



Llywodraeth Cymru
Welsh Government

Draft keeping learners safe guidance

The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002

Guidance

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Draft keeping learners safe guidance

Audience Local authorities; headteachers and governing bodies of maintained schools; headteachers and governing bodies of voluntary aided and foundation schools; teachers in charge of pupil referral units; church diocesan authorities; proprietors of independent schools; principals of further education institutions; school staff unions; Governors Wales; Careers Wales; higher education authorities and Local Safeguarding Children Board Chairs. It should also be read by staff within those organisations that have a lead responsibility for safeguarding children.

Overview This document contains guidance for local authorities and governing bodies on arrangements for safeguarding children under section 175 of the Education Act 2002.

Action required Employers and educational institutions engaged with the provision of education services to children and young people should take the necessary action outlined in this guidance. There are legal obligations for employers and educational institutions in these areas and these are highlighted in the guidance.

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Additional copies This document can be accessed from the Welsh Government's website at <https://gov.wales/keeping-learners-safe>

Related documents This guidance replaces:

- *Keeping Learners safe: The role of local authorities, governing bodies and proprietors of independent schools under the Education Act 2002* Welsh Government Circular No. 158/2015
- *Safeguarding Children in Education: The role of local authorities and governing bodies under the Education Act 2002* Welsh Assembly Government Circular No: 005/2008 (2008)
- *Child Protection: Preventing Unsuitable People from Working with Children and Young Persons in the Education Service* National Assembly for Wales Circular No: 34/02 (2002)
- *Criminal Records Bureau: Basic Facts for School Volunteers* National Assembly for Wales Circular No: 02/03 (2003)
- *Reporting Misconduct and Incompetence in the Education Service: Reporting Cases of Misconduct or Professional Incompetence in the Education Service – Revised Reporting Arrangements from 12 October 2009* Welsh Assembly Government Circular No: 018/2009 (2009)

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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Preface

Who is this guidance for?

This statutory guidance **must** be read and followed by:

- local authority education leads;
- head teachers and governing bodies of maintained schools (including maintained nursery schools);
- head teachers and governing bodies of voluntary aided and foundation schools;
- proprietors of independent schools;
- proprietors of EOTAS provision;
- church diocesan authorities;
- proprietors of independent schools;
- principals of further education institutions;
- school staff unions;
- Governors Wales;
- Careers Wales;
- higher education authorities;
- Local Safeguarding Children Board Chairs; and
- management committees of pupil referral units and teachers in charge of pupil referral units.

The above education settings **should** ensure that all staff in those settings have an understanding of this guidance, and ensure that there are systems in place to support staff to understand and discharge their roles and responsibilities as set out in this guidance.

This guidance should also be considered **effective practice** for all other education settings including, but not exclusive to, funded non-maintained early years settings which deliver education and work-based learning providers.

Throughout this guidance the terms **must**, **should** and **effective practice** are used. The term **must** is used when there is a duty to meet the requirement. The word **should** is used when the advice set out should be followed unless there is good reason not to. The term **effective practice** is used where it is considered the setting ought to follow the advice, but there is no requirement to do so.

The purpose of this guidance is to help all education settings ensure they have effective safeguarding systems in place. It sets out the responsibilities of local authorities, governing bodies of all maintained schools (references to schools throughout the document also apply to pupil referral units), further education institutions (referred to as colleges in this guidance from this point forward) and proprietors of independent schools, to have arrangements for exercising their functions to safeguard and promote the well-being of children in Wales. The

guidance is also relevant for agencies which supply staff to the education sector, contractors who work in education establishments responsible for under 18s, as well as other providers of education and training for those under 18.

What is safeguarding?

Safeguarding is protecting children from abuse, neglect or other kinds of harm, and educating those around them to recognise the signs and dangers. Safeguarding and promoting the well-being of all children attending a school or college is defined for the purposes of this guidance as:

- protecting children from risk of abuse, neglect or other kinds of harm;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to achieve the best outcomes.

For the purposes of this guidance:

- "children" includes everyone under the age of 18. Section 175 of the Education Act 2002 and section 3 of the Social Services and Well-being (Wales) Act 2014 (referenced as "the 2014 Act" hereafter) defines a child as a person under the age of 18.
- Well-being includes welfare; well-being is defined under section 2 of the 2014 Act and includes "welfare" as that word is interpreted for the purposes of the Children Act 1989.

Everyone working in an education setting, whether employed by the local authority or otherwise, who comes into contact with children and their families has a role in safeguarding children. They form part of the wider safeguarding system for children and are in a position to identify concerns early and provide help for children to prevent issues from escalating. They should work with local authorities, the police, health services and other services to promote the well-being of children and protect them from harm.

Everyone in the education service shares an objective to help keep children safe by:

- creating and maintaining a safe learning environment for children;
- identifying child well-being concerns and taking action to address them, where appropriate, in partnership with other agencies; and
- developing children's understanding, awareness and resilience through the curriculum.

Achieving this objective requires systems designed to:

- prevent unsuitable people¹ from working with children;
- promote safe practice and challenge poor and unsafe practice;
- identify instances in which there are grounds for concern about a child's well-being, and initiate or take appropriate action to keep them safe; and
- contribute to effective partnership working between all those involved with providing services for children.

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¹ s113BA of the Safeguarding Vulnerable Groups Act 2006 sets out suitability information relating to children

The status and content of this guidance

This guidance is issued by the Welsh Ministers in exercise of their powers under [section 175 of the Education Act 2002](#).

Under section 175 of the Education Act 2002, local authorities and governing bodies of maintained schools and Further Education Institutions must have regard to this guidance for the purpose of meeting their duties and should exercise their functions in a way that takes into account the need to safeguard and promote the welfare of children. The requirement to 'have regard' means that the guidance must be taken into account and any decision to depart from it must be justified.

Under [section 157 of the Education Act 2002](#), proprietors of independent schools must comply with this guidance for the purpose of meeting standards set out in regulations and exercise their functions in a way that takes into account the need to safeguard and promote the welfare of children.

This document:

- provides guidance about the effect of the duty to have arrangements to safeguard and promote the well-being of children introduced by [section 175 of the Education Act 2002](#);
- sets out the roles and responsibilities of local authorities, governing bodies, proprietors of independent schools, supply agencies, head teachers, and staff with designated responsibility for child protection in making arrangements to support those in the education service to safeguard children from abuse, neglect or other kinds of harm;
- provides advice to education settings that are not under a legal duty to comply with this guidance; but provides advice on considering the advice as effective practice; and
- supplements volumes 1, 2 and 5 of [Working together to Safeguard People](#) which have been issued under Part 7 of the 2014 Act. This suite of guidance sets out clear expectations about the way in which agencies and practitioners should work together to safeguard children. The Wales Safeguarding Procedures² complement this guidance and set out the detailed practice guidance.

This guidance does not prescribe detailed procedures, rather it aims to specify the outcomes that organisations need to secure to enable staff to meet the objective of keeping children safe from harm as well as what needs to be done, or put in place, to achieve this.

This guidance replaces the previous Keeping Learners Safe guidance 2015 (document number: 158/2015).

The guidance should be read alongside [Working Together to Safeguard People](#), issued under the 2014 Act.

² At the time of publication the Wales Safeguarding Procedures were being drafted: due for publication Autumn 2019. The procedures replace the existing All Wales Child Protection Procedures

Chapter 1: The framework for safeguarding in Wales

- 1.1 All schools and colleges have statutory duties to operate in a way that takes into account the need to safeguard and promote the well-being of children³. The legal responsibilities are set out in:
- the common law duty of care⁴;
 - the Duty to Report⁵; and
 - the duty arising from the contract of employment.
- 1.2 The arrangements that local authorities, schools and colleges have in place to comply with these statutory duties need to ensure:
- reasonable measures are taken to minimise risks of harm to children's well-being⁶; and
 - appropriate actions are taken to address concerns about the well-being of a child or children, working to agreed local policies and procedures in full partnership with other local agencies.
- 1.3 In deciding what arrangements **must** be made to meet their duties, local authorities and governing bodies must take into account guidance given by the Welsh Government, including the guidance set out in this document.
- 1.4 Proprietors of independent schools, independent colleges and independent specialist colleges **must** comply with this guidance to meet the well-being, health and safety standards prescribed in regulations under [section 157 of the Education Act 2002](#).
- 1.5 **Annex 1 and 2** of this guidance provide model arrangements to help support schools in their safeguarding arrangements and should be used as good practice models only. Their application is non-statutory but is considered as effective practice, and therefore should be used unless there is good reason not to do so.
- 1.6 Where there are statutory requirements, local authorities, schools and colleges should have in place policies and procedures that satisfy these requirements, as well as complying with any guidance issued by the Welsh Government.
- 1.7 Local authorities, governing bodies and proprietors also need to be able to show that they have considered whether children, including individual children, in their area, school or college have any specific safeguarding needs in addition to those covered by guidance and, if so, that they have policies and procedures in place to meet those needs.

³ Statutory duty for local authorities and governing bodies of maintained schools and colleges under section 175 of the Education Act 2002 and applies to proprietors of independent schools by virtue of the [Independent School Standards \(Wales\) Regulations 2003](#) made under [section 157 of the Education Act 2002](#).

⁴ The 'common law' is law developed through decisions of the Court as opposed to law which has been determined by Parliament and set down in statute.

⁵ Section 130 of the [Social Services and Well-being \(Wales\) Act 2014](#)

⁶ Well-being is defined under section 2 of the Social Services and Well-being (Wales) Act 2014 and includes "welfare" as that word is interpreted for the purposes of the Children Act 1989.

- 1.8** Failure to have arrangements in place as required by [section 175](#) or to adhere to regulations made under [section 157](#) of the Education Act 2002, or to have regard to guidance issued by the Welsh Government, may be grounds for the Welsh Ministers to take action against local authorities, governing bodies, or proprietors of independent schools.
- 1.9** The responsibility for making sure these arrangements are in place is the duty of the local authority, the governing body or the proprietor of an independent school. Individuals do not have direct liability, except where the proprietor of an independent school happens to be an individual.
- 1.10** The legislation does not place duties with head teachers, principals or other members of staff, and does not make them liable for failures in arrangements or regard to Welsh Government guidance. However, everyone working in an education setting, whether employed by the local authority or otherwise, who comes into contact with children and their families has a role to play in safeguarding children. Head teachers, principals and other members of staff are responsible for carrying out their duties in compliance with the arrangements made by the local authority, governing body or proprietor. Enforcing individual compliance with those arrangements is a matter for the employer under disciplinary procedures.
- 1.11** Every local authority in Wales **must** have a single point of contact for those working with children to raise concerns about a child at risk. Everyone working in an education setting **should** be familiar with the local authority contact details to raise such a concern. Each school or college **must** ensure that there is a child protection and / or safeguarding policy which clearly sets out the contact details for the local authority first point of contact. This policy should be readily available to all staff. This is **effective practice** for all education settings.
- 1.12** The 2014 Act provides for the establishment of Safeguarding Children Boards (SCB). Each SCB partner⁷ **must** be represented by a representative of sufficient level of seniority to ensure effective decision making. The functions of the Director of Education must be reflected on the SCB. In the absence of the relevant Director, another officer who is accountable to the Director and of sufficient seniority to represent the authority may attend in their place. This representative **must** take responsibility for making relevant information available to schools.
- 1.13** Schools and colleges are required to co-operate and provide information to local authorities.⁸ Safeguarding Boards have the power to request specified information⁹ from a qualifying person or body provided that the purpose of the request is to enable or assist the Board to perform its functions under the Act. Each SCB will have a subgroup to lead multi-agency practice reviews of a significant incident where abuse or neglect of the child is known or suspected. Wherever necessary there will be an education representative in such reviews.

⁷ As set out in section 134 (2) of the Social Services and Well-being (Wales) Act 2014

⁸ Section 164 of the Social Services and Well-being (Wales) Act 2014.

⁹ Section 137 of the Social Services and Well-being (Wales) Act 2014

This representative will be responsible for liaising with the school where additional information is required.

1.14 [Working Together to Safeguard People](#) provides a suite of guidance to support practitioners in exercising their duties under Part 7 of the 2014 Act¹⁰.

Wales Safeguarding Procedures Autumn 2019

1.15 The Wales Safeguarding Procedures¹¹ support individuals and agencies across Wales to understand their roles and responsibilities in keeping children and adults safe. They support a consistent approach to safeguarding practice and procedures across Wales.

1.16 They are owned by the Safeguarding Boards in Wales and provide a framework which reflects day-to-day operational arrangements underpinned by the legislative framework set within the 2104 Act and related guidance. They are an integral part of safeguarding and promoting the well-being of children and adults at risk.

1.17 All Wales Practice Guides on safeguarding children in specific safeguarding circumstances are also being developed to be used in conjunction with the Wales Safeguarding Procedures. These include:

- Safeguarding children from child criminal exploitation (CCE);
- Safeguarding children from child sexual exploitation (CSE);
- Safeguarding children affected by domestic abuse;
- Safeguarding children where there are concerns about harmful sexual behaviour;
- Safeguarding children who are home educated;
- Safeguarding children who go missing from home or care;
- Safeguarding children from neglect;
- Safeguarding children from online abuse;
- Safeguarding children who may have been trafficked;
- Safeguarding children from abuse related to tradition, culture, religion or superstition; and
- Safeguarding unaccompanied asylum-seeking children.

Well-being of Future Generations (Wales) Act 2015

1.18 In line with the Well-being of Future Generations (Wales) Act 2015, schools and colleges should maintain an emphasis on prevention, in terms of early intervention, with a view to reducing the risks children are exposed to and subsequent difficulties in later life. Exposure to adverse childhood experiences¹² (ACEs) is associated with poorer health and well-being

¹⁰ <https://socialcare.wales/hub/statutory-guidance>

¹¹ At the time of publication the Wales Safeguarding Procedures were being drafted: due for publication Autumn 2019. The procedures replace the existing All Wales Child Protection Procedures

¹² ACEs include child maltreatment (such as physical, sexual and verbal abuse) and wider experiences of household dysfunction (such as growing up in a household affected by domestic violence, parental separation, substance misuse, mental illness or criminal behaviour).

outcomes. Early identification, intervention and action to mitigate the impact of ACEs, across the life course, is vital.

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The Equality Act 2010

1.19 [The Equality Act 2010](#) places a duty on governing bodies to ensure that the school meets the requirements of equality legislation. To meet its duty a governing body should:

- ensure the school takes all reasonable steps to ensure that its employees do not carry out unlawful discriminatory actions or behaviours;
- support and guide the school to have due regard for equality in all its functions; and
- ensure the school complies with the Equality Duty.

