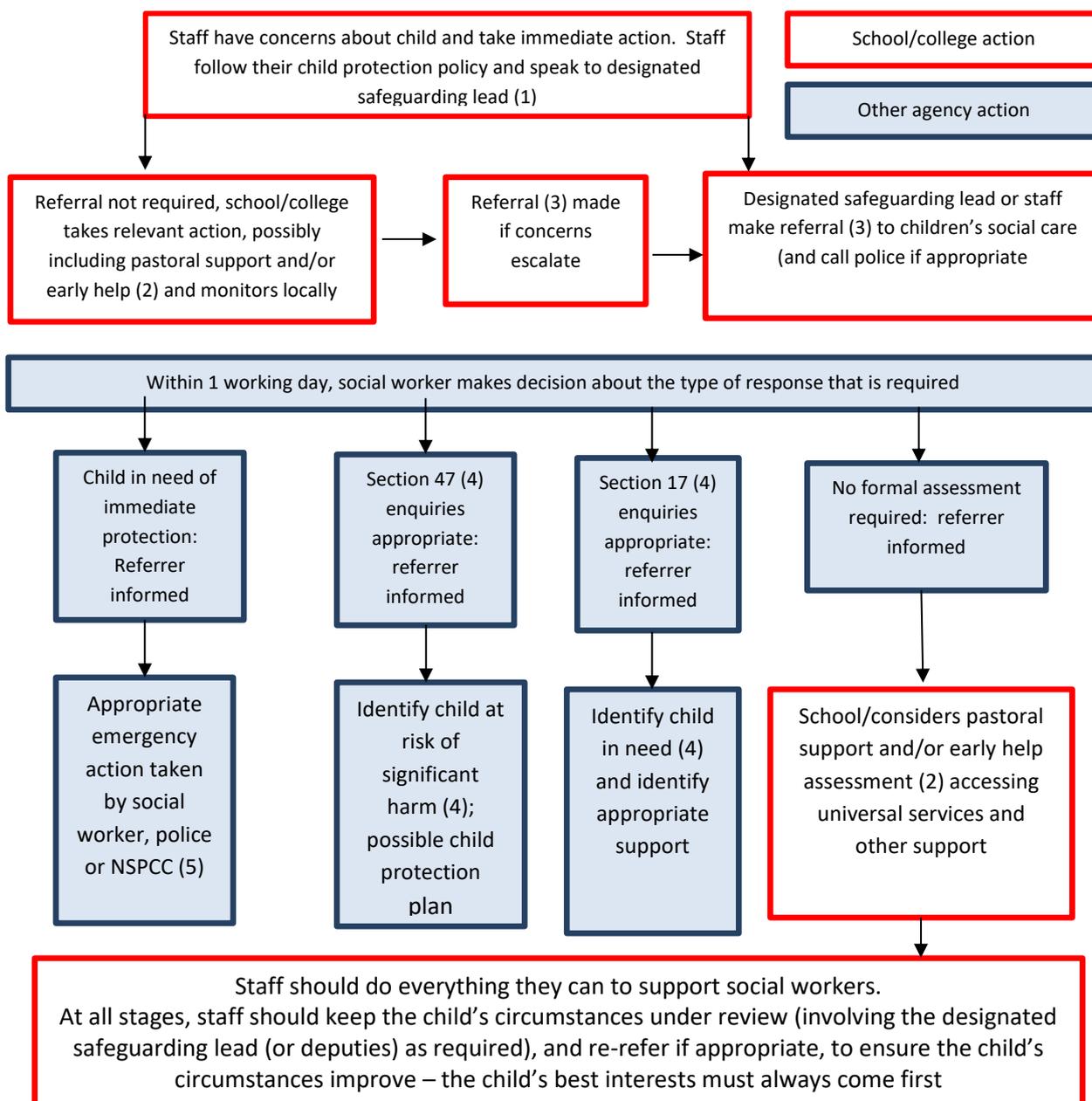
If a child reports, following a conversation you have initiated or otherwise, that they are being abused and neglected, you should listen to them, take their allegation seriously, and reassure them that you will take action to keep them safe. You will need to decide the most appropriate action to take, depending on the circumstances of the case, the seriousness of the child's allegation and the local multi-agency safeguarding arrangements in place. You might refer directly to children's social care and/or the police, or discuss your concerns with others and ask for help. At all times, you should explain to the child the action that you are taking. It is important to maintain confidentiality, but you should not promise that you won't tell anyone, as you may need to do so in order to protect the child.

What to do if you are concerned. If a child makes an allegation or disclosure of abuse against an adult or other child or young person, it is important that you:

- ✓ Do stay calm and listen carefully.
- ✓ Do reassure them that they have done the right thing in telling you.
- ✓ Do not investigate or ask leading questions.
- ✓ Do let them know that you will need to tell someone else.
- ✓ Do not promise to keep what they have told you a secret.
- ✓ Do inform your Designated Safeguarding Lead as soon as possible.
- ✓ Do make a written record of the allegation, disclosure or incident which you must sign, date and record your position.
- ✓ Do not include your opinion without stating it is your opinion.
- ✓ Do refer without delay.

If you are concerned that a member of staff or adult in a position of trust poses a danger to a child or young person or that they might be abusing a child or young person you should report your concerns to the principal/head teacher. Where those concerns relate to the principal/head teacher however, this should be reported to the Chair of Governors using the school/establishments' whistle-blowing policy

Actions where there are concerns about a child



- (1) In cases which also involve a concern or 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) Referrals should follow the process set out in the local threshold document and local protocol for assessment. Chapter one of the [Working Together to Safeguard Children](#)
- (4) 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. Children in need may be assessed under section 17 of the Children Act 1989. Under section 47 of the Children Act 1989, where a local authority has reasonable cause to suspect that a child is suffering or likely to suffer significant harm, it has a duty to make enquiries to decide whether to take action to safeguard or promote the child's welfare. Full details are in Chapter One of [Working Together to Safeguard Children](#).
- (5) This could include applying for an Emergency Protection Order (EPO)

5) The Indicators of Abuse and Neglect

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.

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. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children.

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.

Emotional abuse: the persistent emotional maltreatment of a child/young person such as to cause severe and persistent adverse effects on the child/young person's emotional development. It may involve conveying to children 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/young person 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/young people. These may include interactions that are beyond the child/young person's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child/young person 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/young person frequently to feel frightened or in danger, or the exploitation or corruption of children/young person.

- Some level of emotional abuse is involved in all types of maltreatment of a child/young person, though it may occur alone. Symptoms that indicate emotional abuse include: Excessively clingy or attention seeking.
- Very low self-esteem or excessive self-criticism.
- Withdrawn behaviour or fearfulness.
- Lack of appropriate boundaries with strangers; too eager to please.
- Eating disorders or self-harm

Sexual abuse: 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/young person 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/young people to behave in sexually inappropriate ways, or grooming a child/young person 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/young people.

Neglect: Neglect is the persistent failure to meet a child/young person's basic physical and/or psychological needs, likely to result in the serious impairment of the child/young person's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child/young person is born, neglect may involve a parent/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/young person's basic emotional needs.

6) Specific Safeguarding Issues

All staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking, alcohol abuse, deliberately missing education and sexting (also known as youth produced sexual imagery) put children in danger. **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);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- Sexual violence and sexual harassment;
- Sexting (also known as youth produced sexual imagery); and
- Initiation/hazing type violence and rituals.

All staff should be clear as to the school's or college's policy and procedures with regards to peer on peer abuse.

Safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside the school or college. All staff, but especially the designated safeguarding lead (and deputies) should be considering the context within which such incidents and/or behaviours occur. This is known as contextual safeguarding, which simply means assessments of children should consider whether wider environmental factors are present in a child's life that are a threat to their safety and/or welfare. Children's social care assessments should consider such factors so it is important that schools and colleges provide as much information as possible as part of the referral process. This will allow any assessment to consider all the available evidence and the full context of any abuse. Additional information regarding contextual safeguarding is available here: [Contextual Safeguarding](#).

