

Briefing on key updates to statutory guidance for schools in England – Keeping Children Safe in Education (2016)

June 2016

The Department for Education has published an updated version of the statutory guidance [Keeping children safe in education](#) (2016), which revises and replaces the 2015 guidance. This will come into force for schools on **5 September 2016**.

It sets out what schools and colleges in England must do to safeguard and promote the welfare of children and young people under the age of 18.

This guidance is for:

- headteachers, teachers and education staff
- governing bodies and proprietors.

The guidance is statutory and applies to all schools and colleges. Schools are defined as “all schools whether maintained, non-maintained or independent schools, including academies and free schools, alternative provision academies and pupil referral units. ‘School’ includes maintained nursery schools.”

This briefing outlines the key changes to the guidance. A full list of changes can be found in Annex H of [Keeping Children Safe in Education \(PDF\)](#) (2016)

Part one

What school staff should know and do

1. New wording to describe the important role that schools play in the wider safeguarding system. “Schools and colleges and their staff form part of the wider safeguarding system for children. This system is described in statutory guidance [Working together to safeguard children \(PDF\)](#)”.
2. Reworded to explicitly state that safeguarding is everybody’s responsibility and that the best interests of the child are paramount. “Safeguarding and promoting the welfare of children is **everyone’s** responsibility. **Everyone** who comes into contact with children and their families and carers has a role to play in safeguarding children. In order to fulfil this responsibility effectively, all professionals should make sure their approach is child-centred. This means that they should consider, at all times, what is in the **best interests** of the child”.

3. Reworded to highlight the importance of professionals sharing information and working together to get a full picture of need so the right help can be given to a child. “No single professional can have a full picture of a child’s needs and circumstances. If children and families are to receive the right help at the right time, **everyone** who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action”.

Early help

9. New paragraph about early help. “**All** school and college 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. In the first instance staff should discuss early help requirements with the designated safeguarding lead. Staff may be required to support other agencies and professionals in an early help assessment”.

14. New paragraph highlighting the requirement for all staff to be aware of the early help process. “This includes identifying emerging problems, liaising with the designated safeguarding lead, sharing information with other professionals to support early identification and assessment and, in some cases, acting as the lead professional in undertaking an early help assessment”.

25. Highlights the designated safeguarding lead’s role in early help. “If early help is appropriate the designated safeguarding lead should support the staff member in liaising with other agencies and setting up an inter-agency assessment as appropriate”.

26. New paragraph about the need for constant review and communication with children’s social care if the child’s welfare is still a concern. “If early help and or other support is appropriate the case should be kept under constant review and consideration given to a referral to children’s social care if the child’s situation doesn’t appear to be improving”.

Staff training and updates

13. New paragraph stating that in addition to all staff being required to attend safeguarding and child protection training it is recommended that staff should receive updates via email, staff meetings or e-bulletins to keep their skills and knowledge up to date. This is recommended at least annually. “**All** staff members should receive appropriate safeguarding and child protection training which is regularly updated. In addition all staff members should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively”.

Concerns about a child

21. Clarification is given about protocols which need to be followed if a member of staff has concerns about a child. “They will need to decide what action to take. Where possible, there should be a conversation with the designated safeguarding lead to agree a course of action, although any staff member can make a referral to children’s social care. Other options could include referral to specialist services or early help services and should be made in accordance with the referral threshold set by the Local Safeguarding Children Board”.

28. Updated advice about what a member of staff should do if they fear that a child is in immediate danger. Mentions the importance of informing the designated safeguarding lead that a referral had been made. “If, a child is in immediate danger or is at risk of harm a referral should be made to children’s social care and/or the police immediately. Anyone can make a referral. Where referrals are not made by the designated safeguarding lead the designated safeguarding lead should be informed, as soon as possible, that a referral has been made”.

27. Updated to reflect the mandatory reporting of female genital mutilation (FGM) and the definition of ‘teacher’ in section 74 of the Serious Crime Act 2015 “If a **teacher**, in the course of their work in the profession, discovers that an act of Female Genital Mutilation appears to have been carried out on a girl under the age of 18 the **teacher** must report this to the police”.

Whistleblowing

31. New sentence to advise on what to do if there are concerns about a headteacher who is also the sole proprietor of an independent school. “In the event of allegations of abuse being made against the headteacher, where the headteacher is also the sole proprietor of an independent school, allegations should be reported directly to the designated officer(s) at the local authority. Staff may consider discussing any concerns with the school’s designated safeguarding lead and make any referral via them”.