1.20 There are general duties under the Act that schools and colleges must fulfil. There are also specific schools provisions in Part 6 of the Act which prohibit schools from discriminating against, harassing or victimising:

- prospective pupils (in relation to admissions arrangements);
- pupils at the school (including those absent or temporarily excluded); and
- former pupils (if there is a continuing relationship based on them having been a pupil at the school).

1.21 Local authorities in Wales have obligations under the school provisions where they are the responsible body for the school, for example, if they are the admissions authority. Local authorities also have obligations as service providers and bodies carrying out public functions. Further Education providers also have obligations under the Act.

1.22 The Equality and Human Rights Commission has produced [What equality law means for you as an education provider: schools](#) and [What equality law means for you as an education provider: further and higher education](#) providing advice on the specific responsibilities under the Act.

The Children's Rights Framework and The Rights of Children and Young Persons (Wales) Measure 2011

1.23 As required by the Rights of Children and Young Persons (Wales) Measure 2011, this guidance has been developed by the Welsh Ministers with due regard to the requirements of the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols. In addition, the development of the guidance has taken into account the requirements of the United Nations Convention on the Rights of Disabled People (UNCRDP).

1.24 The UNCRC introduces the fundamental principle that the protection of children from harm is the responsibility of all individuals and agencies working with

children and their families, and with adults who may pose a risk to children. Key articles include that every child and young person has a right to:

- article 12 – have their voice heard in decisions that affect them;
- article 19 – be protected from violence, abuse and neglect;
- article 28 – an education; and
- article 29 – an education that is directed to the development of the child’s personality, talents and mental and physical abilities.

1.25 In 2011, Wales became the first administration in the UK to enshrine the UNCRC in domestic law, through the [Rights of Children and Young Persons \(Wales\) Measure 2011](#). The Measure embeds consideration of the UNCRC and the [Optional Protocols](#) into Welsh law, and places Welsh Ministers under a duty to have due regard to the requirements of the UNCRC when making their decisions.

1.26 [The Welsh Government’s Children’s Rights website](#) has been designed to help practitioners, policy makers and all stakeholders develop their understanding of children's rights and how to adopt a children's rights perspective in their work. The website offers a suite of resources including [training for professionals](#).

Inspections

1.27 All schools, colleges and local authorities are subject to inspection by Estyn and, in some cases, the Care Inspectorate Wales (CIW). The education setting’s ability to safeguard and promote the well-being of children in accordance with the relevant legislation and guidance, will form part of the inspectorate’s judgement of the settings overall performance. Performance in this area will not be judged solely on the existence of procedures, but also on their effectiveness in safeguarding children from neglect, abuse and other kinds of harm.

1.28 Independent schools are subject to inspection by Estyn and CIW. Estyn will carry out an inspection of the school and report to Welsh Ministers on the extent to which the Independent Schools Standards are met.

1.29 Estyn inspects maintained nursery schools, and Estyn and CIW jointly inspect funded non-maintained settings. All inspectors have a responsibility to report any disclosures or concerns they may have when visiting a setting.

1.30 Prior to inspection of schools, pupil referral units and funded non-maintained settings, Estyn seeks the views of teachers, support staff, governors, management committees, employers, learners, parents and carers through pre-inspection [questionnaires](#).

1.31 As **effective practice** it is expected that the Designated Senior Person ensures that the safeguarding audit tool at annex 4 is completed on an ongoing basis. The tool supports education settings to review its safeguarding arrangements and identify strengths and weaknesses to ensure they are exercising their legal

safeguarding obligations in line with this guidance. The tool has been developed with input from Estyn and meets the requirements expected by Estyn during inspection. However, it is not designed to be completed for inspection purposes only; the tool should be used as a continuous assessment of meeting legal requirements.

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Chapter 2: Safeguarding roles and responsibilities in the education system

Local authority designated lead officer for safeguarding in education

- 2.1 Local authorities **should** ensure that an appropriate senior officer within its education department is designated to have lead responsibility for discharging its safeguarding duties in education, with a particular focus on child protection. The range of responsibilities attributed to this designated officer post should be consistent with the need to ensure that effective safeguarding arrangements operate across the authority's education functions.
- 2.2 Local authorities have responsibilities at three levels:

Strategic responsibilities

- 2.3 At this level the local authority **should** ensure:
- all partners allocate resources to support the work of the Safeguarding Children Board (SCB);
 - senior officers, including education officers, represent the authority on the SCB and that the authority makes an effective contribution to planning co-ordinated services to meet the needs of children;
 - to work with other agencies to put in place and support effective partnership working;
 - resources are allocated to enable the local authority and maintained schools to discharge their responsibilities for safeguarding children satisfactorily;
 - effective liaison with the appropriate diocesan authorities in respect of arrangements for aided schools in their area;
 - maintained schools' compliance with this guidance is monitored, particularly regarding employment checks (including temporary and agency staff), the existence and operation of appropriate policies and procedures and the training of staff, including the senior person with designated responsibility for child protection in schools. Bring deficiencies to the attention of the governing body of the school and advise upon the action needed to remedy them;
 - inter-agency problems are resolved as soon as possible after they are identified;
 - it plays a full part in child practice reviews in accordance with [Working Together to Safeguard People: Volume 2 – Child Practice Reviews](#) and review and revise procedures and training in light of the findings of reviews, and disseminate information about relevant findings to those with responsibility for child protection in the authority and maintained schools.

Support responsibilities

2.4 At this level the local authority **should**:

- ensure that induction training for all new staff in the authority, and staff who will work with children in maintained schools, includes training on safeguarding that will enable them to fulfil their responsibilities effectively in respect of child protection. The local authority should also ensure that suitable refresher training is completed to keep staff knowledge and skills up-to-date. Governors of maintained schools should also receive appropriate training on their safeguarding responsibilities and in handling allegations of abuse against school staff;
- ensure that further training in inter-agency working to safeguard children, either provided by the SCB or meeting the standards set out by the Board, is available for all staff appointed to have responsibility for child protection. Suitable refresher training should also be available and meet the standard set by the SCB;
- to maintain a record of all designated senior persons (DSPs) and designated governors for child protection within schools in their area, as well as the training undertaken and the dates on which training was undertaken;
- provide model policies and procedures for maintained schools on all aspects of child protection, including recruitment, and procedures for dealing with allegations of abuse against staff and volunteers. The policies and procedures must be consistent with Welsh Government guidance (in particular the model policy and statutory guidance issued in [Disciplinary and dismissal procedures for school staff: Revised guidance for governing bodies](#) and SCB agreed procedures for interagency working, as appropriate). A model child protection policy is provided in Annex 1;
- oversee allegations of abuse, coordinating the input of both its education and social services departments and liaising with the police, and provide advice, guidance and support for maintained schools and DSPs in those establishments about dealing with individual cases. Where necessary, the authority should act on their behalf to resolve any difficulties with, or obtain appropriate support from, SCB partner agencies, and liaise with maintained schools, agencies and colleges to ensure referrals are made to the Disclosure and Barring Service/Education Workforce Council (DB/EWC); and
- have in place arrangements to support staff within the authority and maintained schools who have designated lead responsibility for child protection. These arrangements should encourage and foster a good understanding and working relationship between them, children's social workers and staff in other agencies involved in safeguarding children, to develop effective partnership working.

Operational responsibilities

2.5 At this level the local authority **should**:

- operate safe recruitment procedures and make sure that all appropriate checks are carried out on new staff and unsupervised volunteers who will work with children, including Disclosure and Barring Service (DBS) checks;
- safeguard and promote the well-being of children who have not been allocated a school place, or are excluded from school, including those being educated in pupil referral units, alternative provision or via the home tutor service;
- seek to build effective relationships with home educators that function to safeguard the educational interests and the well-being of children. Doing so will provide parents with access to any support that is available and allow authorities to understand the parents' educational provision. For further information refer to the [Elective home education - Non-statutory guidance for local authorities](#)¹³;
- have in place arrangements for overseeing allegations of abuse against members of staff in the authority, schools or colleges. The Welsh Government has issued guidance – [Disciplinary and Dismissal Procedures for School Staff \(002/2013\)](#) – which includes a model policy;
- work with schools and SCB partner agencies to ensure that allegations are dealt with quickly, fairly and consistently, and that appropriate referrals are made to the DBS and the EWC; and
- ensure that the authority's staff who work with children (including any staff carrying out functions on behalf of the authority) receive training that equips them to carry out their responsibilities for child protection effectively.

Responsibilities of governing bodies / proprietors

2.6 Governing bodies are accountable for ensuring effective policies and procedures are in place to safeguard and promote the well-being of children in accordance with this guidance, and monitoring its compliance with them.

2.7 Governing bodies of maintained schools, governing bodies (corporations) of colleges, and proprietors of independent schools **should** ensure that their respective organisations:

- have effective child protection policies and procedures in place that are:

¹³ At the time of publication - Regulations and statutory guidance for local authorities on home education were being developed for consultation by May 2019. It is anticipated that these regulations and statutory guidance will come into force in March 2020.

- in accordance with local authority guidance and locally agreed inter-agency procedures;
 - inclusive of services that extend beyond the school/college day (e.g. boarding accommodation, community activities on school premises, etc.);
 - reviewed at least annually;
 - made available to parents or carers on request; and
 - provided in a format appropriate to the understanding of children, particularly where schools and colleges cater for children with additional learning needs.
- operate safe recruitment procedures that take account of the need to safeguard children, including arrangements to ensure that all appropriate checks are carried out on new staff and unsupervised volunteers who will work with children, including relevant DBS checks;
 - ensure that the head teacher/principal and all other permanent staff and volunteers who work with children undertake the training necessary to carry out their responsibilities for child protection effectively, which is kept up-to-date by refresher training;
 - give clear guidance to temporary staff and volunteers providing cover during short-term absences and who will be working with children on the organisation's arrangements for child protection and their responsibilities;
 - ensure that the governing body/proprietor remedies without delay any deficiencies or weaknesses regarding any child protection arrangements brought to its attention; and
 - ensure that the DSP for child protection, the designated governor and the chair of governors undertake training in inter-agency working that is provided by, or to standards agreed by, the SCB, as well as refresher training to keep their knowledge and skills up to date, in addition to basic child protection training.

Designated governor

2.8 Schools and colleges **should** identify a designated governor for child protection to:

- take responsibility for child protection matters;
- ensure the governing body/proprietor undertakes an annual review of safeguarding policies and procedures which includes consideration of how its responsibilities have been discharged;
- ensure the governing body reviews the school or college policies and procedures annually; and
- maintain contact with the statutory authorities in relation to child protection staff disciplinary cases as set out in Welsh Government guidance [Disciplinary and Dismissal Procedures for School Staff \(002/2013\)](#).

2.9 While governing bodies have a role in exercising their disciplinary functions in respect of child protection allegations against a member of staff, they do not have a role in the consideration of individual cases which will be investigated under arrangements set out in [Safeguarding children in education: handling allegations of professional abuse against teachers and other staff](#).

2.10 All members of governing bodies **should** undertake relevant safeguarding and child protection training. This ensures they have the knowledge and information needed to perform their functions and understand their wider safeguarding responsibilities. Members of the governing body should complete, as a minimum, the [Keeping Learners Safe Modules](#). These support all staff in education settings to understand their safeguarding responsibilities as set out in this guidance. There are five separate modules available on Hwb.¹⁴ Other useful information on the role of school governors in child protection can also be found on the [Governors Cymru Services](#).

Responsibilities of head teachers / principals

2.11 Head teachers and principals of all schools and colleges **should** ensure that all staff (including supply teachers and volunteers):

- are aware of the child protection policies and procedures adopted by the governing body or proprietor and that these are fully implemented and followed by all staff;
- can access sufficient resources and time to enable them to discharge their responsibilities, including taking part in strategy discussions and other inter-agency meetings, and contributing to the assessment of children;
- understand the procedures for safeguarding children and feel able to raise concerns about poor or unsafe practice and confident that such concerns will be addressed sensitively and effectively in a timely manner in accordance with agreed Welsh Government [Procedures for Whistleblowing in Schools and Model Policy](#);
- as part of their induction, are given a written statement about the school or college policy and procedures and the name and contact details of the DSP for child protection; and
- foster a nurturing culture within the school or college and promote open communication between staff and pupils on safeguarding matters.

Responsibilities of the designated senior person (DSP) for child protection

2.12 Each school or college **should** identify a DSP with lead responsibility for managing all child protection concerns and cases. The DSP should know how to recognise and identify the signs of abuse, neglect and other types of harm, and know when it is appropriate to make a report to the local authority (or police where the child / children are in immediate danger). The role involves providing advice and

¹⁴ These modules will be updated following the publication of the revised KLS guidance.

support to other staff; record keeping; working with family members or carers; making referrals to children's services and attending statutory meetings; and liaising with the SCB and working with other agencies as necessary. The DSP role is **not** to investigate allegations, but they **must** keep the head teacher/principal informed of all safeguarding concerns raised in the school or college.

2.13 The DSP need not be a teacher, but must be a senior member of the school or college leadership team with the status and authority within the organisation to carry out the duties of the post, including committing resources to child protection matters and directing other staff. The DSP could also be a single appointment within the senior team and need not carry other duties.

2.14 Handling individual cases may be a responsibility delegated to an education welfare officer or other student support member of staff, but it is important that a senior member of staff takes overall responsibility for this area of work. The DSP should always be kept informed of the progress and the outcome of all cases.

2.15 In schools or colleges with a number of child protection concerns, the role of the DSP can be a full-time post. Consideration should, therefore, be given to appointing a full-time DSP with relevant skills and experience. An alternative arrangement might involve the delegation of day to day responsibilities whilst the DSP retains overall responsibility, as described in 2.14 above.

2.16 The school or college **must** make arrangements to cover the role of the DSP when that person is unavailable. In many cases, there will be a deputy DSP in place and larger schools or colleges, or those organised on different sites, may have a team of staff working together.

2.17 The DSP does not have to be an expert in the area of safeguarding children or child protection but will take responsibility for the education setting's child safeguarding and child protection practice, policy, procedures and professional development, working with other agencies as necessary. This can be a demanding role and will require a level of expertise, knowledge and resources for the role. The head teacher/principal **should** ensure that the DSP:

- is given sufficient time and resources to carry out the role effectively, which should be explicitly defined in the post holder's job description;
- has access to the required levels of training and support to undertake the role; and
- has time to attend and provide reports and advice to case conferences and other inter-agency meetings as required.

The principles outlined in this section ought to be adopted as **effective practice** in all other education settings.

Chapter 3: Responding to concerns that a child is at risk

3.1 Everyone working in an education setting should safeguard children's well-being and maintain public confidence as part of their professional duties. All staff have a responsibility to provide a safe environment and to identify children who are suffering, or are at risk of suffering, abuse, neglect or harm. All staff then have a responsibility to take appropriate action, working with other services as needed. In addition to working with the DSP, staff members should be aware that they may be asked to support social workers to take decisions about individual children.

