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| **Changes to Keeping Children Safe in Education for September 2021** | | |
| **Changes reflected in the summary and throughout the document** | | Actions needed |
| Schools should note that,   * the guidance has been updated in line with the current dates including updated versions of, and links to other guidance and legislation, * throughout the guidance, reference to “governing bodies and proprietors” includes management committees unless otherwise stated, * Keeping Children Safe in Education now applies to providers of post 16 education as set out in Education and Training (Welfare of Children) Act 2021, * all interim Covid-19 guidance links removed as this guidance is now withdrawn *and*, * a point has been added to the summary to clarify that the guidance should be read and followed by senior leadership teams.   **Information to share with staff**  There is now a condensed Part one of the guidance at Annex A for governing bodies and proprietors to choose which ‘safeguarding information for staff’ they would like particular staff to read. Annex A can only be used with those not working directly with children where governing bodies think it will be appropriate rather than reading all of Part one. ***Please note, for staff working directly with children they should read Part one and Annex B***  *Annex A-D titles have been changed in line with above.*  **Changes to significant guidance and terminology**  ‘Sexting’ has been replaced throughout the guidance with ‘consensual and non-consensual sharing of nudes and semi-nudes’ which means *sending or posting nude or semi-nude images, videos or live streams by young people under the age of 18 online.* The link to the updated UKCIS guidance on the sharing of nude and semi-nude images which has replaced their sexting advice has also been amended throughout.  Departmental advice ‘Sexual violence and sexual harassment between children in schools and colleges’ has been updated for September 2021. Schools should be aware of this document.  County lines is often referred to throughout the document as a ‘type of child criminal exploitation (CCE)’ rather than these meaning the same thing as CCE is wider than just county lines. | |  |
| **Part One-Safeguarding information for all staff** | | Actions needed |
| General information for Part One   * Various points from other parts of the guidance have been moved to/duplicated in Part one to build on the previous information from KCSE 2020 and enhance staff knowledge. Paragraph numbers and cross referencing have been updated to reflect this. * Where Part one of the guidance mentions the need for staff to read Part one, it is now updated to highlight this is Part one (*and Annex B*) ***or*** Annex A as outlined above in the summary information. | |  |
| Paragraph | Information | |
| 13 | Added statement to be clear that child protection policies which should be explained at induction should also include procedures for dealing with peer on peer abuse. The behaviour policy, which should also be explained on induction, now needs to include measures to prevent bullying, including cyberbullying, prejudice-based and discriminatory bullying. |  |
| 14 | In relation to induction, regular training and ongoing updates, the guidance now outlines these must include online safety training. |  |
| 17 | In addition to staff acting on ‘abuse and neglect’, this paragraph now includes that staff should know what to do in relation to ‘exploitation’ or ‘any form of abuse’. |  |
| 18 | New paragraph making clear that victims should be taken seriously, kept safe and never be made to feel like they are creating a problem for reporting abuse, sexual violence or sexual harassment. |  |
| 19 | The list of issues has been added to regarding when school staff should be alert to the potential need for early help for a child. This now includes those with mental health needs and other certain health conditions, county lines, criminal and sexual exploitation, has a family member in prison, or is affected by parental offending *and/or* is at risk of ‘honour’ based abuse such as Female Genital Mutilation or Forced Marriage (*although immediate risk of harm should not be dealt with through Early Help processes*). |  |
| 22 | This point highlights that safeguarding issues are rarely standalone events and cannot be covered by one definition or one label alone. Staff should be aware that issues can be multiple and overlap with each other. |  |
| 24 & 25 | All staff should be aware that technology is a significant component in many safeguarding issues especially with peer to peer abuse and the non-consensual sharing of indecent images. Staff should be aware that harmful sexualised behaviours between peers should never be tolerated. |  |
| 29 | Peer on peer abuse has been added to the description of sexual abuse and that all staff should be aware of it and of their school policy and procedures for dealing with it. |  |