Annex A of Keeping Children Safe in Education 2019 contains important additional information about specific forms of abuse and safeguarding issues. School and college leaders and those staff who work directly with children should read the annex. (Page 78 - [Annex A of Keeping Children Safe in Education 2019](#))

(The following safeguarding concerns actual or suspected should be referred immediately to NEL children's services. The concerns featured below are linked to guidance and local procedures which can be found on the SAFER NEL Website: [PROCEDURES](#)

Some members of our communities hold beliefs that may be common within particular cultures but which are against the law of England NELC does not condone practices that are illegal and which are harmful to children. Examples of particular practices are:

Forced Marriage: Forcing a person into a marriage is a crime in England and Wales. A forced marriage is one entered into without the full and free consent of one or both parties and where violence, threats or any other form of coercion is used to cause a person to enter into a marriage. Threats can be physical or emotional and psychological. A lack of full and free consent can be where a person does not consent or where they cannot consent (if they have learning disabilities, for example). Nevertheless, some communities use religion and culture as a way to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage. ([Forced Marriage](#))

The Forced Marriage Unit has published [statutory guidance](#) and [Multi-agency guidelines](#), with pages 35-36 of which focus on the role of schools and colleges. School and college staff can contact the Forced Marriage Unit if they need advice or information: Contact: 020 7008 0151 or email fm@fco.gov.uk.

So- Called ‘honour –based’ violence: So-called ‘honour-based’ violence (HBV) encompasses incidents or crimes which have been committed to protect or defend the honour of the family and/or the community, including female genital mutilation (FGM), forced marriage, and practices such as breast ironing. Abuse committed in the context of preserving “honour” often involves a wider network of family or community pressure and can include multiple perpetrators. It is important to be aware of this dynamic and additional risk factors when deciding what form of safeguarding action to take. All forms of HBV are abuse (regardless of the motivation) and should be handled and escalated as such. Professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a child being at risk of HBV, or already having suffered HBV. ([So-called ‘honour-based’ violence](#))

Actions: If staff have a concern regarding a child that might be at risk of HBV or who has suffered from HBV, they should speak to the designated safeguarding lead (or deputy). As appropriate, they will activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with police and children’s social care. Where FGM has taken place, since 31 October 2015 there has been a mandatory reporting duty placed on **teachers** that requires a different approach (see following section).

Trafficked children/young people: Child trafficking is a very serious issue which can have a devastating and lasting impact on its victims. Children can be trafficked into, within and out of the UK. “Trafficking of persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; [Modern Day Slavery](#)

Missing: Safeguarding and promoting the welfare of children is a key duty on local authorities and requires effective joint working between agencies and professionals. When a child goes missing or runs away they are at risk. Safeguarding children therefore includes protecting them from this risk. Local authorities are responsible for protecting children whether they go missing from their family home or from local authority care. Children who are missing can be at risk of Child Sexual Exploitation and Child Criminal Exploitation. Looked after children missing from their placements are particularly vulnerable. [Missing Protocol](#)

FGM mandatory reporting duty for teachers: Section 5B of the Female Genital Mutilation Act 2003 (as inserted by section 74 of the Serious Crime Act 2015) places a statutory duty upon **teachers** along with regulated health and social care professionals in England and Wales, to report to the police where they discover (either through disclosure by the victim or visual evidence) that FGM appears to have been carried out on a girl under 18. Those failing to report such cases will face disciplinary sanctions. It will be rare for teachers to see visual evidence, and they should **not** be examining pupils or students, but the same definition of what is meant by “to discover that an act of FGM appears to have been carried out” is used for all professionals to whom this mandatory reporting duty applies. Information on when and how to make a report can be found at: [Mandatory reporting of female genital mutilation procedural information](#).

Teachers **must** personally report to the police cases where they discover that an act of FGM appears to have been carried out. FGM Fact Sheet. 100 Unless the teacher has good reason not to, they should still consider and discuss any such case with the school’s or college’s designated safeguarding lead (or deputy) and involve children’s social care as appropriate. The duty does not apply in relation to at risk or suspected cases (i.e. where the teacher does not discover that an act of FGM appears to have been carried out, either through disclosure by the victim or visual evidence) or in cases where the woman is 18 or over. In these cases, teachers should follow local safeguarding procedures. The following is a useful summary of the FGM mandatory reporting duty: [FGM](#)

Abuse linked to Faith and Beliefs: Some faiths believe that spirits and demons can possess people (including children). What should never be considered is the use of any physical or psychological violence to get rid of the possessing spirit. This is abusive and will result in a criminal conviction for those using this form of abuse even if the intention is to help the child. [Spiritual, Cultural and Religious Beliefs](#)

Children Missing from Education: Children are best protected by regularly attending school where they will be safe from harm and where there are professionals to monitor their well-being. All schools will encourage the full attendance of all children at school. All staff should be aware that children going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. This may include abuse and neglect, which may include sexual abuse or exploitation and child criminal exploitation. It may indicate mental health problems, risk of substance abuse, risk of travelling to conflict zones, risk of female genital mutilation or risk of forced marriage. Early intervention is necessary to identify the existence of any underlying safeguarding risk and to help prevent the risks of a child going missing in future. Staff should be aware of their school's or college's unauthorised absence and children missing from education procedures. Where concerns that a child is missing education and/ or because of suspected abuse are raised, these will be reported to NEL children's services and the Children Missing from Education Service to effectively manage the risks and liaise with all relevant agencies. [Children Missing from Education](#)

Children with Special Educational Needs and Disabilities: Disabled children/young people have exactly the same human rights to be safe from abuse and neglect, to be protected from harm and achieve the Every Child Matters outcomes as non-disabled children/young people. Disabled children/young people do however require additional action. This is because they experience greater risks as a result of negative attitudes and 'created vulnerability'. This may lead to disabled children/young people having unequal access to services and resources, and because they may have additional needs relating to physical, sensory, cognitive and/ or communication impairment (Safeguarding Children, DCSF, July 2009). [Disabled Children](#)

Schools/establishments will ensure that all disabled children/young people are listened to and responded to appropriately where they have concerns regarding abuse. In order to do this schools/establishments will ensure that staff and volunteers receive the relevant training to raise awareness and have access to specialist staff in the event they have concerns regarding the abuse of a disabled child/young person. Designated safeguarding leads must be able to recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online

Children with special educational needs (SEN) and disabilities can face additional safeguarding challenges. Governing bodies and proprietors should ensure their child protection policy reflects the fact that additional barriers can exist when recognising abuse and neglect in this group of children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- being more prone to peer group isolation than other children;
- the potential for children with SEN and disabilities being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs; and
- communication barriers and difficulties in overcoming these barriers.

To address these additional challenges, schools and colleges should consider extra pastoral support for children with SEN and disabilities.

Private fostering LA notification when identified: Private fostering is an arrangement made between the parent and the private foster carer, who then becomes responsible for caring for the child in such a way as to safeguard and promote his/her welfare. A privately fostered child means a child/young person under the age of 16 (18 if a disabled child/young person) who is cared for and provided with accommodation by someone other than:

- a parent
- a person who is not a parent but has parental responsibility
- a close relative
- a local authority

for more than 28 days and where the care is intended to continue. It is a statutory duty for schools/establishments to inform the local authority when they are made aware of a child or young person who may be subject to private fostering arrangements. Such arrangements may come to the attention of school staff through the normal course of their interaction, and promotion of learning activities, with children. The school or college should then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child. [Private Fostering](#)

Child Sexual Exploitation: Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact: it can also occur through the use of technology. Like all forms of child sex abuse, child sexual exploitation:

- can affect any child or young person (male or female) under the age of 18 years, including 16 and 17 year olds who can legally consent to have sex;
- can still be abuse even if the sexual activity appears consensual;
- can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity;
- can take place in person or via technology, or a combination of both;
- can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence;
- may occur without the child or young person's immediate knowledge (e.g. through others copying videos or images they have created and posted on social media);
- can be perpetrated by individuals or groups, males or females, and children or adults. The abuse can be a one-off occurrence or a series of incidents over time, and range from opportunistic to complex organised abuse; and
- is typified by some form of power imbalance in favour of those perpetrating the abuse. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, sexual identity, cognitive ability, physical strength, status, and access to economic or other resources.