3.2 Early identification and intervention and prevention services are key to meeting the needs of children by preventing or delaying circumstances that might lead to social services intervention to support or protect children. This includes the identification of ACEs and action to prevent or mitigate them or supporting the child to build resilience.

3.3 Everyone in the education system who comes into contact with children and their families has a role to play in safeguarding children. School and college staff are particularly important as they are in a position to identify concerns early and provide help for children to prevent issues from escalating. School and college staff form part of the wider safeguarding system for children¹⁵. Schools and colleges should work with local authorities, the police, health services and other services to promote the well-being of children and protect them from harm. The DSP should provide support to staff members to carry out their safeguarding duties and liaise closely with other services such as children's social care.

3.4 The Wales Safeguarding Procedures (as set out in chapter 1) provide common standards to guide child protection practice and a framework within which individual reports of a child at risk, actions, decisions and plans are made and carried out. They are an integral part of the framework for safeguarding and promoting the well-being of children. The DSP should ensure that everyone working in the education setting is aware of the Wales Safeguarding Procedures and knows how to access a copy of the procedures.

3.5 Local authority counselling services also have a role to play in safeguarding children. Local authorities are required, under the [School Standards and Organisation \(Wales\) Act 2013](#), to make reasonable provision of counselling services for all children aged between 11 and 18 in their area and pupils in year 6 of primary school. Counsellors are in a position to determine whether there are any child protection concerns that require onward report.

Required information for staff in education settings

3.6 All those working in education settings, at all levels and regardless of employment status, **should** be aware of systems which support safeguarding. All policies and procedures **should** be shared and explained as part of the staff induction process. This includes the child protection policy and the staff behaviour policy. During induction staff **should** also be made aware of the role of the DSP and

¹⁵ [Working Together to Safeguard People](#), is a compendium of statutory guidance issued under Part 7 of 2014 Act.

be made aware of how to raise concerns with the DSP. All staff members should also receive appropriate child protection training which is updated regularly.

Signs that education setting staff should look out for

3.7 All staff members **should** be aware of the signs of abuse, neglect and other kinds of harm so that they are able to identify cases of children who may be at risk. Staff working with children should be aware that abuse, neglect and harm could affect children in their schools. Knowing what to look for is vital to the early identification of abuse, neglect and harm. Staff should always speak to the DSP in the first instance to discuss their concerns, but it is important to remember that anyone can contact the local authority children's social services to raise a concern at any time. Where a concern about the well-being of a child is identified, staff members should always act in the best interests of the child.

Reporting a child at risk

3.8 The 2014 Act places a Duty to Report¹⁶ on local authorities and relevant partners where they have reasonable cause to suspect that a child is at risk. Partners **must** inform the local authority where they have reasonable cause to believe a child to be at risk. Section 130(4) of the 2014 Act defines a child at risk as a child who:

- is experiencing or is at risk of abuse, neglect or other kinds of harm; and
- has needs for care and support (whether or not the local authority is meeting any of those needs).

3.9 The duty is placed on relevant partners where a child may be at risk. Partners including education, health, police, probation and youth offending teams are required to inform the local authority if they believe a child is at risk.

3.10 Anyone working in a maintained school and employed by a local authority, local health board or trust, police or probation service **must** report to the local authority where there is reasonable cause to believe a child to be at risk of abuse, neglect or other kind of harm.

3.11 All other staff working in education settings, who are not employed by the local authority, or any of the other organisations as set out above, should take account of the Wales Safeguarding Procedures, which sets out that the Duty to Report should be considered as **effective practice**.

3.12 When a child has been reported under section 130 of the 2014 Act, the local authority **must** consider whether there are grounds for carrying out an investigation under section 47 of the Children Act 1989.

3.13 The DSP **should** act as a point of contact and a source of support, advice and expertise for schools and colleges when deciding whether to make a report to

¹⁶ Section 130, under [Part 7](#) of the Social Services and Well-being (Wales) Act 2014

the local authority. The DSP **should** also take a lead in liaising with relevant agencies.

3.14 Where the DSP has reasonable cause to suspect that a child attending the school / college is at risk, a report **must** be made to the local authority as soon as possible. [Working Together to Safeguard People: Volume 5 - Handling Individual Cases to Protect Children at Risk](#) provides additional information on making the report. However, if there are immediate concerns about a child's safety or concerns a criminal offence against a child might have been committed, the DSP **must** contact the emergency services without delay to protect the child/children from the risk of serious harm.

3.15 Where the concerns relate to cases of suspected abuse or allegations of abuse against staff, the process is set out in the [Disciplinary and dismissal procedures for school staff: Revised guidance for governing bodies](#).

Specific action to take should school or college staff have concerns about a child

3.16 Where staff members have concerns that a child is at risk of abuse, neglect or other harm they **should** raise these with the DSP. The DSP **should** then decide whether it's appropriate to make a report to social services and / or the police. It is important to note that any staff member can also report concerns to local authority social services or to the police directly; however, liaison with the DSP is advisable in all cases where possible.

3.17 Concerns **should** always lead to help and support, either through a report to social services, or direct support through the school or college. The DSP **should** share the following information with the staff member making the report and the head teacher:

- proposed initial action, including signposting or that no further action will be taken; and
- who will be taking action.

3.18 If there are immediate concerns about a child's safety or a criminal offence against a child is suspected, the emergency services **must** be contacted without delay to protect the child/children from the risk of serious harm.

3.19 Staff members **should** also be aware of wider safeguarding concerns and report these to the DSP. These include circumstances as outlined in chapter 4 (Safeguarding responsibilities in specific circumstances), chapter 7 (On-line safety) and chapter 8 (community cohesion).

Reporting

3.20 As outlined above, a report that a child may be at risk **must** be made to social services as soon as a concern about a child is identified; this must within 24

hours. Outside of office hours, reports **must** be made to the social services emergency duty service or to the police.

3.21 Where a report is made in person or by telephone, it **must** be confirmed in writing within two working days. Where available the report should be made using a local standard form in place for the relevant local authority or region. In any case, the report **must** include the core information as set out in [Working Together to Safeguard People: Volume 5 - Handling Individual Cases to Protect Children at Risk](#).

3.22 Anyone working in an education setting should be aware that they **can not** remain anonymous should they make a report.

Engaging in the child protection process

3.23 Any member of staff making a report may be asked to complete some, or all, of the following tasks. The school or college **should** ensure that staff have sufficient time and other necessary resources to discharge these tasks effectively and staff should be prepared and willing to do them:

- assist in the child protection enquiries under [section 47 of the Children's Act 1989](#);
- attend the child protection conference;
- provide a written report for the child protection conference;
- contribute to the initial and core assessments; and
- attend core group meetings.

3.24 Where a child is the subject of an inter-agency child protection plan, the DSP should be involved in the preparation of the plan. The school's role and responsibilities in contributing to actions to safeguard the child, and promoting his or her well-being, should be clearly identified.

Appropriate response from education setting staff with safeguarding concerns

3.25 A child, parent, caregiver, relative or member of the public who expresses concerns about a child's well-being to anyone working in a school or college must never simply be asked to make a self-report to social services or the police. These concerns should be shared with the DSP. If the individual wishes to make a self-report, this report should not change the actions of the DSP; a report must still be made by the DSP if it is felt that the child is at risk.

Seeking advice on concerns

3.26 Suspicion about a child being at risk may take the form of concerns rather than known facts. Concerns about a child at risk can arise in many different contexts, including when a child is already known to social services. It is important that these concerns are logged, recorded and appropriately monitored by the member of staff and/or the DSP. This ensures that a coherent picture exists of the likelihood of

abuse, neglect and other kinds of harm and provides support for a report to social services and any subsequent action.

3.27 Every education setting **should** have a suitable system in place to support effective data collection of children suspected to be at risk. There are a number of software packages to support schools collect data internally about safeguarding concerns relating to children. These packages can support staff to log concerns and the DSP to identify patterns of abuse, neglect, or other kinds of harm.

3.28 Where a staff member has concerns but would like further advice on these concerns, advice **should** be available from the DSP.

3.29 Concerns **must** be shared with social services through a report, supported by the DSP. The DSP can advise on and manage the process. Whether the actual making of the report is done by the DSP or the staff member will depend on the arrangements in place in the individual setting. While concerns will not necessarily trigger an investigation, they help to build up a picture and can be taken alongside concerns from other sources. In cases where children's social services are not able to investigate the case or do not consider an investigation appropriate in the circumstances, they should nevertheless consider other support for the child and / or child's family, such as a referral to early intervention services.

3.30 Accurate, concise and clear record-keeping in straightforward language is an essential part of an individual employee and professional's accountability towards people using their services, and underpins good child protection practice. All agencies involved in safeguarding and promoting the well-being of children must have policies and procedures specifying arrangements for the retention, storage and destruction of electronic and paper case records. The policies should ensure that case records are stored safely and can be retrieved as required.

Investigations

3.31 Schools **must not** undertake their own internal child protection enquiries, but report their concerns to the local authority or to the police. If the concern involves a member of staff, agencies must not make their own internal decisions about whether it is a disciplinary issue or a child protection matter. Agencies **should** be mindful that the police have statutory powers and responsibility for determining whether a criminal investigation is to be undertaken.

Listening to the child

3.32 Children will talk about their concerns and problems with people they feel they can trust and are comfortable with. This will not necessarily be a teacher or the DSP, but could be any member of staff within the education setting. It is therefore essential that all staff and volunteers in a school or college know how to respond sensitively to a child's concerns, who to approach for advice, and the importance of not guaranteeing complete confidentiality.

3.33 All those working in a school or college should ensure that the active offer principle of the use of the Welsh language is embedded in practice. The child should

be asked which language they would prefer at the beginning of the process. This will ensure that they are effectively able to articulate their concerns and able to receive services in their own language throughout the process.

3.34 Each local authority in Wales has an Ethnic Minority Achievement Service that can provide advice to schools and colleges on language support to children who do not have English or Welsh as their home language.

3.35 The way in which a member of staff talks to a child who discloses abuse could have an effect on the evidence that is put forward. If a child makes a disclosure to a member of staff, the staff member should write a record of the conversation as soon as possible, distinguishing clearly between fact, observation, allegation and opinion; noting any action taken in cases of possible abuse or neglect; signing; and dating the note. This [school staff poster](#) provides advice to those working with children who disclose abuse or neglect.

3.36 Children want to know that they will be listened to and their concerns will be taken seriously. All education settings should seek to demonstrate to children that there is a safe environment to talk about matters which affect them. Displaying information of national children's helplines (e.g. [Children's Commissioner for Wales](#), [ChildLine](#), [Meic](#), [NSPCC](#)) and peer support schemes, in visible and easily accessible places, such as pupils' year planners, can encourage them to share concerns and receive help. These posters provide support to children to speak out when they have a concern: [Advice for primary school children](#) and [Advice for secondary school children](#). As **effective practice**, all education settings should display these posters on the premises in clear view of children.

3.37 The NSPCC has developed a safeguarding resource, [Let children know you're listening: the importance of an adult's interpersonal skills in helping to improve a child's experiences of disclosure](#), to provide support to those working with children on:

- How to demonstrate you are listening to a child who is disclosing;
- How to reassure a child and show empathy; and
- How to put a child in charge of the conversation.

3.38 Children with an additional learning need may be at an increased risk of being abused or neglected compared with their peers. All those working in education settings **should** understand that children with an additional learning need may be at increased risk of abuse, neglect and harm, understand the barriers they may face (especially around communication), and be able to provide for any additional safeguards needed to protect them.

3.39 Those working in education settings **should** familiarise themselves with the culture and beliefs of those families they work with. Potential harmful practices should never be overlooked on the basis of cultural sensitivity.

3.40 Everyone working in education services **must** be alert to the possibility of a child being at risk regardless of the education setting. Children in placements or those who are adopted will have relationships that may include foster carers,

adoptive parents, birth parents, siblings or other birth relatives. These relationships and any contact may be positive and welcomed or undesired and deemed a risk. Children's past experience of abuse and neglect may leave them at risk of having emotional, behavioural and mental health difficulties, which may continue to place them at risk.

Parent or carer involvement

3.41 All parents and carers need to understand that schools and colleges have a duty to safeguard and promote the well-being of children attending the education settings, that this responsibility necessitates a child protection policy and procedures, and that an education setting may need to share information and work in partnership with other agencies when there are concerns about a child's well-being. It is considered **effective practice** to include a reference to this in the education setting's prospectus and other information provided to parents and carers, as well as children.

3.42 Those working in education settings **should** discuss any concerns about a child's well-being with the family and, where possible, seek their agreement to make a report to social services. However, this should only be done where it will not place a child at further risk. Where possible and appropriate, the child's views should also be considered in deciding whether to inform the family, particularly where the child is sufficiently mature to make informed judgements about the issues.

3.43 Where there are any doubts or reservations about involving the child's family, the DSP should clarify with the statutory agencies, whether, and if so when and by whom, the parents or carers should be told about the report. That may also be important in cases where the police may need to conduct a criminal investigation.

3.44 Where appropriate, the DSP should help parents / carers understand that a report is in the interests of the child and what the possible outcomes of a report might be.

Information sharing

3.45 The DSP should use judgement when making decisions about what information to share, and should follow organisation procedures. The most important consideration is whether sharing information is likely to support the safeguarding and protection of a child. There are a number of principles that can assist practitioners in making decisions about sharing information. These principles are set out in [Working Together to Safeguard People](#) and its accompanying resources, which provide non-statutory advice on information sharing to safeguard children. This guidance and resource provides step by step advice to practitioners across agencies so that proportionate information sharing can support good safeguarding practice. The guidance also provides advice on [The Wales Accord on the Sharing of Personal Information](#) (WASPI) framework and duties under the General Data Protection Regulation and Data Protection Act 2018.

3.46 To safeguard and promote children's well-being, the SCB should ensure that its partner agencies have in place arrangements to ensure:

- all staff in contact with children understand what to do and the most effective ways of sharing information if they believe that a child and family may require additional services in order to achieve their optimal outcomes;
- all staff in contact with children understand what to do and when to share information if they believe that a child may be suffering or at risk of suffering abuse, neglect or other kinds of harm;
- appropriate organisation-specific guidance is produced to complement guidance issued by the Welsh Government and such guidance and appropriate training is made available to existing and new staff as part of their induction;
- guidance and training specifically covers the sharing of information between professions, organisations and agencies, as well as within them;
- arrangements for training take into account the value of multi-agency training as well as single-agency training; and
- managers in children's services are conversant with the legal framework and good practice guidance issued for practitioners working with children.