| 32 - 35 | New additional information added on Child Criminal Exploitation (CCE) which includes information on how children can be exploited and makes clear that the experiences of girls being criminally exploited can be very different to boys. Indicators of CCE may also be different for girls. |  |
| 36 - 39 | New information added on Child Sexual Exploitation (CSE) which makes clear that CSE is a form of child sexual abuse and includes information on what it may involve. |  |
| 42 & 44 | The section on Mental Health has added in specifically that ‘*education*’ staff are well placed to observe children day-to-day to identify those who need help, but it is also outlined that school should also ensure their approach ‘*includes working with external agencies’*. |  |
| 46 - 50 | Peer on peer (child on child) abuse – additional information added which highlights the importance of staff recognising the signs of peer on peer abuse and knowing how to respond to reports. This is linked to the recent Ofsted review into sexual abuse in schools and the need for schools to create a ‘safer culture’ including having procedures in place to prevent and respond to it, even where there are no specific reported cases. |  |
| 51 & 52 | Serious Violence - additional information on risk factors added such as, suffered child abuse/neglect, being male, exclusions from school and other previous offending behaviours. |  |
| 60 | Sentence added to clarify that the Data Protection Act 2018 and the UK GDPR do not prevent the sharing of information for the purposes of keeping children safe and promoting their welfare. |  |
| 63 | New paragraph which highlights the importance of social care assessments considering children being harmed outside the home and a link added to more information on contextual safeguarding. |  |
| 71 | Record keeping – additional information added which makes clear how records should be kept and what records should include. |  |
| 73 | Link added to further information about serious case reviews and point added that information sharing with the right people should be *within* and *between agencies*. |  |
| 74 | Allegations against staff-Sentence added to clarify that all staff should be aware that schools have procedures to manage safeguarding concerns about staff members (including supply staff, volunteers, and contractors). Description of LADO has reverted to ‘local authority designated officer’. Last version of KCSE described the LADO as ‘designated officer at the local authority’. |  |
| **Part two-The management of safeguarding** | | Actions needed |
| General information for Part two.   * Various points from other parts of the guidance have been moved to/duplicated in Part two to build on the previous information from KCSE 2020 and enhance knowledge of those responsible for the management of safeguarding. Paragraph numbers and cross referencing have been updated to reflect this. | |  |
| Paragraph | Information | |
| 79 | New paragraph relating to schools or colleges with charitable status |  |
| 82 & 83 | New paragraph on ‘Whole school and child centred approach to safeguarding’, This makes clear the importance for all staff to recognise and respond to children’s welfare issues with a clear and consistent approach for reporting so that children can confidently report abuse, knowing their concerns will be treated seriously. |  |
| 85 | More information included on the content of the child protection policy. This should now reflect procedures and approaches to practice and other policies as reflected elsewhere in the guidance such as peer on peer abuse, online safety, special educational needs and disabilities (SEND) and behaviour. ‘Mobile devices’ has been added to the list of things to consider in the staff code of conduct. |  |
| 88 | Additional clarity added here for governors about how child protection files must be set out and that safer recruitment procedures must follow Part 3 of the guidance. |  |
| 89 | Where it highlights that the DSL should take lead responsibility for safeguarding and child protection, this now explicitly outlines *‘including online safety’*. This should also be explicit in the role-holder’s job description which is now outlined at Annex C. |  |
| 105 | Additional information added which makes clear the importance of information sharing when promoting children’s welfare. |  |
| 112 & 113 | Sentences added to ensure child protection files and any other relevant safeguarding information is transferred and shared as soon as possible with the new school so appropriate support for children and young people can be in place for when they arrive at a new setting. |  |
| 115 & 117 | New paragraphs added on the importance of ongoing training for staff (including online safety) and the requirement to ensure children are taught about safeguarding (including online safety). |  |
| 118 | Reference made to the Teachers Standards to ensure that governors understand the requirement that teachers must manage behaviour effectively to promote a safe environment for all children. This is in all situations but relates particularly to managing peer to peer incidents including issues that occur online. |  |
