

DRAFT FOR CONSULTATION - Schools and colleges should continue to have regard to the 2019 version



Department
for Education

Draft – Keeping children safe in education 2020

Statutory guidance for schools and
colleges

**CONSULTATION - schools and colleges should
continue to have regard to the 2019 version.**

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Summary

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.

About this guidance

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

The guidance should be read alongside:

- statutory guidance [Working Together to Safeguard Children](#); and
- departmental advice [What to do if you are Worried a Child is Being Abused - Advice for Practitioners](#).
- departmental advice [Sexual Violence and Sexual Harassment Between Children in Schools and Colleges](#)

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.² It relates to their responsibilities towards children who are receiving education or training at the college.

¹ 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 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 17 for further detail on this requirement).

² Under section 28 of the Further and Higher Education Act 1992 (‘designated institutions’).

Who is this guidance 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).

Throughout the guidance, reference to “governing bodies and proprietors” includes management committees unless otherwise stated.

School and college staff

It is essential that **everybody** working in a school or college understands their safeguarding responsibilities. Governing bodies and proprietors should ensure that those staff who work directly with children should read at least Part one of this guidance. Governing bodies and proprietors, working with their senior leadership teams and especially their designated safeguarding lead, should ensure that those staff who do not work directly with children read either Part one or Annex A (a condensed version of Part one) of this guidance. This is entirely a matter for the school or college and will be based on their assessment of what will be most effective for their staff to safeguard and promote the welfare of children.

Governing bodies and proprietors should ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities as set out in Part one (or Annex A if appropriate) of this guidance.

What does this guidance replace?

This guidance replaces Keeping children safe in education September 2019.

A table of substantive changes is included at Annex G.

Part one: Safeguarding information for all staff

What school and college staff should know and do

A child centred and coordinated approach to safeguarding

1. Schools and colleges and their staff are an important part of the wider safeguarding system for children. This system is described in statutory guidance [Working Together to Safeguard Children](#).
2. Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all staff should make sure their approach is child-centred. This means that they should consider, at all times, what is in the **best interests** of the child.
3. No single staff member can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, **everyone** who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.
4. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:
 - protecting children from maltreatment;
 - preventing impairment of children's mental and physical health or development;
 - ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
 - taking action to enable all children to have the best outcomes.
5. Children includes everyone under the age of 18.

The role of school and college staff

6. School and college staff are particularly important as they are in a position to identify concerns early, provide help for children, promote children's welfare and prevent concerns from escalating.
7. **All** staff have a responsibility to provide a safe environment in which children can learn.

8. **All** staff should be prepared to identify children who may benefit from early help.³ Early help means providing support as soon as a problem emerges at any point in a child's life, from the foundation years through to the teenage years.

9. **Any staff member** who has a concern about a child's welfare should follow the referral processes set out in paragraphs 42-58. Staff should expect to support social workers and other agencies following any referral.

10. 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.

11. The designated safeguarding lead (and any deputies) is most likely to have a complete safeguarding picture and be the most appropriate person to advise on the response to safeguarding concerns.

12. 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.⁴

What school and college staff need to know

13. **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;
- behaviour policy (which should include measures to prevent bullying, including cyberbullying);⁵
- staff behaviour policy (sometimes called a code of conduct);
- safeguarding response to children who go missing from education; and
- role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).

Copies of policies and a copy of Part one (or Annex A, if appropriate) of this document should be provided to staff at induction.

³ Detailed information on early help can be found in Chapter 1 of [Working Together to Safeguard Children](#).

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

⁵ All schools are required to have a behaviour policy (full details are [here](#)). If a college chooses to have a behaviour policy it should be provided to staff as described above.

14. **All** staff should receive appropriate safeguarding and child protection training (including online safety) at induction. The training should be regularly updated. In addition, all staff should receive safeguarding and child protection (including online safety) 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.

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

16. **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.⁷

17. **All** staff should know what to do if a child tells them he/she is being abused, neglected or exploited, and/or is otherwise at risk of involvement in criminal activity, such as knife crime, or involved in county lines drug dealing. Staff should be confident in how to share this information whilst recognising that it should be treated sensitively, including that they should only share the report with those people who are necessary in order to progress it, such as the designated safeguarding lead (or a deputy), children's social care and/or the police. Staff should not promise confidentiality or that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child and it is very likely a concern will have to be shared further.

What school and college staff should look out for

Early help

18. **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);
- has a mental health need;
- is a young carer;

⁶ Detailed information on early help can be found in Chapter 1 of [Working Together to Safeguard Children](#)

⁷ More information on statutory assessments is included at paragraphs 50 to 58. Detailed information on statutory assessments can be found in Chapter 1 of [Working Together to Safeguard Children](#).

- is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups or county lines;
- is frequently missing/goes missing from care or from home;
- is at risk of modern slavery, trafficking, sexual or criminal exploitation;
- is at risk of being radicalised or exploited;
- has a family member in prison, or is affected by parental offending;
- 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 at risk of honour based abuse such as Female Genital Mutilation or forced marriage;
- is a privately fostered child; and
- is persistently absent from education.

Abuse and neglect

19. Knowing what to look for is vital to the early identification of abuse and neglect. **All** staff should be aware of indicators of abuse and neglect, and specific safeguarding issues such as exploitation so that they are able to identify cases of children who may be in need of help or protection.

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

21. **All** staff should be aware that safeguarding incidents and/or behaviours can be associated with factors outside the school or college and/or can occur between children outside of these environments. **All** staff, but especially the designated safeguarding lead (and deputies) should consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual exploitation, criminal exploitation, and serious youth violence.

22. **All** staff should be aware that technology is a significant component in many safeguarding and wellbeing issues. Children are at risk of abuse online as well as in day to day life. In many cases abuse will take place concurrently via online channels and in daily life.

23. In all cases, if staff are unsure, they should always speak to the designated safeguarding lead (or deputy).

Indicators of abuse and neglect

24. **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.

25. **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.

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

27. **Sexual abuse:** involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education (see paragraph 36).

28. **Neglect:** the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or

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

Specific safeguarding issues

29. **All** staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug and or alcohol misuse, deliberately missing education and sharing self-generated indecent images (also known as sexting) can be signs that children are at risk. Other safeguarding issues all staff should be aware of include:

Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE)

30. Both CSE and CCE are forms of abuse and both occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into sexual or criminal activity. 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. In some cases the abuse will be in exchange for something the victim needs or wants and/or will be to the financial benefit or other advantage (such as increased status) of the perpetrator or facilitator. The abuse 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. It can involve force and/or enticement-based methods of compliance and may, or may not, be accompanied by violence or threats of violence. Victims can be exploited even when activity appears consensual and it should be noted exploitation as well as being physical can be facilitated and/or take place online. More information include definitions and indicators are included in Annex B.

Female Genital Mutilation

31. 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.⁸ 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. See Annex B for further details.

Mental Health

32. **All** staff should also be aware that mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation.

33. Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Staff however, are well placed to observe children day-to-day and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one.

34. Where children have suffered abuse and neglect, or other potentially traumatic adverse childhood experiences, this can have a lasting impact throughout childhood, adolescence and into adulthood. It is important that staff are aware of how these children's experiences, and their high prevalence of special educational needs and mental health needs, can impact on their behaviour and education.

35. If staff have a mental health concern about a child that is also a safeguarding concern, immediate action should be taken, following their child protection policy and speaking to the designated safeguarding lead or a deputy.

Peer on peer abuse

36. **All** staff should be aware that children can abuse other children (often referred to as peer on peer abuse). This is most likely to include, but may not be limited to:

- abuse in intimate personal relationships between peers;
- bullying (including cyberbullying);
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm (this may include an online element which facilitates, threatens and/or encourages physical abuse);
- sexual violence,⁹ such as rape, assault by penetration and sexual assault; (this may include an online element which facilitates, threatens and/or encourages sexual violence);

⁸ Under Section 5B(11) (a) of the Female Genital Mutilation Act 2003, "teacher" means, in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).

⁹ For further information about sexual violence see Annex B.

- sexual harassment,¹⁰ such as sexual comments, remarks, jokes and online sexual harassment, which may be stand-alone or part of a broader pattern of abuse;
- sharing self-generated indecent images (also known as sexting);
- initiation/hazing type violence and rituals (this could include activities involving harassment, abuse or humiliation used as a way of initiating a person into a group and may also include an online element); and
- upskirting,¹¹ which 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.

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

Serious violence

38. **All** staff should be aware of indicators, which may signal that children are at risk from, or are involved with serious violent crime. These may include increased absence from school, a change in friendships or relationships with older individuals or groups, a significant decline in performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation.

39. **All** staff should be aware of the associated risks and understand the measures in place to manage these.

Additional information and support

40. 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.

41. **Annex B** 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.

¹⁰ For further information about sexual harassment see Annex B.

¹¹ For further information about 'upskirting' see Annex B.

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

42. 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.

43. If staff have **any concerns** about a child's welfare, they should act on them **immediately**. See page 18 for a flow chart setting out the process for staff when they have concerns about a child.

44. If staff have a concern, they should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).

45. 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;¹² or,
- a referral to statutory services,¹³ where there is a concern that the child may be in need, is in need, or is suffering or likely to suffer harm.

46. 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.

47. 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, whether this is when problems are first emerging, or where a child is already known to local authority children's social care (such as on a child in need or child protection plan). [Information Sharing: Advice for](#)

¹² Further information on early help assessments, provision of early help services and accessing services is in Chapter 1 of [Working Together to Safeguard Children](#).

¹³ Chapter 1 of [Working Together to Safeguard Children](#) sets out that the safeguarding partners should publish a threshold document that should include the criteria, including the level of need, for when a case should be referred to local authority children's social care for assessment and for statutory services under section 17 and 47. Local authorities, with their partners, should develop and publish local protocols for assessment. A local protocol should set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care.

[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 (DPA) and General Data Protection Regulation (GDPR). DPA and GDPR do not prevent the sharing of information for the purposes of keeping children and young people safe and promoting their welfare. If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy.

48. Fears about sharing information **must not** be allowed to stand in the way of the need to safeguard and promote the welfare of children.

Early help

49. 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 children's social care assessments and services

50. Concerns about a child's welfare should be referred to local authority children's social care. **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.

51. Children's social care assessments should consider where children are being harmed in contexts outside the home, 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 enable a contextual approach to address such harm. Additional information is available here: [Contextual Safeguarding](#).

52. The online tool [Report Child Abuse to Your Local Council](#) directs to the relevant local children's social care contact number.

53. **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.

54. **Children suffering or likely to suffer significant harm:** Local authorities, with the help of other organisations as appropriate, have a duty to make enquiries 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 local authority children's social care to decide whether they should take any action to safeguard and promote the child's welfare, this will include where there are concerns about all forms of abuse and neglect, female genital mutilation or other so-called honour based abuse, and extra-familial harms like radicalisation and sexual or criminal exploitation.

What will the local authority do?

55. 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;
- any services are required by the child and family and what type of services;
- the child is in need and should be assessed under section 17 of the Children Act 1989. Page 35 of [Working Together to Safeguard Children](#) provides details of the assessment process;
- there is reasonable cause to suspect the child is suffering or likely to suffer significant harm, and enquiries **must** be made, and the child assessed under section 47 of the Children Act 1989. Page 36 of [Working Together to Safeguard Children](#) provides details of the assessment process; and
- further specialist assessments are required to help the local authority to decide what further action to take.

56. The referrer should follow up if this information is not forthcoming.

57. 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).

58. 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.

Record keeping

59. All concerns, discussions and decisions made, 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?

60. It is important for children to receive the right help at the right time to address safeguarding risks, prevent issues escalating and to promote children's welfare. Research and serious case reviews have repeatedly shown the dangers of failing to take effective action.¹⁴ 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 with the right people within and between agencies;
- 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 safeguarding concerns about another staff member who may pose a risk of harm to children

61. If staff have safeguarding concerns about another member of staff (including supply staff and volunteers) posing a risk of harm to children, then:

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

62. Schools and colleges should have process and procedures in place to manage safeguarding concerns about staff members (including supply staff and volunteers).

¹⁴An analysis of serious case reviews can be found at [Serious case reviews, 2011 to 2014](#).

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

63. 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.

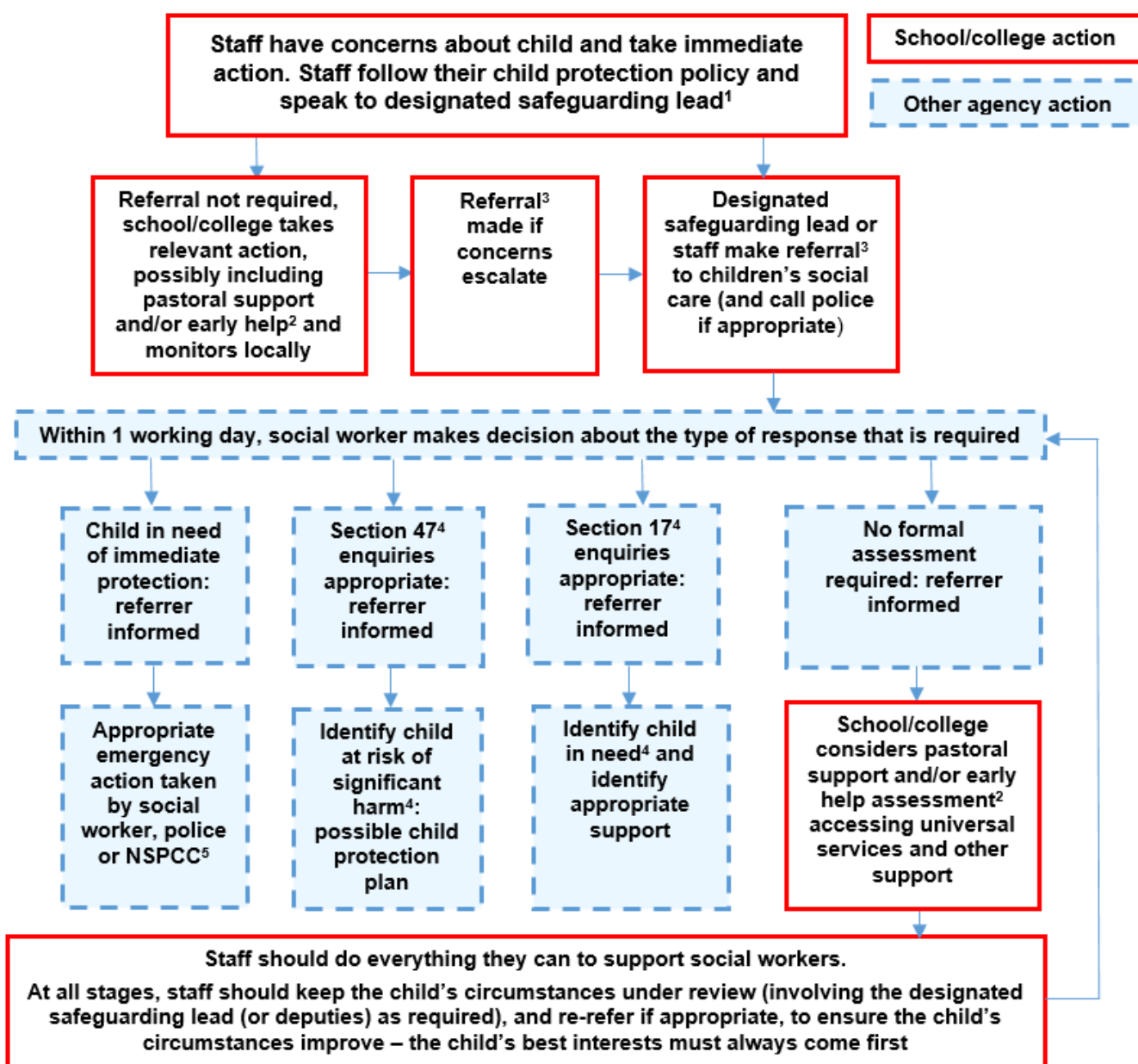
64. Appropriate whistleblowing procedures should be put in place for such concerns to be raised with the school's or college's senior leadership team.

65. 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](#); and
- the [NSPCC's Whistleblowing advice line](#) 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.¹⁵

¹⁵ Alternatively, staff can write to: National Society for the Prevention of Cruelty to Children (NSPCC), Weston House, 42 Curtain, Road, London EC2A 3NH.

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 [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).

Part two: The management of safeguarding

The responsibility of governing bodies, proprietors and management committees

Legislation and the law

66. Governing bodies and proprietors¹⁶ have a strategic leadership responsibility for their school's or college's safeguarding arrangements and **must** ensure that they comply with their duties under legislation. They **must** have regard to this guidance, ensuring policies, procedures and training in their schools or colleges are effective and comply with the law at all times.¹⁷

67. Where a school or college has charitable status, Charity Commission guidance is available at [GOV.UK](https://www.gov.uk).

68. 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.¹⁸

Whole school and college approach to safeguarding

69. Governing bodies and proprietors should ensure they facilitate a whole school or college approach to safeguarding. This means ensuring safeguarding and child protection are at the forefront and underpin all relevant aspects of process and policy development. Ultimately, all systems, processes and policies should operate with the best interests of the child at their heart. Where there is a safeguarding concern, governing bodies, proprietors and school or college leaders should ensure the child's wishes and feelings are taken into account when determining what action to take and

¹⁶ In the case of academies, free schools and alternative provision academies the proprietor will be the academy trust.

¹⁷ Section 175 of the Education Act 2002 requires governing bodies of maintained schools and colleges, in relation to their functions relating to the conduct of the school or the institution to make arrangements for ensuring that such functions are exercised with a view to safeguarding and promoting the welfare of children who are either pupils at the school or are receiving education or training at the institution. The Education (Independent School Standards) Regulations 2014 apply a duty to proprietors of independent schools (which in the case of academies and free schools is the academy trust) to ensure that arrangements are made to safeguard and promote the welfare of children. The Non-Maintained Special Schools (England) Regulations 2015 oblige non-maintained special schools to comply with certain requirements as a condition of their approval and whilst approved by the Secretary of State. One condition of approval is that the proprietor must make arrangements for safeguarding and promoting the health, safety and welfare of pupils, which have regard to any guidance including where appropriate, the National Minimum Standards, about safeguarding and promoting the health, safety and welfare of pupils and, in the case of schools already approved, that these arrangements at the school with respect to these matters are in accordance with the approval given by the Secretary of State. For colleges, non-maintained special schools and independent schools: the definition of 'children' applies to the statutory responsibilities for safeguarding and promoting the welfare of children i.e. those under 18.

¹⁸ Chapter 2 of [Working Together to Safeguard Children](#).

what services to provide. Systems should be in place for children to express their views and give feedback.

Safeguarding policies and procedures

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

These should include individual schools and colleges having:

- an effective **child protection policy** which:
 - should describe procedures which are in accordance with government guidance;
 - refer to locally agreed multi-agency safeguarding arrangements put in place by the three safeguarding partners;
 - include policies as reflected elsewhere in Part two of this guidance, such as online safety, peer on peer abuse and SEND;
 - should be updated annually (as a minimum), so that it is kept up to date with safeguarding issues as they emerge and evolve); and
 - is available publicly either via the school or college website or by other means.
- a **behaviour policy**,¹⁹ which includes measures to prevent bullying (including cyberbullying).
- a **staff behaviour policy** (sometimes called the code of conduct) which should, amongst other things, include: acceptable use of technologies (including the use of mobile devices), staff/pupil relationships and communications including the use of social media.²⁰

¹⁹ All schools are required to have a behaviour policy (full details are [here](#)). If a college chooses to have a behaviour policy it should be provided to staff as described above.

²⁰ When drafting the staff behaviour policy, schools and colleges should bear in mind the offence under section 16 of The Sexual Offences Act 2003, which provides that it is an offence for a person aged 18 or over (e.g. teacher, youth worker) to have a sexual relationship with a child under 18 where that person is in a position of trust in respect of that child, even if the relationship is consensual. A situation where a person is in a position of trust could arise where the child is in full-time education and the person looks after children under 18 in the same establishment as the child, even if s/he does not teach the child. This policy should reflect the behaviours set out in the Teacher Standards in particular ensuring teachers understand that it is inappropriate for them to enter into a relationship with a student even if they are 18.