Duty of confidentiality

3.47 The duty of confidentiality is not absolute and may be breached where this is in the best interests of the child and in the wider public interest. If professionals judge that disclosure is necessary to protect the child or other children from a risk of serious harm, confidentiality may be breached.

3.48 Where those in education settings judge that there is a need to share confidential information with children's social services or the police:

- they should attempt to support the child, where the child is the source of the information, to agree to a disclosure of information within a reasonable timescale;
- they may initially discuss the case anonymously with others, such as the DSP or another colleague with suitable competence in safeguarding or with children's social services;
- the child should be informed of the professional's need to share confidential information, unless to do so might put them at further risk; and
- any decision to share information or not should be properly documented.

3.49 Decisions in this area may need to be made by, or with the advice of, people with suitable safeguarding competence, such as named or designated professionals.

Record keeping and information sharing

3.50 Information sharing is central to good safeguarding practice. Information must be shared in accordance with the General Data Protection Regulation and the Data Protection Act 2018, referred to as the UK's data protection legislation. The data protection legislation allows for the sharing of information and should not be automatically used as a reason for not doing so. One of the exceptional circumstances which provides for information sharing is in order to prevent abuse, neglect or harm.

3.51 In education settings, it is the responsibility of the DSP to keep detailed, accurate and secure written records of children where there are safeguarding concerns. These records are confidential and should be kept separately from pupil records. They should include a chronology of concerns, reports, meetings, phone calls and emails. There are a number of software packages to support schools to collect data about safeguarding concerns relating to children at risk.

3.52 Where a child leaves a school or college, the DSP should ensure that any child protection records are copied to the new school or college as soon as possible, but transferred separately from the main pupil file.

3.53 The Welsh Government has produced this non-statutory advice to provide best practice advice to practitioners working across agencies of their responsibilities to share information to safeguard children. The [guidance](#) provides clarity of the conditions under which information may be shared.

3.54 All those working in an education setting should be aware of their responsibilities under the UK's data protection legislation. Every maintained school and college in the UK is required to appoint a Data Protection Officer (DPO).

3.55 The Welsh Government has supported the South West Grid for Learning (SWGfL), in collaboration with the Information Commissioner's Office, to develop a set of five playlists to provide clear and accurate information about the obligations and requirements this significant change to the law places upon schools and colleges. These playlists are available on [Hwb](#).

3.56 It is **effective practice** for the DSP to provide an annual briefing and regular updates at staff meetings on any safeguarding and / or child protection issues or changes in local procedures. This ensures that all staff are kept up-to-date and are regularly reminded of their responsibilities, and the school's policies and procedures. Many schools and colleges find it helpful to discuss safeguarding regularly at staff meetings so that awareness remains high.

3.57 The DSP **should** liaise with the designated governor for child protection, so that the designated governor can report on safeguarding issues to the governing body. Reports to the governing body should not be about specific child protection

cases, but should review the safeguarding policies and procedures. It is good practice for the nominated governor and the DSP to present the report together.

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Chapter 4: Responsibilities of education settings

4.1 The DSP is responsible for ensuring that parents / carers see copies of the child protection policy. This may help avoid the potential for later conflict by alerting them to the role of the school or college and the fact that reports may be made to the local authority where there are safeguarding concerns. Many settings include information about this at induction meetings for new parents, in their prospectus and on their website.

4.2 The DSP **should** ensure the setting's child protection policy is updated and reviewed annually, and work with the governing body or proprietor regarding this.

4.3 As well as the school or college policy for child protection, there are other policies which have relevance to safeguarding and the DSP may be involved in monitoring the effectiveness of these other policies to ensure there is consistency and coherence in the way the school effectively safeguards their children. Other relevant policies include:

- Safeguarding
- behaviour
- staff code of conduct
- attendance
- anti-bullying
- intimate care
- recruitment and selection
- online safety
- physical intervention
- confidentiality
- Preventing radicalisation

4.4 The DSP **should** ensure that the school or college completes the Safeguarding Audit Tool, at annex 4, to support a whole setting approach to safeguarding and provide a benchmark against which to seek to continually improve safeguarding approaches and structures. The audit tool should be regularly reviewed to ensure that there is constant reflection, learning and updating of processes within the setting.

4.5 The principles outlined in this section should be adopted as **effective practice** in all other education settings.

Safeguarding and multi-agency training

4.6 It is the role of the DSP, working with the head teacher/principal, to ensure all staff and volunteers:

- have access to and understand the school or college's safeguarding policy, especially new or part-time staff who may work with different educational establishments;

- have induction and refresher training covering child protection, an understanding of safeguarding issues including the causes of abuse, neglect and other kinds of harm;
 - are able to recognise the signs and indicators of abuse, neglect and other kinds of harm;
 - know how to respond effectively when they have concerns;
 - know how to respond to a disclosure appropriately; and
 - know that they have a responsibility to report any concerns immediately as they arise.
- 4.7** Records should be kept by the DSP of the dates of the training, details of the provider and a record of staff attendance at the training.
- 4.8** The [Keeping Learners Safe Modules](#) support all staff in education settings to understand their safeguarding responsibilities as set out in this guidance. There are five separate modules available on Hwb¹⁷. The DSP or a head teacher / principal can assign the modules to other members of staff to help them to monitor the progress of staff. The [Keeping Learners Safe Module Guidance](#) provides advice to DSPs and head teachers / principals on how to use and assign these modules.
- 4.9** All governors, including the Chair of Governors, should be given access to safeguarding and child protection training to ensure a basic and consistent level of awareness. This training includes, but is not limited to, the [designated governor for child protection](#), and the [Keeping Learners Safe Modules](#). Governing bodies are responsible for ensuring the education setting policies and procedures for safeguarding meet statutory requirements and all governors should know what to do if they have concerns about a child.
- 4.10** Teachers should receive training in safeguarding as part of the course of training leading to Qualified Teacher Status (QTS), but this will need to be reinforced by further training, or refresher training, when they are first appointed. The QTS Standards are a set of outcome statements that trainee teachers have to meet which are linked to other publications and statutory requirements as appropriate. Trainees must be able to evidence that they establish a purposeful learning environment for all children where learners feel secure and confident.
- 4.11** Trainees are also required to demonstrate professionalism to ensure that relationships with learners are built on mutual trust and respect, and to recognise that this will help maximise their learning potential. Trainees are expected to evidence this standard by being able to demonstrate knowledge and awareness of the rights and entitlements of all learners, as laid out in the United Nations Convention on the Rights of the Child (UNCRC) and key Welsh Government policies.
- 4.12** The [Becoming a Qualified Teacher: Handbook of Guidance](#) provides information for initial teacher training providers on safeguarding children in education.

¹⁷ These modules will be updated following the publication of the revised KLS guidance.

4.13 Other staff and governors **should** receive training when they are first appointed. All staff who do not have designated responsibility for child protection, including teachers, should undertake suitable refresher training at regular and appropriate intervals thereafter, to keep their knowledge and skills up-to-date.

4.14 Individual agencies are responsible for ensuring that staff have the competence and confidence to carry out their responsibilities for safeguarding and promoting children's well-being. The SCB are able to provide advice on the minimum levels of training required by staff to ensure they are able to comply with locally agreed procedures.

4.15 The purpose of multi-agency training is to achieve better outcomes for children including:

- a shared understanding of the tasks, processes, principles, and roles and responsibilities outlined in national guidance and local arrangements for safeguarding children and promoting their well-being;
- more effective and integrated services at both the strategic and individual case level;
- improved communications between professionals including a common understanding of key terms, definitions, and thresholds for action;
- effective working relationships, including an ability to work in multi-disciplinary groups or teams; and
- sound decision-making based on information sharing, thorough assessment, critical analysis, and professional judgement.

4.16 The DSP should receive prompt training in inter-agency procedures that enables them to work in partnership with other agencies, and gives them the knowledge and skills needed to fulfil their responsibilities. They should also undertake refresher training to keep their knowledge and skills up-to-date.

Responsibilities of colleges

4.17 The statutory responsibilities for safeguarding and child protection dealt with in this guidance apply in relation to children who are under 18 years of age. However, colleges should also be aware that the 2014 Act extends the Duty to Report¹⁸ on local authorities to relevant partners where they have reasonable cause to suspect that an adult is at risk. The duty is placed on relevant partners where an adult may be at risk. Partners including education, health, police, probation and youth offending teams are required to inform the local authority if they believe an adult is at risk.

4.18 As autonomous bodies, colleges cannot rely automatically on local authorities to provide advice, support, access to training, policies and procedures, etc. Local authorities are free to provide those services to colleges, but have no obligation to do so. Services can be provided free of charge. Colleges that do not purchase

¹⁸ Section 126, under [Part 7](#) of the Social Services and Well-being (Wales) Act 2014

services from a local authority can approach the SCB for advice, or the Adult Safeguarding Board in the case of those over the age of 18.

4.19 Where a college provides education and/or training for those under 16 years of age who are on the roll of secondary schools, the DSP **should** liaise with the colleges concerned to ensure that appropriate arrangements are in place to safeguard the child.

Responsibilities of independent schools

4.20 The Welsh Ministers are the registrar of independent schools in Wales. Any establishment wishing to operate as an independent school must apply to the Welsh Ministers for registration in accordance with [section 160 of the Education Act 2002](#). It is an offence under section 159 for any person to conduct an independent school which is not registered.

4.21 The [Independent Schools Standards \(Wales\) Regulations 2003](#) set out the standards to which an independent school will be inspected under sections 160(4) and 163(2) of the Education Act 2002. [Standard 3](#) is specific to safeguarding and promoting the well-being, health and safety of children who are attending the school. Where an application for registration is received, the Welsh Ministers will notify Estyn, who will carry out an inspection of the school and report to Welsh Ministers on the extent to which the Independent Schools Standards are met. The Welsh Ministers will take into account Estyn's report and any other evidence relating to the Independent Schools Standards, to determine whether standards are met and to notify the proprietor of its conclusion.

4.22 Proprietors of independent schools have similar responsibilities to those of governing bodies of maintained schools but can not rely on local authorities to provide advice and support in the same way as they do for maintained schools. Local authorities are able to provide these services to independent schools, and many do, charging appropriate fees for the work. However, they have no obligation to provide these services. As with colleges, independent schools that do not purchase services from a local authority can approach the SCB for advice.

4.23 It is important that channels of communication between independent schools, local authority social services departments and SCBs are upheld and developed, so that children requiring support receive prompt attention and any allegations of abuse can be properly investigated. In cases where the proprietor is not the head teacher, the proprietor should liaise with other agencies in the event that allegations are made involving the head teacher. Where the head teacher is also the proprietor, specific arrangements should be agreed with the SCB.

4.24 Independent schools which provide medical and/or nursing care should ensure that their medical and nursing staff engage with and access appropriate advice and multi-agency training on child protection.

Responsibilities of independent schools offering boarding provision

- 4.25 Proprietors of independent schools who provide accommodation for children will be aware that such establishments are required to register with both the Welsh Government and the Care Inspectorate Wales (CIW). Such independent schools are then subject to inspection by Estyn and CIW. The Welsh Government has published guidance on the [National Minimum Standards \(NMS\) for Residential Special Schools](#) and the [National Minimum Standards for Mainstream Boarding Schools](#) to be met as part of independent schools' initial and continued registration.
- 4.26 As with other independent schools, the [Independent Schools Standards \(Wales\) Regulations 2003](#) set out standards to safeguard and promote the welfare of children for whom accommodation is provided by a boarding school. These standards are used to assess whether the school is complying with its legal obligation to safeguard and promote the well-being of the children for whom accommodation is provided.

Responsibilities of local authorities and school governing bodies for education provided outside of a maintained school setting

- 4.27 Section 19(1) of the Education Act 1996 requires local authorities to make arrangements for the provision of suitable education at schools or otherwise for children of compulsory school age who, for whatever reason – whether due to illness, exclusion from school or otherwise – may not for any period receive suitable education unless suitable arrangements are made for them.
- 4.28 When making education otherwise than at school (EOTAS) arrangements, including provision commissioned from external providers, the local authority **must** ensure this is exercised with a view to safeguarding and promoting the well-being of the children placed in EOTAS.
- 4.29 The Education Act 2002 and the Education and Skills Measure 2009 provide governing bodies with the power to commission external services, including educational services.
- 4.30 To assure themselves they are fulfilling their duties, local authorities and governing bodies **must** be assured the provision commissioned, or otherwise, is undertaken in a way which safeguards the children they place there and promotes their well-being. Such assurances **must** be undertaken both prior to placing a child and throughout the placement period.
- 4.31 Prior to placing a child with external providers, local authorities and governing bodies **should** assure themselves by:
- undertaking visits to the placement setting;
 - ensuring the provider is registered with the Welsh Government (where registration is required as an independent school or would be required if the local authority places a child(ren) there);

- considering the findings of Estyn inspections;
- requiring evidence of how the provider will safeguard the child and promote their well-being through, for example, consideration of the provider's policies including health and safety, anti-bullying and safeguarding policies;
- require evidence of the provider's arrangements for safeguarding learners (including ensuring staff have appropriate and current checks such as disclosing and barring service (DBS) checks); and
- requiring evidence of the ability to accommodate learners who have an additional learning need.

4.32 During the placement, schools and local authorities **should** monitor that the arrangements put in place are effective. This **should** include visiting the placement setting.

4.33 Further information on EOTAS is available in the Welsh Government's [Education otherwise than at school \(EOTAS\) Framework for Action](#) guidance

Responsibilities of Work Based Learning providers

4.34 A Work Based Learning¹⁹ provider's safeguarding arrangements **should** seek to ensure that all learners learn in a safe environment, including learners learning with sub-contractors and/or consortium members. Such arrangements should include:

- the identification of learners aged under 18 who are at risk of abuse, neglect or harm;
- recruitment practices that reflect the obligation to safeguard young people;
- that work experience opportunities are provided subject to consideration of appropriate guidance on safeguarding;
- a designated safeguarding lead officer;
- training and support for all staff on safeguarding and child protection matters; and
- appropriate arrangements for child protection are clearly documented and are reviewed at least annually.

Responsibilities of community-focused schools, pre- and post-school activities providers and out of hours learning providers

4.35 The governing body of a school controls the use of the school premises both during and outside school hours, except where a trust deed allows a person other than the governing body to control the use of the premises, or a transfer of control agreement has been made. Governing bodies can enter into transfer of control agreements in order to share control of the school premises with another body, or transfer control to it. The other body, known as the "controlling body", will control the occupation and use of the premises during the times specified in the

¹⁹ see glossary for definition of Work Based Learning.

agreement. Transferring control of the premises to local community groups, sports associations and service providers can enable school facilities to be used without needing ongoing management or administrative time from school staff.