| 119 & 120 | Additional information added to outline that when teaching about safeguarding, a one size fits all approach may not be appropriate for all children, and a more tailored approach for more vulnerable children, victims of abuse and some SEND children might be needed. Colleges may cover relevant issues through tutorials. |  |
| 121 | New information added on a one stop shop for teachers which includes teacher training modules on RSHE. Links to updated guidance added for *UKCIS Sharing Nudes* and *UKCIS Online safety sessions delivered by external visitors*. |  |
| 123 & 125 | The previous KCSE 2020 outlined online safety guidance at Annex C. This has been slightly reworded, additional information added and moved into the main body of the guidance at Part 2 as a new section in the management of safeguarding. This is to highlight the importance of online safety and the need to ensure it is interrelated through all aspects of keeping children safe. This will include considering how online safety is reflected as required in all relevant policies and considering online safety whilst planning the curriculum, any teacher training, the role and responsibilities of the designated safeguarding lead and any parental engagement. |  |
| 124 & 127 | The broad areas of risk for online safety have been added to-i.e., risk linked to online contact, content, conduct and commerce. Links to advice from the PSHE association and the NSPCC have been added regarding remote learning. |  |
| 131 | Section added to make explicit that education settings are directly responsible for ensuring appropriate level of security and protection are in place, in order to safeguard their systems, staff and learners. Links to guidance have been added. |  |
| 132 & 134 | Reviewing online safety- Schools should carry out an annual review of their approach to online safety, supported by an annual risk assessment that considers and reflects the risks their children face. Links added on guidance for review for governors, NQT/ECT mentors, using external visitors for online safety. A toolkit is also available from UKCIS. |  |
| 135 | Annex D now provides a list of links to advice and guidance for online safety for governors, SLTs, DSLs, parents and pupils. |  |
| 141 | Reference made here to new advice outlined fully in the new section 2 within Part four of the guidance on dealing with ‘lower level’ concerns and allegations against staff that do not meet the harms test/LADO criteria. |  |
| 143 | New paragraph duplicated here from Part 4 to ensure governors and SLTs understand their responsibility to ensure if a teacher is dismissed, they consider if there is a need to refer to the Secretary of State via the Teaching Regulation Authority (TRA). |  |
| 144 & 145 | Further clarification added here on peer on peer abuse and the types of behaviours and issues it can include such as violence in intimate partner relationships and upskirting. This section make clear there should be a zero tolerance approach to abuse and that children must know their reports of abuse (including online) will be taken seriously. Staff should be aware it is more likely that girls will be the victims of sexual violence and sexual harassment and that it is more likely to be perpetrated by boys, but schools must never accept that this behaviour is ‘boys being boys’. |  |
| 146 - 149 | The whole section on boarding schools, residential special schools, residential colleges and children’s homes which made up Annex D of KCSE 2020 has now been moved into Part 2 in the main body of the guidance. An additional sentence has been added to highlight that these settings may have higher levels of peer on peer abuse due to the residential nature of the setting and the higher proportion of same sex pupils. |  |
| 151 - 154 | Information has been added to the section on reasonable force. Decisions to use reasonable force should always be within the context of the law. The vulnerability of SEND has always been a consideration when using reasonable force but this section now highlights that the vulnerabilities of those with mental health needs and other medical conditions should be taken in to account. A link has also been added to guidance on how to support children with additional needs who are at risk of restrictive interventions. |  |
| 155 & 156 | New paragraphs added in for schools to consider safeguarding arrangements when non-school activities are taking place on site. |  |
| 157 & 158 | New paragraph added which makes clear that alternative provision should be aware of the additional risk of harm that their pupils may be vulnerable to. Links added to guidance on Alternative Provision and for Education for children with health needs who cannot attend school. |  |
| 159 | Paragraph added that school should reflect in their policies and procedures that they are aware that some groups of children are potentially at greater risk of harm. |  |
