



Department
for Education

Consultation on keeping children safe in education

Government response

April 2014

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Introduction

1. Everyone working at a school or further education/sixth form college, paid or unpaid, must be aware of their safeguarding responsibilities and know how to discharge them.
2. It is vital that children receive the right help at the right time. For this to happen, everyone in contact with children in a school, or college, must play an active role in identifying concerns early, sharing information and taking prompt, informed action to keep children safe.
3. Everyone working in schools and colleges should be vigilant, listen and act quickly if they suspect a child is suffering, or may be at risk of suffering harm. This is a day-to-day responsibility: safeguarding does not stop because an adult has 'passed' the right checks.
4. In fulfilling their safeguarding responsibilities, schools and colleges must follow the relevant legislation and have regard to the statutory guidance. We want teachers and other people working directly with children to have the clearest possible guidance on their responsibilities. Children can be safeguarded and protected best if the professionals working with them fulfil their statutory responsibilities and exercise their professional judgment on when to take action. Too often a well-intentioned desire to guide and support professionals through the provision of lengthy guidance has created a culture of "box-ticking" rather than supporting a real focus on the needs of the child.
5. This government has substantially revised the guidance to professionals, making clearer the regulatory requirements whilst giving greater room for professional judgment in the exercise of statutory duties. *Working Together to Safeguard Children*, multi-agency safeguarding guidance, has been streamlined so that it focuses on the core statutory requirements, making much clearer the key steps that individuals and organisations should take to keep children safe and promote their welfare. The government believes that a similar approach should be taken for guidance on safeguarding in schools and colleges.
6. The current statutory guidance for safeguarding in schools and colleges, *Safeguarding Children and Safer Recruitment in Education*, was issued in 2006 and is now out of date in a number of respects. Three new Acts of Parliament and five new sets of regulations which have an impact on safeguarding children in schools and colleges have come into force since the guidance was issued. There has also been a review of the criminal record check and barring arrangements, which led to the creation of the Disclosure and Barring Service with checks being scaled back to common sense levels, and consequent changes to legislation through the Protection of Freedoms Act 2012.

7. It is therefore necessary to update the existing statutory guidance. This is an opportunity to give it a greater focus on statutory responsibilities, and to make it more user-friendly for leaders, staff and volunteers in schools and colleges.
8. On 28 March 2013 the Government launched a consultation on revised statutory guidance to keep children safe in education. The consultation closed on 20 June 2013. This report sets out an analysis of the issues raised and provides the government's response to the consultation.

Summary

How the consultation was conducted

9. The consultation ran from 28 March 2013 to 20 June 2013. 324 responses were made through the Department for Education's (DfE) consultation website. The consultation questions, with a summary of responses, are at Annex A and a list of the organisations and individuals who responded is at Annex B.

The responses can be broken down into the following categories:

Category of respondent	Number of responses from that category	Percentage of total responses ¹
Schools, colleges and universities	137	42%
Local Children's Safeguarding Boards, local authorities and council departments.	82	25%
Individuals	13	4%
Independent organisations, safeguarding advisers and training organisations	15	5%
School governors and governing bodies	52	16%
Associations	2	0.5%
Faith organisations	3	1%
School associations	1	0.5%
Trades unions	5	2%
Charities and Voluntary Organisations	14	4%

10. In addition to the web-based consultation, the DfE held meetings with interested parties, during the consultation period and shortly afterwards, to explore some of the issues in further detail. The organisations and individuals with whom DfE officials met are listed at Annex C.

11. The consultation sought specific views on:

- the removal of the regulation that requires safer recruitment training approved by the Secretary of State for at least one member of a recruitment panel; and

¹ All percentages throughout this report are rounded to nearest whole number.

- whether the statutory guidance should set out the minimum legal and statutory requirements, and beyond that give schools and colleges the autonomy to use their own judgment to decide how to keep children safe.

Main findings from the consultation

12. The following paragraphs summarise the views expressed by respondents. A statistical analysis of the responses to the consultation is at Annex A.