- **appropriate safeguarding arrangements** in place to respond to children who go missing from education, particularly on repeat occasions (more information at paragraph 141).
- **appropriate safer recruitment policies** in accordance with Part three of this guidance.

71. These policies and procedures, along with Part one (or Annex A if appropriate) of this guidance and information regarding the role and identity of the designated safeguarding lead (and deputies), should be provided to all staff on induction.

72. In addition, governing bodies and proprietors should ensure:

- policies on special educational needs and disability and supporting pupils in schools with medical conditions are in place and are reflective of safeguarding as appropriate;
- 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.²¹ It 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 for schools can be found in the department's [School Attendance Guidance](#); and
- where appropriate serious violence is reflected in their child protection policy. Further advice for schools and colleges is provided in the Home Office's [Preventing youth violence and gang involvement](#) and its [Criminal exploitation of children and vulnerable adults: county lines](#) guidance.

The above is not intended to be an exhaustive list.

73. Governing bodies and proprietors should take a proportionate risk-based approach to the level of information that is provided to temporary staff and volunteers.

74. Headteachers and principals should ensure 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.

The designated safeguarding lead

75. 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 (including online safety). This should

²¹ legislation.gov.uk.

DRAFT FOR CONSULTATION - Users should continue to have regard to 2019 version

be explicit in the role-holder's job description (see Annex C, which describes the broad areas of responsibility and activities related to the role).

76. It is for individual schools and colleges to decide 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.

77. 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.

78. 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](#). [NPCC- When to call the police](#) should help designated safeguarding leads understand when they should consider calling the police and what to expect when they do.

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

80. 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.

81. In addition to the 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.

Multi-agency working

82. Schools and colleges have a pivotal role to play in multi-agency safeguarding arrangements. Governing bodies and proprietors should ensure that the school or college contributes to multi-agency working in line with statutory guidance [Working Together to Safeguard Children](#).

83. New safeguarding partners and child death review partner arrangements are now in place. Locally, under these arrangements, 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 an area any part of which falls within the local authority area) will make arrangements to work together with appropriate relevant agencies to safeguard

and promote the welfare of local children, including identifying and responding to their needs.

84. It is especially important that schools and colleges understand their role in the three safeguarding partner arrangements. Governing bodies, proprietors, and their senior leadership teams, especially their designated safeguarding leads, should make themselves aware of and follow their local arrangements.

85. The three safeguarding partners have a shared and equal duty to work together to safeguard and promote the welfare of children. To fulfil this role they **must** set out how they will work together and with any relevant agencies.²² Relevant agencies are those organisations and agencies whose involvement that the three safeguarding partners consider may be required to safeguard and promote the welfare of children with regard to local need. The three safeguarding partners will have set out in their published arrangements which organisations and agencies they will be working with and the expectations placed on any agencies and organisations by the arrangements.

86. The three safeguarding partners should make arrangements to allow all schools (including those in multi-academy trusts) and colleges in the local area to be fully engaged, involved and included in safeguarding arrangements. It is expected that, locally, the three safeguarding partners will name schools and colleges as relevant agencies and reach their own conclusions on the best way to achieve active engagement with individual institutions in a meaningful way.

87. If named as a relevant agency, schools and colleges, in the same way as other relevant agencies, are under a statutory duty to co-operate with the published arrangements.

88. Governing bodies and proprietors should understand the local criteria for action²³ and the local protocol for assessment²⁴ and ensure they are reflected in their own policies and procedures. They should also be prepared to supply information as requested by the three safeguarding partners.²⁵

89. Schools and colleges should work with social care, the police, health services and other services to promote the welfare of children and protect them from harm. This includes providing a coordinated offer of early help when additional needs of children are

²² A list of relevant agencies is available at: legislation.gov.uk. Schools and colleges are included.

²³ The safeguarding partners should publish a document which sets out the local criteria for action in a way that is transparent, accessible and easily understood. This should include: the process for the early help assessment and the type and level of early help services to be provided; the criteria, included level of need, for when a case should be referred to local authority children's social care for assessment and for statutory services under section 17, 20, 31 and 47 of the Children Act 1989; and clear procedures and processes for cases relating to the exploitation of children, children managed within the youth secure estate and disabled children.

²⁴ The local authority, with their partners should develop and publish local protocols for assessment. Protocols should set out clear arrangements for how cases will be managed once a referral is made to children's social care.

²⁵ More details on information requests by the safeguarding partners is provided in Part 3 of [Working Together to Safeguard Children](#).

identified and contributing to inter-agency plans to provide additional support to children subject to child protection plans.

90. 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.

Information sharing

91. Information sharing is vital in safeguarding children by identifying and tackling all forms of abuse and neglect, and in promoting children's welfare, including their educational outcomes. Schools and colleges have clear powers to share, hold and use information for these purposes.

92. As part of meeting a child's needs, it is imperative 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 processes and principles for sharing information within the school or college and with the three safeguarding partners, other organisations, agencies and practitioners as required.

93. 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. This is necessary both when problems are first emerging, or where a child is already known to the local authority children's social care.

94. 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.

95. The Data Protection Act 2018 and GDPR do not prevent 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 safeguard and promote the welfare of children.

96. 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'.

97. 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 doing so would place a child at risk.

98. As well as allowing for information sharing, in circumstances where it is warranted because it would put a child at risk of serious harm, the Data Protection Act 2018 and the GDPR allow schools and colleges to withhold information. This may be particularly relevant where a child is affected by domestic abuse perpetrated by a parent or carer. Schools and colleges should not under the GDPR as supplemented by the Data Protection Act 2018 provide pupils' education data where the serious harm test under that legislation is met. Therefore, in a situation such as where a child is in a refuge, and the serious harm test is met, this could mean that schools can withhold education data under the GDPR.

99. Governing bodies and proprietors should consider the implications (potential breach of Data protection and GDPR) of using unsecured communication channels, such as PMR Radios (walkie talkies), especially when discussing personal and sensitive safeguarding information.

100. 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;
- at [The Information Commissioner's Office \(ICO\)](#), which includes ICO GDPR FAQs and guidance from the department; and
- in [Data protection: toolkit for schools](#) - Guidance to support schools with data protection activity, including compliance with the GDPR.

101. 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. 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.

102. In addition to the child protection file, the designated safeguarding lead should also consider if it is appropriate to share any information with the new school or college in advance of a child leaving in order to help safeguard and promote the child's welfare,

including their educational outcomes. For example, information that would allow the new school or college to continue supporting children who need a social worker or are victims of abuse and enable them to have that support in place for when the child arrives.

Staff training

103. Governing bodies and proprietors should ensure **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.

104. In addition, all staff should receive regular safeguarding and child protection (including online safety) updates (for example, via email, e-bulletins, staff meetings) as required, and at least annually, to provide them with relevant skills and up to date knowledge of emerging and evolving safeguarding issues to safeguard children effectively.

105. 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 the child protection policy.

106. Governors and proprietors should ensure that, as part of the requirement for staff to undergo regularly updated safeguarding training, including online safety (paragraph 103) and the requirement to ensure children are taught about safeguarding, including online safety (paragraph 108), that safeguarding training for staff, including online safety training, is integrated, aligned and considered as part of the whole school or college safeguarding approach.

107. Whilst considering the above training requirements, governing bodies and proprietors should have regard to the Teachers' Standards²⁶ which set out the expectation that all teachers manage behaviour effectively to ensure a good and safe educational environment, and requires teachers to have a clear understanding of the needs of all pupils, including those with mental health needs.

Opportunities to teach safeguarding

108. 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.

²⁶ [Teacher standards.](#)

109. This may include covering relevant issues for schools through Relationships Education (for all primary pupils) and Relationships and Sex Education (for all secondary pupils) and Health Education (for all pupils in state-funded schools) which will be mandatory from September 2020 ([Relationships education, relationships and sex education \(RSE\) and health education](#) statutory guidance). Colleges may cover relevant issues through tutorials. The following resources may help schools and colleges:

- DfE advice for schools: [teaching-online-safety-in-schools](#);
- UK Council for Internet Safety (UKCIS) ²⁷ guidance: [Education for a connected-world](#); and
- National Crime Agency's CEOP education programme: [Thinkuknow](#)

110. 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. A good filter provider will engage with a school or college to ensure appropriate systems are in place.

Online safety

111. It is essential that children are safeguarded from potentially harmful and inappropriate online material. An effective whole school and college approach to online safety empowers a school or college to protect and educate pupils, students and staff in their use of technology and establishes mechanisms to identify, intervene in, and escalate any concerns where appropriate.

112. Schools and colleges should ensure online safety is a running and interrelated theme whilst devising and implementing policies and procedures. This will include considering how online safety is reflected as required in all relevant policies and considering online safety whilst planning the curriculum, any teacher training, the role and responsibilities of the designated safeguarding lead and any parental engagement.

113. 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 content; for example: pornography, fake news, racist, misogynistic, self-harm, suicide, anti-semitic, radical and extremist;

²⁷ UK Council for Internet Safety Education sub group is made up of sector experts who collaborate to produce advice and guidance to support schools and colleges keep their children safe online.

- **contact:** being subjected to harmful online interaction with other users; for example: peer to peer pressure, commercial advertising and adults posing as children or young adults for the purposes of grooming children; and
- **conduct:** personal online behaviour that increases the likelihood of, or causes, harm; for example, making, sending and receiving explicit images, sharing others explicit images and online bullying.

Online safety policy

114. Online safety and the school or college's approach to it should be reflected in the child protection policy. Considering the 3Cs (above) will provide the basis of an effective online policy. The school or college should have a clear policy on the use of mobile and smart technology. Amongst other things this will reflect the fact many children have unlimited and unrestricted access to the internet via 3G, 4G and 5G. Schools and colleges should carefully consider how this is managed on their premises.

Filters and monitoring

115. 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 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. Governing bodies and proprietors should consider the age range of their children, the number of children, how often they access the IT system and the proportionality of costs vs risks.

116. 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.²⁸ The UK Safer Internet Centre has published guidance as to what "appropriate" filtering and monitoring might look like: [UK Safer Internet Centre: appropriate filtering and monitoring](#).

117. Support for schools when considering what to buy and how to buy it is available via the: [schools' buying strategy](#) with specific advice on procurement here: [buying for schools](#).

²⁸ [The Prevent duty Departmental advice for schools and childcare providers](#) and [Prevent Duty Guidance For Further Education Institutions](#).

Information security and access management

118. Schools and colleges should have robust security to protect users (and their data). Guidance on e-security is available from the [National Education Network](#).

Reviewing online safety

119. Technology, and risks and harms related to it evolve and changes rapidly. Schools and colleges should consider carrying out an annual review of their approach to online safety, supported by an annual risk assessment that considers and reflects the risks their children face. A free online safety self-review tool for schools can be found via the [360 safe website](#).

120. UKCIS has published Online safety in schools and colleges: [Questions from the governing board](#). The questions can be used to gain a basic understanding of the current approach to keeping children safe online; learn how to improve this approach where appropriate; and find out about tools which can be used to improve the approach.

Information and support

121. There is a wealth of additional information available to support schools, colleges and parents to keep children safe online. A sample is provided at Annex D.

Inspection

122. Since September 2019, Ofsted's inspections of early years, schools and post-16 provision are carried out under: [Ofsted's Education Inspection Framework](#). Inspectors will always report on whether or not arrangements for safeguarding children and learners are effective.

123. In addition to the framework and inspections handbooks, Ofsted publishes specific guidance to inspectors on inspecting safeguarding: [Inspecting safeguarding in early years, education and skills settings](#)

124. The Independent Schools Inspectorate (ISI) is approved to inspect certain independent schools, and will also report on safeguarding arrangements. ISI has a published framework which informs how they inspect at [Independent Schools Inspectorate](#).

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

125. Governing bodies and proprietors should ensure there are procedures in place (as described in paragraph 62) to manage safeguarding concerns about staff (including supply staff and volunteers) that might indicate they pose a risk of harm to children.

126. Concerns, including allegations that may meet the harm test, should be addressed as set out in Part four of this guidance.

127. There **must** be procedures in place to make a referral to the Disclosure and Barring Service (DBS) if a person in regulated activity has been dismissed or removed due to safeguarding concerns or would have been had they not resigned.²⁹

128. **This is a legal duty and failure to refer when the criteria are met is a criminal offence.**³⁰ More detail is provided at paragraph 305.

Peer on peer /child on child abuse

129. **All** staff should recognise that children are capable of abusing their peers. This is often referred to as peer on peer or child on child abuse.

130. **All** staff should be clear about their school's or college's policy and procedures with regard to peer on peer abuse.

131. 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 that issues associated with disability, ethnicity, gender, and sexual orientation may make it more difficult for children to report abuse;
- 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 of peer on peer abuse can take, such as:
 - sexual violence and sexual harassment (including threats and harassment made online). **Part five** of this guidance sets out how schools and colleges should respond to reports of child on child sexual violence and sexual harassment. The department's [Sexual violence and sexual harassment](#)

²⁹ Section 35 of the Safeguarding Vulnerable Groups Act 2006.

³⁰ Section 38 of the Safeguarding Vulnerable Groups Act 2006.

[between children in schools and colleges](#) provides detailed advice on what sexual violence and sexual harassment look like, schools' and colleges' legal responsibilities, whole school/college approach and further information and support;

- sharing self generated indecent images, also known as sexting. The policy should include the school's or college's approach to it. The department provides [Searching Screening and Confiscation Advice](#) for schools. The UKCIS Education Group has published [Advice for Schools and Colleges on Responding to Sexting Incidents](#);
- abuse in intimate personal relationships between peers, where [as set out in the Government's guidance on domestic abuse – *[link when available, tbc 2020,]* abusive behaviour can take the form of physical or sexual abuse; violent or threatening behaviour; controlling or coercive behaviour; economic abuse; psychological, emotional or other abuse;
- physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; and
- initiation/hazing type violence and rituals, such as gang initiation.

Children potentially at greater risk of harm

132. Whilst **all** children should be protected, it is important that governing bodies and proprietors recognise (and reflect in their policies and procedures) some groups of children are potentially at greater risk of harm and in some cases may find it particularly difficult to communicate what is happening to them.

Alternative provision

133. The cohort of pupils in Alternative Provision often have complex needs, it is important that governing bodies and proprietors of these settings are aware of the additional risk of harm that their pupils may be vulnerable to.

Children with special educational needs, disabilities, or physical health issues

134. Children with special educational needs and disabilities (SEND) and/or physical health issues can face additional safeguarding challenges, both in relation to their vulnerability to possible abuse and neglect and also in terms of being able to report such incidents. These challenges, can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury may relate to the child's disability or medical condition without further exploration;
- these children being more prone to peer group isolation or bullying (including prejudice-based bullying) than other children;

- the potential for children with SEND or certain medical conditions being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs; and
- communication barriers and difficulties in managing or reporting these challenges.

135. Governing bodies and proprietors should therefore ensure that their child protection policy reflects the above and to address these additional challenges, schools and colleges should consider extra pastoral support and attention for these children, along with ensuring any appropriate support for communication is in place.

136. Further information can be found in the department's: [Code of Practice 0 to 25](#) and [Supporting Pupils at School with Medical Conditions](#).

Children who need a social worker (Child in Need and Child Protection Plans)

137. Children may need a social worker due to safeguarding or welfare needs. Children may need this help due to abuse, neglect and complex family circumstances. A child's experiences of adversity and trauma can leave them vulnerable to further harm, as well as educationally disadvantaged in facing barriers to attendance, education, behaviour and mental health.

138. Local authorities should share the fact a child has a social worker, and the designated safeguarding lead should hold and use this information so that decisions can be made in the best interests of the child's safety, welfare and educational outcomes. This should be considered as a matter of routine. There are clear powers to share this information under existing duties on both local authorities and schools and colleges to safeguard and promote the welfare of children.

139. Where children need a social worker, this should inform decisions about safeguarding (for example, responding to unauthorised absence or missing education where there are known safeguarding risks) and about promoting welfare (for example, considering the provision of pastoral and/or academic support, alongside action by statutory services).

140. Findings from the Children in Need review, '[Improving the educational outcomes of Children in Need of help and protection](#)' contains further information; the conclusion of the review, '[Help, protection, education](#)' sets out action Government is taking to support this.

Children missing from education

141. Children missing education, particularly persistently, can act as a vital warning sign to a range of safeguarding issues including neglect, sexual abuse and child sexual and criminal exploitation. It is important the school or college's response to children missing education supports identifying such abuse and also helps prevent the risk of

them going missing in future. This includes when problems are first emerging but also where children are already known to local authority children's social care and need a social worker (such as on a child in need or child protection plan, or as a looked after child), where going missing from education may increase known safeguarding risks within the family or in the community. Further information and support, includes:

- 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](#).

Children requiring mental health support

142. Schools and colleges have an important role to play in supporting the mental health and wellbeing of their pupils.

143. Mental health problems can, in some cases, be an indicator that a child has suffered or is at risk of suffering abuse, neglect or exploitation. Governing bodies and proprietors should ensure they have clear systems and processes in place for identifying possible mental health problems, including routes to escalate and clear referral and accountability systems.

144. Schools and colleges can access a range of advice to help them identify children in need of extra mental health support, this includes working with external agencies. More information can be found in the [mental health and behaviour in schools guidance](#), colleges may also wish to follow this guidance as best practice.

145. The department is providing funding to support costs of a significant training programme for senior mental health leads and the national rollout of the Link Programme. Training for senior mental health leads, will be available (subject to contract) from June 2020 and available to all state-funded schools and colleges by 2025, to help introduce or develop their whole school or college approach to mental health and support embedding it alongside their safeguarding approach.

Looked-after children and previously looked-after children

146. The most common reason for children becoming looked-after³¹ is as a result of abuse and/or neglect. As with other children who need a social worker, previous experiences of adversity and trauma can leave looked after children vulnerable to further harm. Governing bodies and proprietors should ensure that staff have the skills, knowledge and understanding to keep looked-after children safe and to promote their welfare, including educational outcomes.

147. 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 the child's 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 lead³² should have details of the child's social worker and the name of the virtual school head in the local authority that looks after the child.

148. It is important that school and college staff are aware of how these children's experiences, and their high prevalence of special educational needs and mental health needs, can impact on their behaviour and education. A previously looked-after child potentially remains vulnerable and all staff should have the skills, knowledge and understanding to keep previously looked-after children safe. When dealing with looked-after children and previously looked-after children, it is important that all agencies work together and prompt action is taken when necessary to safeguard these children, who are a particularly vulnerable group.

The designated teacher

149. Governing bodies of maintained schools and proprietors of academies **must** appoint a designated teacher³³ and should work with local authorities to promote the educational achievement of registered pupils who are looked-after. With the commencement of sections 4 to 6 of the Children and Social Work Act 2017, designated teachers have responsibility for promoting the educational achievement of children who have left care through adoption, special guardianship or child arrangement orders or who

³¹ A child who is looked after by a local authority (referred to as a looked-after-child) as defined in section 22 Children Act 1989, means a child who is subject to a care order (interim or full care order) or who is voluntarily accommodated by the local authority.

³² In maintained schools and academies the designated safeguarding lead should work closely with the designated teacher.

³³ Section 20 of the Children and Young Persons Act 2008 sets this requirement for maintained schools. This legislation and accompanying statutory guidance on [the role of designated teacher](#) applies to academies through their funding agreements.

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were adopted from state care outside England and Wales.³⁴ The designated teacher **must** have appropriate training and the relevant qualifications and experience.³⁵ In other schools and colleges, an appropriately trained teacher should take the lead.

150. Statutory guidance contains further information on [The Role and Responsibilities of the Designated Teacher](#).

Virtual school heads

151. The Virtual School Head³⁶ is the lead responsible officer for ensuring that arrangements are in place to improve the educational experiences and outcomes of a local authority's looked-after children,³⁷ including those placed out-of-authority. The Virtual School Head should ensure the educational attainment and progress of children looked after by the local authority are monitored and evaluated as if those children attended a single school. The Virtual School Head is also responsible for managing pupil premium plus for looked-after children.