Some of the following signs may be indicators of child sexual exploitation:

- children who appear with unexplained gifts or new possessions;
- children who associate with other young people involved in exploitation;
- children who have older boyfriends or girlfriends;
- children who suffer from sexually transmitted infections or become pregnant;
- children who suffer from changes in emotional well-being;
- children who misuse drugs and alcohol;
- children who go missing for periods of time or regularly come home late; and
- children who regularly miss school or education or do not take part in education.

Child Criminal Exploitation: County line: Criminal exploitation of children is a geographically widespread form of harm that is a typical feature of county lines criminal activity: drug networks or gangs groom and exploit children and young people to carry drugs and money from urban areas to suburban and rural areas, market and seaside towns. Key to identifying potential involvement in county lines are missing episodes, when the victim may have been trafficked for the purpose of transporting drugs and a referral to the

National Referral Mechanism should be considered. Like other forms of abuse and exploitation, county lines exploitation:

- can affect any child or young person (male or female) under the age of 18 years;
- can affect any vulnerable adult over the age of 18 years;
- can still be exploitation even if the activity appears consensual;
- can involve force and/or enticement-based methods of compliance and is often accompanied by violence or threats of violence;
- can be perpetrated by individuals or groups, males or females, and young people or adults; and
- is typified by some form of power imbalance in favour of those perpetrating the exploitation. Whilst age may be the most obvious, this power imbalance can also be due to a range of other factors including gender, cognitive ability, physical strength, status, and access to economic or other resources.

Child on Child Sexual Violence and Sexual Harassment

Governing bodies and proprietors should be aware that the department has published detailed advice to support schools and colleges. The advice is available here: [Sexual Violence and Sexual Harassment Between Children in Schools and Colleges](#) and includes, what sexual violence and sexual harassment look like, important context to be aware of, related legal responsibilities for schools and colleges and advice on a whole school or college approach to preventing child on child sexual violence and sexual harassment.

Responding to Reports of Sexual Violence and Sexual Harassment: Reports of sexual violence and sexual harassment are likely to be complex and require difficult professional decisions to be made, often quickly and under pressure. Pre-planning, effective training and effective policies will provide schools and colleges with the foundation for a calm, considered and appropriate response to any reports. This part of the guidance does not attempt to provide (nor would it be possible to provide) detailed guidance on what to do in any or every particular case. The guidance provides effective safeguarding practice and principles for schools and colleges to consider in their decision making process.

Ultimately, any decisions are for the school or college to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required. There is support available for schools and colleges. Paragraph 43 and Annex A in the [Sexual Violence and Sexual Harassment between Children in Schools and Colleges](#) advice provides information and links to resources.

The Immediate Response to a Report – Responding to the Report

The school's or college's initial response to a report from a child is important. It is essential that **all** victims are reassured that they are being taken seriously and that they will be supported and kept safe. A victim should never be given the impression that they are creating a problem by reporting sexual violence or sexual harassment. Nor should a victim ever be made to feel ashamed for making a report.

As per Part one of Keeping Children Safe in Education 2019, all staff should be trained to manage a report. Local policies (and training) will dictate exactly how reports should be managed. However, effective safeguarding practice includes:

- not promising confidentiality at this initial stage as it is very likely a concern will have to be shared further (for example, with the designated safeguarding lead or children's social care) to discuss next steps. Staff should only share the report with those people who are necessary in order to progress it. It is important that the victim understands what the next steps will be and who the report will be passed to;
- recognising a child is likely to disclose to someone they trust: this could be **anyone** on the school or college staff. It is important that the person to whom the child discloses recognises that the child has placed them in a position of trust. They should be supportive and respectful of the child;

- listening carefully to the child, being non-judgmental, being clear about boundaries and how the report will be progressed, not asking leading questions and only prompting the child where necessary with open questions – where, when, what, etc
- considering the best way to make a record of the report. Best practice is to wait until the end of the report and immediately write up a thorough summary. This allows the staff member to devote their full attention to the child and to listen to what they are saying. It may be appropriate to make notes during the report (especially if a second member of staff is present). However, if making notes, staff should be conscious of the need to remain engaged with the child and not appear distracted by the note taking. Either way, it is essential a written record is made;
- only recording the facts as the child presents them. The notes should not reflect the personal opinion of the note taker. Schools and colleges should be aware that notes of such reports could become part of a statutory assessment by children’s social care and/or part of a criminal investigation;
- where the report includes an online element, being aware of searching screening and confiscation advice (for schools) and UKCCIS sexting advice (for schools and colleges). The key consideration is for staff not to view or forward illegal images of a child. The highlighted advice provides more details on what to do when viewing an image is unavoidable.
- if possible, managing reports with two members of staff present, (preferably one of them being the designated safeguarding lead or a deputy). However, this might not always be possible; and informing the designated safeguarding lead (or deputy), as soon as practically possible, if the designated safeguarding lead (or deputy) is not involved in the initial report.

Risk assessment: When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis. The risk and needs assessment should consider:

- the victim, especially their protection and support;
- the alleged perpetrator; and
- all the other children (and, if appropriate, adult students and staff) at the school or college, especially any actions that are appropriate to protect them.

Risk assessments should be recorded (written or electronic) and should be kept under review. At all times, the school or college should be actively considering the risks posed to all their pupils and students and putting adequate measures in place to protect them and keep them safe. The designated safeguarding lead (or a deputy) should ensure they are engaging with children’s social care and specialist services as required. Where there has been a report of sexual violence, it is likely that professional risk assessments by social workers and or sexual violence specialists will be required. The risk assessment at paragraph is not intended to replace the detailed assessments of expert professionals. Any such professional assessments should be used to inform the school’s or college’s approach to supporting and protecting their pupils and students and updating their own risk assessment. See paragraph 251 of [Keeping Children Safe in Education 2019](#) for action to take following a report of sexual violence and or harassment.

Up skirting

‘Up skirting’ typically involves taking a picture under a person’s clothing without them knowing, with the intention of viewing their genitals or buttocks to obtain sexual gratification, or cause the victim humiliation, distress or alarm. It is now a criminal offence.

Domestic abuse. The cross-government definition of domestic violence and abuse is:

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- psychological;
- physical;
- sexual;

- financial; and
- emotional

Exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result. Domestic abuse affecting young people can also occur within their personal relationships, as well as in the context of their home life. Advice on identifying children who are affected by domestic abuse and how they can be helped is available at:

[NSPCC- UK domestic-abuse Signs Symptoms Effects](#)

[Refuge what is Domestic Violence/effects of domestic Violence on Children](#)

[Safelives: Young People and Domestic Abuse](#)

Online safety - 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 keep their children safe online is provided on page 93 - Annex C of [Keeping Children Safe in Education 2019](#)

The use of technology has become a significant component of many safeguarding issues. Child sexual exploitation; radicalisation; sexual predation: technology often provides the platform that facilitates harm. An effective approach to online safety empowers a school or college to protect and educate the whole school or college community in their use of technology and establishes mechanisms to identify, intervene in, and escalate any incident where appropriate. The breadth of issues classified within online safety is considerable, but can be categorised into three areas of risk:

- **content:** being exposed to illegal, inappropriate or harmful material; for example pornography, fake news, racist or radical and extremist views;
- **contact:** being subjected to harmful online interaction with other users; for example commercial advertising as well as adults posing as children or young adults; and
- **conduct:** personal online behaviour that increases the likelihood of, or causes, harm; for example making, sending and receiving explicit images, or online bullying.