| 164 | A section has been added to highlight that children going missing can act as a vital warning sign to a range of safeguarding issues including neglect, sexual abuse, and child sexual and criminal exploitation. Links to guidance and advice added. |  |
| 165 - 168 | A section has been added on elective home education as these children may be less visible to services that would keep them safe. Links have been added to guidance that must be followed by the Local Authority which schools should also be familiar with. |  |
| 172 - 175 | Additional information has been included in the section for children requiring mental health support. Schools should consider the need for a mental health lead worker which can be a member of staff in another role closely linked to safeguarding. Funding will be available to some settings from Sept 2021. Links to advice, guidance and resources have also been added to this section. |  |
| 185 - 187 | Physical health issues and certain medical conditions has been added to the section on ‘children with special educational needs and disabilities’ to ensure it covers all needs. Bullying (including prejudice-based bullying) has been added to the list of concerns for these children and difficulties around communication barriers has been reworded. Child protection policies should reflect these additional difficulties my children with SEND may face and a link to the SEND code of practise has been added. |  |
| **Part three-Safer recruitment** | | Actions needed |
| General information for Part three.  ***PLEASE NOTE: Schools should contact their HR department for advice and guidance on how these processes may operate within North Tyneside.***   * The whole of Part three has been substantively restructured to align it with the recruitment process- however legal duties have not changed. This section now has four headings for clearer access and readability of relevant information. The sections include information on the recruitment and selection process, pre appointment vetting checks, other checks that may be necessary and how to ensure the ongoing safeguarding of children including legal reporting duties on employers. All information that pertains to safer recruitment has been moved or duplicated from other parts of the document to this section. | |  |
| Paragraph | Information | |
| **188-210** | **Section i: Recruitment and selection process** | |
| 188 - 190 | Information added to ensure potential applicants are given the right messages about the school commitment to recruit suitable people and outlines more of a focus on the governing body to ensure safer recruitment procedures are in place including safer recruitment training. |  |
| 192 & 193 | Paragraphs have been added on what schools should include in recruitment information in relation to safeguarding when advertising for any post. |  |
| 194 - 197 | Paragraphs have been added on what school should include in the application form and application pack in relation to safeguarding including copies of and/or links to relevant procedures. |  |
| 198 - 207 | Paragraphs have been added on what schools should ask shortlisted candidates in relation to safeguarding such as criminal history so relevant information can be considered and discussed at interview but before a DBS can be obtained. |  |
| 202 | Points have been added for schools to consider when shortlisting. |  |
| 203 - 204 | Paragraphs have been added on employment history and references. References should be obtained before interview and a list of points for schools to consider in relation to employment history and references has been added. |  |
| 205 | Paragraphs have been added on what schools *should* and *should not* include in relation to safeguarding when asked to provide a reference for someone to another school/setting. |  |
| 206 - 210 | Paragraphs have been added on selection. Schools should use a range of selection techniques to identify the most suitable person for the post and potential areas of concern to explore. Information about past disciplinary action or allegations should be considered in the circumstances of the individual case. |  |
| **211 - 260** | **Section ii: Pre-appointment vetting checks, regulated activity and recording information** | |
| 211 &212 | Introduction to this section to outline the responsibility for safe recruitment and pre-appointment checks sit with the governing body and that these safeguarding provisions now extend to post 16 education providers. |  |
| 213 - 216 | Further information has been added on verifying the candidate’s identity, other checks such as the right to work in the UK, separate barred list checks and when an applicant moves post. |  |
| 217 | New subheading added and the information reworded to be clearer on unregulated activity. Information has been added to the flow chart on what *is not* classed as regulated activity. |  |
| 218 | A more detailed description of DBS checks has been included. |  |