152. In maintained schools and academies the designated teacher should work with the Virtual School Head to promote the educational achievement of previously looked-after children, including discussing how 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.³⁸ In other schools and colleges, an appropriately trained teacher should take the lead. Statutory guidance on [Promoting the Education of Looked After Children](#) contains further information on the roles and responsibilities of Virtual School Heads. Local authority commissioners should also be aware of the opportunities for placing looked-after children at boarding schools where appropriate. Further guidance is provided by [Boarding School Partnerships](#) which is supported by the Department.

153. As with designated teachers, following the commencement of sections 4 to 6 of the Children and Social Work Act 2017, Virtual School Heads have responsibilities towards children who have left care through adoption, special guardianship or child arrangement orders or who were adopted from state care outside England or Wales.

³⁴ For the purposes of the role of the virtual school head and designated teacher, under the Children and Social Work Act 2017, previously looked-after children are those who: are no longer looked after by a local authority in England and Wales (as defined by the Children Act 1989 or Part 6 of the Social Services and Well-being (Wales) Act 2014) because they are the subject of an adoption, special guardianship or child arrangements order; or were adopted from 'state care' outside England and Wales.

³⁵ Section 20(3) of the Children and Young Persons Act 2008 and regulation 3 of the Designated Teacher (Looked-After Pupils etc) (England) Regulations 2009.

³⁶ Section 22(3B) of the Children Act 1989 requires local authorities in England to appoint at least one person for the purpose of discharging the local authority's duty to promote the educational achievement of its looked-after children. That person (known as the virtual school head) must be an officer employed by the authority or another local authority in England.

³⁷ Pupil premium plus for previously looked-after children is managed by their school.

³⁸ All looked-after children must have a personal education plan (PEP). This is part of the care plan that the local authority looking after the child must have in place and review regularly.

Their primary role for this group will be the provision of information and advice to relevant parties.³⁹

Care leavers

154. Local authorities have on-going responsibilities to the young people who cease to be looked after and become care leavers.⁴⁰ That includes keeping in touch with them, preparing an assessment of their needs and appointing a personal adviser who develops a pathway plan with the young person. This plan describes how the local authority will support the care leaver to participate in education or training. Designated safeguarding leads should therefore have details of the local authority Personal Advisor appointed to guide and support the care leaver and should liaise with them as necessary regarding any issues of concern affecting the care leaver.

The use of 'reasonable force' in schools and colleges

155. 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.

156. The department 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.

157. When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities, mental health or with medical conditions, schools and colleges should in considering the risks carefully recognise the additional vulnerability of

³⁹ Any person that has parental responsibility for the child; providers of funded early years education, designated teachers for previously looked-after children in maintained schools and academies, and any other person the authority considers appropriate for promoting the educational achievement of relevant children.

⁴⁰ A care leaver who is 16 or 17 (referred to in legislation as a 'relevant child' is defined in section 23A(2) of the Children Act 1989 as a child who is (a) not looked after (b) aged 16 or 17, and (c) was, before ceasing to be looked after by a local authority, looked after for a period of 13 weeks, or periods amounting in total to 13 weeks, beginning after s/he reached the age of 14 and ended after s/he reached the age of 16.

these groups. They should also comply with their duties under the Equality Act 2010⁴¹ in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty.⁴² 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.

158. Departmental advice for schools is available at [Use of Reasonable Force in Schools](#).

159. For information about how to support children and young people with learning disabilities, autistic spectrum conditions and mental health difficulties who are at risk of restrictive intervention can be found at [Reducing the need for restraint and restrictive intervention](#).

Use of school or college premises for non-school/college activities

160. Where governing bodies or proprietors hire or rent out school or college facilities/premises to organisations or individuals (for example to community groups, sports associations and service providers to run community or extra-curricular activities) they should ensure that appropriate arrangements are in place to keep children safe.

161. When services or activities are provided by the governing body or proprietor, under the direct supervision or management of their school or college staff, their arrangements for child protection will apply. However, where services or activities are provided separately by another body this is not necessarily the case. The governing body or proprietor should therefore seek assurance that the body concerned has appropriate safeguarding and child protection policies and procedures in place (including inspecting these as needed); and ensure that there are arrangements in place to liaise with the school or college on these matters where appropriate. The governing body or proprietor should also ensure safeguarding requirements are included in any transfer of control agreement (i.e. lease or hire agreement), as a condition of use and occupation of the premises; and that failure to comply with this would lead to termination of the agreement.

⁴¹ [Advice for Schools](#) and [Advice for Further and Higher Education](#).

⁴² Compliance with the Public Sector Equality Duty (PSED) is a legal requirement for schools and colleges that are public bodies. The Equality and Human Rights Commission provides the following general guidance for schools that are subject to the [PSED](#).

Boarding schools, residential special schools, residential colleges and children's homes

162. Boarding schools, residential special schools, residential colleges and children's homes have additional factors to consider with regard to safeguarding. Schools and colleges that provide such residential accommodation and/or are registered as children's homes should be alert to signs of abuse in such settings (for example, inappropriate pupil or student relationships and the potential for peer on peer abuse, particularly in schools and colleges with a significant gender imbalance) and work closely with the host local authority and, where relevant, any local authorities that have placed their children there.

163. Boarding schools, residential special schools, residential colleges and children's homes have additional requirements in regard to safeguarding. These relate to National Minimum Standards and regulations for the relevant setting and all schools and colleges with residential provision for children **must** comply with their obligations relating to them.

164. The relevant standards and guidance for each sector are on GOV.UK and the relevant links are listed below:

- [The National Minimum Standards for Boarding Schools](#)
- [The National Minimum Standards for Residential Special Schools](#)
- [Further Education residential accommodation: National Minimum Standards](#)
- [Guide to the Children's Homes Regulations](#)

165. In addition, the Visits to Children in Long-Term Residential Care Regulations 2011⁴³ apply to children and young people living away from home in residential settings for periods of 3 months or more (including those placed in residential schools and colleges). An appropriate representative from the accommodating local authority **must** visit these settings to ensure the welfare of these children.

⁴³ www.legislation.gov.uk

Part three: Safer recruitment

166. This part of the guidance follows the recruitment process.

167. There are four sections providing schools and colleges with the legal requirements and important information about:

- i. [the recruitment and selection process;](#)
- ii. [pre-appointment and vetting checks, regulated activity and recording of information;](#)
- iii. [other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings; and](#)
- i.v. [how to ensure the ongoing safeguarding of children and the legal reporting duties on employers.](#)

i. Recruitment and selection process

168. This section focuses on ensuring potential applicants are given the right messages about the school and college's commitment to recruit suitable people.

169. It is vital that governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in schools and colleges.

170. Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training, the substance of which should at a minimum cover the content of Part three of this guidance.

171. The School Staffing (England) Regulations 2009 and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training.⁴⁴ Governing bodies of maintained schools and management committees of PRUs may choose appropriate training and may take advice from the local three safeguarding partners in doing so.

⁴⁴ <http://www.legislation.gov.uk/>.

Advert

172. Schools and colleges should think about including the following information when defining the role (through the job or role description and person specification):

- the skills, abilities, experience, attitude and behaviours required for the post; and
- what are the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children. See page 47 for further information about regulated activity.

173. The advert should include:

- the school's or college's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken;
- the safeguarding responsibilities of the post as per the job description and person specification; and
- whether the post is exempt from the Rehabilitation of Offenders Act 1974 and therefore that the amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure and cannot be taken into account. Further information about filtering offences can be found at [DBS filtering guide](#).

Application forms

174. Where a role involves engaging in regulated activity relevant to children, schools and colleges should include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.⁴⁵

175. Schools and colleges should also provide a copy of the school's or college's child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.

176. Schools and colleges should require applicants to provide:

- personal details, current and former names, current address and NI number;
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- details of their present (or last) employment and reason for leaving;

⁴⁵ section 7(1)(a) of the SVGA 2006.

- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment;
- qualifications, the awarding body and date of award;
- details of referees/references (see below for further information); and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

177. Schools and colleges should not accept copies of curriculum vitae in place of an application form.

Shortlisting

178. Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. For example:

- criminal history;
- being known to the police and children's services;
- prohibition from teaching or management of an independent school;
- childcare disqualification; and
- relevant overseas information.

179. This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.

180. In addition, the applicant should be asked to confirm that they are not on the children's barred list, or prohibited from carrying out teaching work in schools and colleges, and that all information provided is true and that where there is an electronic signature the shortlisted candidate physically signs a hard copy of the application at point of interview.

181. The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview, before the DBS certificate is received.

182. Schools and colleges should:

- ensure that at least two people carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach);

- consider any inconsistencies and look for gaps in employment and reasons given for them; and
- explore all potential concerns.

Employment history and references

183. The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Schools and colleges should obtain references before interview, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

184. Schools and colleges should:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children);
- always verify any information with the person who provided the reference;
- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post;
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed; and
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

185. When asked to provide references schools and colleges should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations but should not include information about allegations which are unsubstantiated, unfounded, false or malicious.

Selection

186. Schools and colleges should use a range of selection techniques to identify the most suitable person for the post. Those interviewing should agree structured questions.

These should include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children;
- exploring skills and asking for examples of experience of working with children which are relevant to the role; and
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

187. The interviews should be used to explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal;
- lack of recognition and/or understanding of the vulnerability of children;
- inappropriate idealisation of children;
- inadequate understanding of appropriate boundaries between adults and children; and
- indicators of negative safeguarding behaviours.

188. Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

189. Pupils/students should be involved in the recruitment process in a meaningful way. Observing short listed candidates and appropriately supervised interaction with pupils/students is common and recognised as good practice.

190. All information considered in decision making should be clearly recorded along with decisions made.

ii. Pre-appointment vetting checks, regulated activity and recording information

191. This section provides the legal requirements that governing bodies and proprietors need to understand (and which **must** be carried out) when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out. These checks will help identify whether a person may be unsuitable to work with children. They should be seen as the **first part** of

a wider safeguarding regime which will carry on following appointment. This section also explains what information schools and colleges **must** record on the single central record.

192. All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks. Schools and colleges **must**:

- verify a candidate's identity. Identification checking guidelines can be found on the [GOV.UK](https://www.gov.uk) website - it is important to be sure that the person is who they claim to be;
- obtain (via the applicant) an enhanced DBS check (including children's barred list information, for those who will be engaging in regulated activity with children);^{46 47}
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- obtain a separate children's barred list check if an individual will start work in regulated activity with children before the DBS certificate is available;
- verify the candidate's mental and physical fitness to carry out their work responsibilities.⁴⁹ A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role;⁵⁰
- verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then schools and colleges should follow advice on the [GOV.UK](https://www.gov.uk) website;
- if the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see 239-244); and
- verify professional qualifications, as appropriate. The Teacher Regulation Agency's (TRA) Teacher Services' system should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

⁴⁶ Where the individual will be or is engaging in regulated activity, schools and colleges will need to ensure that they confirm on the DBS application that they have the right to barred list information.

⁴⁷ Regulations 12 and 24 of the School Staffing (England) Regulations 2009 for maintained schools also apply to the management committee of pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007. Part 4 of the Schedule to The Education (Independent School Standards) Regulations 2014 applies to independent schools, including free schools and academies. The Schedule to the Non-Maintained Special Schools (England) Regulations 2015 applies to non-maintained special schools.

⁴⁸ Regulation 5 of the Further Education (Providers of Education) (England) Regulations 2006 applies to further education institutions. Further Education providers should also note Regulation 10 of the Further Education (Providers of Education) (England) Regulations 2006, which requires that members of staff (other than agency staff) who move from positions not involving the provision of education into a position involving the provision of education are to be treated as new staff members.

⁴⁹ Education (Health Standards) (England) Regulations 2003 - see also [fitness to teach circular](#).

⁵⁰ Section 60 of the Equality Act 2010.

In addition:

- independent schools, including academies and free schools, **must** check that a person taking up a management position as described at paragraph 216 is not subject to a section 128 direction made by the Secretary of State see paragraphs 216-220 for further information about section 128 directions;
- all schools **must** ensure that an applicant to be employed to carry out teaching work⁵¹ is not subject to a prohibition order issued by the Secretary of State (see paragraph 212 for prohibition checks and 226 for GTCE), or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012;
- before employing a person to carry out teaching work in relation to children, colleges **must** take reasonable steps to establish whether that person is subject to a prohibition order issued by the Secretary of State; and
- All schools and colleges providing childcare⁵² **must** ensure that appropriate checks are carried out to ensure that individuals employed to work in reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations. Further details about the application of these arrangements are provided at paragraphs 221-225.

Applicant moving from previous post

193. There is no requirement for a school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked, in a school in England, in a post:

- which brought the person regularly into contact with children or young persons; or
- to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons; or
- in another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

⁵¹ The Teachers' Disciplinary (England) Regulations 2012 define teaching work as: planned and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils.

⁵² Childcare Act section 76(2).

194. For a college there is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked in:

- a school in England in a position which brought him or her regularly into contact with persons aged under 18; or
- another institution within the further education sector in England, or in a 16 to 19 academy, in a position which involved the provision of education and caring for, training, supervising or being solely in charge of persons aged under 18.

195. Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, schools or colleges may still choose to request one if they wish. However, schools and colleges **must** still carry out all other pre-appointment checks (as listed at 192), including where the individual is engaging in regulated activity with children, a children's barred list check.

Regulated activity

196. In summary, a person will be engaging in regulated activity with children 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;
- will be working on a regular basis in a specified establishment, such as a school, for or in connection with the purposes of the establishment, where the work gives opportunity for contact with children; or
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Further details on regulated activity below.

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 [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.⁵³ 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:
 - o 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;⁵⁴
 - o health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve teaching, training; and
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.

⁵³ The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving a vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

Types of DBS checks

197. These are the types of checks available.

- **Basic DBS check** – this provides details of convictions and cautions considered to be ‘unspent’ under the terms of the Rehabilitation of Offenders Act 1974.
- **Standard DBS check** –this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.
- **Enhanced DBS check** – this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for **must** be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.⁵⁵
- **Enhanced DBS check with children’s barred list information** – where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children’s barred list, along with a check of the Police National Computer records plus additional information held by police as above. The position **must** be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check can also include information as to whether an individual is subject to a s.128 direction. However, they have to use specific wording in the position applied for field (see paragraph 219).

⁵⁴ It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.

⁵⁵ This legislation does not provide a list of job roles that are eligible for this check – such a list does not exist. Instead, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 sets out the ‘exempted questions’ for which a Standard DBS check can be obtained. Similarly, the Police Act 1997 (Criminal Records) Regulations 2002 set out the purposes for which an Enhanced DBS check can be obtained, and the Police Act 1997 (Criminal Records) (No 2) Regulations 2009) list the circumstances in which an application for an Enhanced DBS check can also include suitability information relating to children (a children’s barred list check and confirmation as to whether an individual is subject to a s.128 direction). It is important to note that the Regulations can also remove roles, duties or activities through the removal of an exempted question or of a particular purpose. Any individual (including an applicant for a job which does not involve working with children) can be asked to apply for a Basic criminal record check. This will show only unspent convictions and cautions. Further details can be found on gov.uk.

Considering which type of check is required

198. Most staff in a school and those in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children's barred list information, will be required.

199. For all other staff (e.g. contractors) 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.

200. Barred list information **must not** be requested on any person who is not engaging in or seeking to engage in regulated activity.

201. The flowchart below provides more information on the decision making process.

202. Where a DBS certificate is required, it **must** be obtained from the candidate before, or as soon as practicable after, the person's appointment.

203. Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant **must** show the original paper DBS certificate to their potential employer before they take up post, or as soon as practicable afterwards. Schools and colleges will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process. DBS guidance on how to check a DBS certificate can be found on [GOV.UK](https://www.gov.uk).

204. Schools and colleges should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school or college can defend its decision, in line with its policy on recruitment of ex-offenders.

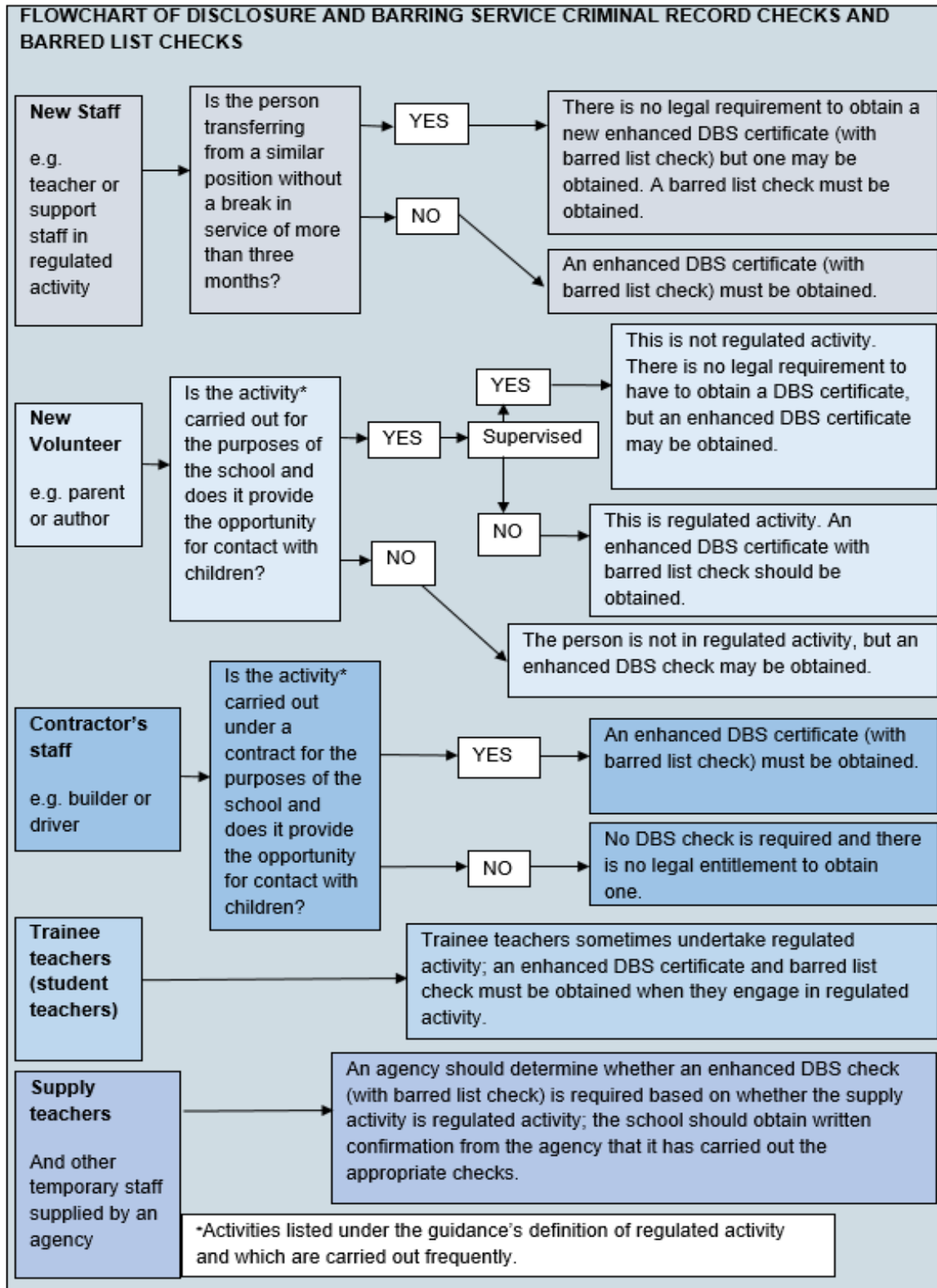
205. When assessing any disclosure information on a DBS certificate schools and colleges should take into consideration the explanation from the applicant, including for example:

- the seriousness and relevance to the post applied for;
- how long ago the offence occurred;
- whether it was a one-off incident or a history of incidents;
- the circumstances around the incident; and
- has the individual accepted responsibility for their actions?