Removal of the regulation that requires Secretary of State approved safer recruitment training for at least one member of a recruitment panel

13. The majority of respondents (69 percent) were against the proposal to remove the requirement for at least one member of a recruitment panel to have undertaken safer recruitment training approved by the Secretary of State. Twenty-two percent were in favour and 9 percent were not sure.
14. The arguments put forward for maintaining the current requirement were that retaining the regulation would help:
- maintain consistency;
 - avoid complacency;
 - maintain high quality training;
 - heighten awareness of safeguarding issues when recruiting;
 - ensure that safer recruitment training takes place; and
 - ensure greater attention is paid to the recruitment process generally.
15. Safer recruitment training is valued and the majority of responses said that safer recruitment training is essential.
16. Respondents noted that face-to-face training is often seen as better quality than the online training but there is room for both (e.g. responses from school governors suggest they find it easier to do the online training) and both methods need to be kept up to date.
17. It appeared from comments made by some respondents that they understood the question to be a proposal to remove the requirement for safer recruitment training altogether, which was not the government's intention. The intention was to seek views on removing the requirement for the safer recruitment training to be provided by a person approved by the Secretary of State. In light of this, the number of negative responses may not be a true reflection of opinion. A small number of respondents specifically want Secretary of State approval for training to be retained, or for the training to be 'nationally' recognised. A similar number of respondents specifically

said that such approval is not needed. Comments made were subsequently verified in follow-up conversations.

18. A number of respondents said that the training provided through their local safeguarding children board (LSCB), or professional body, or a child protection charity like the NSPCC, is very high quality and often has the additional benefits of bringing together professionals from different disciplines and the option to look at local issues and experiences.
19. In the consultation discussions (see paragraph 10) it was suggested it might be possible for DfE to set out what the minimum content of training for recruitment panel members should be.

Keeping Children Safe in Education should set out the minimum legal and statutory requirements and beyond that give schools and colleges autonomy to use their own judgment to decide how to keep children safe

20. Opinion among respondents was fairly evenly divided on whether the guidance should be more focused: 46 percent were in favour, 41 percent were against and 13 percent were unsure. However, the headteachers, teachers and governors who responded were more positive than other respondents about shortened guidance: 59 percent were in favour of shorter, more focused guidance, and 29 percent were opposed.
21. Respondents welcomed the focus on core statutory responsibilities and the lack of jargon, and a number of organisations said that sharper guidance would encourage schools and colleges to think more carefully about their responsibilities, be less risk-averse, and reduce bureaucracy. Others argued in favour of retaining the current approach so that the work already being carried out using the existing guidance was not undermined.
22. In the consultation discussions, it was recognised that the detail and length of *Safeguarding Children and Safer Recruitment in Education* did not guarantee a greater level of safeguarding in practice.

The government's response

23. The government is pleased that a large number of organisations and individuals took part in this consultation, and is grateful for their opinions and views. It has considered all the feedback received through the consultation process.
24. Our overall approach is shaped by some simple guiding principles. We want everyone who works with children, and their managers and leaders, to be fully aware of their statutory responsibilities in keeping children safe. If children are being abused or are at risk of harm, we want the adults working with them to carry out their statutory duties and to be clear about the need to act, and how to act, individually and collectively, in the best interests of the child concerned.
25. There is no doubt that guidance can help professionals do the right thing. But it is neither possible nor sensible to try to devise guidance that attempts to cover, in detail, every possible set of circumstances.
26. Professionals have the autonomy to make decisions which will safeguard children. It is the government's firm view that children are best protected when professionals are clear about their responsibilities and accountability, know what is required of them, know how to work together, and use their professional judgement to protect children from harm.
27. We believe that the current statutory guidance, *Safeguarding Children and Safer Recruitment in Education*, has too much unnecessary material that detracts from its core purpose: the specification and clarification of statutory responsibilities.