| 224 - 227 | Information has been included to ensure that schools compare information disclosed on a DBS with information shared by the applicant. A list of other possible considerations has been included for assessing any DBS disclosure information. A decision not to appoint somebody because of their conviction/s should be clearly documented. Guidance links have been added. |  |
| 229 | Explanation added about what circumstances allow for separate barred list checks to be carried out. |  |
| 231 & 232 | Information added to explain more about the update service, what an online check allows you to view (including the need for consent for this) and more information added to ensure the level of the check is appropriate. |  |
| 234 & 236 | On the section regarding prohibitions, directions, sanctions and restrictions, more detailed information has been added regarding the duty to refer/check recent and historic concerns. |  |
| 237 - 240 | More detail added on section 128 direction. Clarity added on ‘management’ roles in an independent school and how to ensure appropriate S128 checks are made. |  |
| 244 | From 01 January 2021 the TRA Teacher Services system no longer maintains a list of those teachers who have been sanctioned in EEA member states. Advice regarding a teacher’s past conduct is outlined later in the document. |  |
| 245 - 249 | New subheading and bullet points added to make clearer the requirements around the childhood disqualification regulations. |  |
| 251 - 255 | Information has been added to the paragraph on the Single Central Record to highlight that the SCR must include supply staff even if they have only worked for one day and those providing education under 18s in colleges. Information has been included on how to check those from outside the UK and possible non statutory information that schools may choose to include on the SCR. |  |
| 258 & 259 | Information updated on the retention and destroying/disposal of DBS information which is covered by the UK GDPR. |  |
| **261 - 322** | **Section iii: Other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings** | |
| 262 - 267 | Information added regarding checks on those who have lived or worked overseas which now must be done in the same way for EEA countries as they are for anywhere else. Information and links to guidance have been added on how to make these checks and the need to undertake a risk assessment if necessary. Schools should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. |  |
| 270 | Clarity on how an agency or third party obtains a barred list check. |  |
| 272 & 274 | Where schools use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the school and what level of check is needed if the contractor does not have opportunity for regular contact with children. |  |
| 280 | Additional information included to highlight that schools may wish to record information on fee funded trainee/student teachers under non statutory information although there is no requirement to do so. |  |
| 281 - 286 | Paragraphs added to outline the variety of people that may visit a school, the requirements to check their ID and suitability and the need for schools to set out their arrangements for visitors. |  |
| 288 &289 | The paragraphs on volunteers have been restructured to highlight the importance for the need to consider the kind of activity and levels of supervision of volunteers and the type of checks that may be needed. |  |
| 297 | There is no requirement for S128 checks on governors to be recorded on the SCR but a school may choose to if they wish. |  |
| 298 | Enhanced DBS checks do not apply to associate members unless they also engage in regulated activity at their school. |  |
| 301 - 308 | The paragraphs on ‘proprietors of independent schools, including academies and free schools and proprietors of alternative provision academies’ has been re-ordered but the content has not changed. |  |
| 321 | Clarity added on the need for schools to report to the LA any private fostering arrangements they are made aware of so the LA can check the arrangement is suitable and safe for the child. Home exchange visits longer than 28 days can be classified as private fostering. |  |
| **323-334** | **Section iv: How to ensure the ongoing safeguarding of children and the legal reporting duties on employers** | |
| 323 - 326 | New section explains the importance of ongoing vigilance beyond the recruitment process. Governing bodies should ensure safeguarding is embedded in all processes, procedures and enshrined in a school’s ethos, culture and environment to deter and prevent abuse and challenge inappropriate behaviour. Staff should feel comfortable to discuss matters both from within and outside of the workplace. |  |
| 327 & 328 | Information has been added to outline that new checks would need to be made on those where there has been a break in service of more than 12 weeks. Please note- This is not e.g., MAT or sick leave as this is not a break in service. An individual moving from a position that did not involve the provision of education to one that does must also undergo relevant checks. |  |