206. The school or college should also consider the incident in the context of the [Teachers' Standards](#) and [Teacher misconduct guidance](#), if the applicant is applying for a teaching post.

207. Where a school or college allows an individual to start work in regulated activity relating to children before the DBS certificate is available, it should ensure that the

individual is appropriately supervised and that **all other** checks, including a separate **children’s barred list check**, have been completed.



DBS Update Service

208. Individuals can join the DBS Update Service⁵⁶ at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

209. As good practice, many schools and colleges require new staff to join the Update Service as part of their employment contract. The benefits of joining the Update Service are:

- portability of a DBS check across employers;
- free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new DBS check; and
- that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

210. Before using the Update Service, schools and colleges should:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check;
- confirm the DBS certificate matches the individual's identity;
- examine the original certificate to ensure that it is valid for the child workforce; and
- and that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including suitability information.

211. Further information about the Update Service, including when updated information can be used, can be found on [GOV.UK](https://www.gov.uk).

⁵⁶ There is an annual fee for applicants using the update service.

Prohibitions, directions, sanctions and restrictions

Secretary of State teacher prohibition, and interim prohibition orders⁵⁷ 58

212. Teacher prohibition and interim prohibition orders, prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012) in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children's homes in England. Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. The TRA's role in making prohibition orders and the processes used to impose them are described in more detail in the publication "[Teacher misconduct: disciplinary procedures for the teaching profession](#)" and "[Teacher misconduct: the prohibition of teachers: Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession](#)".

213. A person who is prohibited **must not** be appointed to a role that involves teaching work (as defined in the Teachers' Disciplinary (England) Regulations 2012 (see footnote 51)).

How to check for prohibitions, directions, sanctions and restrictions – TRA, Teacher Services checking system

214. Schools and colleges can log onto the Secure Access/DfE Sign-in Portal via the [Teacher Services' web page](#). Secure Access/DfE Sign-in is a free service available to all schools and colleges. Registration is required for first time users and can be requested from Teacher Services.

215. Further information about using this system to carry out a range of 'teacher status checks'⁵⁹ including verification of qualified teacher status (QTS) and the completion of

⁵⁷ Prohibition orders are made by the Secretary of State under section 141B of the Education Act 2002. The Teachers' Disciplinary (England) Regulations 2012 apply to schools and sixth form colleges and any person that is subject to a prohibition order is prohibited from carrying out teaching work in those establishments. By virtue of their Conditions of Funding in respect of funding received from the Education and Skills Funding Agency, colleges may not employ or engage a person who is subject to a prohibition order to carry out teaching work.

⁵⁸ The School Staffing (England) Regulations 2009, the Non-Maintained Special Schools (England) Regulations 2015 and the Education (Independent School Standards) Regulations 2014 require governing bodies or proprietors (of schools and sixth form colleges) to check that a person to be appointed is not subject to an interim prohibition order. By virtue of their Conditions of Funding in respect of funding received from the Education and Skills Funding Agency, before employing a person to carry out teaching work in relation to children, colleges must take reasonable steps to establish whether that person is subject to a prohibition order made under section 141B of the Education Act 2002.

⁵⁹ The Teacher Services' system can also be used to check for the award of qualified teacher status (QTS) and the completion of teacher induction or prohibition.

teacher induction or teacher probation can be found at [GOV.UK](https://www.gov.uk). Further information about the duty to consider referring to the TRA can be found at para 355.

Secretary of State section 128 direction

216. 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 has a section 128 direction 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;
- trustee of an academy or free school trust;
 - member of a proprietor body for an independent school; or
- governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

217. Individuals taking part in ‘management’ may include those who are members of proprietor bodies (including governors if the governing body is the proprietor body for the school), and such staff positions as follows: head teacher, any teaching positions which carry a departmental headship. Whether other individuals such as teachers with additional responsibilities could be considered to be ‘taking part in management’ depends on the facts of the case.⁶⁰

218. The grounds on which a section 128 direction may be made by the Secretary of State are set out in regulations made under section 128 of the Education and Skills Act 2008.

219. A section 128 direction will be disclosed where an enhanced DBS check with children’s barred list information is requested, provided that ‘child workforce independent schools’ is specified on the application form as the position applied for. Where a person is not eligible for a children’s barred list check but will be working in a management position in an independent school, a section 128 check should be carried out using the TRA’s Teacher Services site.

220. A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.⁶¹

⁶⁰ The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014.

⁶¹ As barred list information is required to be requested only for those school governors who are engaging in regulated activity, when proposing to recruit a governor who will not work in regulated activity, schools and colleges should use the Secure Access Portal to check whether the person is barred as a result of being prohibited under s.128.

Childcare disqualification

221. Childcare disqualification is an additional requirement to the general child safeguarding arrangements provided under the Disclosure and Barring Service (DBS) regime, which apply to all children.

222. The childcare disqualification arrangements apply to staff working with young children in childcare settings, including primary schools, nurseries and other registered settings, such as childcare provision on college sites.

223. The arrangements predominantly apply to individuals working with children aged 5 and under, including reception classes, but also apply to those working in wraparound care for children up to the age of 8, such as breakfast clubs and after school care.

224. For staff who work in childcare provision, or who are directly concerned with the management of such provision, employers need to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations.

225. Further information on the staff to whom these Regulations apply, the checks that should be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance on [GOV.UK](https://www.gov.uk).

Historic General Teaching Council for England (GTCE) sanctions and restrictions

226. There remain a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012). See paragraph 215 for login details to the TRA Secure Access system.

European Economic Area (EEA) regulating authority teacher sanctions or restrictions

227. These sanctions and restrictions are imposed by EEA professional regulating authorities on or after 18 January 2016 and which have been notified to the TRA (see also paragraphs 240-244).

Recording information

Single central record

228. Schools and colleges **must** maintain a single central record of pre-appointment checks, referred to in the Regulations⁶² as the register and more commonly known as the single central record.

229. The single central record **must** cover the following people:

- **all** staff, including teacher trainees on salaried routes (see paragraph 255), agency and third party supply staff, even if they work for one day, (see paragraph 245) at the school.
- for colleges, details of staff, including agency and supply staff providing education to children under the age of 18; 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.

230. Paragraph 231 below sets out the minimum information that **must** be recorded in respect of staff members (including teacher trainees on salaried routes). 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, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.⁶³

231. 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 or certificate obtained:

- an identity check (identification checking guidelines can be found on the [GOV.UK](https://www.gov.uk) website);
- a children's barred list check;
- an enhanced DBS check requested/certificate provided;

⁶² 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); Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014; Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006; and 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.

⁶³ Independent schools and non-maintained special schools should also include the date on which any certificate was obtained.

- a prohibition from teaching check;⁶⁴
- further checks on people who have lived or worked outside the UK (see paragraphs 240-244);
- 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;
- independent schools (including academies and free schools) **must** record details of the section 128 checks undertaken for those in management positions; and
- 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.

232. The details of an individual should be removed from the single central record once they no longer work at the school or college.

Non statutory information

233. Schools and colleges are free to record any other information they deem relevant. For example:

- whether relevant staff have been informed of their duty to disclose relevant information under the childcare disqualification arrangements;
- checks made on volunteers;
- checks made on governors, where required;
- dates on which safeguarding and safer recruitment training was undertaken; and
- the name of the person who carried out each check.

234. The single central record can be kept in paper or electronic form.

⁶⁴ There is no requirement for colleges to record this information, however, as part of the funding agreement colleges must have robust record keeping procedures in place.

Multi Academy Trusts (MATs)

235. MATs **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.

Retention of documents

236. 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, there should be a valid reason for doing so and it should not be kept for longer than six months.

237. Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by GDPR/DPA 2018 Article 10.⁶⁵ A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept on their personnel file.

238. Further information on handling DBS information can be found on [GOV.UK](https://www.gov.uk).

iii. Other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings

239. This section sets out the checks that are necessary for individuals who have lived or worked outside the UK; agency and third party staff; contractors; trainee teachers; volunteers; governors and proprietors. It also sets out responsibilities placed on schools and colleges in relation to other settings, including alternative provision, work experience and host families.

Individuals who have lived or worked outside the UK

240. Individuals who have lived or worked outside the UK **must** undergo the same checks as all other staff in schools or colleges (see paragraph 192). Additionally, employers **must** make any further checks they think appropriate. It is good practice to carry out checks for individuals who have lived or worked abroad for more than three

⁶⁵ [Article 10](#)

months during their adult life. This allows any relevant events that occurred outside the UK to be considered as part of the recruitment process.

241. Where practical schools and colleges should check whether the applicant has a criminal record from the relevant authority in that country. Where this information is not available schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

242. Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. Schools and colleges should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas applicants which can be found on GOV.UK.

243. Applicants for a teaching position may be able to provide a certificate of professional competence issued by the professional regulating authority in the country in which the applicant qualified as a teacher and or has worked, and this can be used to help assess the suitability of an applicant who has worked overseas. Although restrictions imposed by another 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.

244. Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available [here](#).

Agency and third party staff (supply staff)

245. Schools and colleges **must** obtain written notification from any agency, or third party organisation, that they have carried out the checks on an individual who will be working at the school or college that the school or college would otherwise perform.⁶⁶ In respect of the enhanced DBS check, schools and colleges **must** ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

⁶⁶ Colleges must comply with regulations 11 to 19 of The Further Education (Providers of Education) (England) Regulations 2006 in respect of agency workers; maintained schools must comply with regulations 18 and 30 of the School Staffing (England) Regulations 2009; non-maintained special schools must comply with paragraphs 5 and 16 of the Schedule to The Non-Maintained Special Schools (England) Regulations 2015; and independent schools (including academies and free schools) must comply with paragraph 19 of the Schedule to The Education (Independent School Standards) Regulation 2014.

246. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school, which has disclosed any matter or information, or any information was provided to the employment business, the school or college **must** obtain a copy of the certificate from the agency.

247. Where the position requires a children's barred list check, this **must** be obtained by the agency or third party prior to appointing the individual.

248. The school or college should also check that the person presenting themselves for work is the same person on whom the checks have been made.

Contractors

249. Where schools and colleges use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the school or college.

250. Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating to children will require an enhanced DBS check (including children's barred list information).

251. For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required.⁶⁷ In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor does not have opportunity for regular contact with children, schools and colleges should decide on whether a standard DBS disclosure would be appropriate.

252. Under no circumstances should a contractor on whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.

253. If an individual working at a school or college is self-employed, the school or college should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

254. Schools and colleges should always check the identity of contractors on arrival at the school or college.

⁶⁷ It will only be possible to obtain an enhanced DBS certificate for contractors in colleges which are exclusively or mainly for the provision of full-time education to children.

Trainee/student teachers

255. 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. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) **must** be obtained.

256. 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.

257. There is no requirement for the school or college to record details of fee-funded trainees on the single central record.⁶⁸

Visitors

258. Schools and colleges should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.

259. Headteachers and principals should use their professional judgment about the need to escort or supervise such visitors.

260. Whilst external organisations can provide a varied and useful range of information, resources and speakers that can help schools and colleges enrich children's education, careful consideration **must** be given to the suitability of any external organisations.

261. School and college safeguarding policies should set out the arrangements for individuals coming onto its premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

Volunteers

262. Volunteers play an important role and are often seen by children as being safe and trustworthy adults. The nature of voluntary roles varies, so schools and colleges should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required.

⁶⁸ Teaching Regulations Agency (TRA) <https://www.gov.uk/government/publications/initial-teacher-training-criteria>.

263. The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;
- 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; and
- whether the role is eligible for a DBS check and if it is, what level is appropriate.

Details of the risk assessment should be recorded.⁶⁹

264. Under no circumstances should a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

265. 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.

Existing volunteers

266. Volunteers engaging in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information), unless the school or college have any concerns.

When should a DBS with barred list be obtained for volunteers?

267. Schools or colleges should obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges. See Annex F for statutory supervision guidance.

268. Employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

Supervision of volunteers

269. It is for schools and colleges to determine whether a volunteer is considered to be supervised. Where an individual is supervised, to help determine the appropriate level of

⁶⁹ Schools and colleges are free to determine where to store this information.

supervision, schools and colleges **must** have regard to the statutory guidance issued by the Secretary of State (replicated at Annex F).

270. This guidance requires that, for a person to be considered supervised, the supervision **must** be:

- by a person who is in regulated activity relating to children;⁷⁰
- regular and day to day; and
- reasonable in all the circumstances to ensure the protection of children.

Maintained school governors

271. Governors in maintained schools are required to have an enhanced DBS check.⁷¹ It is the responsibility of the governing body to apply for the certificate for any governors who do not already have one.

272. Governance is not a regulated activity relating to children, so governors do not need a children's barred list check unless, in addition to their governance duties, they also engage in regulated activity.

273. Schools should also carry out a section 128 check for school governors, because a person subject to one is disqualified from being a governor in a maintained school. Using the free Employer Secure Access sign-in portal via the Teaching Regulation Authority (TRA) Teacher Services web page, schools can check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction. There is no requirement for schools to record this information on the single central record, see paragraph 233 on recording non-statutory information.

274. Associate members are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 which make enhanced DBS checks mandatory for maintained school governors do not apply to associate members who are not covered under these regulations.

⁷⁰ It should be noted that if the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.

⁷¹ The School Governance (Constitution) (England) Regulations 2012 were amended by the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 to include this requirement.

Sixth form college governors

275. Governing bodies in sixth form colleges can request an enhanced DBS check without a children's barred list check on an individual as part of the appointment process for governors.

276. An enhanced DBS check with children's barred list information should only be requested if the governor will be engaging in regulated activity relating to children. This applies equally to volunteer governors who will be engaging in regulated activity, who 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 academies⁷²

277. 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: ^{73 74}

- carry out an enhanced DBS check; and where such a check is made, obtain an enhanced DBS certificate (either including or not including children's barred list information as appropriate);⁷⁵
- confirm the individual's identity; and
- if the individual lives or has lived outside of the UK, where applying for an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

278. The Secretary of State also undertakes these checks in respect of the chair of governing bodies of non-maintained special schools.⁷⁶

279. 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.⁷⁷

280. 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 the chair **must** ensure that

⁷² The proprietor of an academy or free school or alternative provision academy or free school is the academy trust.

⁷³ Paragraph 20 of the Schedule to the Education (Independent Schools Standards) Regulation 2014.

⁷⁴ This will include an academy trust of any academy or free school, other than for 16-19 academies or free schools.

⁷⁵ Regulation 2(5) of the Education (Independent School Standards) Regulations 2014 sets out when such checks are considered relevant.

⁷⁶ Paragraphs 6 and 17 of the Schedule to The Non-Maintained Special Schools (England) Regulations 2015.

⁷⁷ Paragraph 20(7) of the Schedule to the Education (Independent School Standards) Regulations 2014.

identity checks are completed before, or as soon as practicable after, any individual takes up their position.

281. 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).

282. 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 check is not sufficient to establish an individual's suitability to work in a school.

283. 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.⁷⁸ Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS checks for permanent and supply staff.⁷⁹

284. 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 members of such committees.⁸⁰ 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 216).

Alternative provision

285. 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.

286. 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.

⁷⁸ As required in the funding agreement.

⁷⁹ The Education (Independent School Standards) Regulations 2014. The regulations do not apply to 16-19 free schools and academies.

⁸⁰ As required in an academy trust's articles of association.

Adults who supervise children on work experience

287. Schools and colleges organising work experience placements should ensure that the placement provider has policies and procedures in place to protect children from harm.⁸¹

288. Children's barred list checks via the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement.⁸² The school or college should consider the specific circumstances of the work experience. Consideration **must** be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary.

289. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

290. If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity relating to children. If so, the school or college could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

291. Schools and colleges are not able to request that an employer obtains an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience.⁸³

292. If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or sixth form college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity relating to children. In these cases, and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.⁸⁴

⁸¹ [Guidance on work experience.](#)

⁸² Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, which came into force on 10 September 2012.

⁸³ The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 was amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012 so that employers may no longer request checks in these circumstances.

⁸⁴ Under the Police Act 1997, an individual must be 16 or over to be able to make an application for a DBS check.

Children staying with host families (homestay)

293. Schools and colleges quite often make arrangements for their children receiving education at their institution 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).

294. In some circumstances the arrangement where children stay with UK families could amount to “private fostering” under the Children Act 1989.

Private fostering - LA notification when identified

295. Private fostering⁸⁵ occurs when a child under the age of 16 (under 18 for young people with a disability) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home.

296. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer. Such arrangements may come to the attention of school staff through the normal course of their interaction, and promotion of learning activities, with children.

297. Where the arrangements come to the attention of the school or college (and the school or college is not involved in the arrangements), they should then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child. Schools and colleges who are involved (whether or not directly) in arranging for a child to be fostered privately **must** notify local authorities of the arrangement as soon as possible after the arrangement has been made. Notifications **must** contain the information specified in Schedule 1 of The Children (Private Arrangements for Fostering) Regulations 2005 and **must** be made in writing.

298. Comprehensive guidance on private fostering can be found here: [Private fostering: local authorities.](#)

iv. How to ensure the ongoing safeguarding of children and the legal reporting duties on employers

299. This sections explains the importance of safeguarding vigilance beyond the recruitment process.

⁸⁵ Part 9 of the Children Act 1989.

300. Safer recruitment is not just about carrying out the right DBS checks. Similarly safeguarding should not be limited to recruitment procedures. Good safeguarding requires a continuing commitment from all staff to ensure the safety and welfare of children is embedded in all of the organisation's processes and procedures, and consequentially enshrined in its ethos. See Parts one and two of this guidance for information about providing a coordinated whole school and college approach to safeguarding.

Ongoing vigilance

301. Governing bodies and proprietors should ensure they have processes in place for continuous vigilance, maintaining an environment that deters and prevents abuse and challenges inappropriate behaviour.

302. To support this, it is important that school and college leaders create the right culture and environment so that staff feel comfortable to discuss matters both within, and where it is appropriate, outside of the workplace, which may have implications for the safeguarding of children. This can assist employers to support staff, where there is a need, and help them manage children's safety and welfare, potentially providing them with information that will help them consider whether there are further measures or changes to procedures that need to be put in place to safeguard children in their care.

Existing staff

303. There are limited circumstances where schools and colleges will need to carry out new checks on existing staff. These are when:

- an individual working at the school or college moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity **must** be carried out;
- there has been a break in service of 12 weeks or more; or
- there are concerns about an individual's suitability to work with children.

304. 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 192).

Duty to refer to the Disclosure and Barring Service

305. Schools and colleges have a **legal duty** to refer to the DBS anyone who is removed from working (paid or unpaid) in regulated activity or would have been removed had they not left, and it is thought:

- the harm test is satisfied in respect of that individual;
- the individual has received a caution or conviction for a relevant offence; or
- the individual has engaged in relevant conduct.⁸⁶

306. The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information **must** be provided, can be found on GOV.UK.

307. 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.

308. 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](https://www.gov.uk).

Duty to consider referral to the Teaching Regulation Agency

309. Where a school 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.

310. 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.⁸⁷ Details about how to make a referral to the TRA can be found on [GOV.UK](https://www.gov.uk).

⁸⁶ The list of offences is set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009 (SI 2009 No. 37) (amended).

⁸⁷ Sections 141D and 141E of the Education Act 2002 do not apply to colleges (other than sixth form colleges).

Part four: Allegations made against teachers, including supply teachers, other staff, volunteers and contractors

310. This part of the guidance is about managing cases of allegations that might indicate a person would pose a risk of harm⁸⁸ if they continue to work in their present position, or in any capacity with children in a school or college. This guidance should be followed where it is alleged that anyone working in the school or college that provides education for children under 18 years of age, including supply teachers, volunteers and contractors 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;
- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The initial response to allegation

311. Where the school or college identify a child has been harmed, that there may be an immediate risk of harm to a child or if the situation is an emergency, they should contact children's social care services and as appropriate the police immediately as per the processes explained in Part one of this guidance.