Opportunities to teach safeguarding, including online safety, are discussed at paragraph 85-87. Resources that could support schools and colleges include:

- UKCCIS has recently published its [Education for a connected world framework](#). Online safety is a whole school and college issue. The framework aims to support the development of the curriculum and is of particular relevance to PSHE education and Computing. It is designed, however, to be usable across the curriculum and beyond and to be central to a whole school or college approach to safeguarding and online safety. It covers early years through to age 18.
- The PSHE Association provides guidance to schools on developing their PSHE curriculum – www.pshe-association.org.uk
- Parent Zone and Google have developed [Be Internet Legends](#) a free internet safety curriculum with PSHE accredited lesson plans and teaching resources for Key Stage 2 pupils.

Filters and monitoring: Governing bodies and proprietors should be doing all that they reasonably can to limit children’s exposure to the above risks from the school’s or college’s IT system. As part of this process, governing bodies and proprietors should ensure their school or college has appropriate filters and monitoring systems in place. Whilst considering their responsibility to safeguard and promote the welfare of children, and provide them with a safe environment in which to learn, governing bodies and proprietors should consider the age range of their pupils, the number of pupils, how often they access the IT system and the proportionality of costs vs risks.

The appropriateness of any filters and monitoring systems are a matter for individual schools and colleges and will be informed in part, by the risk assessment required by the Prevent Duty. UK Safer Internet Centre: appropriate filtering and monitoring. The UK Safer Internet Centre has published guidance as to what “appropriate” filtering and monitoring might look like: Guidance on e-security is available from the National Education Network. Support for schools is available via the: schools' buying strategy with specific advice on procurement here: [buying for schools](#).

Whilst filtering and monitoring is an important part of the online safety picture for schools and colleges to consider, it is only one part. Governors and proprietors should consider a whole school or college approach to online safety. **This will include a clear policy on the use of mobile technology in the school or college.** Many children have unlimited and unrestricted access to the internet via 3G and 4G in particular and the school and college should carefully consider how this is managed on their premises. 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 regard to online teaching and safeguarding. See page 93 - Annex C of [Keeping Children Safe in Education 2019](#)

Homelessness: Being homeless or being at risk of becoming homeless presents a real risk to a child’s welfare. The designated safeguarding lead (and any deputies) should be aware of contact details and referral routes in to the Local Housing Authority so they can raise/progress concerns at the earliest opportunity. Indicators that a family may be at risk of homelessness include household debt, rent arrears, domestic abuse and anti-social behaviour, as well as the family being asked to leave a property. Whilst referrals and or discussion with the Local Housing Authority should be progressed as appropriate, and in accordance with local procedures, this does not, and should not, replace a referral into children’s social care where a child has been harmed or is at risk of harm.

The Homelessness Reduction Act 2017 places a new legal duty on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help including an assessment of their needs and circumstances, the development of a personalised housing plan, and work to help them retain their accommodation or find a new place to live. The following factsheets usefully summarise the new duties: [Homeless Reduction Act Factsheets](#). The new duties shift focus to early intervention and encourage those at risk to seek support as soon as possible, before they are facing a homelessness crisis. In most cases school and college staff will be considering homelessness in the context of children who live with their families, and intervention will be on that basis.

However, it should also be recognised in some cases 16 and 17 year olds could be living independently from their parents or guardians, for example through their exclusion from the family home, and will require a different level of intervention and support. Children’s services will be the lead agency for these young people and the designated safeguarding lead (or a deputy) should ensure appropriate referrals are made based on the child’s circumstances. The department and the Ministry of Housing, Communities and Local Government have published joint statutory guidance on the provision of accommodation for 16 and 17 year olds who may be homeless and/ or require accommodation: [Statutory Guidance](#)

Children in the Court System: Children are sometimes required to give evidence in criminal courts, either for crimes committed against them or for crimes they have witnessed. There are two age appropriate guides to support children 5-11-year olds and 12-17 year olds. The guides explain each step of the process and support and special measures that are available. There are diagrams illustrating the courtroom structure and the use of video links is explained. Making child arrangements via the family courts following separation can be stressful and entrench conflict in families. This can be stressful for children. The Ministry of Justice has launched an online [child arrangements information tool](#) with clear and concise information on the dispute resolution service. This may be useful for some parents and carers.

Children with Family Members in Prison: Approximately 200,000 children have a parent sent to prison each year. These children are at risk of poor outcomes including poverty, stigma, isolation and poor mental

health. [NICCO](#) provides information designed to support professionals working with offenders and their children, to help mitigate negative consequences for those children.

Preventing Radicalisation: Children are vulnerable to extremist ideology and radicalisation. Similar to protecting children from other forms of harms and abuse, protecting children from this risk should be a part of a schools' or colleges' safeguarding approach. Extremism is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces. Radicalisation¹⁰² refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

There is no single way of identifying whether a child is likely to be susceptible to an extremist ideology. Background factors combined with specific influences such as family and friends may contribute to a child's vulnerability. Similarly, radicalisation can occur through many different methods (such as social media) and settings (such as the internet). However, it is possible to protect vulnerable people from extremist ideology and intervene to prevent those at risk of radicalisation being radicalised. As with other safeguarding risks, staff should be alert to changes in children's behaviour, which could indicate that they may be in need of help or protection. Staff should use their judgement in identifying children who might be at risk of radicalisation and act proportionately which may include the designated safeguarding lead (or deputy) making a referral to the Channel programme.

The Prevent duty: All schools and colleges are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the Prevent duty. The Prevent duty should be seen as part of schools' and colleges' wider safeguarding obligations. Designated safeguarding leads and other senior leaders should familiarise themselves with the revised [Prevent duty guidance](#): for England and Wales, especially paragraphs 57-76, which are specifically concerned with schools (and also covers childcare). The guidance is set out in terms of four general themes: Risk assessment, working in partnership, staff training, and IT policies.

Additional support: The department has published advice for schools on the [Prevent duty](#). The advice is intended to complement the Prevent guidance and signposts other sources of advice and support. There is additional guidance: [Prevent duty guidance: for further education institutions in England and Wales](#) that applies to colleges. [Educate Against Hate](#), a website launched by the Her Majesty's Government has been developed to support and equip school and college leaders, teachers, and parents with information, tools and resources (including on the promotion of fundamental British values) to help recognise and address extremism and radicalisation in young people. The platform provides information on and access to training resources for teachers, staff and school and college leaders, some of which are free such as Prevent e-learning, via the Prevent Training catalogue.

Channel: Channel is a programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. It provides a mechanism for schools to make referrals if they are concerned that an individual might be vulnerable to radicalisation. An individual's engagement with the programme is entirely voluntary at all stages. Guidance on Channel is available at: [Channel guidance](#), and a Channel awareness e-learning programme is available for staff at: [Channel General Awareness](#). The school's or college's designated safeguarding lead (and any deputies) should be aware of local procedures for making a Channel referral. As a Channel partner, the school or college may be asked to attend a Channel panel to discuss the individual referred to determine whether they are vulnerable to being drawn into terrorism and consider the appropriate support required. Peer on peer abuse (incorporating sexual violence and sexual harassment, bullying i.e. coercive control).

Familiar Sexual Harm 'Child sexual abuse perpetrated or facilitated in or out of the home, the family network, against a child under the age of 18, by a family member, or someone otherwise linked to the family context or environment, whether or not they are a family member. Within this definition, perpetrators may be close to the victim (e.g. father, uncle, stepfather), or less familiar (e.g. family friend,

baby sitter)’. Sexual abuse sometimes occurs in conjunction with the other forms of harm, and almost always involves emotional abuse. Sexual abuse can have a long-term impact on emotional, social and educational development and can be linked to the development of mental health issues in later life. Potentially, any child from birth onwards may be subjected to sexual abuse.