| 329 - 331 | The paragraphs on DBS have been updated with information on ‘relevant conduct’ and the harm test and the need for those referring to the DBS, to provide as much information as possible. |  |
| 333 | Where a school dismisses or ceases to use the services of a teacher (or would have done had they not left first) because of serious misconduct and the need to refer to the Secretary of State/TRA, it is also now highlighted for clarity, that this should include staff from Sixth Form Colleges and Agency Staff. |  |
| **Part four: Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors** | | Actions needed |
| General information on Part Four   * Part four is now separated into two sections – Section one for allegations that may meet the threshold and Section Two for allegations/concerns that do not meet the threshold i.e., low level concerns. Section Two outlines what a low level concern is, making the link between low level concerns, staff code of conduct and safeguarding policies, and recording and sharing information with relevant parties including whether this information should be included in references. * ‘False’ added throughout Part 4 where it has previously been missed off the list of potential outcomes of an allegation. | |  |
| Paragraph | Information | |
| 335 - 337 | Schools should have their own procedures for dealing with concerns and/or allegations against staff which now must include supply teachers, volunteers, contractors etc. Concerns now includes allegations/concerns that ‘do’ and ‘do not’ meet the threshold i.e., low level concerns and procedures. |  |
| **338 - 404** | **Part four-Section one: Allegations that may meet the harms threshold** | |
| 339 - 341 | Sentence added here to explain more about ‘transferable risk’ which was added to LADO guidance criteria in KCSE 2020. Information also added here on risk assessment for transferable risk and a clearer outline on who the case manager should be to lead the investigation. Description of LADO has reverted to ‘local authority designated officer’. Last version of KCSE described the LADO as ‘designated officer at the local authority’. |  |
| 342 -344 | The paragraphs on the initial response to an allegation have been restructured for ease of reading and to highlight important points, which include looking after the welfare of the child and investigating and supporting the person subject to the allegation. |  |
| 345 - 347 | Information added to ensure schools understand the local authority processes for dealing with allegations against staff, the contact deals of the LADO, example questions to ask to establish facts and when to call the LADO. Link added to guidance here on ‘use of reasonable force’ as initial evaluation with the LADO should consider that teachers and other school staff are entitled to use reasonable force to control or restrain children in certain circumstances. |  |
| 349 | Point added to outline that where there is an allegation against a member of staff, and the case manager is concerned about the welfare the member of staff’s family or other children in the community, they should discuss these concerns with the DSL and risk assess the situation. |  |
| 355 | Information added to explain the LADO’s role is not to investigate the allegation, but to ensure that an appropriate investigation is carried out and who should be involved. |  |
| 356 - 359 | Information added for schools to consider how to deal with allegations against staff and referrals to the DBS for those not directly employed by them e.g., supply staff, contractors etc, who may have their own policies and procedures. |  |
| 360 | Paragraph added regarding allegations against governors which outline that schools should follow their own local procedures. |  |
| 362 | Information added to be clear that schools should have policies on pay arrangements whilst a person is suspended or where there is an interim prohibition order in place. |  |
| 364 | The need for a risk assessment has been updated regarding alternative arrangements to suspension of staff which should be done with the LADO. Moving children should only be made if it is in the best interest of the child or children concerned and takes accounts of their views. |  |
| 368 | Risk assessment to consider suspending a member of staff should be done on a case by case basis and should look at whether the person poses a risk of harm to children. |  |
| 369 & 370 | Paragraph added to ensure that schools provide a duty of care to any staff who have an allegation made against them. Text restructured and bulleted for ease of reading and understanding. |  |
| 371 | The word ‘formally’ has been added in terms of informing parents as they may have received information through less formal channels or conversations. |  |
| 372 - 378 | Information relating to confidentiality and information sharing around allegations against staff has been combined into the same paragraphs. Additional points included on legislation, exceptional circumstances regarding confidentiality and unwanted publicity. Reporting restrictions apply until the point that the accused person is charged with a ‘relevant’ offence or the information is published via the secretary of state. Parents and relevant others should be made aware that there are restrictions on publishing information. |  |