4.36 Where the governing body provides services or activities directly under the supervision or management of school staff, the school's arrangements for child protection will apply. Where services or activities are provided separately by another body, the governing body must confirm that the body concerned has appropriate policies and procedures in place in regard to safeguarding children and child protection and there are arrangements to liaise with the school on these matters where appropriate.

Responsibilities of funded non-maintained settings

4.37 The [National Minimum Standards for Regulated Childcare for Children up to the age of 12 years](#) sets out the arrangements for safeguarding and the protection of children for regulated day care settings. This guidance is designed to help support and provide advice to those setting which are funded to deliver education to ensure effective practice in delivering safeguarding and protection arrangements. Standard 20: Child protection sets out that the registered person of the setting should ensure that:

- there is a child protection policy in place which is shared with all parents and staff;
- child protection training is attended;
- all those working in the setting are aware how to identify child protection concerns; and
- all staff are aware of how to make a report about a child at risk.

Chapter 5: Safeguarding responsibilities in specific circumstances

Introduction

5.1 Everyone working in education settings should be familiar with the ways in which different types of harm, neglect and abuse present themselves so that they can identify issues early, reduce risk, prevent harm and safeguard children. Safeguarding training should include information about the indicators of these harms. A number of All Wales Practice Guides on safeguarding children in specific safeguarding circumstances are being developed to be used in conjunction with the main Wales Safeguarding Procedures²⁰.

5.2 This chapter provides advice and signposting for those working in education settings to manage specific circumstances. It is not meant to be an exhaustive list. There will other specific circumstances which those in education settings will need to consider. SCB can offer advice and support in relation to resources to support practitioners in identifying the signs of neglect, abuse and other kinds of harm.

Abuse by children including sexual abuse (sexually harmful behaviour)

5.3 Refer to the Wales Practice Guide on Safeguarding children from child sexual exploitation (CSE) and the Wales Practice Guide on Safeguarding children where there are concerns about harmful sexual behaviour.

5.4 The DSP should have a good understanding of harmful sexual behaviour. This should form part of their safeguarding training. This will aid in planning preventative education, implementing preventative measures, drafting and implementing an effective child protection policy and incorporating the approach to sexual violence and sexual harassment into the whole school or college approach to safeguarding.

Asylum seeking children

5.5 Refer to the Wales Practice Guide on Safeguarding Unaccompanied Asylum-Seeking Children.

Child abuse images and the internet

5.6 Refer to the Wales Practice Guide on Safeguarding children from Online Abuse.

²⁰ The links to the WSPs and the All Wales Practice Guides will be included in the final guidance once published.

5.7 Further guidance, training and support is available from the [Child Exploitation and Online Protection Centre](#) (CEOP). CEOP works to protect children, families and society from paedophiles and sex offenders; in particular, those who seek to exploit children sexually online.

Children missing from education

5.8 Refer to the Wales Practice Guide on safeguarding children who go missing from home or care.

Child neglect

5.9 Refer to the Wales Practice Guide on Safeguarding children from neglect

Safeguarding Unaccompanied Asylum-Seeking Children

5.10 Refer to the Wales Practice Guide on Safeguarding Unaccompanied Asylum-Seeking Children.

Safeguarding children affected by domestic abuse

5.11 Refer to the Wales Practice Guide on safeguarding children affected by domestic abuse.

Abuse related to tradition, culture, religion or superstition

5.12 Refer to the Wales Practice Guide on Safeguarding children from abuse related to tradition, culture, religion or superstition.

Anti-bullying

5.13 The Welsh Government guidance [Respecting Others: Anti-Bullying Guidance \(24/2003\)](#)²¹ provides information on tackling bullying in schools and the steps to be taken to support children and young people who report bullying outside school. It offers guidance on:

- bullying around race, religion and culture;
- bullying involving children with special educational needs and disabilities;
- homophobic bullying;

²¹ At the time of publication this guidance was being reviewed; the revised guidance is due for publication during Autumn 2019.

- sexist, sexual and transphobic bullying; and
- cyberbullying – advances in communication technologies, and access to them by children and young people, has required schools to be vigilant and innovative in finding solutions to their misuse.

Hate Crime

5.14 [Tackling Hate Crimes and Incidents: A Framework for Action](#) was launched by the Welsh Government in May 2014. The Welsh Government has funded a children and young person's [helpline](#) through MEIC Cymru and a [National Hate Crimes and Incidents Centre](#) through Victim Support Cymru.

Inclusion and pupil support

5.15 The [Inclusion and pupil support guidance](#) covers the inclusion and support of pupils of compulsory school age. It provides advice and sets out responsibilities for maintaining high levels of attendance, positive behaviour in schools and support for those pupils who require extra support to ensure they receive suitable education and avoid becoming disengaged from education. It also covers education provided outside the school setting.

Children missing education

5.16 The Welsh Government has published [statutory guidance to help prevent children and young people from missing education](#). It provides a practical toolkit to identify children and young people missing education.

Looked after Children

5.17 Governing bodies designate a member of staff in schools²² as having lead responsibility for promoting the educational achievement of children who are looked after. Where there is a concern that a child who is looked after is at risk of abuse, neglect or other kinds of harm, the designated member of staff must speak to the DSP to discuss the concerns. It may also be appropriate and helpful to involve the local authority's looked after children in education (LACE) coordinator.

5.18 Further information on the roles of the designated member staff and the LACE coordinator are set out in [Making a difference: A guide for the designated person for looked after children in schools](#).

Foreign exchange visits

5.19 Local authorities and schools have a duty to ensure that appropriate arrangements are in place to safeguard and promote the well-being of children

²² [Making a difference: A guide for the designated person for looked after children in schools](#) sets out the duty on different education settings in more detail

and young people, under [Section 175 of the Education Act 2002](#) and [Section 28 of the Children Act 2004](#). It is important that schools and local authorities are clear about how they continue to meet their statutory duties for safeguarding children and young people when making arrangements for foreign exchange visits.

5.20 The British Council provides [guidance](#) from the Association of School and College Leaders on how to plan international exchange visits with a homestay element.

Physical contact with pupils, including restraint

5.21 [Under section 93 of the Education and Inspections Act 2006](#) all school staff are able to use such force as is reasonable in the circumstances to prevent a child or young person from doing, or continuing to do, any of the following:

- committing any offence (or, for a learner under the age of criminal responsibility, what would be an offence for an older learner);
- causing personal injury to, or damage to the property of, any person (including the self harm to the learner);
- prejudicing the maintenance of good order and discipline at the school or among any learners receiving education at the school, whether during a teaching session or otherwise.

5.22 There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour.

5.23 It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

5.24 [The Equality and Human Rights Commission framework for restraint](#) provides a tool for the use of restraint which sets out the specific legal frameworks which govern the use of restraint in different settings. The framework is relevant for sectors in England and Wales in which restraint is used, including criminal justice, health, adult and social care and education.

5.25 The Welsh Government is due to consult on a Framework for Reducing Restrictive Practices, which will set out measures to promote the reduction of restrictive practices. The guidance is clear that where restraint is used, practice should be in line with the Equality and Human Rights Commission Framework for Restraint. This will support person centred planning for children and adults and practice across all relevant education, social care and health settings.²³

²³ This guidance is being prepared for public consultation at the time of drafting.

5.26 The Welsh Government guidance [Safe and effective intervention: The use of reasonable force](#) provides support to schools in providing a safe environment for children and young people.

5.27 A school's policy on use of force should be consistent with, but not necessarily part of, its behaviour policy. The Welsh Government guidance on the promotion of positive behaviour and school behaviour policies can be found in the [Inclusion and Pupil Support](#) guidance. It should also be consistent with the school's policies on child protection and health and safety.

5.28 The Education Workforce Council (EWC) has published a [Guide to good practice with 'appropriate touch', handling and restraint](#) that aims to help increase awareness of handling and restraint in professional practice. This guidance should be read in conjunction with the [EWC code of conduct and practice](#).

Substance misuse

5.29 School and community-based counselling services provide personal support for children and young people who wish to discuss their problems, including substance misuse, with an independent adviser.

5.30 The Wales Drug and Alcohol Helpline, [DAN 24/7](#), is a free and bilingual telephone drugs helpline providing a single point of contact for anyone in Wales wanting further information or help relating to drugs or alcohol. This helpline will assist individuals, their families, carers, and support workers within the drug and alcohol field to access appropriate local and regional services.

Suicide and self harm

5.31 The [Help is at Hand](#) self-help guide is for the benefit of those bereaved by suicide. It is aimed at a wide range of people who are affected by suicide or unexplained death, not just relatives or friends, but also healthcare and other professionals who come into contact with bereaved people. Its aim is to provide help and suggestions on how to find support.

Peer on peer abuse

5.32 All staff working in education settings should understand and recognise the risks of peer on peer abuse. Governing bodies and proprietors should ensure that their child protection policy includes (as minimum):

- procedures to prevent the risk of peer on peer abuse;
- how allegations of peer on peer abuse will be recorded, investigated and managed;
- clear processes as to how victims, the accused and any other child affected by peer on peer abuse will be supported;
- a clear statement that abuse should never be tolerated;

- recognition that all peer on peer abuse is unacceptable and will be taken seriously; and
- recognition of the different forms peer on peer abuse can take.

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Chapter 6: Violence against Women, Domestic Abuse and Sexual Violence

- 6.1 Everyone working with children should be alert to the frequent inter-relationship between domestic abuse and the abuse and neglect of children. Where there is evidence of domestic abuse, the implications for any children in the household should be considered, including the possibility that the children may themselves be subject to violence or other harm.
- 6.2 The Welsh Government's Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) [National Strategy and Cross-Government Delivery Framework](#) sets out our commitments to tackling VAWDASV.
- 6.3 The [Good Practice Guide: A Whole Education Approach to Violence against Women, Domestic Abuse and Sexual Violence in Wales](#) recognises the importance of education settings as environments where positive attitudes towards gender equality and healthy, respectful relationships can be fostered through a rights based approach. It is intended to be used as a handy tool to help integrate these issues and approaches into existing teaching and management practices.
- 6.4 The guide, which has been developed in conjunction with Welsh Women's Aid, is based around the nine key elements of the Whole Education Approach, with each section exploring the types of activity which could be taken under each element. The guide suggests a range of practical ideas and is illustrated with case studies throughout.
- 6.5 The [Violence Against Women, Domestic Abuse And Sexual Violence – Guidance For Governors](#) contains a number of actions which governors can take to make their school safer. The guide informs school governors of the issues surrounding VAWDASV and the need to have an appropriate policy in place to help staff to recognise the signs of abuse and how to get help for themselves, to assist their colleagues and the children in their school.

Responding to concerns

- 6.6 Where school staff have cause to believe that a child is at risk from, is the subject of, or is living in a household with, violence or abuse, the DSP should be informed immediately and take action in accordance with the Wales Safeguarding Procedures.
- 6.7 Where the abuse is between adults in the household, the child can be provided with advice on who can help, including the police, local authority; local domestic abuse advocacy services (please refer to locally produced information), the Live Fear Free Helpline (0808 8010 800); [Live Fear Free web-site](#) or [Live Fear Free email](#).

6.8 The National Training Framework for Wales on VAWDASV sets out the level of training appropriate for education-based staff. All relevant professionals must be able to 'Ask and Act' in relation to VAWDASV. In practice, this means that all professionals likely to come into contact with those who may be experiencing abuse can identify the indicators of this experience and respond appropriately to that person.

Proactive approaches

6.9 Prevention work should be integrated, where practical, into all aspects of school life and addressed at all appropriate points in the curriculum. This will help create a positive school ethos where learners have a safe environment in which to learn and have the opportunity and confidence to share concerns with others. Discussing the issues and listening to the views and opinions of peers can help change attitudes and provide support. When discussing sensitive issues, these need to be presented in a balanced way and ethical issues discussed objectively. However, it is equally important to equip learners to take responsibility for their behaviour in their personal relationships and how to recognise inappropriate behaviour.

Female Genital Mutilation (FGM)

6.10 It is vital that anyone working in an education setting is alert to the signs of FGM and what action to take if they have concerns. Staff should be aware that girls may be taken abroad during the summer break to undergo FGM, as procedures take up to four weeks to heal. The procedure may therefore be performed before a girl returns to school at the start of the autumn term. Staff should be vigilant in looking for signs of FGM after the school holidays and report anything that may seem suspicious to the DSP in the first instance.

6.11 Section 5B of the [Female Genital Mutilation Act 2003](#) introduces a mandatory reporting duty which requires teachers in England and Wales to report known cases of FGM in under 18s which they identify in the course of their professional work to the police.

6.12 The Home Office guidance [Multi-agency statutory guidance on female genital mutilation](#) is clear that the duty applies to qualified teachers or persons who are employed or engaged to carry out teaching work in schools and colleges, and education practitioners regulated by the Education Workforce Council.

6.13 If there is a suspicion that a child is at risk of FGM, Honour Based Violence or Forced Marriage they should follow the school safeguarding procedures. FGM Protection Orders may also be used. The court can be asked to consider an application straightaway and can make a protection order without the respondents being present. The [Mandatory Reporting of Female Genital Mutilation – procedural information](#) recommends that it is reported orally by **calling 101**.

Forced Marriage

6.14 The UK Government's [Multi-agency practice guidelines: Handling cases of Forced Marriage](#) provides step-by-step advice to professionals, including teachers, on forced marriage. The guidance includes an outline of the signs that those working in an education setting may recognise when a child or young person is at risk of forced marriage.

6.15 Forced Marriage Protection Orders may also be used. The court can make an order in an emergency so that protection is in place straight away.