34. New paragraph signposting alternative sources of help if they feel they cannot report a concern within their organisation. “Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them.

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

Abuse as a complex issue

35. New paragraph added to highlight the need for staff to recognise the complexity of abuse. “All school and college staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label. In most cases multiple issues will overlap with one another”.

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

Specific safeguarding issues

41. New paragraph added emphasising the duty of staff to be aware of wider, specific safeguarding issues. “**All** staff should have an awareness of safeguarding issues - some of which are listed below. Staff should be aware that behaviours linked to the likes of drug taking, alcohol abuse, truanting and sexting put children in danger”.

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

44. New paragraph highlights that school leaders and staff that work directly with children should read Annex A which contains additional information about specific forms of abuse.

Part two

Policies and procedures

47. Updated to emphasise the importance of policies and procedures in ensuring that action is taken in a timely manner if concerns arise. “Governing bodies and proprietors should ensure there are appropriate policies and procedures in place in order for appropriate action to be taken in a timely manner to safeguard and promote children’s welfare”.

48. Updated to reflect the “proportional risk based approach to the level of information that is provided to temporary staff and volunteers” Specific polices are mentioned. “This should include: an effective child protection policy; and a staff behaviour policy (sometimes called the code of conduct) which should amongst

other things include - acceptable use of technologies, staff/pupil relationships and communications including the use of social media. This is not intended to be an exhaustive list. These policies, along with Part one of this guidance (Keeping children safe in education) and information regarding the role of the designated safeguarding lead, should be provided to all staff on induction. Governing bodies and proprietors should take a proportional risk based approach to the level of information that is provided to temporary staff and volunteers”.

The designated safeguarding lead

52. Updated to clarify the role and responsibilities of the designated safeguarding lead. “Governing bodies and proprietors should appoint an appropriate senior **member** of staff, from the school or college **leadership team**, to the role of designated safeguarding lead. The designated safeguarding lead should take **lead responsibility** for safeguarding and child protection”.

53. New paragraph on appointing a deputy. “It is a matter for individual schools and colleges as to whether they choose to have one or more deputy designated safeguarding lead(s). Any deputies should be trained to the same standard as the designated safeguarding lead”

54. New paragraph highlighting that the lead responsibility must remain with 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”.

56. New paragraph about the availability of the designated safeguarding lead. “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”.

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

Inter-agency working

59. Updated paragraph about the importance of schools working with other agencies in a coordinated way. “Schools and colleges should work with social care, the police, health services and other services to promote the welfare of children and protect them from harm. This includes providing a co-ordinated offer of early help

when additional needs of children are identified and contributing to inter-agency plans to provide additional support to children subject to child protection plans. All schools and colleges should allow access for children's social care from the host local authority and, where appropriate, from a placing local authority, for that authority to conduct, or to consider whether to conduct, a section 17 or a section 47 assessment”.

60. Edited down and some information moved to footnotes. “Governing bodies and proprietors of all schools and colleges should ensure that their safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the LSCB. This should include understanding and reflecting local protocols for assessment and the LSCB’s threshold document along with supplying information as requested by the LSCB”.

61. New paragraph on information sharing signposting to relevant advice document. “As part of meeting a child’s needs it is important for governing bodies and proprietors to recognise the importance of information sharing between professionals and local agencies. Further details on information sharing can be found in Chapter one of [Working together to safeguard children \(PDF\)](#) and at [Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers \(PDF\)](#)”.

62. New paragraph highlighting that data protection fears should not be a barrier to information sharing as the safety of the child should be of utmost importance “Fears about sharing information **cannot** be allowed to stand in the way of the need to promote the welfare and protect the safety of children”.

63. New paragraph. Sexual exploitation is explicitly mentioned. “Although inter agency working and information sharing are vital in identifying and tackling all forms of abuse, it is clear they are especially important to identify and prevent child sexual exploitation”.

Staff training

64. Wording that was previously used to describe training for the designated safeguarding lead now applies to training for all staff. “Governing bodies and proprietors should ensure that all staff members undergo safeguarding and child protection training at induction. The training should be regularly updated. Induction and training should be in line with advice from the LSCB”.

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

66. New paragraph highlighting the importance of staff expertise in shaping safeguarding policies. “Governing bodies and proprietors should recognise the expertise staff build by undertaking safeguarding training and managing safeguarding concerns on a daily basis. Opportunity should therefore be provided for staff to contribute to and shape safeguarding arrangements and child protection policy”.