| 381 | Information added to ‘malicious’ as an outcome which now includes ‘a deliberate act to cause harm to the person subject of the allegation’. |  |
| 386 | The information on criminal investigations or prosecutions has been restructured and bulleted for ease of reading and understanding. |  |
| 388 & 389 | The paragraphs on ‘unsubstantiated, unfounded, false or malicious allegations’ now includes the need to consider whether the child and/or the person who has made the allegation needs help. School should consider if it was a cry for help and they need involvement of the DSL. If the allegation is deliberately invented or malicious, schools should consider if any disciplinary action is appropriate against the individual who made it as per the behaviour policy. |  |
| 390 | A point has been added to outline that guidance and advice are usually provided via HR or the LADO when considering arrangements for someone returning to work who has been suspended due to an allegation. |  |
| 391 | A change of wording has been included here to be clear where settlement arrangements *should not* be used. |  |
| 393 | The person concerned in the allegation should be notified of the conclusion of the allegations and sanctions that might be posed even if they have left, resigned or cease to provide services. |  |
| 396 | Points added to clarify that settlement agreements should not prevent schools from fulfilling certain duties. |  |
| 397 - 400 | These paragraphs on record keeping have been updated to ensure allegations that are found to have been malicious or false should be removed from personnel records unless the individual gives their consent for retention of the information. In all other situations the outcome of the allegation should be clearly recorded as categorised in the guidance. A copy of the information can be provided to the person concerned, where agreed by children’s social care or the police. A declaration should be recorded on whether the information will be referred to in any future reference to prevent unnecessary re-investigation if an allegation re-surfaces after a period of time. A link to guidance on employment records from the ICO has been included. |  |
| 401 | Clarity added here by outlining that substantiated allegations should be included in references, provided that the information is factual and does not include opinions. |  |
| 402 & 403 | Consideration should now also be given to ‘learning lessons’ not just at the conclusion of the process of allegations, but throughout it. Schools should also consider ‘learning lessons’ and implementing improvements to practice even when the allegation has a different outcome other than ‘substantiated’. |  |
| 405 | A paragraph has been added to clarify what to do when an adult alleges they were abused as a child or for non-recent allegations from those who are still under 18 years old. |  |
| **406 - 427** | **Part four-Section two: Concerns that do not meet the harm threshold (*low level concerns*)** | |
| 406 | Governors must have processes and policies in place to deal with, manage and record concerns which do not meet the harm threshold regardless of how they arise. |  |
| 407 & 408 | Information to outline that schools should ensure an open and transparent culture regarding behaviour of staff and all concerns are shared and dealt with appropriately making sure professional boundaries are clear. |  |
| 409 - 412 | Description added on low level concerns including examples of what this may involve and the wide spectrum on which these behaviours can occur. These incidents must be dealt with appropriately which also protects from potential false allegations or misunderstandings. |  |
| 413-415 | Information to outline that school should have their low level concern policy outlined within their code of conduct and what it should contain including its purpose and how to ensure effective implementation. |  |
| 415-418 | Please note from this point onwards, a late amendment to KCSE 2021 removed the need for low level concerns to be shared with the DSL and changed to ‘as per paragraph 74’ i.e. with the head teacher. Relevant paragraphs have been amended in red on the annotated PDF and paragraph 418 has been combined with 415 therefore each paragraph number from this point onwards does not match with the current KCSE document on Gov.uk. For the purpose of cross references with this accompanying word document, please use the annotated PDF provided. |  |
| 416 & 417 | Information provided on who to share low level concerns with and the environment schools should create to enable this to happen. |  |
| 419-422 | Information added on the recording of low level concerns which includes what to record, who was involved, retention and review of the records. |  |
| 423 | Paragraph to outline what should and should not be included in references. |  |
