

KCSIE 2018: what's changed?

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Introduction

The DfE has released the much-anticipated Keeping Children Safe in Education 2018 guidance. As ever, we're here to tell you what's new, what's been removed and what's been emphasised or clarified.

Acronym updates

[New] References to the NCTL have been amended to reflect that its functions with regards to the regulation of the teaching profession, including misconduct hearings, will be handled by the Teaching Regulation Agency (TRA). All other functions of the NCTL are now handled by the DfE.

[Removed] All references to local safeguarding children boards (LSCBs) have been removed.

Changes to the summary

[Clarified] The document clarifies that the term 'children' refers to everyone under the age of 18.

[Clarified] The use of 'must' and 'should' has been clarified to explain that must is used when a person is legally required to do something and should is used when the advice should be followed unless there is a good reason not to.

[Clarified] The term 'college' has been clarified to mean institutions designated as being within the further education sector.

[Emphasised] By pulling the information from the footnotes to the main body, the document emphasises that, in the case of academies, free schools and alternative provision academies, the proprietor is the academy trust.

Changes to Part one: Safeguarding information for all staff

The role of school and college staff

[New] The DSL and their deputies are most likely to have a complete safeguarding picture and will be the most appropriate individuals to advise on any safeguarding concerns.

What school and college staff need to know

[New] The behaviour policy, the safeguarding response to children who go missing from education, and the identity of the DSL and any deputies have been added to the systems supporting safeguarding that should be explained to all staff as part of their induction.

[Clarified] Staff should only involve those who need to be involved when a child tells them he/she is being abused or neglected.

What school and college staff should look out for

[New] The following indicators have been added to help staff recognise the potential need for early help:

- The child is showing signs of being drawn in to anti-social or criminal behaviour, including gang involvement and association with organised crime groups.
- The child is at risk of modern slavery, trafficking or exploitation.
- The child is showing early signs of abuse and/or neglect.
- The child is at risk of being radicalised or exploited.
- The child is a privately fostered child.

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

[Emphasised] If staff have any concerns about a child's welfare, the guidance emphasises that they should act on them **immediately**.

[Emphasised] If staff have a concern, **they should speak to the DSL**.

Early help

[Clarified] The DSL leads when early help is appropriate.

What will the LA do?

[Wording change] "The LA should make a decision, within one working day of a referral being made, about the type of response that is required and should let the referrer know the outcome." The phrase 'about the type of response' has replaced 'about the course of action it is taking'.

Female Genital Mutilation mandatory reporting duty for teachers

[Clarified] It has been clarified that staff with teaching responsibilities have **a specific legal duty to act** with regards to concerns about female genital mutilation (FGM), but all staff should speak to the DSL where there are concerns.

Actions where there are concerns about a child

[Updated] The flowchart on page 13 has been updated to place emphasis on the immediacy of action and to clarify certain scenarios.

Specific safeguarding issues

[New] Sexual violence and sexual harassment have been added to the list of safeguarding issues that staff should be aware of with regards to peer-on-peer abuse.

[New] A new paragraph (52) has been added to address contextual safeguarding. This means assessments of children should consider the wider environmental factors affecting the child's life that may pose a threat to their safety and/or welfare. Schools are encouraged to provide as much contextual information as possible as part of the referral process. The guide provides a link to more information [here](#).

Changes to Part two: The management of safeguarding

Legislation and the law

[Clarified] The document clarifies that board level leadership should sit at governing board or proprietor level.

Safeguarding policies and procedures

[Clarified] Every school and college should have their own individual [child protection policy](#). Whilst a proprietor of multiple schools may have an overarching policy, schools should build on these to reflect their local circumstance and procedures.

[New] It is now good practice for schools to hold more than one emergency contact number for each pupil.

The designated safeguarding lead (DSL)

[Clarified] The DSL should be a senior member of staff from the leadership team. Who appoints them should be decided by the governing board or proprietor.

Information sharing

[New] The DSL should consider whether it is appropriate to share any information with the new school or college in advance of a pupil leaving, in addition to the child protection file. The DfE gives the example of information that would allow the new school or college to continue supporting a victim of abuse and have the appropriate support in place for the pupil's arrival.

Opportunities to teach safeguarding

[New] Online safety has been added to the requirements to teach safeguarding through a broad and balanced curriculum.

Safer recruitment

[Clarified] At least one person conducting an interview must have completed safer recruitment training.

Peer-on-peer abuse

[New] In paragraph 90, the guidance states that peer-on-peer abuse should be addressed in a child protection policy and provides particular requirements that should be addressed.