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Chapter 7: Online safety

- 7.1 The [online safety action plan for children and young people in Wales](#) provides an overview of the work being undertaken by the Welsh Government to enhance the practice and provision of online safety for children in Wales.
- 7.2 It is critical that web filtering standards are fit for purpose for 21st Century teaching and learning, allowing the access schools require whilst still safeguarding children and young people. Governing bodies should ensure appropriate filters and appropriate monitoring systems are in place. To support this, the Welsh Government has revised and updated the [Recommended web filtering standards for schools in Wales](#). The standards seek to support schools to provide a safe, responsible and supportive environment to learn and prevent access to inappropriate or harmful content.
- 7.3 The [Online Safety Zone](#) is available to help children stay safe online. The Online Safety Zone, hosted on Hwb, is a dedicated area which has been designed and developed to support online safety in education across Wales. In addition to news articles and features, the Online Safety Zone hosts a range of teaching resources on various online safety issues to help keep learners safe online. It provides access to sources of guidance and advice to learners, parents and carers and schools and links to training and further expert support. The zone also hosts a training events calendar to allow practitioners to sign up to online safety training sessions.
- 7.4 360 degree safe Cymru is a bilingual online safety self-assessment tool for schools. The tool has been designed to allow schools to judge and review their own online safety practice and provision. The tool provides a suite of online safety policy templates that can also be accessed through the [Online Safety Zone](#) on Hwb.
- 7.5 The [Online Safety Resource for Wales](#) is a fully bilingual tool building upon and replacing the previously titled the *Digital Literacy and Citizenship Resource*. This resource has been designed to be used in classrooms to empower pupils to think critically, behave safely, and participate responsibly in our digital world. These materials, developed by SWGfL and supported by the Welsh Government, are based on Common Sense Media resources. They consist of individual lessons for every year group from Foundation Phase to Year 13. They cover eight key areas of online safety including; digital footprints, creative credit and copyright, self-image and identity, and relationships communication. This allows teachers to choose from various units, for example, in response to events in school or national changes in online trends.
- 7.6 Sharing images has become commonplace with the ease of modern technology. This increase in the speed and ease of sharing imagery has brought concerns about young people producing and sharing sexual imagery of themselves. These behaviors can expose young people to risks including further non consensual sharing of images, embarrassment, bullying and increased vulnerability to sexual

exploitation. Producing and sharing sexual images of under-18s is illegal. The [Sexting: Responding to incidents and safeguarding learners. Guidance for educational settings in Wales](#) supports schools in Wales to appropriately manage issues of 'sexting'. The guidance has been produced to support schools, colleges and other educational settings in developing procedures to respond to incidents involving youth produced sexual imagery. It includes information about preventative education and signposts to further sources of resources and support and how to involve other agencies.

7.7 The UK Safer Internet Centre is a partnership of three leading charities – Childnet International, Internet Watch Foundation and the SWGfL – with a shared mission to make the internet a better place for children and young people.

7.8 The Welsh Government has contracted with SWGfL to promote the safe and responsible use of Hwb and to support the delivery of a comprehensive bilingual online safety programme. Building on existing expertise, the programme aims to develop sustainable online safety practice in Wales and increase the number of resources available in Welsh. These activities include:

- provision of a self-evaluation tool - 360 degree safe Cymru and targeted support and promotion of its use;
- development and publication of an extensive suite of high quality resources to support learners and their parents / carers;
- development and publication of a range of bilingual teaching resources focused on specific issues in online safety; and
- provision of a programme of online safety training to up-skill education practitioners.

7.9 The Welsh Government encourages all education settings to make full use of social technologies to engage learners and improve learning outcomes, while also developing learners to be confident and competent digital citizens.

7.10 The [Professionals Online Safety Helpline \(POSH\)](#) offers advice and support to any practitioners working with children and young people with a range of online safety concerns. As part of the UK Safer Internet Centre, the POSH provides support to any member of the children's workforce with online safety issues they may face themselves, or a young person in their care may come across. The helpline provides support with a whole range of online issues such as:

- online reputation;
- gaming;
- grooming;
- online bullying;
- sexting;
- inappropriate behavior on social media;
- illegal content online harassment; and
- radicalisation.

Chapter 8: Community Cohesion

Preventing radicalisation

- 8.1** All education settings should create a safe environment in which children can understand and discuss sensitive topics, including terrorism and extremist ideas, and learn how to challenge these ideas. We expect opportunities within the curriculum to be used to explore and challenge these topics and to promote the values of democracy and mutual respect and tolerance of different faiths and beliefs.
- 8.2** The Counter-Terrorism and Security Act 2015 places a duty on a range of specified authorities including - proprietors of maintained schools, funded non-maintained special schools, maintained nursery schools, independent schools, pupil referral units, colleges, work-based learning providers and universities – to have due regard, in the exercise of their functions, to prevent people from being drawn into terrorism. The UK Government has published [Prevent Duty Guidance: for England and Wales for specified public bodies, including education providers](#) and [Prevent duty guidance: for further education institutions in England and Wales](#). It's important that all school and college staff understand Prevent and the role they play in adhering to the Prevent duty.
- 8.3** The [Respect and resilience: Developing community cohesion – a common understanding for schools and their communities](#) guidance sets out the role that those working in education have in developing and supporting strategic approaches to promoting and maintaining community cohesion and eradicating violent extremism. Included within this guidance is a self-assessment tool, to support schools to assess their levels of compliance with best practice in the creation of a safe learning community, and to keep learners safe from the dangers of radicalisation and extremism.
- 8.4** For colleges, [Creating Safe Learning Communities](#) provides guidance and a self-assessment toolkit on Prevent. The documentation, developed with the sector by CollegesWales, gives a practical framework for assessing Prevent compliance and action planning.
- 8.5** Schools and colleges **should** ensure that safeguarding procedures include provision for identifying and addressing risks relating to radicalisation and extremism. The DSP should develop strong channels of communication with appropriate external agencies. We expect everyone working within a school or college to understand when it is appropriate to raise a concern with a DSP, and for the DSP to know when it is appropriate to make a referral to the local authority through the SPoC (Single Point of Contact) to the police.
- 8.6** Where there is a concern about a child in respect of extremism and the support options are not available locally, the SCB police representative will be able to discuss support options.

- 8.7** The Counter-Terrorism Policing Wales has published the [All Wales Partners Prevent Referral Form](#) to create a clear defined single referral mechanism across all public authorities in Wales, to improve the confidence of each authority, to mitigate against threat and reduce risk by safeguarding those who need support. If the DSP identifies someone who may hold extremist views or be at risk of radicalisation they should use this referral form.
- 8.8** Suspected online terrorism content, including articles, images, speeches or videos that promote terrorism or encourage violence, content encouraging people to commit acts of terrorism, websites made by terrorist or extremist organisations and videos of terrorist attacks can be reported through this [link](#).
- 8.9** You can also refer content of concern directly to social media platforms – find out how via <http://www.saferinternet.org.uk/advice-and-resources/teachers-and-professionals/safety-features>.
- 8.10** All staff members should be trained through the Home Office Workshop to Raise Awareness of Prevent (WRAP) programme. For more information about WRAP you can contact:
- **WRAP related queries** - WRAP@homeoffice.gov.uk
 - **E-learning related queries** - Prevent.training@homeoffice.gov.uk
- 8.11** Estyn expects inspectors to consider how a school keeps children and young people attending the education setting safe from the dangers of radicalisation and extremism. The Counter-Terrorism and Security Act 2015 has been added to a list of relevant legislation in Annex 6 of the [Supplementary guidance: inspecting safeguarding in schools and PRUs](#). This provides background to the considerations of Estyn inspectors with regard to preventing radicalisation in schools.
- 8.12** The Welsh Baccalaureate includes an option through the Global Citizenship Challenge to allow schools in Wales to address the issue of extremism through an accredited WJEC programme. The purpose of this module is to develop learners' skills, whilst providing opportunities to understand and respond appropriately to global issues: facilitates critical thinking skills, problem solving, creativity, innovation and their implementation.

Child Criminal Exploitation, including County Lines

- 8.13** Any practitioner working with a child who they think may be at risk of criminal exploitation should follow their local safeguarding guidance and share this information with local authority social services. If you believe a person is in immediate risk of harm, you should contact the police. An All Wales Practice Guide on safeguarding children from Child Criminal Exploitation is available with the Wales Safeguarding Procedures.

- 8.14** The Home Office has issued guidance for England and Wales – [County Lines Guidance: Criminal Exploitation of children and vulnerable adults](#) – to provide advice to front line staff, including those working in education, in recognising the signs of those at risk of being drawn into county lines and how to respond appropriately.

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Chapter 9: Safer staff recruitment practice

9.1 This chapter outlines the steps that should be followed to achieve safer recruitment practices. It aims to assist all education settings – including pupil referral units, funded non-maintained and independent schools, colleges, local authorities and supply agencies – to review and, where appropriate, modify their practice and procedures in ways that will strengthen safeguarding arrangements by helping to deter and prevent abuse.

9.2 All teaching staff, with the exception of those working in funded non-maintained settings and independent schools must be registered with the Education Workforce Council. There are seven registration categories:

1. **School teacher** – a qualified teacher status (QTS) and working in a maintained school or funded non-maintained special school. A statutory Induction period may be required in order to be registered in this category. Find out more on the ECW [Induction pages](#);
2. **School support worker** – supporting learning in a maintained school or funded non-maintained special school;
3. **Further education teacher** – working as a teacher or lecturer in a college;
4. **Further education support worker** – supporting learning in a FE college;
5. **Youth worker** – providing youth development services for or on behalf of a local authority, school, college or voluntary organisation in Wales. This category of registration is subject to [mandatory qualification requirements](#);
6. **Youth support worker** – providing youth development services for or on behalf of a local authority, school, college or voluntary organisation in Wales. This category of registration is subject to [mandatory qualification requirements](#);
7. **Work-based learning practitioner** – working as a trainer, assessor, tutor, coach or mentor, for or on behalf of a work based learning provider. Those who hold management / leadership roles and quality assurance staff also need to register.

9.3 Under the local management of schools framework as outlined in the Staffing of Maintained Schools (Wales) Regulations 2006²⁴ schools are responsible for making decisions about how they organise, recruit, deploy and manage their workforce. These decisions reflect the school's individual circumstances, resources and priorities as identified in their School Development Plan (SDP)²⁵.

9.4 As the independent regulatory body for the education profession in Wales, the Education Workforce Council (EWC) maintains a Register of Education Practitioners which includes qualified (holders of Qualified Teacher Status (QTS)) teachers, further education lecturers and learning support workers who are able to work in maintained schools and colleges in Wales.

²⁴ [The Staffing of Maintained Schools \(Wales\) Regulations 2006](#)

²⁵ [Education \(School Development Plans\) \(Wales\) Regulations 2014](#)

- 9.5** The EWC has published employer guidance, which can be downloaded from their website (www.ewc.wales). In the guidance the legal requirement placed on schools, colleges, local authorities and commercial supply agencies is highlighted to ensure that workers who are employed are registered with the EWC in the correct registration category for the work they undertake.
- 9.6** The EWC Register records whether a teacher, lecturer or learning support worker is subject to any restrictions, is barred from practising (e.g. DBS Children's Barred List) or is subject to an EWC disciplinary order. Schools, colleges and commercial supply agencies have access to the EWC Register to check that teachers, lecturers and learning support workers are registered as part of their pre-employment checks.
- 9.7** **It is the responsibility of schools, colleges and commercial supply agencies to undertake the necessary checks; assumptions should not be made that others have done so.**
- 9.8** It is **effective practice** for all employers in the education system to carry out annual checks on everyone that regularly undertakes work within a school or college, to ensure that there have been no changes in their status.
- 9.9** If an employer knowingly continues to employ a qualified teacher who is unregistered, in a post involving the 'specified work' of a teacher or an unregistered learning support worker, the Welsh Government has powers to issue a direction to an employer to comply with its statutory duty.
- 9.10** The EWC has issued [Guidance on the registration of school teachers and school learning support workers](#) and [Guidance on the registration of FE lecturers and FE learning support workers](#), which set out key considerations for employers in determining whether registration is a requirement in the role.
- 9.11** Regulations²⁶ stipulate that colleges and supply agencies should ensure every FE teacher, who provides education in or for a college is registered with the EWC before they commence work.

Supply agencies

- 9.12** Head teachers and governing bodies have a range of options open to them in sourcing supply cover. They can appoint directly, use the services of local authority supply lists where they exist or use the services of commercial supply agencies.
- 9.13** If using commercial supply agencies for cover arrangements, the head teacher should be aware that the National Procurement Service awarded a Framework Agreement²⁷ for the provision of supply teachers to New Directions the 'preferred provider' on behalf of commissioning local authorities.

²⁶ [The Education Workforce Council \(Main Functions\) \(Wales\) Regulations 2015](#)

²⁷ [Managed Service for the Provision of Agency Workers Framework](#)

The framework agreement was awarded through a competitive tender exercise and the majority of local authorities have adopted the Framework Agreement. Local authorities may recommend that schools use the services of the framework provider; however, there is no legal requirement for them to do so.

- 9.14** Where an App based matching service is used to employ a supply teacher, the head teacher should be aware that it is highly likely the school will become the employer. Therefore **all** employer functions fall to the school and it is their responsibility to ensure that they are all carried out correctly.

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

- 9.15** Governing bodies **should** have procedures in place for whistleblowing. All members of staff should be able to raise concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical, or which amounts to malpractice. They should be able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly – see the [Procedures for Whistleblowing in schools and Model Policy](#).

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

- 9.17** Appropriate whistleblowing procedures should be put in place for such concerns to be raised with the senior leadership team. Where a staff member feels unable to raise an issue with their employer, or feels that their genuine concerns are not being addressed, other whistleblowing channels may be open to them, including the:

- general guidance on whistleblowing can be found via: Advice on Whistleblowing; and
- The NSPCC whistleblowing helpline is available as an alternative route for staff who do not feel able to raise concerns regarding child protection failures internally or have concerns about the way a concern is being handled by their school or college. Staff can call 0800 028 0285 or email help@nspcc.org.uk.

Chapter 10: The Disclosure and Barring Service

- 10.1** The DBS helps employers make safer recruitment decisions and helps prevent unsuitable people from working with vulnerable groups, including children, through its criminal record checking and barring functions.
- 10.2** The chapter is a summary of key issues addressed through the Disclosure and Barring Service (DBS) under the [Protection of Freedoms Act 2012](#). Detailed, comprehensive and up-to-date guidance on the operation of the DBS can be found on the [DBS website](#). To subscribe for up-to-date information, you can [register your interest on the DBS e-database](#) to be kept informed of any changes to the DBS services.
- 10.3** Pre-employment checks are a key preventative measure to minimise the possibility of children suffering harm from those in positions of trust. However, it is only one of a number of important elements in the recruitment process and should be considered together with other key aspects.
- 10.4** 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.
- 10.5** Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances. Schools and colleges should always check the identity of contractors and their staff on arrival at the school or college.
- 10.6** The DBS [eligibility tool](#), which applies in Wales and England, provides advice to determine the type of DBS check that are relevant for employees. The tool can be used to find out which roles or activities could be eligible for a basic, standard or enhanced DBS check.

Annex1: Model Safeguarding policy

Safeguarding policy for (Name of School/College)

1. Introduction

(Name of School/College) fully recognises the contribution it makes to safeguarding.

There are three main elements to our policy:

- prevention through the teaching and pastoral support offered to learners;
- procedures for identifying and reporting cases, or suspected cases, of abuse – because of our day to day contact with children our staff are well placed to observe the outward signs of abuse; and
- support to learners who may have been abused.

Our policy applies to **all** staff and volunteers working in the school/college and governors. Learning support assistants, mid-day supervisors, caretakers, secretaries as well as teachers can be the first point of disclosure for a child.