Harmful Sexual Behavior (HSB). Where children use sexually explicit words/ phrases inappropriate touching, using sexual violence or threats full penetrative sex with other children or adults. Children and young people who develop harmful sexual behavior have usually experienced abuse and neglect themselves. See [NSPCC: Healthy Sexual Behaviour](#) and [SaferNEL](#)

Peer on Peer Abuse . All staff should recognise that children are capable of abusing their peers. All staff should be clear about their school’s or college’s policy and procedures with regard to peer on peer abuse. Governing bodies and proprietors should ensure that their child protection policy includes:

- procedures to minimise the risk of peer on peer abuse;
- how allegations of peer on peer abuse will be recorded, investigated and dealt with;
- clear processes as to how victims, perpetrators and any other child affected by peer on peer abuse will be supported;
- a clear statement that abuse is abuse and should never be tolerated or passed off as “banter”, “just having a laugh” or “part of growing up”;
- recognition of the gendered nature of peer on peer abuse (i.e. that it is more likely that girls will be victims and boys perpetrators), but that all peer on peer abuse is unacceptable and will be taken seriously; and
- the different forms peer on peer abuse can take, such as:
- sexual violence and sexual harassment. Part five of this Keeping Children safe in Education guidance sets out how schools and colleges should respond to reports of sexual violence and sexual harassment; (Page 63 of [Keeping Children Safe in Education 2019](#))
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm;
- sexting (also known as youth produced sexual imagery): the policy should include the school’s or college’s approach to it. The department provides [Searching Screening and Confiscation Advice](#) for schools. The UK Council for Child Internet Safety (UKCCIS) Education Group has published [Advice for Schools and Colleges on Responding to Sexting Incidents](#); and initiation/hazing type violence and rituals.

Children staying with host families (homestay): Schools and colleges quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to whom they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour, often described as ‘homestay’ arrangements (see Annex E for further details). In some circumstances the arrangement where children stay with UK families could amount to “private fostering” under the Children Act 1989. See Annex E for further information about action that should be taken to alert the local authority in those circumstances. See page 101 - Annex E Of [Keeping Children Safe in Education 2019](#)

The use of ‘reasonable force’ in schools and colleges: There are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people. The term ‘reasonable force’ covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. ‘Reasonable’ in these circumstances means ‘using no more force than is needed’. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil’s path, or active physical contact such as leading a pupil by the arm out of the classroom. Departmental advice for schools is available at [Use of Reasonable Force in Schools](#).

The Department of Education believes that the adoption of a ‘no contact’ policy at a school or college can leave staff unable to fully support and protect their pupils and students. It encourages headteachers,

principals, governing bodies and proprietors to adopt sensible policies, which allow and support their staff to make appropriate physical contact. The decision on whether or not to use reasonable force to control or restrain a child is down to the professional judgement of the staff concerned and should always depend on individual circumstances.

When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, schools and colleges should in considering the risks carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty. By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, schools and colleges can reduce the occurrence of challenging behaviour and the need to use reasonable force.

Alternative provision and responsibility – Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil, and should be satisfied that the provider meets the needs of the pupil. Schools should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff. See Appendix 1

7) Allegations of Abuse made against Teachers and Other Staff

Duties as an employer and employee. Full guidance can be found at paragraph 51 of [Keeping Children Safe in Education 2019](#), [SCP Procedures](#), [LADO CONCERNS](#)

This guidance should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children.

This guidance relates to members of staff and volunteers who are currently working in any school or college regardless of whether the school or college is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the police. Historical allegations of abuse should also be referred to the police.

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in a school or college is dealt with very quickly, in a fair and consistent way that provides effective protection for the child and, at the same time supports the person who is the subject of the allegation.

Initial considerations: The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to a school's or college's attention and appear to meet the criteria so they can consult police and children's social care services as appropriate.

The following definitions should be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made.

The headteacher or principal or (where the headteacher or principal is the subject of an allegation) the chair of governors, or the chair of the management committee or proprietor of an independent school (the 'case manager'), should discuss the allegation immediately with the designated officer(s). The purpose of an initial discussion is for the designated officer(s) and the case manager to consider the nature, content and context of the allegation and agree a course of action. The designated officer(s) may ask the case manager to provide or obtain relevant additional information, such as previous history, whether the child or their family have made similar allegations previously and about the individual's current contact with children. There may be situations when the case manager will want to involve the police immediately, for example if the person is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. Where there is no such evidence, the case manager should discuss the allegations with the designated officer(s) in order to help determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken in regard to the individual facing the allegation or concern, in which case this decision and a justification for it should be recorded by both the case manager and the designated officer(s), and agreement reached on what information should be put in writing to the individual concerned and by whom. The case manager should then consider with the designated officer(s) what action should follow both in respect of the individual and those who made the initial allegation.

The case manager should inform the accused person about the allegation as soon as possible after consulting the designated officer(s). It is extremely important that the case manager provides them with as much information as possible at that time. However where a strategy meeting is needed, or police or children's social care services need to be involved, the case manager should not do that until those agencies have been consulted, and have agreed what information can be disclosed to the accused.

Employers must consider carefully whether the circumstances of a case warrant a person being suspended from contact with children at the school or college or whether alternative arrangements can be put in place until the allegation or concern is resolved. All options to avoid suspension should be considered prior to taking that step).

If there is cause to suspect a child is suffering or is likely to suffer significant harm, a strategy discussion should be convened in accordance with the statutory guidance Working Together to Safeguard Children. **If the allegation is about physical contact, the strategy discussion or initial evaluation with the police should take into account that teachers and other school and college staff are entitled to use reasonable force to control or restrain children in certain circumstances, including dealing with disruptive behaviour.**

Suspension: The possible risk of harm to children posed by an accused person should be evaluated and managed in respect of the child(ren) involved in the allegations. In some rare cases that will require the case manager to consider suspending the accused until the case is resolved. Suspension should not be an automatic response when an allegation is reported: all options to avoid suspension should be considered prior to taking that step. If 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 the designated officer(s), children's social care or the police as required. But suspension is highly unlikely to be justified on the basis of such concerns alone.

Suspension should be considered only in a case where there is cause to suspect a child or other children at the school or college is/are at risk of harm or the case is so serious that it might be grounds for dismissal. However, a person should not be suspended automatically: the case manager must consider carefully whether the circumstances warrant suspension from contact with children at the school or college or until the allegation is resolved, and may wish to seek advice from their personnel adviser and the designated officer(s). In cases where the school or sixth form college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school or sixth form college, 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.

The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the designated officer(s), police and children's social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

- redeployment within the school or college so that the individual does not have direct contact with the child or children concerned;
- providing an assistant to be present when the individual has contact with children;
- redeploying to alternative work in the school or college so the individual does not have unsupervised access to children;
- moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted; or
- temporarily redeploying the member of staff to another role in a different location, for example to an alternative school or college or work for the local authority or academy trust.

These alternatives allow time for an informed decision regarding the suspension and possibly reduce the initial impact of the allegation. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the designated officer(s). This should also include what alternatives to suspension have been considered and why they were rejected.

Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

Children's social care services or the police cannot require the case manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the proprietor of the school, or governing bodies of the school or college who are the employers of staff at the school or college. However, where a strategy discussion or initial evaluation concludes that there should be enquiries by the children's social care services and/or an investigation by the police, the designated officer(s) should canvass police and children's social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform the school or college consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

Confidentiality: It is extremely important that when an allegation is made, the school or college make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2002 introduced reporting restrictions preventing the

publication of any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the teacher as the subject of the allegation). The reporting restrictions apply until the point that the accused person is charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. The reporting restrictions are disapplied if the individual to whom the restrictions apply effectively waives their right to anonymity by going public themselves or by giving their written consent for another to do so or if a judge lifts restrictions in response to a request to do so.

Specific actions: Following a criminal investigation or a prosecution. The police should inform the employer and designated officer(s) immediately when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to continue to prosecute the case after the person has been charged. In those circumstances, the designated officer(s) should discuss with the case manager whether any further action, including disciplinary action, is appropriate and, if so, how to proceed. The information provided by the police and/or children's social care services should inform that decision. The options will depend on the circumstances of the case and the consideration will need to take into account the result of the police investigation or the trial, as well as the different standard of proof required in disciplinary and criminal proceedings.