Online safety

Online safety has been given a sub-heading to highlight its importance.

67. New paragraph highlighting the need for appropriate filters to be put in place. “As schools and colleges increasingly work online it is essential that children are safeguarded from potentially harmful and inappropriate online material. As such, governing bodies and proprietors should ensure appropriate filters and appropriate monitoring systems are in place. Additional information to support governing bodies and proprietors is provided in Annex C”.

68. New paragraph with stronger wording – “should ensure” rather than “should consider” that online safety is included in relevant lessons. “Governing bodies and proprietors should ensure children are taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum. This may include covering relevant issues through personal, social, health and economic education (PSHE), tutorials (in FE colleges) and/or – for maintained schools and colleges – through sex and relationship education (SRE)”.

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

Inspection

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

Allegations of abuse made against teachers, headteachers, principals, volunteers and other staff

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

Allegations of abuse made against other children

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

77. Sexting is specifically mentioned in more detail. “Peer on peer abuse can manifest itself in many ways. Governors and proprietors should ensure sexting and the school or colleges approach to it is reflected in the child protection policy. The department provides searching screening and confiscation advice for schools. Child Exploitation Online Protection Centre (CEOP) has recently updated their sexting guidance: **NOTE: We will add this advice when it’s available**”.

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

Looked after children

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

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

child's social worker and the name of the virtual school head in the authority that looks after the child".

The designated teacher

83. What was a footnote in 2015 is now a part of the main guidance as a statutory requirement. "Governing bodies of maintained schools and proprietors of academy schools must appoint a designated teacher to promote the educational achievement of children who are looked after and to ensure that this person has appropriate training".

Virtual head

84. The role of the virtual school head given its own heading and more detail. "Virtual school heads receive pupil premium plus additional funding based on the latest published numbers of children looked after in the authority. In maintained schools and academies the designated teacher should work with the virtual school head to discuss how that funding can be best used to support the progress of looked after children in the school and meet the needs identified in the child's personal education plan. In other schools and colleges an appropriately trained teacher should take the lead".

Children with special educational needs and disabilities

85. New paragraph specifically highlighting the importance of awareness around additional vulnerabilities of children with special educational needs (SEN) and disabilities "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. This can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;
- children with SEN and disabilities can be disproportionately impacted by things like bullying - without outwardly showing any signs; and
- communication barriers and difficulties in overcoming these barriers".

Part Three

Safer recruitment

91. (see 99 & 100 also). Reflects the requirement for those in management roles at independent schools, academies and free schools to have an additional check as well as DBS. "In addition to obtaining the DBS certificate described, anyone 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-appointments section of this guidance”.

92 & 93. Reflects DBS updated guidance.

Teacher prohibition orders

97. Updated to reflect new Teacher Services’ system “Teacher prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. Teacher Services’ system. Teacher misconduct: the prohibition of teachers. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition can be carried out using the Prohibition orders are described in the National College for Teaching and Leadership’s (NCTL) publication”.

99 & 100. There is a new requirement under section 128 of the of the [Education and Skills Act 2008](#) that those in management roles at independent schools, academies and free schools have an additional check to ensure they are not prohibited from teaching . This is in addition to a DBS check. “A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited, is unable to participate in any management of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities. A check for a section 128 direction can be carried out using the Teacher Services’ system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction”

102-128. Various updates made to reflect updated DBS guidance, section 128 and EEA checks.

129. Updated to reflect that governors in maintained schools required to have enhanced DBS check. “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 does not already have one. Governance is not a regulated activity and so they do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

Updates to Annex A

Children missing from education

Note added about future updates in September 2016 “**The government recently consulted on plans to amend regulations from September 2016, to improve information sharing between schools and LAs to help identify children missing education and help protect children from potential harm. This section will be updated to reflect any changes that are made before September 5 2016.)**”

Female Genital Mutilation (FGM)

This section has been broadened to include honour based violence. Updated to reflect mandatory reporting which came in to force in October 2015.

Preventing Radicalisation

Updated to reflect commencement of Prevent Duty in colleges.

Annex C

New section with detailed advice on online safety.

Contact the NSPCC Information Service with any questions about child protection or related topics:

Tel: 0808 800 5000 | Email: help@nspcc.org.uk | Twitter: [@NSPCCpro](https://twitter.com/NSPCCpro)

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