Guidance on safer recruitment

28. Today we are publishing *Keeping Children Safe in Education*. The first part is for everyone who works in schools and colleges and concerns the need to safeguard and promote the welfare of children. It includes links to sources of information and best practice in relation to specific safeguarding issues. Further parts outline specific duties for governing bodies or proprietors, school leaders and the designated safeguarding lead concerning day-to-day practice and the recruitment of staff. The updated guidance reflects new processes for criminal record and barred list checks following implementation of the Protections of Freedoms Act 2012 and, in response to representations made in the consultation, includes guidance on the take up of professional and character references. The final section brings in *Allegations of abuse against teachers 2012*. This advice was published separately but has been brought back into this document for ease of reference for schools and colleges.
29. We have considered feedback on the current requirement for at least one member of a recruitment panel to have undertaken safer recruitment training that has been approved by the Secretary of State. We continue to hold the view that training on

safer recruitment is necessary, but we do not believe it needs to be approved by the Secretary of State. School and college leaders are better placed than central government to decide what training is appropriate for their staff and the circumstances of the school or college. Limiting the number of training providers to those approved by the Secretary of State might restrict the number of good quality providers. The updated guidance *Keeping Children Safe in Education*, requires school and college leaders to ensure at least one member of a recruitment panel has had proper training on safer recruitment, but leaves it to school and college leaders to judge what training their recruitment panel members will complete. Schools and colleges may take advice from the Local Safeguarding Children Board (LSCB).

30. There is a range of safeguarding training provision available. We are working with a number of organisations with expertise in this area to help ensure appropriate training is available.
31. Safer recruitment e-learning is currently provided by the DfE at this link: www.education.gov.uk/e-learning/login/index.php. These materials (not including any third party materials such as videos, images or diagrams) may be used by others who wish to develop safer recruitment training under the Open Government License provided the terms are met. Details of the Open Government License are at this link: <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/>. It should be noted that whilst these materials may be used the minimum content of safer recruitment training must be the content of the updated guidance *Keeping Children Safe in Education* from September 2014.
32. Ofsted will continue to include an assessment of the effectiveness of the safeguarding arrangements in place in a school or college to ensure safe recruitment and that all pupils are safe in the assessment of leadership made during an inspection.
33. Reflecting feedback from respondents to the consultation, the guidance published today provides additional guidance on:
 - checks on visitors;
 - regulated activity and Disclosure and Barring Service checks, and the portability of criminal record checks; and
 - employment references, previous employment history, and pre-appointment checks.
34. We intend that *Keeping Children Safe in Education* will come into effect at the point of publication.

Annex A: Summary response to each consultation question

Question 1a: Do you support the removal of the regulation that requires Secretary of State approved safer recruitment training for at least one member of a recruitment panel?

There were 317 responses to this question. The overall summary of responses is given in the table 1 below

Table 1: Responses to Q1a

1a) Do you support the removal of the regulation that requires Secretary of State approved safer recruitment training for at least one member of a recruitment panel?	
Options	Number of responses/percentage
No	220 (69%)
Yes	69 (22%)
Not Sure	28 (9%)
Totals	317 (100%)

The level of support for each option varied by respondent type, as shown in table 2 below

Table 2: Responses by respondent type

	Yes (number and percentage)	No (number and percentage)	Not Sure (number and percentage)	Totals
School and college leaders, governors, teachers and support staff	43 (28%)	98 (63%)	14 (9%)	155
Local authorities	8 (13%)	52 (82%)	3 (5%)	63
Union	1 (33%)	2 (67%)	0 (-)	3
Charities and Voluntary Groups	3 (21%)	9 (65%)	2 (14%)	14
Other	14 (17%)	59 (72%)	9 (11%)	82
Totals	69 (22%)	220 (69%)	28 (9%)	317 (100%)

Question 2a: have you taken the safer recruitment training course in the last year?

There were 297 responses to this question. The overall summary of responses is given in the table 3 below

Table 3: Responses to Q2a

2a) Have you taken the safer recruitment training course in the last year?	
Options	Number of responses/percentage
No	183 (62%)
Yes	114 (38%)
Totals	297 (100%)

The number of “Yes” responses to this question, 114, suggests that a relatively large proportion of the school and college staff that responded to the consultation had recently undergone the safer recruitment training.