On conclusion of a case: If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the designated officer(s) should discuss with the case manager and their personnel adviser whether the school or college will decide to make a referral to the DBS for consideration of whether inclusion on the barred lists is required; and, in the case of a member of teaching staff at a school or sixth form college, whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- **the harm test is satisfied in respect of that individual;**
- **the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and**
- **the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.**

Harm Test: A person satisfies the harm test if they may harm a child or vulnerable adult or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child or vulnerable adult. See disclosure and vetting service website [GOV.UK](https://www.gov.uk).

Where it is decided on the conclusion of a case that a person who has been suspended can return to work, the case manager should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The case manager should also consider how the person's contact with the child or children who made the allegation can best be managed if they are still a pupil or student at the school or college.

In respect of malicious or unsubstantiated allegations: If an allegation is determined to be unsubstantiated or malicious, the designated officer(s) should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, the headteacher, principal or proprietor should consider whether any disciplinary action is appropriate against the pupil or student

who made it; or whether the police should be asked to consider if action might be appropriate against the person responsible, even if he or she were not a pupil or student.

Managing the situation and exit arrangements

Resignations and 'settlement agreements'. If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. **A referral to the DBS must be made, if the criteria are met** Schools and sixth form colleges must also consider whether a referral to the Secretary of State is appropriate - see paragraph 160. If the accused person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent a school or college from making a DBS referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the school or college would not be complying with its legal duty to make the referral.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. Wherever possible, the accused should be given a full opportunity to answer the allegation and make representations about it. But the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be substantiated on the basis of all the information available, should continue even if that cannot be done or the accused does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough police investigation where that is appropriate.

Record keeping: Details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

Schools and colleges have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the [IICSA website](#)). All other records should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer. The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on record retention.

References: Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

Timescales: It is in everyone's interest to resolve cases as quickly as possible and is consistent with a fair and thorough investigation. All allegations should be investigated as a priority to avoid any delay. Target timescales are shown below: the time taken to investigate and resolve individual cases depends on a

variety of factors including the nature, seriousness and complexity of the allegation, but these targets should be achieved in all but truly exceptional cases. It is expected that 80 per cent of cases should be resolved within one month, 90 per cent within three months, and all but the most exceptional cases should be completed within 12 months.

Unsubstantiated or malicious: For those cases where it is clear immediately that the allegation is unsubstantiated or malicious, they should be resolved within one week. Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the employer to deal with it, although if there are concerns about child protection, the employer should discuss them with the designated officer(s). In such cases, if the nature of the allegation does not require formal disciplinary action, the employer should instigate appropriate action within three working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Learning lessons: At the conclusion of a case in which an allegation *is* substantiated, the designated officer(s) should review the circumstances of the case with the case manager to determine whether there are any improvements to be made to the school's or college's procedures or practice to help prevent similar events in the future. This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether or not suspension was justified. Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The designated officer(s) and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

8) Recruitment, Selection and Pre-Employment Vetting

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

Safer recruitment: In line with Part three [Keeping Children Safe In Education 2019](#) , 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.

The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one of the persons who conducts an interview has completed safer recruitment training. Governing bodies of maintained schools may choose appropriate training and may take advice from the local three safeguarding partners in doing so. The training should cover, as a minimum, the content of this guidance.

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 (Disclosure and Barring Service (DBS) checks), barred list checks and prohibition checks, together with references and interview information.

The level of DBS certificate required, and whether a check for any prohibition, direction, sanction, or restriction is required (see paragraphs 121-124 [Keeping Children Safe In Education 2019](#)), will depend on the role that is being offered and duties involved. As the majority of staff will be engaging in regulated activity, an enhanced DBS certificate which includes barred list information, will be required for most appointments. 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; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

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 include a barred list check, will be appropriate. This would include contractors (see paragraphs 118-120 [Keeping Children Safe In Education 2019](#) for further information about contractors) who would have the opportunity for contact with children and who work under a temporary or occasional contract.

Volunteers - In a school or college, a **supervised** volunteer who regularly teaches or looks after children is not in regulated activity. The government has published separate statutory guidance on supervision in relation to regulated activity (See page 104 - Annex F of [Keeping Children Safe in Education 2019](#)). When schools and colleges are considering which checks should be undertaken on volunteers, they should have regard to that guidance, together with paragraphs 167-172 of [Keeping Children Safe In Education 2019](#). **Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.** However, schools and colleges may choose to carry out an enhanced DBS check, without barred list information, in certain circumstances (See paragraph 171 of [Keeping Children Safe in Education 2019](#)).

In addition to obtaining any DBS certificate as described above, any member of staff who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching. For those engaged in management roles (in independent schools - including academies and free schools) an additional check is required to ensure they are not prohibited under section 128 provisions. See the 'Pre-appointment checks' section from page 36 [Keeping Children Safe In Education 2018](#).

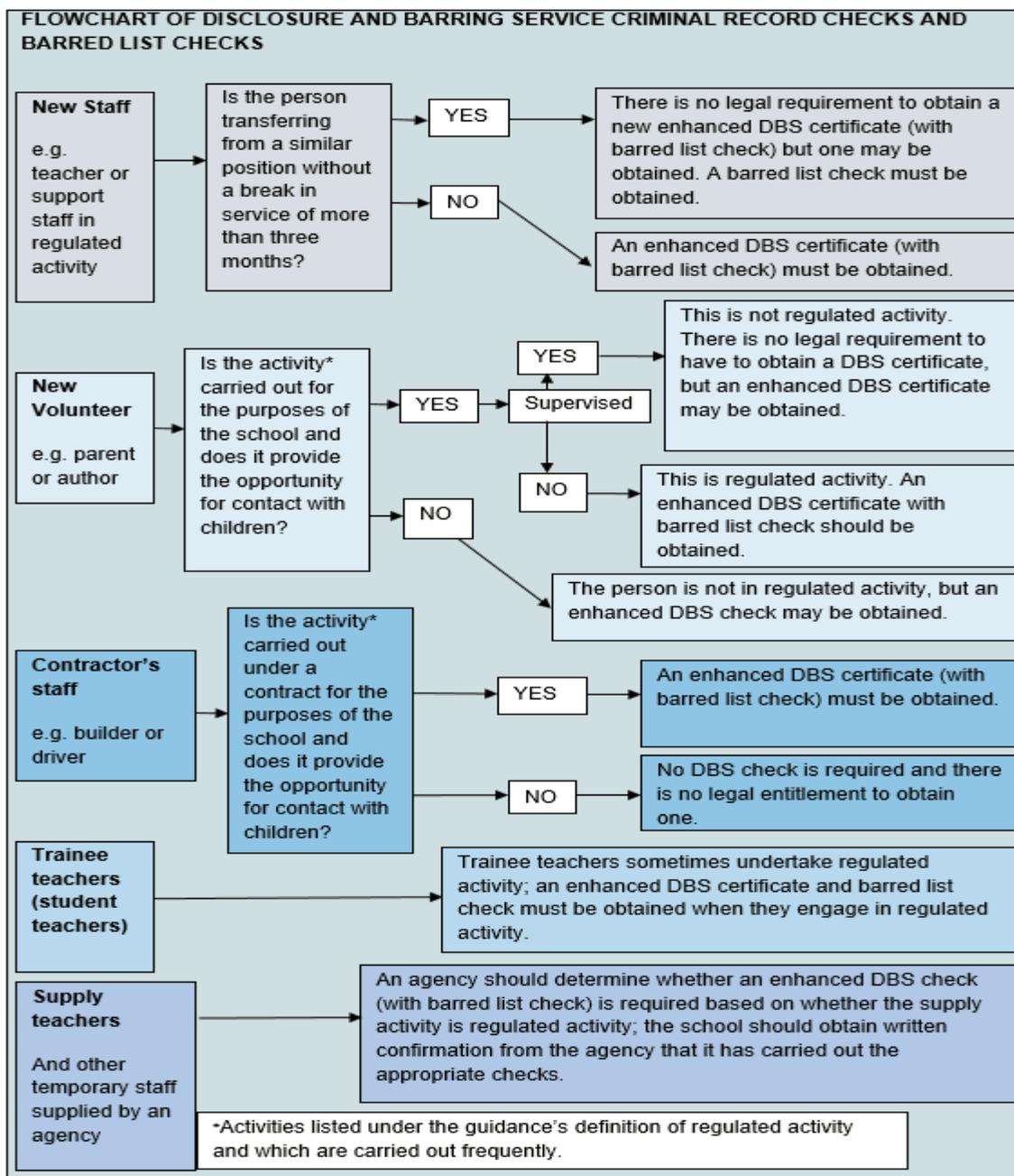
Regulated activity: The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a [Factual note on regulated activity in relation to children: scope](#).