2. Prevention

We recognise that high self-esteem, confidence, supportive friends and good lines of communication with a trusted adult helps to safeguard learners.

The school will therefore:

- establish and maintain an ethos where children feel secure and are encouraged to talk, and are listened to;
- ensure children know that there are adults in the school/college whom they can approach if they are worried or in difficulty;
- include in the curriculum, activities and opportunities for Sex and Relationships Education (SRE) which equip children with the skills they need to stay safe from abuse and to know to whom to turn for help; and
- include in the curriculum, material which will help children develop realistic attitudes to the responsibilities of adult life, particularly with regard to childcare and parenting skills.

3. Procedures

We will follow the Wales Safeguarding Procedures that have been endorsed by Safeguarding Children Boards. The school/college will:

- ensure it has a Designated Senior person (DSP) for safeguarding who has undertaken the appropriate training;
- recognise the role of the DSP and arrange support and training

[Schools/colleges may wish to mention the additional training undertaken by their DSP];

- ensure every member of staff and every governor knows:
 - the name of the DSP and their role and the designated governor for child protection;
 - that they have an individual responsibility for reporting children at risk and protection concerns to social services, or to the police, within the timescales agreed with the Safeguarding Children Board; and
 - how to take forward those concerns where the DSP is unavailable.
- ensure that all members of staff are aware of the need to be alert to signs of abuse and neglect, and know how to respond to a learner who may disclose abuse or neglect.
- ensure that members of staff who are Education Workforce Council of Wales registrants are aware of the [Code of Professional Conduct and Practice for Registrants with the Education Workforce Council](#) and the expectation within the Code that registrant has regard to the safety and well-being of learners in their care and related content;
- ensure that parents have an understanding of the responsibility placed on the school/college and staff for child protection by setting out its obligations in the school brochure;
- provide training for all staff so that they know:
 - their personal responsibility;
 - the agreed local procedures;
 - the need to be vigilant in identifying cases of abuse and neglect; and
 - how to support a child who discloses abuse or neglect.
- notify the local authority's social services team if:
 - a learner on the child protection register is excluded, either for a fixed term or permanently; or
 - there is an unexplained absence of a learner on the child protection register of more than two days duration from school (or one day following a weekend).
- work to develop effective links with relevant agencies and co-operate as required with their enquiries regarding child protection matters including attendance at initial review and child protection conferences and core groups and the submission of written reports to the conferences;
- keep written records of concerns about children (noting the date, event and action taken), even where there is no need to refer the matter to

the local authority immediately;

- ensure all records are kept secure and in locked locations;
- adhere to the procedures set out in the Welsh Government's Disciplinary and Dismissal Procedures for School Staff;
- ensure that recruitment and selection procedures are made in accordance with Welsh Government's guidance Keeping Learners Safe guidance; and
- designate a governor for child protection who will oversee the school's/college's child protection policy and practice.

4. Supporting the at risk

We recognise that children who are at risk, suffer abuse or witness violence may be deeply affected by this.

This school/college may be the only stable, secure and predictable element in the lives of children at risk. Nevertheless, when at school/college their behaviour may be challenging and defiant or they may be withdrawn.

The school will endeavour to support the learner through:

- the content of the curriculum to encourage self esteem and self motivation (see section 2 on prevention)
- the school/college ethos which:
 - promotes a positive, supportive and secure environment; and
 - gives learners a sense of being valued (see section 2 on Prevention)
- the school's/college's behaviour policy, which is aimed at supporting vulnerable pupils in the school/college. All staff will agree on a consistent approach which focuses on the behaviour of the offence committed by the child but does not damage the individual's sense of self worth. The school/college will endeavour to ensure that the learner knows that some behaviour is unacceptable but s/he is valued and not to be blamed for any abuse which has occurred;
- liaison with other agencies who support the learner such as local authority officers – such as the Educational Psychology Service, Behaviour Support Services or the Education Welfare Service – Child and Adolescent Mental Health Services and advocacy services;
- keeping records and notifying the local authority as soon as there is a recurrence of a concern.

When a learner on the child protection register leaves, we will transfer information to

the new provider immediately and inform Social Services.

5. Bullying

Our policy on bullying is set out in (*a separate document/ the school's/college's behaviour policy*) and is reviewed annually by the governing body.

6. Physical intervention

Our policy on physical intervention is set out in (*a separate document*) and is reviewed annually by the governing body and is consistent with the Welsh Government's guidance on Safe and effective intervention – use of reasonable force and searching for weapons.

7. Children with Additional Learning Needs

We recognise that statistically children with an additional learning need are most at risk of abuse. School/college staff who deal with children with an additional learning need, such as a profound and multiple disability, sensory impairment or emotional and behavioural problem need to be particularly sensitive to signs of abuse.

Annex 2: Additional guidance and other advice and support

- The Welsh Government has published a series of School behaviour and discipline guidance: <https://gov.wales/school-behaviour-and-discipline>
- The Curriculum for Wales 2022 has been designed by teachers for teachers and shaped by experts from Wales and across the world. For further information visit:

[Welsh Government Education & Skills](#)

[Curriculum for Wales blog](#)

- Development the 6 AoLE's of the new curriculum:
<https://gov.wales/areas-learning-and-experience-aole-update-july-2017>
- Guidance to help schools and local authorities deal with bullying in Wales:
<https://gov.wales/anti-bullying-guidance>

Annex 3: Glossary of terms

Child	Section 175 of the Education 2002 and section 3 of the Social Services and Well-being (Wales) Act 2014 defines a child as a person under the age of eighteen.
School	<p>All schools whether maintained, funded non-maintained or independent schools, maintained nursery schools, and pupil referral units.</p> <p>The Education Act 2002 defines school functions in relation to a local education authority, means functions relating to:</p> <p>(a) maintained schools, (b) pupil referral units, or (c) the provision of education for children of compulsory school age otherwise than at school.</p>
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.
Education Setting	All schools and colleges as defined above, plus all other education settings including, but not exclusive to, funded non-maintained early years settings and work-based learning providers.
Abuse: emotional	The persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional and behavioural development.
Abuse: physical	The 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 or induces illness in a child whom they are looking after.
Abuse: sexual	<p>Forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening, including:</p> <ul style="list-style-type: none"> • physical contact, including penetrative or non-penetrative acts; • non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities; or • encouraging children to behave in sexually inappropriate

	ways.
Child at risk	The Social Services and Well-being (Wales) Act 2014 defines a “child at risk” as a child who: <ul style="list-style-type: none"> a) is experiencing or is at risk of abuse, neglect or other kinds of harm; and b) has needs for care and support (whether or not the local authority is meeting any of those needs).
Child protection	Child protection is a part of safeguarding and promoting well-being. This refers to the activity which is undertaken to protect specific children who are suffering or are at risk of suffering significant harm as a result of abuse or neglect.
Development	Physical, intellectual, emotional, social or behavioural development.
Harm	Ill-treatment or the impairment of health or development, including, for example, impairment suffered from seeing or hearing the ill-treatment of another.
Health	Physical or mental health.
Neglect	The Social Services and Well-being (Wales) Act 2014 defines neglect as “a failure to meet a person’s basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person’s well-being (for example, an impairment of the person’s health or, in the case of a child, an impairment of the child’s development)”.
Significant harm	Section 31(10) of the Children Act 1989 states that “where the question of whether harm suffered by a child is significant turns on the child’s health or development, his health or development shall be compared with that which could reasonably be expected of a similar child”.
Promoting the well-being of children	There is an overarching duty to seek to promote the well-being of people who need care and support and carers who need support. The Social Services and Well-being (Wales) Act 2014 defines well-being in relation to any of the following— <ul style="list-style-type: none"> a. physical and mental health and emotional well-being b. protection from abuse and neglect c. education, training and recreation d. domestic, family and personal relationships

	<p>e. contribution made to society f. securing rights and entitlements g. social and economic well-being h. suitability of living accommodation</p> <p>In relation to a child, “well-being” also includes—</p> <p>a. physical, intellectual, emotional, social and behavioural development b. “welfare” as that word is interpreted for the purposes of the Children Act 1989.</p>
Well-being	Section 2 of the Social Services and Well-being (Wales) Act 2014 defines well-being as including “welfare” as that word is interpreted for the purposes of the Children Act 1989.
ACEs	Adverse Childhood Experiences (ACEs) are traumatic experiences that occur before the age of 18 and are remembered throughout adulthood. They include child maltreatment such as physical, sexual and verbal abuse and neglect, and wider experiences of household dysfunction, such as growing up in a household affected by domestic violence, parental separation, alcohol and drug use, mental illness or parental incarceration.
EOTAS	Education Otherwise Than At School (EOTAS) is an education provision to meet specific needs of pupils who, for whatever reason, cannot attend a mainstream or special school. In law, local authorities are responsible for providing these services.
Work Based Learning	<p>Work Based Learning (WBL) includes apprenticeships and employability programmes that are funded or part-funded by the Welsh Government.</p> <p>For the purpose of this guidance, vocational learning and/or support programmes that are part funded through the Wales European Funding Office should also be treated as WBL programmes.</p>

Pupil Referral Unit	A Pupil Referral Unit (PRU) is a type of school established by a local authority which has a duty to provide suitable education for children and young people who, by reason of illness, exclusion or otherwise, may not receive such education in a mainstream school.

DRAFT

Annex 4: Safeguarding audit tool

The purpose of this safeguarding audit tool is to support all education settings review their safeguarding arrangements. The audit tool is intended to help education settings to identify strengths and weaknesses in their safeguarding arrangements, to ensure they are exercising their legal safeguarding obligations in line with the Keeping learners safe statutory guidance.

What is safeguarding and child protection?

In the context of this audit tool, safeguarding is the action taken to promote the well-being of children. Safeguarding means:

- protecting children from abuse, neglect and other kinds of harm;
- preventing harm to children's health or development;
- ensuring children are provided with safe and effective care; and
- taking action to enable children to have the best outcomes.

Child protection is part of a safeguarding process. It focuses on protecting individual children identified as suffering, or likely to suffer abuse, neglect or other kinds of harm.

All education settings have statutory duties to operate in a way that takes into account the need to safeguard and promote the well-being of learners. When reviewing safeguarding arrangements education settings should consider how effective they are in the following:

- creating and maintaining a safe learning environment for learners;
- identifying where there are well-being concerns and taking action to address these, where appropriate, in partnership with other agencies; and

- the development of learner's understanding, awareness, and resilience through the curriculum.

Achieving this objective requires systems designed to robustly:

- prevent unsuitable people from working with learners;
- promote safe practice and challenge poor and unsafe practice;
- identify instances in which there are grounds for concern about a learner's well-being arising from home, community, school or college, and initiate or take appropriate action to keep them safe; and
- contribute to effective partnership working between all those involved with providing services for learners.

How to use this audit tool

The audit tool **should not** be used as a checklist, but rather to support a whole setting approach to safeguarding and provide a benchmark against which to work to continually develop and improve. Effective safeguarding arrangements must be about the ethos, character and culture of an education setting, rather than any finite set of actions or policies. The audit tool encourages education settings to go beyond checking that a policy is in place, for example, to reviewing what impact that policy is having. The designated senior person (DSP) for child protection should support the education setting's safeguarding approach. Everyone working in an education setting, whether employed by the local authority or otherwise, who comes into contact with children and their families has a role in safeguarding children. They form part of the wider safeguarding system for children and are in a position to identify concerns early and provide help for children to prevent issues from escalating. This audit tool seeks to help education settings to promote this ethos.

The audit tool is intended as an exemplar, against which to review current safeguarding arrangements in education settings. Your setting may have a current assessment tool that enhances and supports this work and that helps in how you audit the setting's approach. There is currently no expectation that you should duplicate your assessment or that this tool takes precedence over your existing approach. It simply provides you with a robust option that has been widely tested and aligns with the pre-inspection expectations of Estyn.

The tool has been developed with input from Estyn and meets the requirements expected by Estyn, but is not designed to be completed for inspection purposes only. The tool should be a continuous assessment of the effectiveness of a setting's safeguarding arrangements.

The audit tool requires a process of evidence gathering, including talking with learners and their families, discussing safeguarding with staff in the setting and reviewing safeguarding incidents to learn what is working well and what needs development. This should be an on-going process, so that there is a constant reflection, learning and updating of processes. You can use this audit tool either as part of a peer review process, or for self-assessment. The tool encourages a peer review approach, where settings offer 'critical friend' support to each other. Having someone from outside the setting come in and go through the audit tool provides a valuable independent perspective that can enhance effective practice and highlight gaps.

As well as checking on whether you have robust safeguarding policies and practices in place, the tool asks you to make professional judgements on how effective and comprehensive they are. In order to make those judgements you will need to collect evidence including talking to learners, colleagues, Governors and parents.

The summary sheet at the beginning is intended to allow you to provide a quick overview for staff, learners, parents and Governors on the strengths and weaknesses of the setting in relation to safeguarding and the actions page will show them what steps are being taken to build on the strengths and address the weaknesses.

The guidance notes below have been written in line with Keeping Learners Safe.

1. How safe do learners feel?

The best way to understand how safe an education setting feels to learners is to ask them and observe how they and staff interact. A positive learner-staff relationship provides evidence that staff are friendly and positive about the setting, and that learners are listened to and able to speak with confidence in the setting.

The general atmosphere of the setting is also a good indicator of how safe people feel. The kind of evidence that can help form your judgements include the physical environment and protocols for visitors but these measures alone are not enough to justify the feeling of safety. Reviewers should consider how the ethos and atmosphere of the setting demonstrates a safeguarding culture and a level of care for each learner.

Equally, education settings should not assume that their learners are able to keep themselves and others safe. Appropriate site security measures should be taken to ensure the site feels safe and that parents/ carers feel confident that appropriate measures have been taken.

2. How effectively do you communicate safeguarding issues and policies?

Effective communication is, in essence, an exchange of information that allows all involved to listen to and learn about each other. Therefore, it involves more than knowing that staff have access to, or have read, policies. It is important to check that learners, and those who come into contact with them, understand the purpose of information sharing in order to safeguard and promote learners' well-being. It is also useful to assess how comfortable they feel about sharing information by reviewing, for example, recent communications.

It is important that all learners, parents, agency staff, support staff and Governors are aware of the education setting's safeguarding policy, and that the policy sets out safe practices for all involved with the setting. An indicator of effective communication is that learners, parents, carers and staff all understand what constitutes an unsafe situation and are aware of what they would need to do to keep themselves and others safe, and what to do if they have a concern. Checking that information is in a format and language that can be easily accessed and understood by all of the setting's users is important, as is the regular review and updating of relevant information.