Question 3a: Do you agree that Keeping Children Safe in Education guidance should set out the minimum legal and statutory requirements and beyond that give schools and further education colleges autonomy to use their own judgment to decide how to keep children safe?

There were 315 responses to this question. The overall summary of responses is given in the table 4 below.

Table 4: Responses to Q3a

3a) Do you agree that Keeping Children Safe in Education guidance should set out the minimum legal and statutory requirements and beyond that give schools and further education colleges autonomy to use their own judgement to decide how to keep children safe?	
Options	Number of responses/percentage
No	128 (41%)
Yes	145 (46%)
Not Sure	42 (13%)
Totals	315 (100%)

Opinion among respondents generally was fairly evenly divided on the proposition. A slightly higher percentage of respondents favoured having guidance that was focused on the statutory requirements, but a similar number wanted longer, more descriptive guidance.

As with question 1, the level of support for each option varied by respondent type, as shown in table 5 below

Table 5: Responses by respondent type

	Yes (number and percentage)	No (number and percentage)	Not Sure (number and percentage)	Totals
School and college leaders, governors, teachers and support staff	90 (59%)	42 (27%)	21 (14%)	153
Local authorities	17 (26%)	40 (62%)	8 (12%)	65
Union	1 (50%)	0 (-)	1 (50%)	2
Charities and Voluntary Groups	5 (36%)	8 (57%)	1 (7%)	14
Other	32 (40%)	38 (46%)	11 (14%)	81
Totals	145 (46%)	128 (41%)	42 (13%)	315 (100%)

The greatest part of the support for shorter, more focused guidance came from the people most likely to be using it: leaders and staff at schools and colleges. The respondents most likely to favour longer guidance, maintaining the current approach, were from local authorities and the voluntary sector.

Annex B: List of organisations that responded to the consultation

Schools and colleges

Acres Hill School

Alresford Primary School

Annunciation Catholic Infant School

Ardingly College

Ardleigh St Mary's CE Primary School

Balsall Common Primary School (Academy)

Banbery, Andrew (School)

Bede's School

Beormund Special School

Bignold Primary School

Blanford Mere Primary

Bournville Primary School

Brambletye School

Bridgewater School

Bridgwater College

Broadway Infant School

Brockington College

Bunwell Primary School

Cathcart Street Primary School

Chatsworth Primary School

Chaucer School

Chesterfield College

Cleveland Infant School

Colleges Nursery and Family Centre

Colne Engaine CEVA Primary School

Court de Wyck C of E Primary School

Curzon C of E School

Dixie Grammar School, The
East Sussex Primary School
Eastlea Community School
Easton and Otley College
Eastwick Infant School
Fakenham High School
Fingringhoe Primary School
Flanshaw Junior Infant and Nursery School
Gosfield School
Gotham Primary
Great Staughton Primary School
Great Yarmouth High School
Greensted Infant School & Nursery
Griffiths, Jacqui (School)
Guilden Morden CofE Primary school
Hauxton Primary
Head of Large Primary , Mary Ward
Heath View Primary School
Helen Gibson Nursery School
Helsby High School
Highfield School
Holme CE Primary School
Holy Family RC Primary School
Holy Rood Junior School, Swindon
Horsenden Primary School
Hurstpierpoint College
Ibstock Community College
Institute for Learning
International College, Sherborne School
Isleworth & Syon School for Boys
Keswick School

Kimbolton School
Kingswood Junior School
Langley Primary School
Leeds City College
Lethbridge Primary School
Little Mead Primary Academy
Little Waltham CEVA Primary School
Llandovery College
Longspee School
Lowfield Primary School
Maiden Erlegh School
Mapledown School
Marham Junior School
Newlands Spring Primary School
Newnham Croft Primary
Oakhurst Community First School
Oasis Community Learning
Oliver Tomkins school
Orchard Hill College
Oxford & Cherwell Valley College
Park Hill Primary School
Phillimore Community Primary School
Pye Bank school
Ravenbank Community Primary School
Richard Newman Primary School
Ryton Community Infant School
School (Lisa Murphy)
Shaftesbury School
Sheringham Primary School
Sixth Form College Michael Walsh
Slade Green Infant School