312. Schools and colleges should have their own procedures for dealing with allegations against a member of staff, supply teacher, volunteer or contractor. These procedures should be consistent with local safeguarding procedures and practice guidance and have regard to this guidance. This includes ensuring staff know who the case manager is. This will be either the headteacher or principal, or, where the headteacher is the subject of an allegation, the chair of governors or chair of the management committee and in an independent school it will be the proprietor.

313. There are two aspects to consider when an allegation is made:

⁸⁸ The harm test is explained on the Disclosure and Barring service website on [GOV.UK. Section 31\(9\) of the Children Act 1989 as amended by the Adoption and Children Act 2002](https://www.gov.uk/guidance/section-31-9-of-the-children-act-1989-as-amended-by-the-adoption-and-children-act-2002)

1. **Looking after the welfare of the child** - the designated safeguarding lead is responsible for ensuring that the child is not at risk, referring cases of suspected abuse to the local authority children's social care as described in Part one of this guidance.

2. **Investigating and supporting the person subject to the allegation** - the case manager should discuss with the Local Authority Designated Officer (LADO), the nature, content and context of the allegation, and agree a course of action.

314. When dealing with allegations, schools and colleges should:

- apply common sense and judgement;
- deal with allegations quickly, fairly and consistently;
- provide effective protection for the child and support the person subject to the allegation;
- make clear in school and college policies to whom allegations should be reported and that this should be done without delay.

315. Schools and colleges should ensure they understand the local authority arrangements for managing allegations, including the contact details and what information the LADO will require when an allegation is made. Before contacting the LADO, schools and colleges should conduct basic enquiries in line with local procedures to establish the facts to help them determine whether there is any foundation to the allegation, being careful not to jeopardise any future police investigation. For example:

- was the individual in the school or college at the time of the allegations?
- did the individual, or could they have, come into contact with the child?
- are there any witnesses?
- was there any CCTV footage?

316. These are just a sample of example questions. Schools and colleges should be familiar with what initial information the LADO will require. This information can be found in local policy and procedural guidance provided by the LADO service.

317. When to inform the individual of the allegation should be considered carefully on a case by case basis, with guidance as required from the LADO, and if appropriate children social care and the police.

318. If there is cause to suspect a child is suffering, or is likely to suffer significant harm, a strategy discussion involving the police and/or children's social care services will be convened in accordance with the statutory guidance [Working Together to Safeguard Children](#). If the allegation is about physical contact, for example restraint, the strategy

discussion⁸⁹ or initial evaluation with the LADO 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. Further information about the use of reasonable force can be found on [GOV.UK](https://www.gov.uk).

319. Where it is clear that an investigation by the police or children's social care services is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO should discuss the next steps with the case manager.

No further action

320. Where the initial discussion leads to no further action, the case manager and the LADO should:

- record the decision and justification for it; and,
- agree on what information should be put in writing to the individual concerned and by whom.

Allegations/concerns that do not meet the harm threshold

321. Governing bodies and proprietors should have policies to deal with concerns and allegations which do not meet the harm threshold set out above. Concerns and allegations may arise in several ways from a number of sources. For example: suspicion; complaint; or disclosure made by a child, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken. It is important that schools and colleges have appropriate policies and processes in place to manage this information and take appropriate action to safeguard children.

Further enquiries

322. Where further enquiries are required to enable a decision about how to proceed, the LADO and case manager should discuss how and by whom the investigation will be undertaken. In straightforward cases, the investigation should normally be undertaken by a senior member of the school's or college's staff.

323. Where there is a lack of appropriate resource within the school or college, or the nature or complexity of the allegation requires it, the allegation will require an independent investigator. Many local authorities provide for an independent investigation of allegations for schools that are maintained by the local authority, often as part of the HR/personnel services that schools and colleges can buy in from the authority. It is

⁸⁹ The purpose of a strategy discussion and those likely to be involved is described in Working Together to Safeguard Children

important that local authorities ensure that schools and colleges in that area have access to an affordable facility for independent investigation where that is appropriate.

Academies and independent schools should ensure they secure the services of a person who is independent of the school.

324. The case manager should monitor the progress of cases to ensure that they are dealt with as quickly as possible in a thorough and fair process. Reviews should be conducted at fortnightly or monthly intervals, depending on the complexity of the case.

325. Wherever possible, the first review should take place no later than four weeks after the initial assessment. Dates for subsequent reviews, ideally at fortnightly intervals, should be set at the review meeting if the investigation continues. The LADO will provide advice and guidance to schools and colleges when considering allegations against adults working with children. The LADO role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out, whether that is by the police, children's social care, the school or college, or a combination of these.

Supply teachers

326. In some circumstances schools and colleges will have to consider an allegation against an individual not directly employed by them, where its disciplinary procedures do not fully apply; for example, supply teachers provided by an employment agency or business.

327. Whilst schools and colleges are not the employer of supply teachers, they should ensure allegations are dealt with properly. In no circumstances should a school or college decide to cease to use a supply teacher due to safeguarding concerns, without finding out the facts and liaising with the LADO to determine a suitable outcome. Governing bodies and proprietors should discuss with the supply agency whether it is appropriate to suspend the supply teacher, or redeploy them to another part of the school, whilst they carry out their investigation.

328. Agencies should be fully involved and co-operate with any enquiries from the LADO, police and/or children's social services. The school or college will usually take the lead because agencies do not have direct access to children or other school staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process. Supply teachers, whilst not employed by the school or college, are under the supervision, direction and control of the governing body or proprietor when working in the school or college. They should be advised to contact their trade union representative if they have one, or a colleague for support. The allegations management meeting which is often arranged by the LADO should address issues such as information sharing, to ensure that

any previous concerns or allegations known to the agency are taken into account by the school during the investigation.

329. When using a supply agency, schools and colleges should inform the agency of its process for managing allegations. This should include inviting the agency's human resource manager or equivalent to meetings and keeping them up to date with information about its policies.

Governors

330. If an allegation is made against a governor, schools and college should follow their own local procedures. Where an allegation is substantiated they should follow the procedures to consider removing them from office.

Suspension

331. 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. 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. It should be considered only in cases 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. If in doubt, the case manager should seek views from their personnel adviser and the LADO, as well as the police and children's social care where they have been involved.

332. Where the case manager is concerned about the welfare of other children in the community or the member of staff's family, they should discuss these concerns with the designated safeguarding lead and make a risk assessment of the situation. It may be necessary for the designated safeguarding lead to make a referral to the children's social services in the area in which they live.

333. 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, they should take immediate action to ensure the individual does not carry out work in contravention of the order. This means that pending the findings of the TRA investigation, the individual **must not** carry out teaching work. School and sixth form colleges should have clear policies on pay arrangements whilst the person is suspended or where there is an interim prohibition order in place.

334. In many cases, an inquiry can be resolved quickly and without the need for suspension. The employer will decide on whether the individual should continue to work at the school, based on consultation with the LADO who will provide relevant information they have received from the police or children's social care on whether they have any

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objections to the member of staff continuing to work during the investigation of the case. The case manager should be as inventive as possible to avoid suspension.

335. Based on advice from the school or college's HR provider and/or a risk analysis drawn up with the LADO, 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 where available, work for the local authority or academy trust.

336. 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 unfounded, unsubstantiated, malicious or false.

337. If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. This should also include what alternatives to suspension have been considered and why they were rejected.

338. Where it has been deemed appropriate to suspend the person, written confirmation should be given 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.

339. Children's social care services or the police may give their view to the LADO but they cannot require the case manager to suspend a member of staff or a volunteer, although the case manager should give appropriate weight to their advice. The power to suspend is vested in the governing body or proprietor who are the employers. However, where a strategy discussion, or initial assessment, concludes that there should be enquiries by the children's social care services, and/or an investigation by the police, the

LADO should canvass police and children's social care services for views about whether the accused member of staff should be suspended from contact with children. 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 about whether the person poses a risk of harm to children.

Supporting those involved

Duty of care

340. The welfare of a child is paramount (how children should be protected and supported is set out throughout this guidance) and this will be the prime concern in terms of investigating an allegation against a person in a position of trust. However, when an allegation or safeguarding concern is being investigated it is likely to be a very stressful experience for the adult subject of the investigation, and potentially for their family members. It is important that an employer offers appropriate welfare support at such a time and recognises the sensitivity of the situation. Information is confidential and should not ordinarily be shared with other staff or with children or parents who are not directly involved in the investigation.

341. Employers have a duty of care to their employees. They should:

- manage and minimise the stress caused by the allegation;
- inform the individual as soon as possible, explaining the likely course of action, guided by the LADO, and the police where necessary;
- advise the individual to contact their trade union representative, or a colleague for support;
- appoint a named representative to keep the person informed about progress of the case;
- provide access to counselling or medical advice where appropriate. For staff in schools maintained by the local authority this may include support via the local authority's occupational health arrangements; and
- when staff are suspended, do not prevent social contact with work colleagues and friends, unless there is evidence to suggest this may prejudice the gathering of evidence.

342. Parents or carers of the child or children involved should be:

- formally told about the allegation as soon as possible.⁹⁰ The case manager should consult the LADO, police or children's services (where involved) on what information can be disclosed;
- kept informed about the progress of the case, only in relation to their child - no information can be shared regarding the staff member; and
- made aware of the requirement to maintain confidentiality about any allegations made against teachers in schools whilst investigations are in progress as set out in section 141F of the Education Act 2002 (see paragraphs 343-351). If parents or carers wish to apply to the court to have reporting restrictions removed, they should be told to seek legal advice.

Confidentiality and Information sharing

343. In an allegations management meeting or during the initial assessment of the case, the agencies involved should share all relevant information they have about the person who is the subject of the allegation, and about the alleged victim, see paragraphs 91-102 in Part two about information sharing.

344. Where the police are involved, wherever possible the school or college should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the employer's disciplinary process. This should be done as their investigation proceeds and will enable the police to share relevant information without delaying the conclusion of their investigation or any court case.

345. Children's social care services should adopt a similar procedure when making enquiries to determine whether the child or children named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

346. The school and college **must** make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. The Education Act 2011 amended the Education Act 2002, to introduce reporting restrictions. These provisions made it an offence (except in the limited circumstance expressly permitted by the legislation), for any person to publish any material that may lead to the identification of a teacher in a school who has been accused by, or on behalf

⁹⁰ In deciding what information is disclosed, careful consideration should be given to the provisions of the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998.

of, a child from the same school (where that identification would identify the teacher as the subject of the allegation).

347. The reporting restrictions apply until:

- the point that the accused person is charged with a relevant offence; or
- the Secretary of State⁹¹ or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation.

348. 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 court lifts the reporting restrictions in response to a request to do so.

349. The legislation prevents the “publication” of material by any person that may lead to the identification of the teacher who is the subject of the allegation. “Publication” includes “any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public.” This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions (if what was published could lead to the identification of the teacher by members of the public). In circumstances where schools need to make parents aware about an allegation, they should make parents and others aware that there are restrictions on publishing information.

350. In accordance with the Authorised Professional Practice published by the College of Policing in May 2017, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence. (In exceptional cases where the police wish to depart from that rule, for example an appeal to trace a suspect, they **must** apply to a magistrates’ court to request that reporting restrictions be lifted).

351. The case manager should take advice from the LADO, police and children’s social care services to agree the following:

- who needs to know and exactly what information can be shared;
- how to manage speculation, leaks and gossip;
- what, if any, information can be reasonably given to the wider community to reduce speculation; and

⁹¹ Carried out by the Teaching Regulation Agency.

- how to manage press interest if, and when, it should arise.

Allegation outcomes

352. The definitions that should be used when determining the outcome of an allegation are set out below:

- **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 or cause harm to the person subject of the allegation;
- **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.

353. Ultimately the options open to the school or college depend on the nature and circumstances of the allegations and the evidence and information available. This will range from taking no further action, to dismissal or a decision not to use the person's services in future. Suspension should not be the default position, an individual should be suspended only if there is no reasonable alternative (see paragraphs 331-339 on suspension).

354. If the allegation is substantiated and:

- the person is dismissed; resigns, or otherwise ceases to provide his or her services; or
- the employer ceases to use the person's services.

355. Then the case manager should discuss with the LADO, who should make a referral to the DBS for consideration of whether inclusion on the barred lists is required.⁹² In addition, in the case of a member of teaching staff at a school or sixth form college, the case manager **must** consider whether to refer the matter to the TRA to consider prohibiting the individual from teaching.

⁹² Disclosure and Barring Service – guidance on [Referrals to the DBS](#).

356. **There is a legal requirement for employers to make a referral to the DBS where they consider 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.**

Following a criminal investigation or a prosecution

357. The police should inform the LADO and the employer immediately when:

- a criminal investigation and any subsequent trial is complete,
- it is decided to close an investigation without charge, or
- it is decided not to continue to prosecute after the person has been charged.

358. In those circumstances, during the joint evaluation meeting the LADO 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 also inform that decision. The options will depend on the circumstances of the case and the consideration should 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.

Unsubstantiated, unfounded, false or malicious allegations

359. If an allegation is determined to be unsubstantiated, unfounded, false or malicious, the LADO and the case manager should consider whether the child and/or the person who has made the allegation is in need of help, or may have been abused by someone else and this is a cry for help. In such circumstances, a referral to children's social care services may be appropriate.

360. If an allegation is shown to be deliberately invented or malicious, the headteacher, principal, governing body or proprietor should consider whether any disciplinary action is appropriate against the individual who made it; or whether the police should be asked to consider if action might be appropriate against them.

Returning to work

361. 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. Guidance and advice is usually provided via HR or the LADO. 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 attending the school or college.

Managing the situation and exit arrangements

Resignations and 'settlement agreements'

362. '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, where there are allegations that indicate the person is a risk or poses a risk of harm to children. Such an agreement will not prevent a thorough police and/or school or college investigation where that is appropriate.

363. Schools and colleges should not cease their investigations if the person leaves, resigns or ceases to provide their services. 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.

364. Wherever possible, the accused should be given full opportunity to answer the allegation and make representations about it. 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 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. The person concerned should be notified of the conclusion of the allegations and sanctions that might be posed.

365. Other than where allegations are false, malicious or unfounded, the outcome should be made clear when providing references to prospective employers. This is particularly important where the person moves into another position involving working with children.

366. It is not appropriate to reach a settlement/compromise agreement if the person subject to the allegation resigns or their services cease to be used. However, in limited circumstances schools and colleges sometimes use settlement agreements to end the employment relationship on agreed terms. Where a settlement/compromise agreement is used, schools and colleges should not let it prevent them from fulfilling their legal duty to refer cases to the DBS where the referral criteria are met – see paragraph 305. Non-compliance of this duty will result in a criminal offence.

367. In addition, schools and colleges **must** also consider whether a referral to the Secretary of State is appropriate - see paragraph 212 on teacher regulation prohibition.

Record keeping

368. Details of allegations following an investigation that are found to have been malicious or false should be removed from personnel records, unless the individual gives their consent for retention of the information. However, for all other allegations, it is important that the following information is kept on the file of the person accused:

- a clear and comprehensive summary of the allegation;
- details of how the allegation was followed up and resolved;
- a note of any action taken, and decisions reached and the outcome as categorised above;
- a copy provided to the person concerned; and,
- a declaration on whether the information will be referred to in any future reference.

369. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. 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.

370. 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.

371. 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. This can be found on the ICO website: [here](#).

References

372. Cases in which an allegation was found to be false, unsubstantiated or malicious should not be included in employer references. Any repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference. See paragraphs 183-185 for further information on references.

Learning lessons

373. Throughout the process in handling allegations and at conclusion of a case in which an allegation is substantiated, the LADO 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 to help prevent similar events in the future. This should include issues arising from any 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 LADO and case manager should consider how future investigations of a similar nature could be carried out without suspending the individual.

374. For all other cases the case manager should consider the facts and determine whether any improvements can be made.

Non recent allegations

375. Where an adult makes an allegation to a school or college that they were abused as a child, the individual should be advised to report the allegation to the police. Non recent allegations made by a child, should be reported to the LADO who will coordinate with children social care and the police. Abuse can be reported no matter how long ago it happened.

Further information

376. See the [College of Policing: Engagement, Communication and Media relations](#).

Part five: Child on child sexual violence and sexual harassment

377. Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children. Sexual violence and sexual harassment exist on a continuum and may overlap; they can occur online and face to face (both physically and verbally) and are never acceptable.

378. This part of the statutory guidance is about how schools and colleges should **respond to reports** of child on child sexual violence and sexual harassment.

379. For detailed information on what sexual violence and sexual harassment constitutes, important context to be aware of, related legal responsibilities for schools and colleges, advice on a whole school or college approach to preventing child on child sexual violence and sexual harassment and more detailed advice on responding to reports see departmental advice: [Sexual Violence and Sexual Harassment Between Children in Schools and Colleges](#).

Responding to reports of sexual violence and sexual harassment

380. 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.

381. 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.

382. 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.

383. There is support available for schools and colleges. Paragraph 44 and Annex A in the [Sexual Violence and Sexual Harassment Between Children in Schools and Colleges](#) advice provides detailed information and links to resources.

The immediate response to a report

Responding to the report

384. The school's or college's initial response to a report from a child is important. How the school or college responds to a report can encourage or undermine the confidence of future victims of sexual violence and sexual harassment to report or come forward.

385. It is essential that **all** victims are reassured that they are being taken seriously, regardless of how long it has taken them to come forward and that they will be supported and kept safe. Abuse that occurs online should not be downplayed and should be treated seriously. 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 or their experience minimised.

386. It is important to note that children may not find it easy to tell staff about their abuse verbally. Children can show signs or act in ways that they hope adults will notice and react to. In some cases, the victim may not make a direct report. For example, a friend may make a report or a member of school or college staff may overhear a conversation that suggests a child has been harmed. As per Part one of this guidance, if staff have **any** concerns about a child's welfare, they should act on them immediately rather than wait to be told.

387. As per Part one of this guidance, 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:

- 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;
- 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 that 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;

- recognising that an initial disclosure to a trusted adult may only be the first incident reported, rather than representative of a singular incident and that trauma can impact memory and so children may not be able to recall all details or timeline of abuse;
- keeping in mind that certain children may face additional barriers to telling someone because of their disability, gender, ethnicity and/or sexual orientation;
- listening carefully to the child, reflecting back, using the child's language, 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. It is important to note that whilst leading questions should be avoided, staff can ask children if they have been harmed and what the nature of that harm was;
- 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 [UKCIS sexting in schools and colleges advice](#). 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; 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

388. 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(s); 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.

389. 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 put adequate measures in place to protect them and keep them safe.

390. 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 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.

Action following a report of sexual violence and/or sexual harassment

What to consider

391. Schools and colleges should carefully consider any report of sexual violence and/or sexual harassment. The designated safeguarding lead (or deputy) is likely to have a complete safeguarding picture and be the most appropriate person to advise on the school's or college's initial response. Important considerations will include:

- the wishes of the victim in terms of how they want to proceed. This is especially important in the context of sexual violence and sexual harassment. Victims should be given as much control as is reasonably possible over decisions regarding how any investigation will be progressed and any support that they will be offered. This will however need to be balanced with the school's or college's duty and responsibilities to protect other children;
- the nature of the alleged incident(s), including whether a crime may have been committed and consideration of harmful sexual behaviour;
- the ages of the children involved;
- the developmental stages of the children involved;
- any power imbalance between the children. For example, is the alleged perpetrator(s) significantly older, more mature or more confident? Does the victim have a disability or learning difficulty?;

- if the alleged incident is a one-off or a sustained pattern of abuse (sexual abuse can be accompanied by other forms of abuse and a sustained pattern may not just be of a sexual nature);
- that sexual violence and sexual harassment can take place within intimate personal relationships between peers;
- are there ongoing risks to the victim, other children, adult students or school or college staff; and
- other related issues and wider context, including any links to child sexual exploitation and child criminal exploitation.

392. As always when concerned about the welfare of a child, all staff should act in the best interests of the child. In all cases, schools and colleges should follow general safeguarding principles as set out throughout this guidance. **Immediate** consideration should be given as to how best to support and protect the victim and the alleged perpetrator(s) (and any other children involved/impacted).