LAC and previously LAC

[New] Staff should have the skills, knowledge and understanding to keep previously LAC safe. When dealing with LAC and previously LAC, all agencies should work together to take prompt action to safeguard this vulnerable group.

The designated teacher

[New] The role of the designated teacher has been updated to include a responsibility for “promoting the educational achievement of children who have left care through adoption, special guardianship or child arrangement orders or who were adopted from state care outside England and Wales” in addition to LAC.

Virtual school heads

[New] The role of virtual school heads has also been updated to include responsibilities towards children who have left care through adoption, special guardianship or child arrangement orders or who were adopted from state care outside England and Wales.

Care leavers

[New] A new paragraph (101) has been added concerning care leavers. It guides that LAs have an ongoing responsibility to care leavers. This duty includes keeping in touch with them, preparing assessments of their needs and appointing a personal adviser to develop a pathway plan. **DSLs should have the details of their LA personal advisor and liaise with them as necessary.**

The use of ‘reasonable force’ in schools and colleges

[New] Three new paragraphs (103-105) have been added to address the use of reasonable force. They guide that ‘reasonable’ means ‘using no more force than is needed’ and that the use of force may involve passive physical contact or active physical contact. The guide states that ‘no-contact’ policies leave staff unable to protect pupils and encourages schools to adopt sensible policies that allow and support staff to make appropriate physical contact. When considering the use of reasonable force towards children with SEND or medical conditions, the risks should be carefully considered. Individual behaviour plans and other forms of proactive behaviour support can reduce the need for reasonable force.

Changes to Part three: Safer recruitment

Recruitment, selection and pre-employment vetting

[Clarified] Before employing a teacher, schools are required to take all reasonable steps to establish whether the individual is subject to a teacher prohibition order and, if so, prevent their employment.

[Clarified] A supervised volunteer who regularly teaches or looks after children **is not in regulated activity.**

Regulated activity

[Clarified] Personal care includes helping a child with eating and drinking for reasons of illness, or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability.

DBS checks

[New] The DfE now recommends that schools contact TRA Teacher Services to check if a proposed governor is barred as a result of being subject to a section 128 direction. These checks can be carried out by logging into the secure access portal on the Teacher Services' [webpage](#).

[Clarified] The guidance clarifies what constitutes a teaching role for the purposes of individuals prohibited from undertaking teaching roles due to teacher prohibition orders. A teaching role is defined as: "Planning and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils. These activities are not teaching work for the purposes of these Regulations if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the headteacher to provide such direction and supervision."

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

[New] It guides that a number of individuals are still subject to disciplinary sanctions imposed by the now defunct GTCE.

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

[New] Checks for all prohibitions, directions, sanctions and restrictions can be carried out for free by logging into the secure access portal on the Teacher Services' [webpage](#).

[Clarified] Section 128 directions will show on an enhanced DBS check with barred list information, provided that 'children's workforce independent schools' is specified in the parameters of the check.

Pre-appointment checks

[Clarified] The Teacher Service's system should be used to verify any award of QTS and the completion of an induction/probation.

Flowchart of DBS criminal record checks and barred list checks

[Updated] The flowchart has been updated but the changes are mostly visual to aid with clarity. There has been a small change clarifying that an enhanced DBS certificate should be obtained when trainee teachers engage in regulated activity.

Employment history and references

[Clarified] References for internal candidates should always be scrutinised before appointment. Where possible, schools should obtain references prior to interviews to allow any concerns to be explored with the referee and discussed with the candidate. References should be from a senior person and not just a colleague. Open testimonials should not be relied upon, nor should information provided by the candidate without verifying the information. Electronic references should be vetted to ensure they originate from a credible source.

Single central record (SCR)

[Clarified] Colleges must record on their SCR whether the person's position involves 'relevant activity', i.e. regularly caring for, training, supervising or being solely in charge of persons aged under 18. Colleges must also include whether written confirmation has been received from supply agencies that all relevant checks have been conducted for supply staff.

[Clarified] Colleges are not required to hold prohibition check records but they are required by their funding agreements to have robust record keeping procedures in place.

[Clarified] MATs are not required to have separate SCRs, but they should ensure that all those who need to see it can do so easily, including Ofsted.

Trainee/student teachers

[Clarified] Schools and colleges should obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school or college would otherwise be required to perform.

Existing staff

[Clarified] If an individual within a college moves from a position that did not involve the provision of education to one that does, it must be treated as if the individual were a new member of staff and all required pre-appointment checks must be carried out. Aside from this specific circumstance, schools and colleges are not required to request a DBS check or barred list check.