South Cheshire College
South Essex College of Further & Higher Education
South Grove Children's Centre
Southernway Federation
Spa School
Springdale Infant School
Springwell Junior School
St Barnabas Primary
St Bartholomew's School
St Bede's R C High School
St Clere's Multi Academy Trust
St John Fisher Catholic College
St Katherine's Secondary School
St Luke's CE Primary School (Patricia Roberts)
St Peter's CE Primary School & Nursery
St. Katherine's School
St. Mary's Calne
St. Michael's Church of England Junior School, Galleywood
St. Teresa's Catholic Primary
Staff, Judith (Primary School)
Stantonbury Campus
Stradbroke High School
Talbot Specialist School
The Chalet School
The Godolphin and Latymer School
Thurlton Primary School
Tolleshunt D'Arcy St Nicholas cofE (VA) Primary School
Trenode C of E School
Trinity Anglican Methodist Primary School
Wakefield College
Walliscote Primary School

Waltham Forest College
Warwickshire College
Water Lane Primary School
Waterthorpe NI School and Emmanuel Junior School
wells, suzanne (school)
West Moors Middle School
West Rise Junior School
Weymouth College
Woodhouse Grove School
Woodthorne Primary School
Wyggeston & Queen Elizabeth I College
Yewstock School

Universities

Canterbury Christ Church University
University of Chester
University College Doncaster
Manchester Metropolitan University Lecturer on QTS
University of Worcester

Associations

Association of Directors of Children's Services
Association of Colleges
Association of Managers in Education
Association of Teachers and Lecturers
Dunnett, Kathy Standards and School Effectiveness
Halton LA Secondary Headteachers
London LADOs
Masie group (Midlands Association for Safeguarding in Education)
Recruitment and Employment Conferderation
Sisonke Friendship Association (Fortune Sibanda)
SSITA and Cavisoc

Unions

ASCL

NAHT

NASUWT

UNISON

Voice - the union for education professionals

Faith representatives

Association of Christian Teachers

Catholic Education Service

Chichester Diocesan Board of Education

Churches Child Protection Advisory Service

Clifton diocese

Fegans Child and Family Care

London Diocesan Board for Schools

Manchester Diocese Education Department (Chris Shelley)

Children's Charities

Children's Society, The

National Children's Bureau

NSPCC

Other Government Departments

BIS

School's Associations and inspectorates

Independent Schools Council *

Independent Schools Inspectorate (Rowenna Abel)

NASS

Natspec: The association of National Specialist Colleges

OFSTED

Local Safeguarding Children Boards

Association of Independent LSCB Chairs

Barnsley Safeguarding Children Board
Blackburn with Darwen Council LSCB
Bradford Safeguarding Children Board
Bucks Safeguarding Children Board
Ealing Safeguarding Children Board
Essex Safeguarding Children Board
Halton Safeguarding Children Board
Kirklees Safeguarding Children Board
Merton Safeguarding Children Board
North Tyneside LSCB
Northamptonshire LSCB
Oldham Local Safeguarding Children Board
Solihull MBC and Solihull LSCB
South Tyneside - Local Safeguarding Children's Board
Swindon LSCB
West Cheshire LSCB

Local authorities

Advice and Inspection, London Borough of Sutton
Bath and North East Somerset Council
Birmingham City Council
Blackpool Council
Bournemouth & Poole
Bracknell Forest Council
Cambridgeshire CC
Cheshire East Authority
Cornwall Council
DCC Behaviour Support Service
Derby
Derbyshire
Dorset County Council
Dudley mbc

Durham County Council
East Midlands Councils DBS Group
East Sussex County Council
Education Safeguarding Team traded service to schools from Childrens Services
Essex County Council
Gateshead Council
Gloucester County Council Adult Education,
Gloucestershire County Council
Hampshire County Council
Hertfordshire County Council
Isle of Wight Council
Islington Council, Education Welfare Service
Kent County Council
LB Wandsworth
Leeds
Leicestershire CC
Lincolnshire CC
London Borough of Newham
London Borough of Waltham Forest
Milton Keynes Council
Norfolk Children's Services
North Somerset Council
North Tyneside Council
North Yorkshire County Council
Northamptonshire CC
Northumberland Council Safeguarding Unit
Nottinghamshire CC
Rotherham Metropolitan Borough Council
Sheffield
Solihull MBC
South Tyneside Council