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 physical, emotional or educational 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.⁴⁴ Some activities are always regulated activities, regardless of 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 with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;⁴⁵
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.



Employment history and references: Employers should always ask for written information about previous employment history and check that information is not contradictory or incomplete. The purpose of seeking references is to allow the school or college to obtain objective and factual information to support appointment decisions. References should always be obtained from the candidate's current employer. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the school, college, local authority or organisation at which they were employed.

References should be scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed, including for any internal candidate. Obtaining references before interview, would allow any concerns they raise to be explored further with the referee and taken up with the candidate at interview. They should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague. Employers should not rely on open references, for example in the form of 'to whom it may concern' testimonials, nor should they only rely on information provided by the candidate as part of the application process without verifying that the information is correct. Where electronic references are received, employers should ensure they originate from a legitimate source.

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if

the answers are vague or if insufficient information is provided. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

Any information about past disciplinary action or allegations that are disclosed should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teacher Services' checks referred to previously). Further help and advice can be found on the [Advisory, Conciliation and Arbitration Service \(ACAS\)](#) website.

Single Central Record: Schools and colleges must maintain a single central record of pre-appointment checks, referred to in the Regulations (paragraphs 148-155 [Keeping Children Safe In Education 2019](#)) as the register and more commonly known as the single central record. For requirements for schools in Multi-academy trusts (MATs), see paragraph 147 [Keeping Children Safe In Education 2019](#). The single central record must cover the following people:

- all staff, including teacher trainees on salaried routes (see paragraph 148), agency and third party supply staff [Keeping Children Safe In Education 2019](#)) who work at the school. In colleges, this means those providing education to children; and
- for independent schools, all members of the proprietor body. In the case of academies and free schools, this means the members and trustees of the academy trust.

The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The single central record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check. Identification checking guidelines can be found on the GOV.UK website;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- further checks on people who have lived or worked outside the UK (see paragraphs 149 [Keeping Children Safe In Education 2019](#)); this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions described in paragraph 149 [Keeping Children Safe In Education 2019](#) ;
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom.

In addition:

- colleges must record whether the person's position involves 'relevant activity', i.e. regularly caring for, training, supervising or being solely in charge of persons aged under 18; and
- a section 128 check (for management positions as set out in paragraph 149 [Keeping Children Safe In Education 2019](#) for independent schools (including academies and free schools).

For agency and third party supply staff, schools and colleges must also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate has been provided in respect of the member of staff.

Whilst there is no statutory duty to include on the single central record details of any other checks, schools and colleges are free to record any other information they deem relevant. For example, checks for childcare disqualification, volunteers, and safeguarding and safer recruitment training dates. Schools and colleges may also wish to record the name of the person who carried out each check. The single central record can be kept in paper or electronic form.

Multi Academy Trusts (MAT) must maintain the single central record detailing checks carried out in each academy within the MAT. Whilst there is no requirement for the MAT to maintain an individual record for each academy, the information should be recorded in such a way that allows for details for each individual academy to be provided separately, and without delay, to those entitled to inspect that information, including by inspectors described at paragraph 153 [Keeping Children Safe In Education 2019](#)

Details of the records that must be kept are set out in the following Regulations:

- for maintained schools - Regulations 12(7) and 24(7) and Schedule 2 to the [School Staffing \(England\) Regulations 2009](#) and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007);
- for independent schools - (including academies and free schools and alternative provision academies and free schools): [Part 4 of the Schedule to the Education \(Independent School Standards\) Regulations 2014](#);
- or colleges - Regulations 20-25 and the Schedule to the [Further Education \(Providers of Education\) \(England\) Regulations 2006](#); and
- for non-maintained special schools - Regulation 3 and paragraph 7 of Part 1 and paragraph 18 of [Part 2 of the Schedule to the Non-Maintained Special Schools \(England\) Regulations 2015](#).

Schools and colleges do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools and colleges comply with the requirements of the Data Protection Act 2018, when a school or college chooses to retain a copy, it should not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file. Further information on handling DBS certificate information can be found on [GOV.UK](#).

Individuals who have lived or worked outside the UK: Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. The Home Office guidance on criminal records checks for overseas applicants can be found on GOV.UK. These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the TRA Teacher Services' system. See paragraph 130 for further information on using this service. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. The department has issued guidance on the employment of overseas - trained teachers. This gives information on the requirements for overseas-trained teachers from the EEA to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

Agency and third-party staff (supply staff): Schools and colleges must obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school or college that the school or college would otherwise perform. Where the position requires a barred list check, this must be obtained by the agency or third party prior to appointing the individual. The school or college must also check that the person presenting themselves for work is the same person on whom the checks have been made.

Trainee/student teachers: Where applicants for initial teacher training are salaried by the school or college, the school or college must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools and colleges should obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school or college would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.⁶⁸ There is no requirement for the school to record details of fee-funded trainees on the single central record.

Existing staff: If a school or college has concerns about an existing staff member's suitability to work with children, the school or college should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity into work which is considered to be regulated activity, the relevant checks for that regulated activity must be carried out. For colleges, an individual moving from a position that did not involve the provision of education to one that does must be treated as if that individual were a new member of staff and all required pre-appointment checks must be carried out (see paragraph 138 [Keeping Children Safe In Education 2019](#)). Apart from these circumstances, the school or college is not required to request a DBS check or barred list check.

Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- **the harm test is satisfied in respect of that individual;**
- **the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and**
- **the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.**

The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS, and what information must be provided, can be found on [GOV.UK](#).

Referrals should be made as soon as possible, and ordinarily on conclusion of an investigation, when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned. When an allegation is made, an investigation should be carried out to gather enough evidence to establish if it has foundation, and employers should ensure they have sufficient information to meet the referral duty criteria explained in the DBS referral guidance, which can be found on GOV.UK. (see paragraphs 234-235 [Keeping Children Safe In Education 2019](#) for referral in dismissal or resignation situations).

Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person see paragraphs 126-127 [Keeping Children Safe In Education 2019](#). How to refer can be found on [GOV.UK](#)

Volunteers: Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity. Volunteers who, on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges, will be in regulated activity. The school or college should obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, schools and colleges may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

There are certain circumstances where schools and colleges may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out

in DBS workforce guides, which can be found on [GOV.UK](https://www.gov.uk). Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

The school or college should undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so they should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability;
- whether the role is eligible for an enhanced DBS check; and

Details of the risk assessment should be recorded. It is for schools and colleges to determine whether a volunteer is considered to be supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision schools must have regard to the statutory guidance issued by the Secretary of State (replicated at page 104 - Annex F of [Keeping Children Safe in Education 2019](#)) This guidance requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity;
- regular and day to day; and
- “reasonable in all the circumstances to ensure the protection of children.”

The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to engage in regulated activity.