[Clarified] The legal duty to refer to the DBS any staff member who has harmed, or poses a risk of harm, to a child or vulnerable adult, applies equally in circumstances where an individual is deployed to another area of work that is not regulated activity or they are suspended.

Volunteers

[New] A [link](#) has been added to help schools and colleges identify whether the position they are recruiting for fits the 'child workforce' criteria used when completing the 'Position Applied For' field on a DBS application form.

[Emphasised] If a school or college undertakes a risk assessment when deciding whether or not to obtain an enhanced DBS certificate for a volunteer, they should record the details of the risk assessment. They are free to determine where to store this information.

Other (non-maintained) school and sixth form college governors

[Clarified] The duty to secure enhanced DBS certificates with barred list checks for governors engaging in regulated activity extends to volunteer governors engaging in regulated activity.

[Clarified] Academy trusts are required to check that members are not barred from taking part in the management of the school as a result of a section 128 direction.

Alternative provision

[New] A new paragraph (174) has been added to clarify that, where a school places a pupil with an alternative provision provider, they remain responsible for the safeguarding of that pupil and should be satisfied that the provider meets the needs of the pupil. The provider should provide written confirmation that appropriate safeguarding checks have been carried out on those working at the establishment.

Adults who supervise children on work experience

[Clarified] Schools and colleges organising work placements should ensure that the placement provider has policies and procedures in place to safeguard pupils.

Children staying with host families (homestay)

[Wording change] The term 'homestay' has been added to this section as it is a commonly used term.

Private fostering – LA notification when identified

[Clarified] Schools should clarify that staff and volunteers should remain alert to, and when it comes to their attention report to the LA, information which suggests a child is being privately fostered. They should then notify the LA to allow the LA to check the arrangements are safe.

Changes to Part four: Allegations of abuse made against teachers and other staff

[Clarified] The guide now states that this section is relevant to volunteers.

[Wording change] To match Working Together to Safeguard Children, the word 'would' has been replaced with 'may' in the following extract from paragraph 184:

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

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

[New] To clarify the 'harm test', a [link to DfE guidance](#) has been added.

Initial considerations

[Emphasised] The fifth outcome of an allegation investigation, 'unfounded', has been moved from the footnotes to the main body to emphasise its importance.

Confidentiality

[Clarified] The guide clarifies that reporting restrictions only apply to teachers in schools.

Timescales

[Wording change] A typo has been corrected to make 'institute' read 'instigate' in the following sentence: "If the nature of the allegation does not require formal disciplinary action, the employer should **instigate** appropriate action within three working days."

Suspension

[New] Social care has been added as a reporting option when a case manager is concerned about the welfare of other children in the community following a staff member's suspension.

On conclusion of a case

[Clarified] Where an allegation is substantiated and the individual is dismissed or resigns, sixth form colleges, in addition to schools, should consider referring the matter to the TRA for consideration for a prohibition order.

Part five: Child on child sexual violence and harassment

[New] Robust guidance has been added on this issue for the first time; however, the DfE has also released an [update](#) of their more comprehensive, separate guidance on this matter. TheSchoolBus is currently creating guidance based on the revised document and it will be available shortly.

Changes to Annex A: Further information

Children and the court system

[New] Two age-appropriate guides for children required to give evidence in court have been linked to: one for [5-11 year olds](#) and one for [12-17 year olds](#).

Children with family members in prison

[New] [Guidance](#) for children with family members in prison has been included.

Child sexual exploitation (CSE)

[New] Alongside the indicators of CSE, there is added guidance around the contextual circumstances in which CSE can take place. You can find this on page 77.

Child criminal exploitation: county lines

[New] A new section on child criminal exploitation has been added addressing this widespread form of harm that is a "typical feature of county lines criminal activity". This refers to drug networks or gangs grooming and exploiting children to carry drugs and money from urban areas to suburban areas, rural areas and market and seaside towns.

The guide states that the key to identifying potential involvement in county lines is "missing episodes" – where the victim may have been trafficked for the purpose of transporting drugs. In such cases, a referral to the National Referral Mechanism should be considered.

Domestic abuse

[New] The guide provides links to three sources to help schools identify the signs of domestic abuse:

- [NSPCC: UK domestic-abuse signs symptoms effects](#)
- [Refuge: what is domestic violence/effects of domestic violence on children](#)
- [SafeLives: young people and domestic abuse](#)

Homelessness

[New] Advice on homelessness is included for the first time on page 79. It states that the DSL should be aware of the contact details and referral routes of the Local Housing Authority to enable them to raise concerns. Referrals to the Local Housing Authority should not replace referrals to children's social care where a child is being harmed or at risk of harm.