393. The starting point regarding any report should always be that sexual violence and sexual harassment is not acceptable and will not be tolerated. Especially important is not to pass off any sexual violence or sexual harassment as 'banter', 'part of growing up' or 'having a laugh'.

Children sharing a classroom: Initial considerations when the report is made

Any report of sexual violence is likely to be traumatic for the victim.

However, reports of rape and assault by penetration are likely to be especially difficult with regard to the victim, and close proximity with the alleged perpetrator(s) is likely to be especially distressing. Whilst the school or college establishes the facts of the case and starts the process of liaising with children's social care and the police, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school or college should also consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school or college premises (including during any before or after school-based activities) and on transport to and from the school or college, where appropriate. These actions are in the best interests of both children and should not be perceived to be a judgment on the guilt of the alleged perpetrator(s).

For other reports of sexual violence and sexual harassment, the proximity of the victim and alleged perpetrator(s) and considerations regarding shared classes, sharing school or college premises and school or college transport, should be considered immediately.

In all cases, the initial report should be carefully evaluated, reflecting the considerations set out at paragraph 387. The wishes of the victim, the nature of the allegations and the protection of all children in the school or college will be especially important when considering any immediate actions.

Options to manage the report

394. It is important that schools and colleges consider every report on a case-by-case basis as per paragraph 387. When to inform the alleged perpetrator(s) will be a decision that should be carefully considered. Where a report is going to be made to children's social care and/or the police, then, as a general rule, the school or college should speak to the relevant agency and discuss next steps and how the alleged perpetrator(s) will be informed of the allegations. However, as per general safeguarding principles, this does not and should not stop the school or college taking immediate action to safeguard their children, where required. There are four likely scenarios for schools and colleges to consider when managing any reports of sexual violence and/or sexual harassment.

1. Manage internally

- In some cases of sexual harassment, for example, one-off incidents, the school or college may take the view that the children concerned are not in need of early help or referrals for statutory services and that it would be appropriate to handle the incident internally, perhaps through utilising their behaviour policy and by providing pastoral support.
- Whatever the school's or college's response, it should be underpinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

2. Early help

- In line with 1 above, the school or college may decide that the children involved do not require referral to statutory services, but, may benefit from early help. Early help means providing support as soon as a problem emerges, at any point in a child's life. Providing early help is more effective in promoting the welfare of children than reacting later. Early help can be particularly useful to address non-violent harmful sexual behaviour and may prevent escalation of sexual violence.
- Full details of the early help process are in Chapter one of [Working Together to Safeguard Children](#).
- Multi-agency early help will work best when placed alongside strong school or college policies, preventative education and engagement with parents and carers.
- Early help and the option to manage a report internally do not need to be mutually exclusive: a school could manage internally and seek early help for both the victim and perpetrator(s).
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

3. Referrals to children's social care

- Where a child has been harmed, is at risk of harm, or is in immediate danger, schools and colleges should make a referral to local children's social care.
- At the point of referral to children's social care, schools and colleges will generally inform parents or carers, unless there are compelling reasons not to (if informing a

parent or carer is going to put the child at additional risk). Any such decision should be made with the support of children's social care.

- If a referral is made, children's social care will then make enquiries to determine whether any of the children involved are in need of protection or other services.
- Where statutory assessments are appropriate, the school or college (especially the designated safeguarding lead or a deputy) should be working alongside, and cooperating with, the relevant lead social worker. Collaborative working will help ensure the best possible package of coordinated support is implemented for the victim and, where appropriate, the alleged perpetrator(s) and any other children that require support.
- Schools and colleges should not wait for the outcome (or even the start) of a children's social care investigation before protecting the victim and other children in the school or college. It will be important for the designated safeguarding lead (or a deputy) to work closely with children's social care (and other agencies as required) to ensure any actions the school or college takes do not jeopardise a statutory investigation. The risk assessment as per paragraph 388 will help inform any decision. Consideration of safeguarding the victim, alleged perpetrator(s), any other children directly involved in the safeguarding report and all children at the school or college should be **immediate**.
- In some cases, children's social care will review the evidence and decide a statutory intervention is not appropriate. The school or college (generally led by the designated safeguarding lead or a deputy) should be prepared to refer again if they believe the child remains in immediate danger or at risk of harm. If a statutory assessment is not appropriate, the designated safeguarding lead (or a deputy) should consider other support mechanisms such as early help, specialist support and pastoral support.
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

4. Reporting to the Police

- **Any report to the police will generally be in parallel with a referral to children's social care (as above).**
- It is important that the designated safeguarding lead (and their deputies) are clear about the local process for referrals and follow that process.
- Where a report of rape, assault by penetration or sexual assault is made, the starting point is that this should be passed on to the police. Whilst the age of

criminal responsibility is ten, if the alleged perpetrator(s) is under ten, the starting principle of reporting to the police remains. The police will take a welfare, rather than a criminal justice, approach. The following advice may help schools and colleges decide when to engage the Police and what to expect of them when they do: [When to call the police](#).

- Where a report has been made to the police, the school or college should consult the police and agree what information can be disclosed to staff and others, in particular, the alleged perpetrator(s) and their parents or carers. They should also discuss the best way to protect the victim and their anonymity.
- At this stage, schools and colleges will generally inform parents or carers unless there are compelling reasons not to, for example, if informing a parent or carer is likely to put a child at additional risk. In circumstances where parents or carers have not been informed, it will be especially important that the school or college is supporting the child in any decision they take. This should be with the support of children's social care and any appropriate specialist agencies.
- All police forces in England have specialist units that investigate child abuse. The names and structures of these units are matters for local forces. It will be important that the designated safeguarding lead (and their deputies) are aware of their local arrangements.
- In some cases, it may become clear very quickly that the police (for whatever reason) will not take further action. In such circumstances, it is important that the school or college continue to engage with specialist support for the victim and alleged perpetrator(s) as required.
- Whilst protecting children and/or taking any disciplinary measures against the alleged perpetrator(s), it will be important for the designated safeguarding lead (or a deputy) to work closely with the police (and other agencies as required), to ensure any actions the school or college take do not jeopardise the police investigation.
- If schools or colleges have questions about the investigation, they should ask the police. The police will help and support the school or college as much as they can (within the constraints of any legal restrictions).
- Whatever the response, it should be under-pinned by the principle that sexual violence and sexual harassment is never acceptable and will not be tolerated.
- All concerns, discussions, decisions and reasons for decisions should be recorded (written or electronic).

Considering bail conditions

- From April 2017, the use of police bail has been dramatically reduced and will only be used when deemed necessary and proportionate in exceptional circumstances. Consideration will be given to less invasive options to safeguard victims and witnesses and the administration of justice. Therefore, it is less likely that a child attending school or college will be on police bail with conditions attached if there are alternative measures to mitigate any risk.
- In the absence of bail conditions, when there is a criminal investigation, early engagement and joined up working between the school or college, children's social care and the police will be critical to support the victim, alleged perpetrator(s) and other children involved (especially potential witnesses). Where required, advice from the police should be sought in order to help the school or college manage their safeguarding responsibilities.
- The term 'released under investigation' or 'RUI' will replace those previously on bail for offences in circumstances that do not warrant the application of bail to either re-attend on a particular date or to include conditions preventing activity or in some cases ensuring compliance with an administrative process.
- Where bail is deemed proportionate and necessary, the school or college should work with children's social care and the police to manage any implications and safeguard their children. An important consideration will be to ensure that the victim can continue in their normal routine, including continuing to receive a suitable education.

Managing any delays in the criminal process

- There may be delays in any case that is being progressed through the criminal justice system. Schools and colleges should not wait for the outcome (or even the start) of a police investigation before protecting the victim, alleged perpetrator(s) and other children in the school or college. The risk assessment as per paragraph 388 will help inform any decision.

The end of the criminal process

- If a child is convicted or receives a caution for a sexual offence, the school or college should update its risk assessment, ensure relevant protections are in place for all the children at the school or college and, if it has not already, consider any suitable action in line with their behaviour policy. This process should include a review of the necessary actions to keep all parties safe and meet their needs. If the perpetrator(s) remains in the same school or college as the victim, the school or college should be very clear as to their expectations regarding the perpetrator(s) now they have been convicted or cautioned. This could include

expectations regarding their behaviour and any restrictions the school or college thinks are reasonable and proportionate with regard to the perpetrator(s)' timetable.

- Any conviction (even with legal anonymity reporting restrictions) is potentially going to generate interest among other pupils or students in the school or college. It will be important that the school or college ensure both the victim and perpetrator(s) remain protected, especially from any bullying or harassment (including online).
- Where cases are classified as “no further action” (NFA'd) by the police or Crown Prosecution Service, or where there is a not guilty verdict, the school or college should continue to offer support to the victim and the alleged perpetrator(s) for as long as is necessary. A not guilty verdict or a decision not to progress with their case will likely be traumatic for the victim. The fact that an allegation cannot be substantiated or was withdrawn does not necessarily mean that it was unfounded. Schools and colleges should discuss any decisions with the victim in this light and continue to offer support. The alleged perpetrator(s) is also likely to require ongoing support for what will have likely been a difficult experience.

Ongoing response

Safeguarding and supporting the victim

395. The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the victim.

- The needs and wishes of the victim should be paramount (along with protecting the child) in any response. It is important they feel in as much control of the process as is reasonably possible. Wherever possible, the victim, if they wish, should be able to continue in their normal routine. Overall, the priority should be to make the victim's daily experience as normal as possible, so that the school or college is a safe space for them.
- Consider the age and the developmental stage of the victim, the nature of the allegations and the potential risk of further abuse. Schools and colleges should be aware that, by the very nature of sexual violence and sexual harassment, a power imbalance is likely to have been created between the victim and alleged perpetrator(s).
- The victim should never be made to feel they are the problem for making a report or made to feel ashamed for making a report.

- Consider the proportionality of the response. Support should be tailored on a case-by-case basis. The support required regarding a one-off incident of sexualised name-calling is likely to be vastly different from that for a report of rape. Support can include:
 - Early help and children's social care as set out in Part one of this guidance.
 - Children and Young People's Independent Sexual Violence Advisors (ChISVAs) provide emotional and practical support for victims of sexual violence. They are based within the specialist sexual violence sector and will help the victim understand what their options are and how the criminal justice process works if they have reported or are considering reporting to the police. ChISVAs will work in partnership with schools and colleges to ensure the best possible outcomes for the victim.
 - Police and social care agencies can signpost to ChISVA services (where available) or referrals can be made directly to the ChISVA service by the young person or school or college. Contact details for ChISVAs can be found at [Rape Crisis](#) and [The Survivors Trust](#).
 - Child and adolescent mental health services ([CAMHS](#)) CAMHS is used as a term for all services that work with children and young people who have difficulties with their emotional or behavioural wellbeing. Services vary depending on local authority. Most CAHMS have their own website, which will have information about access, referrals and contact numbers.
 - [Rape Crisis Centres](#) can provide therapeutic support for children who have experienced sexual violence.
 - [Internet Watch Foundation](#) works internationally to remove child sexual abuse online images and videos and offers a place for the public to report them anonymously.

396. Victims may not talk about the whole picture immediately. They may be more comfortable providing information on a piecemeal basis. It is essential that dialogue is kept open and encouraged. When it is clear that ongoing support will be required, schools and colleges should ask the victim if they would find it helpful to have a designated trusted adult (for example, their form tutor or designated safeguarding lead) to talk to about their needs. The choice of any such adult should be the victim's (as far as reasonably possible). Schools and colleges should respect and support this choice.

397. A victim of sexual violence is likely to be traumatised and, in some cases, may struggle in a normal classroom environment. While schools and colleges should avoid any action that would have the effect of isolating the victim, in particular from supportive peer groups, there may be times when the victim finds it difficult to maintain a full-time timetable and may express a wish to withdraw from lessons and activities. This should be

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because the victim wants to, not because it makes it easier to manage the situation. If required, schools and colleges should provide a physical space for victims to withdraw.

398. It may be necessary for schools and colleges to maintain arrangements to protect and support the victim for a long time. Schools and colleges should be prepared for this and should work with children's social care and other agencies as required.

399. It is important that the school or college do everything they reasonably can to protect the victim from bullying and harassment as a result of any report they have made.

400. Whilst they should be given all the necessary support to remain in their school or college, if the trauma results in the victim being unable to do this, alternative provision or a move to another school or college should be considered to enable them to continue to receive suitable education. This should only be at the request of the victim (and following discussion with their parents or carers).

401. It is important that if the victim does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs. The designated safeguarding lead should take responsibility to ensure this happens (and should discuss with the victim and, where appropriate their parents or carers as to the most suitable way of doing this) as well as transferring the child protection file. Information sharing advice referenced at paragraphs 91-102 will help support this process.

Ongoing Considerations: Victim and alleged perpetrator(s) sharing classes

Page 84 considered the immediate response to a report. Once the designated safeguarding lead (or a deputy) has decided what the next steps will be in terms of progressing the report, they should consider again the question of the victim and alleged perpetrator(s) sharing classes and sharing space at school or college. This will inevitably involve complex and difficult professional decisions, including considering their duty to safeguard children and their duty to educate them.

It is important each report is considered on a case-by-case basis and risk assessments are updated as appropriate. As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools and colleges should follow general safeguarding principles as per this guidance.

Where there is a criminal investigation into a rape, assault by penetration or sexual assault, the alleged perpetrator(s) should be removed from any classes they share with the victim. The school or college should also consider how best to keep the victim and alleged perpetrator(s) a reasonable distance apart on school or college premises (including during before and after school-based activities) and on transport to and from school or college where appropriate. This is in the best interests of both children and should not be perceived to be a judgement on the guilt of the alleged perpetrator(s). As per paragraph 391, close liaison with the police is essential.

Where a criminal investigation into a rape or assault by penetration leads to a conviction or caution, the school or college should take suitable action, if they have not already done so. In all but the most exceptional of circumstances, the rape or assault is likely to constitute a serious breach of discipline and lead to the view that allowing the perpetrator(s) to remain in the same school or college would seriously harm the education or welfare of the victim (and potentially other pupils or students).

Where a criminal investigation into sexual assault leads to a conviction or caution, the school or college should, if it has not already, consider any suitable sanctions in light of their behaviour policy, including consideration of permanent exclusion.⁹³ Where the perpetrator(s) is going to remain at the school or college, the principle would be to continue keeping the victim and perpetrator(s) in separate classes and continue to consider the most appropriate way to manage potential contact on school and college premises and transport. The nature of the conviction or caution and wishes of the victim will be especially important in determining how to proceed in such cases.

In all cases, schools and colleges should record and be able to justify their decision-making.

Reports of sexual assault and sexual harassment will, in some cases, not lead to a report to the police (for a variety of reasons). In some cases, rape, assault by penetration, sexual assault or sexual harassment are reported to the police and the case is not progressed or are reported to the police and ultimately result in a not guilty verdict. None of this means the offence did not happen or that the victim lied. The process will have affected both victim and alleged perpetrator(s). Appropriate support should be provided to both as required and consideration given to sharing classes and potential contact as required on a case-by-case basis. In all cases, schools and colleges should record and be able to justify their decision-making.

All of the above should be considered with the needs and wishes of the victim at the heart of the process (supported by parents and carers as required). Any arrangements should be kept under review.

Safeguarding and supporting the alleged perpetrator(s)

402. The following principles are based on effective safeguarding practice and should help shape any decisions regarding safeguarding and supporting the alleged perpetrator(s):

- The school or college will have a difficult balancing act to consider. On one hand, they need to safeguard the victim (and the wider pupil/student body) and on the other hand provide the alleged perpetrator(s) with an education, safeguarding support as appropriate and implement any disciplinary sanctions.
- Consider the age and the developmental stage of the alleged perpetrator(s) and nature of the allegations. Any child will likely experience stress as a result of being the subject of allegations and/or negative reactions by their peers to the allegations against them.
- Consider the proportionality of the response. Support (and sanctions) should be considered on a case-by-case basis. The alleged perpetrator(s) may potentially have unmet needs (in some cases these may be considerable) as well as potentially posing a risk of harm to other children. Harmful sexual behaviours in young children may be (and often are⁹⁴) a symptom of either their own abuse or exposure to abusive practices and or materials. More information on harmful sexual behaviours can be found at paras 16-20 of the [detailed advice](#), [Sexual](#)

⁹³ Maintained schools, academies and pupil referral units should follow the statutory guidance [here](#). Independent schools and colleges should consider excluding as per their own policies.

⁹⁴ [Hackett et al 2013](#) study of children and young people with harmful sexual behaviour suggests that two-thirds had experienced some kind of abuse or trauma.

[violence and sexual harassment between children at schools and colleges](#). Advice should be taken, as appropriate, from children's social care, specialist sexual violence services and the police.

- It is important that if an alleged perpetrator does move to another educational institution (for any reason), that the new educational institution is made aware of any ongoing support needs and where appropriate, potential risks to other children and staff. The designated safeguarding lead should take responsibility to ensure this happens as well as transferring the child protection file. Information sharing advice referenced at paragraphs 91-102 will help support this process.
- [The National Organisation for the Treatment of Abusers \(NOTA\)](#) provides support for professionals involved in work with, or related to, sexual offending.

Annex A: Safeguarding information for school and college staff

The following is a condensed version of Part one of Keeping children safe in education. It can be provided to those staff who do not directly work with children (instead of Part 1), if the governing body or proprietor think it will provide a better basis for those staff to promote the welfare and safeguard children.

The role of school and college staff

1. Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children has an important role to play.
2. School and college staff are particularly important as they are in a position to identify concerns early, provide help for children, promote children's welfare and prevent concerns from escalating. It is important all staff (including those who do not work directly with children) recognise the important role they play in protecting children.

What school and college staff need to know

3. For the purposes of safeguarding, a child is anyone under the age of 18. Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

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

All staff should:

- be aware of the systems in their school or college which support safeguarding, and these should be explained to them as part of staff induction. As a minimum this Annex and the child protection policy should be shared with staff at induction;
- 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 emails, e-bulletins and staff meetings), as required, and at least annually, to provide them with the skills and knowledge to safeguard children effectively;

- know the identity of the designated safeguarding lead (and any deputies) and how to contact them; and
- know what to do if a child tells them they are being abused or neglected. This includes understanding they should never promise a child that they will not tell anyone else about a report of abuse, as this is unlikely to be in the best interests of the child.

What school and college staff should look out for

Abuse and neglect

4. Knowing what to look for is vital to the early identification of abuse and neglect. **All** staff should be aware of indicators of abuse and neglect, including exploitation, so that they are able to identify cases of children who may be in need of help or protection.

5. If staff are unsure, they should always speak to the designated safeguarding lead (or deputy).

Forms of abuse and neglect

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 by other children or adults, in a family or in an institutional or community setting by those known to them or, more rarely, by others.

Physical abuse: a form of abuse that may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child.

Emotional abuse: the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

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

technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Females can also be abusers as can other children.

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

All staff should be aware that child sexual and child criminal exploitation are forms of child abuse.

Safeguarding issues

6. 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 misuse, deliberately missing education, serious violence (including that linked to county lines) and sexting (also known as youth produced sexual imagery) put children in danger.

Peer on peer abuse

7. All staff should be aware that children can abuse other children (often referred to as peer on peer abuse). All staff should be clear as to the school or college's policy and procedures with regards to peer on peer abuse. Peer on peer abuse is most likely to include, but may not be limited to:

- physical abuse;
- abuse in intermit personal relationships between peers;
- sexual violence, such as rape, assault by penetration and sexual assault; and,
- sexual harassment, such as sexual comments, remarks, jokes and online sexual harassment.

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

8. Staff working with children should 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.

9. Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe.

10. If staff have **any concerns** about a child's welfare, they should act on them immediately. They should follow their school or college's child protection policy and speak to the designated safeguarding lead (or deputy). In the absence of the designated safeguarding lead staff should speak to a member of the school or college's senior leadership team.

11. The designated safeguarding lead (or deputy) will generally lead on next steps, including who else, if anyone, in the school or college should be informed and whether to pass a concern to children's social care and/or the police. In some instances, staff may be expected to support the children social care assessment process. If this is the case, the designated safeguarding lead (or deputy) will support them.