South West Grid for Learning (15 LAs)
Staffordshire CC
Stockton Borough Council
Suffolk County Council
Suffolk Recruitment and Safe Practice Group
Sunderland
Surrey CC
Tri Borough Hammersmith & Fulham / Royal Borough Kensington & Chelsea /City of Westminster Local Authorities
Turner, Bill (Children's Services)
turner, Sarah (Swindon borou council)
Warrington Borough Council
Warwickshire CC
West Berks Council
West Berkshire Council
Wiltshire
Wirral Children & Young Peoples Department

Independent organisations

alp Training & Development
Babcock 4S Education consultants
Barker Leadership
CAPE
Chalkley, Gail (Child Safeguarding Consultancy)
Children's Commissioner
City Lit
Clere Training Ltd
Education Safeguarding Group
Empower 2 Excel
Eyre , Carolyn (Independent Safeguarding Trainer)
Gadd, Alison (Independent Safeguarding Trainer)
Hackney Learning Trust

Health Education Service
Inter Training Services Ltd
Kaye Handman, Independent Safeguarding Adviser
Lucy Faithfull Foundation
New Directions Education
Randstad Education
Office of the Children's Commissioner
Robbins training and consultancy ltd
SAFE CIC
Safe Haven Consulting
Sneddon, Jill (Independent trainer)
Veale Wasbrough Vizards Lawyers
Governors
Bhamra, Gurdip (Governor)
Boole, Mary
Boyles, Karen (Chair of School Governors)
Brine, Carly (Governor)
Cash, Alison (school governor)
Crocker, Keith (Sewell Park College)
Evans, Godfrey (Governor)
Governor of Primary School at Loddington
Hartford Manor CP school governing body
Leimdorfer, Tom (Governor)
Mann, David (Governor @ Bingley Grammar School)
McBride, Maurice (School Governor)
Mullineaux, Richard (Governor)
Naveed, Farah (Parent Governor Downside Primary School, Luton)
Raybould, Sarah (Governor Chelmsford County High School for Girls)
Sadler, Paul (Richard de Clare primary school Governor)
Tim Griffin Governor
Waddington, David (School Governor)

Wood, Pauline (Chair of Governors)

Yandell-Jones, Anita (COG Mendip Green Primary School)

Individual responses

21 Anonymous responses

Brown, Katrina

Cakir, Narin

Chapman, Sue

Cook, Steven

Crompton, Kevin

Cunningham, Trevor

Fine, Anne

Fitzgerald, Anthony

Goode, Sharron

Held, Jane

Hignett, Malcolm

Hine, Margaret

Hodder, Matthew

Holland, John

Hopkinson, Sue

Jackson, Susan

June ?

Lacey, R

Low, David

Lowe, Graham

Maine, Diana

Osborne, Lisa

Overton, Rachel

Pitt, Graham

Potter, Teresa

Primrose, Alison

Roskilly, Neil

Sewell Park
Simm, Mike
Simmons, Donna
Smith, angela
Stockill, Helen
Storey , Naryse
Taylor, Julia
Temple, Wendy
Thackwray, Emma
Thomas, Linda
Weinberger, Ruth
Wright, Debbie

Annex C: Organisations and individuals that attended consultative meetings

Association of Colleges (AOC)

Association of School and College Leaders (ASCL)

Independent Schools Council (ISC)

Independent Schools Inspectorate (ISI)

A Local Authority Designated Officer (LADO)

Lucy Faithfull Foundation

National Children's Bureau (NCB)

National Governors Association (NGA)

NSPCC

Ofsted

Recruitment and Employment Confederation (REC)

Caroline Tote (LSCB)



Department
for Education

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