Schools should recognise that for 16- and 17-year-olds homelessness may not be family-based, and the DSL should ensure appropriate referrals to children's services are made where necessary.

Additional advice and support

[New] Numerous links have been provided on pages 86-87 to signpost schools towards further information on specific safeguarding issues.

Annex B: Role of the designated safeguarding lead

Deputy designated safeguarding leads

[Clarified] Deputy DSLs should be trained to the same standards as the DSL and the role should be explicit in their job description.

Training

[New] Training should allow the DSL to "recognise the additional risks that children with SEN and disabilities (SEND) face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online".

Annex C: Online safety

Education

[New] The following resources to support schools with online safety are listed:

- [Education for a Connected World](#) framework from the UK Council for Child Internet Safety (UKCCIS)
- [Guidance](#) from the PSHE Association
- [Be Internet Legends](#) by Parent Zone and Google

Reviewing online safety

[New] A [free online safety tool](#) for schools is provided alongside [questions for the governing board](#) concerning online safety.

Information and support

[New] Numerous organisations are listed that can provide schools with support concerning online safety on page 94.

Changes to Annex E: Host families – homestay during exchange visits

[Updated] This part has been revised to help schools obtain DBS checks for host families who provide homestay to pupils during exchange visits.

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

[Clarified] It guides that, where a school or college is arranging for a visiting child to be provided with care and accommodation in the UK in the home of a family to which the child is not related, the responsible adults are considered to be in regulated activity for the period of the stay. In such cases, the school is the regulated activity provider; therefore, the school should consider what information will best inform its assessment of the suitability of the responsible adults.

Schools should obtain a DBS enhanced certificate with barred list information to inform their assessment. Where criminal record information is disclosed, the school should consider, alongside all other information, whether the adult is a suitable host. DBS checks for volunteers can be obtained free of charge.

In addition to the responsible adults, schools should consider whether a DBS enhanced certificate should be obtained for anyone else aged over 16 in the household.

Homestay – suitability of adults in host families abroad

[Clarified] Schools should use their professional judgement to satisfy themselves that the arrangements are appropriate and sufficient to safeguard every child involved in the exchange.

What's next?

The new guidance contains numerous changes and a wealth of new information. We've cherry-picked actions and considerations below, but do keep in mind that all of the information provided above must be read and understood.

Take action

- ✓ Your Child Protection Policy will need updating to reflect any new requirements and to include peer-on-peer abuse – TheSchoolBus will release a revised version shortly so watch this space.
- ✓ Make sure your inductions include your Behavioural Policy, the safeguarding response to children who go missing from education, and the identity of the DSL and any deputies.
- ✓ Obtain more than one emergency contact number for each pupil.
- ✓ Ensure online safety is addressed in your curriculum.

- ✓ Ensure enough staff members are appropriately trained to allow at least one person conducting an interview to have completed safer recruitment training.
- ✓ Make sure your DSL has the details of their LA personal advisor and liaises with them as necessary.
- ✓ Make sure your deputy DSL(s) is trained to the same standards as the DSL and the role is included in their job description. This training should include online safety.

Be aware

- If you have a no-contact policy, rethink your approach to safeguard staff and pupils.
- If you're recruiting governors, check with [TRA Teacher Services](#) to check they are not subject to a section 128 direction.
- Remember, all checks for all prohibitions, directions, sanctions and restrictions can be carried out for free by logging into the secure access portal on the Teacher Services' [webpage](#).
- Obtain references prior to interview and don't accept open testimonials. Vet information that comes directly from the candidate or from an online source.
- If you're in an MAT, your Child Protection Policy should be specific to your local requirements, even if the MAT has provided an overarching policy.
- If you're recruiting trainee/student teachers, obtain written confirmation that relevant checks have been carried out.
- Use [this link](#) when recruiting to see whether the position they are recruiting for fits the 'child workforce' criteria.
- Remember to record any risk assessments undertaken when deciding whether DBS checks are necessary for volunteers.
- Remember, when you place a pupil with an alternative provider, you remain responsible for their safety – so make sure the relevant assurances are there.
- If you're sending pupils on work experience, the provider must have safeguarding policies and procedures in place.
- When arranging homestay exchanges, make sure you're aware of your role and responsibilities.

Make sure staff are made aware of:

- The additional indicators of the need for early help.
- The need to act on concerns immediately by speaking to the DSL.
- The issues surrounding sexual violence and sexual harassment.
- Contextual safeguarding.
- How to keep previously looked after children safe.
- Child criminal exploitation and the need to refer cases to the National Referral Mechanism.

Further reading

Our summary of the revised peer-on-peer guidance will be released shortly. Check our newsletter and latest resources to make sure you don't miss out.