Why is all of this important?

12. 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 and immediate action. Examples of poor practice includes failing to act on and refer the early signs of abuse and neglect.

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

13. If staff have safeguarding concerns about another member of staff (including volunteers, supply staff, tradespersons and visitors) they should speak to the headteacher or to another member of the school's or college's senior leadership team. The school or college should have arrangements in place to deal with these types of concerns, which will usually be dealt with by the headteacher or governing body and will involve the local authority designated officer as required.

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

14. 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.

15. Appropriate whistleblowing procedures should be in place for concerns to be raised with the school or college's senior leadership team. Where staff feel unable to raise an issue with their employer or feel that their genuine safeguarding concerns are not being addressed [NSPCC whistleblowing advice line](#) is available. Staff can call 0800028 0285 – 8:00 AM to 8:00 PM, Monday to Friday and email: help@nspcc.org.uk.

Annex B: Further information

Annex B 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 this annex.

As per Part one of this guidance, if staff have any concerns about a child's welfare, they should act on them immediately. They should follow their own organisation's child protection policy and speak to the designated safeguarding lead (or deputy).

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.

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Child abduction and community safety incidents

Child abduction is the unauthorised removal or retention of a minor from a parent or anyone with legal responsibility for the child. Child abduction can be committed by parents or other family members; by people known but not related to the victim (such as neighbours, friends and acquaintances); and by strangers.

Other community safety incidents in the vicinity of a school can raise concerns amongst children and parents, for example, people loitering nearby or unknown adults engaging children in conversation.

As children get older and are granted more independence (for example, as they start walking to school on their own) it is important they are given practical advice on how to keep themselves safe. Many schools provide outdoor-safety lessons run by teachers or by local police staff.

It is important that lessons focus on building children's confidence and abilities rather than simply warning them about all strangers. Further information is available at: www.actionagainstabduction.org and www.clevernevergoes.org.

Children and 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, 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 missing from education

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 can also be a sign of child

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criminal exploitation including involvement in county lines. 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.

Children with family members in prison

Approximately 200,000 children in England and Wales 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.

Child Criminal Exploitation (CCE)

CCE is where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. CCE does not always involve physical contact; it can also occur through the use of technology.

CCE can include children being forced to work in cannabis factories, being coerced into moving drugs or money across the country (county lines, see page 106 for more information), forced to shoplift or pickpocket, or to threaten other young people.

Some of the following can be indicators of CCE:

- children who appear with unexplained gifts or new possessions;
- children who associate with other young people involved in exploitation;
- 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 Sexual Exploitation (CSE)

CSE occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child 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. CSE does not always involve physical contact; it can also occur through the use of technology. CSE 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. It can include both contact (penetrative and non-penetrative acts) and non-contact sexual activity and 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).

The above CCE indicators can also be indicators of CSE, as can:

- children who have older boyfriends or girlfriends; and
- children who suffer from sexually transmitted infections or become pregnant.

The department provide: [Child sexual exploitation: guide for practitioners](#)

County lines

County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to move [and store] drugs and money. Offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children can be targeted and recruited into county lines in a number of locations including schools, further and higher educational institutions, pupil referral units, special educational needs schools, children's homes and care homes. Children are often recruited to move drugs and money between locations and are known to be exposed to techniques such as ‘plugging’, where drugs are concealed internally to avoid detection. Children can easily become trapped by this type of exploitation as county lines gangs create drug debts and can threaten serious violence and kidnap towards victims (and their families) if they attempt to leave the county lines network.

One of the ways of identifying potential involvement in county lines are missing episodes (both from home and school), when the victim may have been trafficked for the purpose

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of transporting drugs and a referral to the National Referral Mechanism⁹⁵ should be considered. If a child is suspected to be at risk of or involved in county lines, a safeguarding referral should be considered alongside consideration of availability of local services/third sector providers who offer support to victims of county lines exploitation. Like other forms of abuse, child criminal exploitation, including county lines:

Further information on the signs of a young person's involvement in county lines is available in guidance published by the [Home Office](#).

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.

Children and young people can be victims of domestic abuse both in the context of their home life where domestic abuse occurs between parents or carers, but also within their own intimate personal relationships. Exposure to domestic abuse and/or violence can have a serious, long lasting emotional and psychological impact on children and young people. In some cases, a child may blame themselves for the abuse or may have had to leave the family home as a result.

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.](#)

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 into 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

⁹⁵ [national crime agency human-trafficking.](#)

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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: [here](#).

So-called 'honour-based' abuse (including Female Genital Mutilation and Forced Marriage)

So-called 'honour-based' abuse (HBA) 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 HBA 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 HBA, or already having suffered HBA.

Actions

If staff have a concern regarding a child that might be at risk of HBA or who has suffered from HBA, 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**⁹⁶ that requires a different approach (see following section).

FGM

FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences.

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 may 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.⁹⁷ 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

⁹⁶ Under Section 5B(11)(a) of the Female Genital Mutilation Act 2003, "teacher" means, in relation to England, a person within section 141A(1) of the Education Act 2002 (persons employed or engaged to carry out teaching work at schools and other institutions in England).

⁹⁷ Section 5B(6) of the Female Genital Mutilation Act 2003 states teachers need not report a case to the police if they have reason to believe that another teacher has already reported the case.

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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 Fact Sheet](#).

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 perpetrators use perceived cultural practices as a way to coerce a person into marriage. Schools and colleges can play an important role in safeguarding children from forced marriage.

The Forced Marriage Unit has published [statutory guidance](#) and [Multi-agency guidelines](#), 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 fmufco.gov.uk.

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**⁹⁸ 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.
- **Radicalisation**⁹⁹ refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.
- **Terrorism**¹⁰⁰ is an action that endangers or causes serious violence to a person/people; causes serious damage to property; or seriously interferes or disrupts an electronic system. The use or threat **must** be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause.

⁹⁸ As defined in the Government's Counter Extremism Strategy.

⁹⁹ As defined in the Revised Prevent Duty Guidance for England and Wales.

¹⁰⁰ As defined in the Terrorism Act 2000 (TACT 2000)

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 or the internet) and settings (such as within the home).

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 Prevent referral.

The school's or college's designated safeguarding lead (and any deputies) should be aware of local procedures for making a Prevent referral.

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"¹⁰¹ to the need to prevent people from being drawn into terrorism".¹⁰² 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 in schools 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). Designated safeguarding leads and other senior leaders in colleges should familiar themselves with the Prevent Duty Guidance for Further Education Institutions in England and Wales. The guidance is set out in terms of four general themes: risk assessment, working in partnership, staff training, and IT policies.

Channel

Channel is a voluntary, confidential support programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. Prevent referrals may be passed to a multi-agency Channel panel, who will discuss the individual referred to determine whether they are vulnerable to being drawn

¹⁰¹ According to the Prevent duty guidance 'having due regard' means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions.

¹⁰² "Terrorism" for these purposes has the same meaning as for the Terrorism Act 2000 (section 1(1) to (4) of that Act).

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Guidance on Channel is available at: [Channel guidance](#).

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.

The Home Office has developed three e-learning modules:

- [Prevent awareness e-learning](#) offers an introduction to the Prevent duty.
- [Prevent referrals e-learning](#) supports staff to make Prevent referrals that are **robust, informed** and with **good intention**.
- [Channel awareness e-learning](#) is aimed at staff who may be asked to contribute to or sit on a multi-agency Channel panel.

[Educate Against Hate](#) is a government website designed to support school teachers and leaders to help them safeguard their students from radicalisation and extremism. The platform provides free information and resources to help school staff identify and address the risks, as well as build resilience to radicalisation.

For advice specific to further education, the Education and Training Foundation hosts the [Prevent for FE and Training](#). This hosts a range of free, sector specific resources to support further education settings comply with the Prevent duty.

Peer on peer/ child on child abuse

Children can abuse other children. This is generally referred to as peer on peer abuse and can take many forms. This can include (but is not limited to): abuse within intimate partner relationships; bullying (including cyberbullying); sexual violence and sexual harassment; physical abuse such as hitting, kicking, shaking, biting, hair pulling, or otherwise causing physical harm; sexting and initiation/hazing type violence and rituals.

Sexual violence and sexual harassment between children in schools and colleges

Context

Sexual violence and sexual harassment can occur between two children of any age and sex. It can also occur through a group of children sexually assaulting or sexually harassing a single child or group of children.

Children who are victims of sexual violence and sexual harassment will likely find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable.

It is important that **all** victims are taken seriously and offered appropriate support. Staff should be aware that some groups are potentially more at risk. Evidence shows girls, children with SEND and LGBT children are at greater risk.

Staff should be aware of the importance of:

- making clear that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;
- not tolerating or dismissing sexual violence or sexual harassment as “banter”, “part of growing up”, “just having a laugh” or “boys being boys”; and
- challenging behaviours (potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

What is sexual violence and sexual harassment?

Sexual violence

It is important that school and college staff are aware of sexual violence and the fact children can, and sometimes do, abuse their peers in this way. When referring to sexual violence we are referring to sexual violence offences under the Sexual Offences Act 2003¹⁰³ as described below:

¹⁰³ [Legislation.gov.uk](https://www.legislation.gov.uk).

Rape: A person (A) commits an offence of rape if: he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis, B does not consent to the penetration and A does not reasonably believe that B consents.

Assault by Penetration: A person (A) commits an offence if: s/he intentionally penetrates the vagina or anus of another person (B) with a part of her/his body or anything else, the penetration is sexual, B does not consent to the penetration and A does not reasonably believe that B consents.

Sexual Assault: A person (A) commits an offence of sexual assault if: s/he intentionally touches another person (B), the touching is sexual, B does not consent to the touching and A does not reasonably believe that B consents.

What is consent? ¹⁰⁴ Consent is about having the freedom and capacity to choose. Consent to sexual activity may be given to one sort of sexual activity but not another, e.g. to vaginal but not anal sex or penetration with conditions, such as wearing a condom. Consent can be withdrawn at any time during sexual activity and each time activity occurs. Someone consents to vaginal, anal or oral penetration only if s/he agrees by choice to that penetration and has the freedom and capacity to make that choice. ¹⁰⁵

Sexual harassment

When referring to sexual harassment we mean ‘unwanted conduct of a sexual nature’ that can occur online and offline. When we reference sexual harassment, we do so in the context of child on child sexual harassment. Sexual harassment is likely to: violate a child’s dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual “jokes” or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone’s clothes (schools and colleges should be considering when any of this crosses a line into sexual violence - it is important to talk to and consider the

¹⁰⁴ It is important school and college staff (and especially designated safeguarding leads and their deputies) understand consent. This will be especially important if a child is reporting they have been raped. More information: [here](#).

¹⁰⁵ [PSHE Teaching about consent](#) from the PSHE association provides advice and lesson plans to teach consent at Key stage 3 and 4.

experience of the victim) and displaying pictures, photos or drawings of a sexual nature; and

- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.¹⁰⁶ It may include:
- non-consensual sharing of sexual images and videos;
- sexualised online bullying;
 - unwanted sexual comments and messages, including, on social media;
 - sexual exploitation; coercion and threats; and
 - upskirting.

Upskirting¹⁰⁷

‘Upskirting’ 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.

The response to a report of sexual violence or sexual harassment

The 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.

If staff have a concern about a child or a child makes a report to them, they should follow the referral process as set out from paragraph 43 in Part one of this guidance. As is always the case, if staff are in any doubt as to what to do they should speak to the designated safeguarding lead (or a deputy).

¹⁰⁶[Project deSHAME](#) from Childnet provides useful research, advice and resources regarding online sexual harassment.

¹⁰⁷Additional information can be found at [GOV.UK](#).

Additional advice and support

Abuse

- [What to do if you're worried a child is being abused](#) – DfE advice
- [Domestic abuse: Various Information/Guidance](#) - Home Office (HO)
- [Faith based abuse: National Action Plan](#) - DfE advice
- [Relationship abuse: disrespect nobody](#) - Home Office website

Bullying

- [Preventing bullying including cyberbullying](#) - DfE advice

Children missing from education, home or care

- [Children missing education](#) - DfE statutory guidance
- [Child missing from home or care](#) - DfE statutory guidance
- [Children and adults missing strategy](#) - Home Office strategy

Children with family members in prison

- [National Information Centre on Children of Offenders](#) - Barnardo's in partnership with HM Prison and Probation Service

Child Exploitation

- [Trafficking: safeguarding children](#) - DfE and HO guidance

Drugs

- [Drugs: advice for schools](#) - DfE advice
- [Drug strategy 2017](#) - Home Office strategy
- [Information and advice on drugs](#) - Talk to Frank website
- [ADEPIS platform sharing information and resources for schools: covering drug \(& alcohol\) prevention](#) - Website by Mentor UK

“Honour Based Abuse” (so called)

- [Female genital mutilation: information and resources](#)- Home Office guidance
- [Female genital mutilation: multi agency statutory guidance](#) - DfE, DH, and HO statutory guidance

Health and Well-being

- [Fabricated or induced illness: safeguarding children](#) - DfE, DH, HO
- [Rise Above: Free PSHE resources on health, wellbeing and resilience](#) - Public Health England
- [Medical-conditions: supporting pupils at school](#) - DfE statutory guidance
- [Mental health and behaviour](#) - DfE advice

Homelessness

- [Homelessness: How local authorities should exercise their functions](#) - Ministry of Housing, Communities & Local Government guidance

Online (see also Annex D)

- [Sexting: responding to incidents and safeguarding children](#) - UK Council for Internet Safety

Private fostering

- [Private fostering: local authorities](#) - DfE statutory guidance

Radicalisation

- [Prevent duty guidance](#)- Home Office guidance
- [Prevent duty: additional advice for schools](#) and childcare providers - DfE advice
- [Educate Against Hate website](#) - DfE and Home Office advice
- [Prevent for FE and Training](#) - Education and Training Foundation (ETF)

Violence

- [Gangs and youth violence: for schools and colleges](#) - Home Office advice
- [Ending violence against women and girls 2016-2020 strategy](#) - Home Office strategy
- [Violence against women and girls: national statement of expectations for victims](#) - Home Office guidance

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- [Sexual violence and sexual harassment between children in schools and colleges](#)
- DfE advice
- [Serious violence strategy](#) - Home Office Strategy

Annex C: Role of the designated safeguarding lead

Governing bodies, proprietors and management committees should ensure an appropriate **senior member** of staff, from the school or college **leadership team**, is appointed to the role of designated safeguarding lead.¹⁰⁸ The designated safeguarding lead should take **lead responsibility** for safeguarding and child protection (including online safety). This should be explicit in the role holder's job description.

This person should have the appropriate status and authority within the school to carry out the duties of the post. The role of the designated safeguarding lead carries a significant level of responsibility and they should be given the additional time, funding, training, resources and appropriate supervision support they need to carry out the role effectively. Their additional responsibilities include providing advice and support to other staff on child welfare, safeguarding and child protection matters, taking part in strategy discussions and inter-agency meetings, and/or to support other staff to do so, and to contribute to the assessment of children.

Deputy designated safeguarding leads

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 and the role should be explicit in their job description. Whilst the activities of the designated safeguarding lead can be delegated to appropriately trained deputies, the ultimate lead responsibility for child protection, as set out above, remains with the designated safeguarding lead, this lead responsibility should not be delegated.

Availability

During term time the designated safeguarding lead (or a deputy) should always be available (during school or college hours) for staff in the school or college to discuss any safeguarding concerns. Whilst generally speaking the designated safeguarding lead (or deputy) would be expected to be available in person, it is a matter for individual schools and colleges, working with the designated safeguarding lead, to define what "available"

¹⁰⁸When a school has a sole proprietor rather than a governing body, appropriate steps should be taken to ensure that the member of the senior leadership team who is appointed as designated safeguarding lead (DSL) is able to discharge that role with sufficient independence, particularly in relation to any allegations involving the proprietor or members of the proprietor's family. This may involve including in the appointment as DSL, written confirmation that part of the duties of the post involve contacting the Local Authority Designated Officer on any matter that the DSL considers cannot be properly dealt with internally. Consideration could also be given to providing the DSL with access to external advice from an appropriate company or legal service.

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means and whether in exceptional circumstances availability via phone and or Skype or other such media is acceptable. 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.

Manage referrals

The designated safeguarding lead is expected to:

- refer cases of suspected abuse and neglect to the local authority children's social care as required and support staff who make referrals to local authority children's social care;
- refer cases to the Channel programme where there is a radicalisation concern as required and support staff who make referrals to the Channel programme;
- refer cases where a person is dismissed or left due to risk/harm to a child to the Disclosure and Barring Service as required; and
- refer cases where a crime may have been committed to the Police as required. [NPCC- When to call the police](#) should help understand when to consider calling the police and what to expect when working with the police.

Working with others

The designated safeguarding lead is expected to:

- act as a source of support, advice and expertise for all staff;
- act as a point of contact with the three safeguarding partners;
- liaise with the headteacher or principal to inform him or her of issues- especially ongoing enquiries under section 47 of the Children Act 1989 and police investigations;
- as required, liaise with the "case manager" (as per Part four) and the designated officer(s) at the local authority for child protection concerns in cases which concern a staff member;
- liaise with staff (especially teachers, pastoral support staff, school nurses, IT Technicians, Senior Mental Health Leads and SENCOs or the named person with oversight for SEN in a college) on matters of safety and safeguarding and welfare (including online and digital safety): when deciding whether to make a referral by liaising with relevant agencies and so that children's needs are considered holistically;

- liaise with the senior mental health lead and, where available, the Mental Health Support Team, where safeguarding concerns are linked to mental health;
- promote supportive engagement with parents and/or carers in safeguarding and promoting the welfare of children, including where families may be facing challenging circumstances;
- promote educational outcomes by knowing the welfare, safeguarding and child protection issues that children in need are experiencing, or have experienced, and is therefore best placed to identify the impact that these issues might be having on children's attendance, engagement and achievement at school. Working with the headteacher and other staff, the designated safeguarding lead should take lead responsibility for:
 - ensuring that the school or college knows who its cohort of children who currently need a social worker are, understanding their academic progress and attainment, and maintaining a culture of high aspirations for this cohort;
 - support teaching staff to feel confident to provide additional academic support or reasonable adjustments to help children who need or have needed a social worker reach their potential, recognising that even when statutory social care intervention has ended, there is still a lasting impact on children's educational outcomes.

Information sharing and managing the child protection file

The designated safeguarding lead is responsible for ensuring that child protection files are kept up to date and stored securely. They should ensure the file is only accessed by those who need to see it and where the file or content within it is shared, this happens in line with information sharing advice as set out in Part one and Part two of this guidance.

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, and within 5 days for an in-year transfer or within the first 5 days of the start of a new term. This should be transferred separately from the main pupil file, ensuring secure transit, and confirmation of receipt should be obtained. Receiving schools and colleges should ensure key staff such as designated safeguarding leads and SENCOs or the named person with oversight for SEN in colleges, are aware as required.

Lack of information about their circumstances can impact on the child's safety, welfare and educational outcomes. In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any additional information with the new school or college in advance of a child leaving in order to help them put in place the right support to safeguard this child and to help the child thrive in the school or college. For example, information that would allow the new school or

college to continue supporting children who have had a social worker and been victims of abuse and have that support in place for when the child arrives.

Raising Awareness

The designated safeguarding lead should:

- ensure the school's or college's child protection policies are known, understood and used appropriately; ensure the school's or college's child protection policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with governing bodies or proprietors regarding this; and ensure the child protection policy is available publicly and parents are aware of the fact that referrals about suspected abuse or neglect may be made and the role of the school or college in this;
- link with the safeguarding partner arrangements to make sure staff are aware of any training opportunities and the latest local policies on local safeguarding arrangements; and
- raise awareness of the lasting impact of adversity and trauma on education, behaviour, mental health and wellbeing, so that this is understood by senior leaders and staff and reflected in relevant policies (for example, mental health and behaviour).

Training, knowledge and skills

The designated safeguarding lead (and any deputies) should undergo training to provide them with the knowledge and skills required to carry out the role. This training should be updated at least every two years. The designated safeguarding lead should undertake Prevent awareness training.