3. How effective is your approach to safeguarding?

This section requires a review of the education setting's approach to safeguarding and its ability to effectively manage a safeguarding concern. This involves reviewing the extent to which staff members are confident about recognising signs of abuse, neglect and other kinds of harm, and their understanding of the steps to take in response and need to act quickly. This should not be a matter of going through a checklist of issues and symptoms, but rather of assessing how confident people are about safeguarding learners, how alert they are to what is happening to individual learners and how open communication channels are. Reviewing recent incidents can help, looking at how long it took before a concern was raised, what happened, what action was taken and how quickly, and what the outcome was.

Incidents should be collected and recorded systematically so that the process is easily accessible to all staff, including a record of concerns (allowing, for example, people to spot multiple concerns about an individual), action taken and the outcomes. There should be a consistency of approach throughout the education setting for identifying and managing incidents. In particular, records for children identified as at risk should be up to date and of a high quality.

Check for a coordinated approach across the setting around planning and delivering Personal Social Education (PSE) and Sex and Relationships Education (SRE). The approach to SRE should be pro-active in supporting learners to be aware of risks to their well-being and safety. The curriculum should support existing policy within the setting on important issues and provide sufficient information on managing risk, for example in sex and relationships; drug, alcohol and tobacco education; accident prevention; anti-bullying; online safety; and extremism and radicalisation. Gathering evidence on how these issues are explored will help in assessing the effectiveness of the education setting's approach to safeguarding. It is also important to review the setting's approach to physical intervention.

4. How robust are your safeguarding practices?

Robust safeguarding practices involve both whole setting approaches that make safeguarding everyone's concern, and the specific focus of named people responsible for ensuring safeguarding policies and practices are being carried out. There should be a DSP with responsibility for child protection in the education setting who everyone knows about.

All staff should be competent and feel confident about implementing the protocols for securely managing incidences and dealing with disclosures. Safeguarding procedures should form a part of supervision and management processes. Staff should feel supported in taking responsibility for safeguarding, knowing that any concerns they raise will be taken seriously, and that senior managers will back them up if needed.

The DSP should be aware of appropriate training and be given the time to attend training. All staff working with learners (including temporary, peripatetic and agency staff) should be aware of safeguarding procedures and have child protection training and DBS checks. Any training and assessment of staff should be appropriately recorded and updated. It is also important that Governors or board members know enough about safeguarding to be able to sufficiently challenge the setting's safeguarding practices and satisfy themselves that safeguarding procedures are robust, particularly with regard to taking action and recruitment

5. How effectively are you working with others to safeguard children?

Part 7 of the [Social Services and Well-being \(Wales\) Act 2014](#) includes provisions aimed to help promote more effective leadership and inter-agency collaboration and ensure all agencies give sufficient priority to safeguarding. The [All Wales Child Protection Procedures](#)²⁸ also emphasise that safeguarding is everyone's responsibility, and that the effective protection of children cannot be achieved by a single agency acting in isolation. The procedures clarify how individuals and agencies should communicate and work together in partnership to identify and keep children safe.

The education setting should be able to show clear records with the names of any staff or external agencies that the DSP has shared information with, what information was shared and the rationale for this. The DSP needs to ensure that parents/ carers understand the education setting's need to share information and work in partnership with other agencies when there are concerns about a child's well-being.

When commissioning a service from another organisation, there should be robust mechanisms in place to ensure that these organisations have appropriate policies and procedures in place for safeguarding children and child protection.

²⁸ The Wales Safeguarding Procedures and supporting practice guidance will replace the All-Wales Child Protection Procedures and will be published later in 2019.

Gathering evidence to inform your judgements

This section provides some examples of how you might form your judgements and the evidence you can collect to underpin them. It is not intended to be ticked off; but rather as a prompt to recognise what you do, and what more you could do.

Section 1

HOW SAFE DOES THE SETTING FEEL?

Evidence from:

- learner/ parent/ carer questionnaires, discussions, suggestion boxes, school/ student council sessions, NUS
- site security checklist and how it is used (e.g. do all visitors sign in and out and wear a visitor badge; is proof of identity secured through photo ID)
- listening to break and lunchtime supervisors
- monitoring and evaluation systems to gauge the extent to which learners keep safe, adopt safe and responsible practices and deal sensibly with risk
- how risk is managed within the setting (e.g. through discussion, risk assessments, role play and skills rehearsal) and what difference this makes
- risk assessments of external provision
- peer mediation and/or buddy programmes and their impact
- random checks with learners to see if they are confident they know how to access a safe adult if they have any concerns
- reports/records on how the setting acts on reported concerns raised by learners, parents/ carers or other people (including feedback from those who have raised concerns)

Section 2

HOW EFFECTIVELY DO YOU COMMUNICATE SAFEGUARDING ISSUES AND POLICIES?

Evidence from:

- survey/questions to staff, Governors, learners, parents on awareness of safeguarding policy and approach
- curriculum content (e.g, in PSE and SRE)
- posters displayed relating to safeguarding and child protection themes with helpline numbers (e.g. for external agencies) and how helpful learners think they are
- training, advice and guidance given to learners on online exploitation (including commercial and sexual exploitation) and its impact
- assemblies, class discussions, etc where safeguarding-related issues have been addressed, e.g. bullying, LGBT bullying, substance misuse, child exploitation (including but not limited to sexual), online safety, absence/truancy, violence against women, domestic abuse and sexual violence, preventing radicalisation, extremism, etc. and what learners say about them
- records of initiatives and promotional and awareness-raising activities and their impact, including lesson plans, assembly notes and circle time records
- a clear, accessible reporting and progressing system for raising and acting on safeguarding concerns and how effectively they are used
- minutes from staff meetings where safeguarding issues have been discussed
- minutes/records from school/student council meetings that have raised safeguarding issues
- copies of newsletters/ website content

- letters/communications with parents/ carers
- records of parent/ carer meetings

Section 3

HOW EFFECTIVE IS YOUR APPROACH TO SAFEGUARDING?

Evidence from:

- records of concerns raised and how they are acted on
- asking learners who they would talk to if they had concerns and what concerns they have/would raise
- listening to vulnerable learners (e.g. care experienced children, those with a care and support plan, young carers, those with additional learning needs) and those who have suffered abuse about how supported they feel
- listening to learners about experiences of bullying, harassment, prejudice and discrimination and how the setting has/could support them
- asking staff about who they would talk to if they had concerns (including about colleagues, head teacher/ principal, proprietor)
- reviews of any concerns raised in the past year, how they were recorded, how they were acted upon and the outcome
- behaviour management strategies and their implementation

Section 4

HOW ROBUST ARE YOUR SAFEGUARDING PRACTICES?

Evidence from:

- attendance records kept as evidence
- regular audits of training records to ensure all staff members have received safeguarding training (or induction in the case of new staff members)
- confirmation from external agencies that appropriate training has been provided, including refresher training
- records of induction to new staff on the setting's safeguarding procedures
- records on the induction and training that new staff, contracted/temporary staff have received
- audit trail of training for staff and Governors and when updates are due
- policy and practice on recording and storing child protection and safeguarding concerns and actions arising
- policy and practice relating to transferring records when a learner moves setting
- IT/paper storage safety policy
- minutes of Governors' meetings where safeguarding is discussed
- DBS audit
- analysis of any complaints and the setting's response

Section 5

HOW EFFECTIVELY ARE YOU WORKING WITH OTHERS TO SAFEGUARD CHILDREN/LEARNERS?

Evidence from:

- referral records to external agencies
- records/ minutes of multi-agency meetings attended by the DSP or other staff
- records of information sharing
- the quality of safeguarding/child protection files and records on vulnerable learners (e.g. up to date; accessible; accurate)
- examples of lessons delivered by the All Wales School Liaison Core Programme and their impact
- activities undertaken during anti-bullying week and their impact

Policies

The school or college is likely to have a range of policies that are relevant to its approach to safeguarding and these can all help to provide evidence for the evaluation tool. They may include:

- Anti-bullying
- Online safety
- Behaviour
- Use of Time Out/Use of Physical Restraint
- Travel to and from school
- Attendance
- Inclusion/SEN/ALN
- Meeting needs of children with medical conditions
- Health and Safety
- School Equality Plan
- Safer recruitment
- Professional Conduct/Communication Protocols for staff
- Dealing with allegations of professional abuse
- Whistle blowing

Safeguarding Audit

Summary

Completing this should be the final stage in the assessment process

Section 1	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)
HOW SAFE DOES THE SETTING FEEL?			
Section 2	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)
HOW EFFECTIVELY DO YOU COMMUNICATE SAFEGUARDING ISSUES AND POLICIES?			
Section 3	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)
HOW EFFECTIVE IS YOUR APPROACH TO SAFEGUARDING?			
Section 4	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)
HOW ROBUST ARE YOUR SAFEGUARDING PRACTICES?			
Section 5	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)

	needed)	action needed)	action needed)
HOW EFFECTIVELY ARE YOU WORKING WITH OTHERS TO SAFEGUARD CHILDREN/LEARNERS?			
Actions summary	Priority 1	Priority 2	Priority 3
Section 1: making the setting safe			
Section 2: improving how we communicate in relation to safeguarding			
Section 3: developing our approach to safeguarding			

Section 4: working better to safeguard learners			
Section 5: working better with others			

SECTION 1	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)
HOW SAFE DOES THE SETTING FEEL?			
	<i>No - Action required in this area</i>	<i>We need more evidence to answer question</i>	<i>YES - as shown by evidence we have.</i>
Do learners feel safe in the education setting?			
Are you effective in listening to and acting upon learners' safety concerns?			
Do parents/ carers have confidence about safety in this setting?			

Are there site security measures, including secure entry and exit points, that help you feel safe?			
Are there good measures in place to ensure effective safeguarding for extracurricular activities or off-site provision?			
Are the identities of all visitors checked, and do they sign in and out?			
Are visitors made aware of your commitment to safeguarding?			
Actions: what needs to change?			

SECTION 2	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)
HOW EFFECTIVELY DO YOU COMMUNICATE SAFEGUARDING ISSUES AND POLICIES?			
	<i>NO - action required in this area</i>	<i>Need more evidence to answer question</i>	<i>YES - as shown by evidence we have.</i>
Are your safeguarding and child protection policies updated annually?			
Do you review annually how well your safeguarding and child protection policies and procedures work?			
Has everyone (learners, parents, agency staff, support staff, governors) been given information on what is in the policy?			
Do the policies set out how, through teaching and pastoral support, staff can help to strengthen safeguarding and prevent abuse and neglect?			
Is safeguarding treated as a priority issue in the senior management team?			
Is safeguarding a regular item in staff meetings?			
Is safeguarding a regular item in student council meetings?			
Is safeguarding covered regularly in your newsletter?			

Are you confident that everyone recognises the child protection and safeguarding responsibilities placed upon them by <i>Keeping learners safe?</i>			
Are safeguarding policies and practices easily accessible and explained on your website in a user friendly way?			
Actions: what needs to change?			
SECTION 3	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)
HOW EFFECTIVE IS YOUR APPROACH TO SAFEGUARDING?			
	<i>NO - action required in this area</i>	<i>Need more evidence to answer question</i>	<i>YES - as shown by evidence we have.</i>
Are you confident that you are effectively identifying, recording and acting on safeguarding concerns?			
Are you satisfied with the level of pastoral and additional support available to learners, including any who are at particular risk or			

vulnerable?			
Are you confident that enough support is provided to learners who have experienced abuse, neglect or other kinds of harm?			
Do all staff know about the procedures for reporting absence or exclusions of a learner who is looked after, on the child protection register or that may be at risk?			
Are you satisfied that the curriculum provides learners with sufficient information about safeguarding?			
Do you have an anti-bullying policy which is in line with the United Nations Convention on the Rights of the Child and Equalities Act 2010?			
Do you have policies that address how to deal with the range of issues learners may be faced with?			
Do you have a policy on the use of photography and video recording, are permissions collected from parents and adhered to, and are images used and stored in accordance with safeguarding advice?			
Are safeguarding issues embedded into policies and practices that support attendance and behaviour?			
Are you confident about your processes for addressing abuse, prejudice, discrimination and harassment?			

Are you confident that your approach to physical intervention and restraint is appropriate? Are these reflected in your behaviour policy or a separate school policy?			
Actions: what needs to change?			
SECTION 4	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)
HOW ROBUST ARE YOUR SAFEGUARDING PRACTICES?			
	<i>NO - action required in this area</i>	<i>Need more evidence to answer question</i>	<i>YES - as shown by evidence we have.</i>
Is there a designated senior person (DSP), and a deputy, responsible for child protection?			
Do staff /learners/parents/carers and outside agencies know who these people are? (e.g. are they named on your website?)			

Are you confident that all learner's voices are heard?			
Are all staff clear about what to do if a child protection disclosure is made and how it must be reported, recorded and monitored?			
Would all staff know what to do if a concern was raised about a colleague, including about the head teacher/principal?			
Have all staff and volunteers had child protection training to help them identify signs of abuse and know how to report concerns whether about abuse in the learning setting, in the home, or in other settings? Is this regularly refreshed with suitable training, in line with your policy?			
Has the DSP and relevant Governor/s had safeguarding training in the last 36 months?			
Are sufficient arrangements made for staff and volunteers absent during training?			
Are temporary, peripatetic and agency staff made aware of the setting's safeguarding/child protection procedures?			
Is there a central register that records the safeguarding training that all staff have undertaken, including an assessment of effectiveness and impact with appropriate updates?			
Are safeguarding concerns shared securely with the DSP?			
Are records stored securely with controlled access that protects			

confidentiality?			
How well do staff understand their roles and responsibilities in keeping referrals confidential?			
Are all staff clear about how to discuss a safeguarding concern or issue with a learner?			
Do all staff (including temporary staff and unsupervised volunteers) have DBS checks? And are these updated as required by your policy?			
Is there a record that all staff appointed after 2002 have a CRB/DBS check and at the appropriate level?			
Are you confident that Governors have sufficient knowledge to question and challenge safeguarding provision in the school?			
Actions: what need to change?			
SECTION 5	RED (Action needed)	AMBER (Some action needed)	GREEN (No action needed)
HOW EFFECTIVELY ARE YOU WORKING WITH OTHERS TO SAFEGUARD CHILDREN/LEARNERS?			

	<i>NO - action required in this area</i>	<i>Need more evidence to answer question</i>	<i>YES - as shown by evidence we have.</i>
Do you inform parents/ carers and learners of the support available within your setting and via other services or community links?			
Have parents/ carers and learners been informed of the setting's need to share information with other agencies if necessary?			
Do you work with outside agencies to develop learners' awareness of safeguarding issues?			
Have relevant staff had training on working with other agencies in line with your policy?			
Are you confident that your setting works effectively with other agencies in regard to child protection concerns?			
Actions: what needs to change?			