Maintained school governors: Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the governing body to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

Sixth form college governors: Governing bodies in sixth form colleges can request an enhanced DBS certificate without a barred list check on an individual as part of the appointment process for governors. An enhanced DBS certificate (which will include a barred list check) should only be requested if the governor will be engaging in regulated activity. This applies equally to volunteer governors who will be engaging in regulated activity and should be treated on the same basis as other volunteers in this respect.

Proprietors of independent schools, including academies and free schools and proprietors of alternative provision academies: Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will:

- carry out an enhanced DBS check; and where such a check is made, obtain an enhanced DBS certificate (either including or not including barred list information as appropriate)
- confirm the individual’s identity; and
- if the individual lives or has lived outside of the UK, where making an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

The Secretary of State also undertakes these checks in respect of the chair of governing bodies of non-maintained special schools. The requirement for an enhanced DBS check and certificate is disapplied for the chair of an academy trust if the academy is converting from a maintained school and the person has already been subject to a check carried out by the local authority.

Where the proprietor is a body of people (including a governing body in an academy or free school), the chair must ensure that enhanced DBS checks are undertaken, for the other members of the body and that where such a check has been undertaken, an enhanced DBS certificate is obtained, and that identity checks are completed before, or as soon as practicable after, any individual takes up their position. The chair must also ensure that other members are not subject to a section 128 direction that would prevent them from taking part in the management of an independent school (including academies and free schools). Further checks, as the chair considers appropriate, should be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS certificate is not sufficient to establish his or her suitability to work in a school.

In the case of an academy trust, including those established to operate a free school, the trust must require enhanced DBS checks on all members of the academy trust, individual charity trustees, and the chair of the board of charity trustees. Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS certificates for permanent and supply staff. Where an academy trust delegates responsibilities to any delegate or committee (including a local governing body), the trust must require DBS checks on all delegates and all member of such committees. Academy trusts must also check that members are not barred from taking part in the management of the school as a result of a section 128 direction (see paragraph 128 [Keeping Children Safe In Education 2019](#)).

9) Staff Training

Governing bodies and proprietors should ensure that all staff undergo safeguarding and child protection training (including online safety) at induction. The training should be regularly updated. Induction and training should be in line with advice from the local three safeguarding partners. [SaferNEL - Training](#) In addition, all staff should receive regular safeguarding and child protection updates (for example, via email, e-bulletins, staff meetings) as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively. 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.

Opportunities to teach safeguarding: Governing bodies and proprietors should ensure that children are taught about safeguarding, including online safety. Schools should consider this as part of providing a broad and balanced curriculum. . This may include covering relevant issues through Relationships Education and Relationships and Sex Education (formerly known as Sex and Relationship Education), tutorials (in colleges) and/or where delivered, through Personal, Social, Health and Economic (PSHE) education. 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 regard to online teaching and safeguarding.

All members of staff and volunteers will have access to whole school/establishment safeguarding training at least every three years. Schools/establishments will also, as part of induction, issue information in relation to safeguarding policy and any policy related to safeguarding and promoting children/young people's welfare to all newly appointed staff and volunteers.

Designated safeguarding lead and alternate will undertake further safeguarding training in addition to the whole school training. This will be undertaken at least every two years which updates their awareness and understanding of the impact of the wide agenda of safeguarding issues. This will support both the designated safeguarding lead/alternate to be able to better undertake their role and support the school in ensuring safeguarding arrangements are robust and achieve better outcomes for the pupils/students in the school/establishment. This includes taking part in multi-agency training in addition to safeguarding training.

Governing bodies will have access to safeguarding training and a school/establishment's named governor for safeguarding will also undertake additional training at least every two years to support their employers' role in handling allegations against adults who work with children and young people, including our staff and volunteers.

10) Information Sharing

Information sharing. Information sharing is vital in identifying and tackling all forms of abuse and neglect. As part of meeting a child's needs, it is important for governing bodies and proprietors to recognise the importance of information sharing between practitioners and local agencies. This should include ensuring arrangements are in place that set out clearly the process and principles for sharing information within the school or college and with the three safeguarding partners, other organisations, agencies and practitioners as required. School and college staff should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to local authority children's social care.

It is important that governing bodies and proprietors are aware that among other obligations, the Data Protection Act 2018 and the GDPR place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure. **The Data Protection Act 2018 and GDPR do not prevent, or limit, the sharing of information for the purposes of keeping children safe. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare and protect the safety of children.**

Governing bodies and proprietors should ensure relevant staff have due regard to the data protection principles, which allow them to share personal information, as provided for in the Data Protection Act 2018, and the GDPR. Relevant staff should be confident of the processing conditions under the Data Protection Act 2018 and the GDPR which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data'.

Governing bodies and proprietors should ensure that staff who need to share 'special category personal data' are aware that the Data Protection Act 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information. This includes allowing practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

Further details on information sharing can be found:

- in Chapter one of [Working Together to Safeguard Children](#), which includes a myth-busting guide to information sharing;
- at [Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Carers](#). The seven golden rules for sharing information will be especially useful; and
- at [The Information Commissioner's Office \(ICO\)](#), which includes ICO GDPR FAQs and guidance from the department.

Where children leave the school or college, the designated safeguarding lead should ensure their child protection file is transferred to the new school or college as soon as possible, ensuring secure transit, and confirmation of receipt should be obtained. For schools, this should be transferred separately from the main pupil file. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and SENCOs or the named person with oversight for SEN in a college, are aware as required.

80. In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. For

example, information that would allow the new school or college to continue supporting victims of abuse and have that support in place for when the child arrives.

APPENDIX 1

Alternative provision model letter

Our Ref:

Date

Dear

Confirmation of appropriate vetting checks on staff

I can confirm that in line with Working Together to Safeguard Children (2018) and Keeping Children Safe in Education (2018), all appropriate checks are completed on staff members working within -----

All employees complete an enhanced DBS check for working with both children and vulnerable adults. This is completed alongside all other appropriate checks to the role. If you do have any questions, or wish to discuss anything further, please do not hesitate to contact me on the Academy number.

Yours sincerely,

APPENDIX 2

Named Safeguarding Officers Proforma

The school's / establishments 'Designated Safeguarding Lead' is:

.....

If they are not available then the school's/ establishment's alternate lead is:

.....

The school / establishment's Chair of Governors is:

.....

The Local Authority's Designated Officer (LADO) for North East Lincolnshire Local Authority is:

.....

And can be contacted on

APPENDIX 3

Updates

1. 1 October 2019 Updates to paragraphs 164 and 165 in attached document Keeping children safe in education.
2. 2 September 2019 The September 2019 version of the keeping children safe in education guidance is now in force and replaces previous versions.
3. 26 June 2019 Added draft guidance for 2019.
4. 19 September 2018 Updated document 'Keeping children safe in education: for schools and colleges'. Paragraph 132 - new link to The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018. Paragraphs 158 and 159 updated to clarify the point at which a school must make a referral to DBS. Updated document 'Keeping children safe in education: for school and college staff (part 1)'. Flowchart titled 'Actions where there are a concern about a child' updated to make it more accessible.
5. 3 September 2018 Updated 'Keeping children safe in education'. Updates include changes to information for all staff (part 1) and the management of safeguarding (part 2) and a new section covering child on child sexual violence and sexual harassment (part 5). Annex H provides a table of all changes.
6. 17 May 2018 Added 2 new guidance documents due to take effect from 3 September 2018.
7. 5 September 2016 Updated 'Keeping children safe in education'. Updates include changes to information for all staff (part 1) and the management of safeguarding (part 2). Annex H provides a table of all changes.
8. 26 May 2016 Added 'Keeping children safe in education: for schools and colleges - guidance from 5 September 2016'.
9. 12 May 2016 Added 'Regulated activity in relation to children: scope' document.
10. 22 July 2015 Both documents updated to reflect the new prevent duty, to emphasise responsibilities concerning children missing from education, and to provide more content on female genital mutilation.
11. 18 June 2015 In 'Regulated activity' section, corrected the link to the factual note on regulated activity in relation to children.
12. 26 March 2015 First published.