In addition to the formal training set out above, their knowledge and skills should be refreshed (this might be via e-bulletins, meeting other designated safeguarding leads, or simply taking time to read and digest safeguarding developments) at regular intervals, as required, and at least annually, to allow them to understand and keep up with any developments relevant to their role. The designated safeguarding lead should be supported to obtain access to resources and attend any relevant or refresher training courses.

Understanding processes and procedures

Training should provide designated safeguarding leads with a good understanding of their own role, and the processes, procedures and responsibilities of other agencies, particularly children's social care, in order to:

- understand the assessment process for providing early help and statutory services, including local criteria for action and local authority children's social care referral arrangements;¹⁰⁹
- have a working knowledge of how local authorities conduct a child protection case conference and a child protection review conference and be able to attend and contribute to these effectively when required to do so; and
- understand the importance of the role the designated safeguarding lead has in providing information and support to children social care in order to safeguard and promote the welfare of children.

Providing support to staff

Training should support the designated safeguarding lead in developing expertise, so they can support and advise staff and help them feel confident on welfare, safeguarding and child protection matters. This includes specifically to:

- ensure each member of staff has access to, and understands, the school's or college's child protection policy and procedures, especially new and part time staff;
- ensure that staff are supported during the referrals processes; and
- support staff to consider how safeguarding, welfare and educational outcomes are linked, including to inform the provision of academic and pastoral support.

Holding and sharing information

The critical importance of holding, using and sharing information effectively is set out in (Parts one and two), and therefore the designated safeguarding lead should be equipped to:

- understand the importance of information sharing, both within the school and college, and with other schools and colleges on transfer including in-year and between primary and secondary education, and with the three safeguarding partners, other agencies, organisations and practitioners;
- understand relevant data protection legislation and regulations, especially the Data Protection Act 2018 and the General Data Protection Regulation; and
- be able to keep detailed, accurate, secure written records of concerns and referrals and understand the purpose of this record-keeping.

¹⁰⁹ Full details in Chapter one of [Working Together to Safeguard Children](#).

Responding to specific needs and harms

Training should give the designated safeguarding lead the knowledge and skills to identify, understand and respond to specific needs that can increase the vulnerability of children, as well as specific harms that can put children at risk. This includes to:

- be alert to the specific needs of children in need, those with special educational needs and young carers;¹¹⁰
- understand the lasting impact that adversity and trauma can have, including on children's behaviour, mental health and wellbeing, and what is needed in responding to this in promoting educational outcomes;
- understand and support the school or college with regard to the requirements of the Prevent duty and be able to provide advice and support to staff on protecting children from the risk of radicalisation;
- understand the unique risks associated with online safety and be confident that they have the relevant knowledge and up to date capability required to keep children safe whilst they are online at school or college; and
- recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and be confident they have the capability to support children with SEND to stay safe online;

Understanding the views of children

It is important that children feel heard and understood. Therefore, designated safeguarding leads should be supported in developing knowledge and skills to:

- encourage a culture of listening to children and taking account of their wishes and feelings, among all staff, and in any measures the school or college may put in place to protect them; and
- understand the difficulties that children may have in approaching staff about their circumstances and consider how to build trusted relationships which facilitate communication.

¹¹⁰ Section 17(10) Children Act 1989: those unlikely to achieve a reasonable standard of health and development without local authority services, those whose health and development is likely to be significantly impaired without the provision of such services, or disabled children.

Annex D: Online safety

Information and support

There is a wealth of information available to support schools, colleges and parents to keep children safe online. The following list is not exhaustive but should provide a useful starting point:

Teaching resources and advice for schools

- [teaching-online-safety-in-schools](#) - DfE advice outlining how schools can ensure their pupils understand how to stay safe and behave online as part of existing curriculum requirements
- [Thinkuknow](#) - NCA CEOPs advice on online safety
- [UKCIS](#) The UK Council for Internet Safety's website provides: sexting advice, online safety: questions for Governing Bodies and, education for a connected world framework
- [beinternetlegends](#) - Be Internet Legends from Google and Parentzone a free internet safety curriculum with PSHE accredited lesson plans and teaching resources for Key Stage 2 pupils
- [UK safer internet centre](#) Developed guidance and resources that can help with the teaching of the online safety component of the Computing Curriculum. Also contains a specialist online helpline for professionals in UK schools and colleges
- [pshe association](#) - Guidance and useful teaching resources covering online safety issues including pornography and the sharing of sexual images
- [NSPCC](#) - NSPCC advice for schools and colleges
- [swgfl](#) – South West Grid for Learning advice includes a template for setting out online safety policies
- [lgfl](#) - Advice and resources from the London Grid for Learning
- [searching screening and confiscation](#) - Guidance to schools on searching children in schools and confiscating items such as mobile phones
- [the use of social media for online radicalisation](#) - A briefing note for schools on how social media is used to encourage travel to Syria and Iraq

Harms and abuse

- [disrespectnobody](#) - Home Office advice on healthy relationships, including sexting and pornography

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- [educateagainsthate](#) - Practical advice for parents, teachers and governors on protecting children from extremism and radicalisation
- [childnet cyberbullying](#) - Guidance for schools on cyberbullying

Reporting harmful content

- [Report harmful content](#) - Advice on how to report harmful content from the UK Safer Internet Centre

Parental support

- [internet matters](#) - Help for parents on how to keep their children safe online
- [parentzone](#) - Help for parents on how to keep their children safe online
- [net-aware](#) - NSPCC advice for parents
- [commonsensemedia](#) - Independent reviews, age ratings, & other information about all types of media for children and their parents

Annex E: Host families - homestay during exchange visits

Schools and colleges often make arrangements for children to take part in exchange visits, either to other parts of the UK or abroad. Exchanges can benefit learning across a range of subjects. In particular, foreign visits can enrich the languages curriculum and provide exciting opportunities for pupils to develop their confidence and expertise in the use of other languages.

Schools and colleges have a duty to safeguard and promote children's welfare, as defined at paragraph 4. This extends to considering their safety and how best to minimise risk of harm to those children during any exchange visit the school or college arranges, and when organising for the care and accommodation of a child with a host family (known as homestays) as part of the exchange.

School/college arranged homestay – suitability of adults in UK host families

When arranging a homestay, schools should consider the suitability of the adults in the respective families who will be responsible for the visiting child during the stay.

In circumstances where a school or college arrange for a visiting child to be provided with care and accommodation in the UK (including where they engage a company to make those arrangements) in the home of a family to which the child is not related¹¹¹ the responsible adults will be engaging in regulated activity for the period of the stay.¹¹² In such cases and where the school or college has the power to terminate such a homestay the school or college would be the regulated activity provider.¹¹³

A regulated activity provider commits a criminal offence if it knows, or has reason to believe that, an individual is barred by the Disclosure and Barring Service (DBS) from engaging in regulated activity but allows that individual to carry out any form of regulated activity.¹¹⁴

¹¹¹ This includes where a person has parental responsibility for the visiting child.

¹¹² Paragraph 1(5) of Schedule 4 and Section 53 of the Safeguarding Vulnerable Groups Act 2006. Where an adult is providing homestay in circumstances other than as described in this section, the school or college should seek advice from the DBS about whether the individual will be in regulated activity.

¹¹³ Section 53(3) and (4) of the Safeguarding Vulnerable Groups Act 2006.

¹¹⁴ Section 9 of the Safeguarding Vulnerable Groups Act 2006.

Where the child's parent(s) or a student themselves arranges their own homestay, this would be a private arrangement¹¹⁵ therefore the school or college would not be the regulated activity provider.

When a school or college arrange a homestay, it should consider what intelligence/information will best inform its assessment of the suitability of the adults in those families who will be responsible for the visiting child during the stay. It will be for the school or college to use their professional judgement to decide what it considers what will be relevant. However, to help inform that assessment, schools and colleges should¹¹⁶ obtain a DBS enhanced certificate with barred list information. This check will not only establish whether the adults are barred from engaging in regulated activity relating to children, but where criminal record information is disclosed it will also allow the school or college to consider, alongside all other intelligence that it has obtained, whether the adults would be a suitable host for a child.

DBS enhanced certificates with barred list information for volunteer roles¹¹⁷ can be obtained free of charge.¹¹⁸ In respect of an adult who provides UK homestay and receives no remuneration in respect of the stay or where schools reimburse families only for expenses incurred, to enable a DBS application to be considered as a volunteer role the 'Position Applied For' field will need to make clear that the position is unpaid.

In addition to those engaging in regulated activity, schools and colleges are free to decide whether they consider it necessary to obtain a DBS enhanced certificate in respect of anyone aged 16 or over in the household where the child will be staying.

Homestay – suitability of adults in host families abroad

It is not possible for schools and colleges to obtain criminality information from the DBS about adults who provide homestays abroad. Schools and colleges should liaise with partner schools abroad, to establish a shared understanding of, and agreement to the arrangements in place for the visit. They should use their professional judgement to satisfy themselves that the arrangements are appropriate and sufficient to safeguard effectively every child who will take part in the exchange. Parents should be aware of agreed arrangement. Schools and colleges are also free to decide whether they consider

¹¹⁵ Where it is a private arrangement, the school or college are not entitled to obtain a standard or enhanced DBS check.

¹¹⁶ See page 3 for interpretation of 'should' used throughout the document.

¹¹⁷ Volunteer is defined as "Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative."

¹¹⁸ Some checking bodies will charge an admin fee to process a DBS certificate/barred list request. As these fees will vary, schools should assess what services are being offered and consider what is known about the performance and reputation of the organisation.

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it necessary to contact the relevant foreign embassy or High Commission of the country in question to discuss what checks may be possible in respect of those providing homestay outside of the UK.

During the visit

Pupils should understand who to contact during a homestay should an emergency occur or a situation arise which makes them feel uncomfortable.

Additional action for extended homestays

Where a period of UK homestay lasts 28 days or more, for a child aged under 16 years of age (under 18 years of age if the child has disabilities), this may amount to private fostering under the Children Act 1989.¹¹⁹ In these cases the school or college should notify the local authority of the arrangements. Private fostering legislation places a duty on local authorities to satisfy themselves that the welfare of a child who is being, or proposed to be, privately fostered in their area is being or will be satisfactorily safeguarded and promoted. By notifying the local authority, the school and college will be assisting the local authority in discharging its duty. See paragraphs 295-298 for additional information about private fostering and local authority notifications.

¹¹⁹ Private fostering occurs when a child under the age of 16 (under 18, if disabled) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer.

Annex F: Statutory guidance - Regulated activity (children) - Supervision of activity with children which is regulated activity when unsupervised

This statutory guidance on the supervision of activity with children, which is regulated activity when unsupervised, is also published separately on [GOV.UK](https://www.gov.uk).

1. This document fulfils the duty in legislation^{i,ii} that the Secretary of State **must** publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, colleges, youth groups and sports clubs.

2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well intentioned though misguided belief that every risk could be mitigated, and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- there **must** be supervision by a person who is in regulated activityⁱⁱⁱ
- the supervision **must** be regular and day to day; and
- the supervision **must** be “reasonable in all the circumstances to ensure the protection of children”.

The organisation **must** have regard to this guidance. This gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follow.

4. Supervision by a person in regulated activity/regular and day to day: supervisors **must** be in regulated activity themselves^{iv}. The duty that supervision **must** take place “on a regular basis” means that supervision **must not**, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It **must** take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

5. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision a person will require:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual's work (or, in a specified place such as a school, the individual's opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
- how many workers would be supervised by each supervising worker.

6. An organisation is not entitled to request a barred list check on a worker who, because they are supervised, is not in regulated activity.

EXAMPLES

Volunteer, in a specified place

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The headteacher decides supervision is such that Mr Jones is not in regulated activity.

Volunteer, not in a specified place

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club's managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

Employee, not in a specified place

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club's managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. (Note: If the worker is not engaging in regulated activity, the remaining steps are unnecessary. If the worker is engaging in regulated activity the remaining steps should be followed);
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 4 of this guidance above; and if it is a specified place such as a school; and
- consider whether the supervised worker is a volunteer.

i Safeguarding Vulnerable Groups Act 2006, amended by Protection of Freedoms Act 2012: Schedule 4, paragraph 5A: guidance **must** be “for the purpose of assisting” organisations “in deciding whether supervision is of such a kind that” the supervisee is not in regulated activity.

ii Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Schedule 2, paragraph 5A, is as above on guidance on “supervision” for Northern Ireland.

iii If the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.

iv The Protection of Freedoms Act 2012 includes provisions for a statutory duty on an organisation arranging regulated activity (under the 2006 Act or 2007 Order, both as amended) to check that a person entering regulated activity is not barred from regulated activity and a stand-alone barring check. These are as yet not commenced.

v A volunteer is: in England and Wales, a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives. In Northern Ireland, a volunteer is: a person engaged, or to be engaged, in an activity for a non-profit organisation or person which involves spending time unpaid (except for travel and other approved out-of-pocket expenses) doing something which amounts to a benefit to some third party other than, or in addition to, a close relative.

Annex G: Table of substantive changes from September 2020

Where	What
Summary	About the guidance
Who is this guidance for?	<p>Added bullet to clarify that “governing bodies and proprietors” includes management committees unless otherwise stated throughout the document.</p> <p>Added new paragraph explain that there is a condensed Part one of this guidance at Annex A. We want to give governing bodies and proprietors the freedom to choose the condensed Part 1 where they think it will be appropriate for those staff not working directly with children.</p>
Part one	Safeguarding information for all staff
Part one	A number of paragraphs have been moved in Part one to improve the flow of this section.
Paragraph 4	Text added to make it clear that both mental and physical health are relevant to safeguarding and the welfare of children.
Paragraph 17	Revised to simplify and provide more context.
Paragraph 18	Updated list to include other factors which may indicate that a child may potentially benefit from early help.
Paragraph 22	New paragraph to reflect online abuse and the fact it will often occur concurrently with face to face abuse.
Paragraphs 30	New paragraph to provide staff with information about child criminal exploitation and child sexual exploitation.
Paragraphs 32-35	New paragraph on mental health to help staff make the link between mental health concerns and safeguarding issues.
Paragraph 36	Updated to include abuse in intimate relationships and more context on initiation/hazing.
Paragraphs 61-62	Paragraph revised to be clear the emphasis is on staff raising concerns if they have them.

Part two	The management of safeguarding
Part two	A number of paragraphs have been moved in Part two to improve the flow of this section.
Paragraph 67	New paragraph to signpost guidance where a school or college is a charity.
Paragraphs 69	<p>New paragraph to provide context to what we mean by whole school and college approaches to safeguarding.</p> <p>We have also incorporated the “child’s wishes” from elsewhere in Part two into this paragraph.</p>
Paragraph 70	<p>Updated to be clear the child protection policy should include policies where Part 2 of this guidance sets out they should be reflected in the child protection policy.</p> <p>Moved the substantive information about children missing education to a new section at para 147.</p>
Paragraph 72	Added SEND and medical conditions plus serious violence to the list to make the link to safeguarding.
Paragraph 78	Signposted to recently published “when to call the police guidance” from the NPCC
Multi-agency working (82-91)	Changes to reflect that the new safeguarding partner arrangements should now be in place.
Paragraph 99	New paragraph to draw schools and colleges attention to implications of using DMB radios to communicate safeguarding information.
Paragraph 100	New data protection tool kit added.
Paragraph 107	New paragraph added to make the link between behaviour and a safe educational environment.
Paragraph 109	Updated to reflect mandatory RSHE.
Online safety (111-121)	Management of online safety moved from the current Annex C to Part two to encourage schools and colleges to consider it as part of their whole school approach to safeguarding.

Paragraph 125-126	Revised to make clear that schools and colleges should have processes in place to manage all concerns about staff, and in addition follow the guidance in Part 4 where a concern includes an allegation that might meet the harm threshold.
Paragraph 131	Added information on abuse in intimate personal relationships.
Children potentially at greater risk of harm (132)	New sub heading added to be clear that whilst all children should be protected some children are potentially at greater risk of harm.
AP (133)	New paragraph to highlight vulnerability of children in AP.
SEND (134-136)	Updated to be clear the child protection policy should reflect additional considerations with regard to protecting children with SEND or physical health issues.
CIN (137-140)	New section to draw attention to challenges CIN children face, alongside useful additional information.
CME (141)	Information moved from start of Part two into this section.
Children requiring mental health support (142-145)	New section to raise profile and encourage schools and colleges to make the link between mental health and safeguarding.
Virtual School Head (151-153)	Updated to provide more information on the role of Virtual School Head
Use of school premises for non-school activities (160-161)	New section added to provide schools and colleges guidance.
Boarding schools (162-165)	Full section moved from current Annex D into main body of Part two.
Part three	Safer recruitment
Part three	We have made significant changes to the structure of Part three. This is to improve the readability of this part and to provide further guidance about how schools and colleges should carry out safer recruitment checks that build on and are not overly reliant on DBS checking.

	<p>We suggest relevant staff read the whole section.</p> <p>There are no changes to the statutory requirements placed on schools and colleges.</p>
170-171	<p>Given the revision of Part 3 these paragraphs moved from Part 2 to group all safer recruitment information in the same section.</p>
Part four	<p>Allegations of abuse made against teachers, including supply teachers, other staff, volunteers and contractors</p>
Part four	<p>We have made significant changes to the structure of Part four. This is to improve the readability of this part and provide a more logical flow to the guidance.</p> <p>We suggest relevant staff read the whole section, but, important additions are listed directly below.</p> <p>There are no changes to the statutory requirements placed on schools and colleges.</p>
Paragraph 310	<p>Added a fourth bullet point under the behaviours which covers where an individual has behaved or may have behaved in a way that indicates they may not be suitable to work with children. The reason is because of transferrable risk. Where a member of staff or volunteer is involved in an incident outside of school/college which did not involve children but could have an impact on their suitability to work with children. For example, a member of staff is involved in domestic violence at home. No children were involved, but schools/colleges need to consider what triggered these actions and could a child in the school trigger the same reaction, therefore being put at risk.</p>
Supply Teachers (326-329)	<p>Added further guidance as to how schools and colleges should ensure allegations against supply teachers are handled.</p>
Part five	<p>Child on child sexual violence and sexual harassment</p>
Part five	<p>References to ‘alleged perpetrator’ replaced with ‘alleged perpetrators(s)’ in recognition that there could be more than one perpetrator.</p>
Paragraphs 377-379	<p>Added additional context to better introduce this part of the guidance.</p>

Responding to the report (384-387)	Added further guidance to emphasise the importance of the initial response to the report and highlight that for some children they may find it difficult to make a direct report.
Paragraph 391	Now reflects intimate personal abuse and child criminal and child sexual exploitation.
Children sharing a classroom: Initial considerations (pg 88)	Additional considerations when thinking about keeping the alleged perpetrator(s) and victim apart.
Ongoing considerations: sharing classes (pg 96)	Additional considerations when thinking about keeping the alleged perpetrator(s) and victim apart.
Paragraph 402	Added link to more information on harmful sexual behaviours, and reference to the National Organisation for the Treatment of Abusers (NOTA) which provides support for professionals.
Annex A	Safeguarding information for school and college staff
Annex A	NEW – condensed version of Part one of Keeping children safe in education. For governing bodies and proprietors to consider if this will be more effective (than Part 1) in supporting staff who do not work directly with children on a regular basis to safeguard and promote the welfare of children.
Annex B	Further information
Child abduction and community safety incidents	New section to raise the issue and link to guidance.
County Lines	Additional information provided.
Domestic abuse	Made clear domestic abuse can impact on children when they witness it at home and/or suffer it in an intimate personal relationship.
Honour-based abuse	Wording changed from ‘violence’ to ‘abuse’ to recognise non-violent forms of abuse.

Preventing radicalisation	Additional information provided on what terrorism looks like and more information on Channel.
Annex C	Designated Safeguarding Lead (DSL)
Annex C	Consulting on a series of proposed changes, especially with regard to CIN. Final version of KCSIE 2020 will be clear which changes we have made.
Annex D	Online safety
Information and support	Reformatted to improve accessibility. Added additional links.



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