| 424 - 427 | Information added to ensure schools have clear procedures for low level concerns which should simply be an extension of the staff behaviour policy/code of conduct. A link to guidance has been added. |  |
| **Part five: Child on child sexual violence and sexual harassment** | | Actions |
| General information on Part Five  Departmental advice ‘Sexual violence and sexual harassment between children in schools and colleges’ has been updated for September 2021. Schools should be aware of this document. The new additions below have been updated in KCSE 2021 in line with this. | |  |
| Paragraph | Information | |
| 428 & 429 | Additional information has been added to enhance understanding of where sexual violence and sexual harassment can occur, at what age, that schools must consider it could happen in their setting and respond to all reports. |  |
| 430 | School should promote that addressing inappropriate behaviours can be an important intervention that helps prevent problematic behaviour in the future. |  |
| 431 & 432 | Factors from outside of the school and/or sharing a classroom with an ‘alleged’ perpetrator must be considered in terms of victims needs. Information also duplicated here from Annex B to highlight the vulnerability of girls. |  |
| 434 | Link added to updated sexual violence and sexual harassment guidance and bullet points added on the content of the guidance. |  |
| 435 - 440 | Policies and procedures should be well promoted, easily understood and easily accessible for staff but also for children so they know their issue will be acted on. Staff should never tolerate sexual violence and sexual harassment as this could lead to a culture that normalises abuse. A link to ‘Working Together’ has been added to promote multi-agency working in these situations. A list of organisations that can provide support for schools is available in the sexual violence and sexual harassment guidance. |  |
| 441 - 443 | Paragraphs added to highlight how schools should respond to report of sexual violence and sexual harassment. Disclosures may not be verbally direct from the child i.e. it may be that a friend informs staff, or concerns are raised through behaviours observed. The school’s initial response is crucial to not undermine the victim regardless of how long it has taken them to come forward. |  |
| 444 | Link added to amended and updated UKCIS Sharing Nudes guidance and additional advice included on confiscating devices to preserve any evidence, handing them to the police if required. Advice added on responding to a child who reports an incident including how to listen, reflect and question. |  |
| 445 | Clarity added here that any risk assessments should include if there have been other victims and it sets out to protect children from the alleged perpetrator/s or from future harms. |  |
| 448 | Information added here to reiterate that sexual violence and sexual harassment can happen anywhere and all reports must be responded to, including those that happen online and outside of school. Other actions following a report have also been updated here including the need to consider victims wishes (where possible), that this abuse can happen in intimate partner relationships and other forms of abuse may also be present including exploitation. |  |
| 450 | This paragraph reiterates that schools should have a zero tolerance approach to sexual violence and sexual harassment and never accept it as this could lead to a culture of unacceptable behaviours. |  |
| Blue text boxes | Information added to the text boxes on dealing with children involved in incidents sharing a classroom which now also considers if they share spaces such as before or after school-based activities. Information also added to consider how to reassure the victim and meet their needs. |  |
| 452 | Options to manage the report. Addition to this section include,   * School should ensure that regardless of the outcome of a scenario, decisions and actions are regularly reviewed and that relevant policies are updated to reflect lessons learnt from incidents to understand if there are cultural issues or patterns of behaviour etc. * When managing incidents of sexual violence and sexual harassment, it is particularly important that the designated safeguarding lead (and their deputies) know what the Early Help process is and how and where to access support. Early help procedures can be implemented alongside internal arrangements in school and can support both the victim and alleged perpetrator. * A zero tolerance approach must be taken. * Link to guidance ‘When to call the Police’ has been added. * The alleged perpetrator must also receive specialist support. * The section on bail conditions has been updated to be more in line with current police practice. Schools need to consider any measures that should be put in place linked to any conditions or arrangements made by the police. |  |
| 453 - 455 | New paragraphs have been added to outline what schools should do when reports of sexual violence and sexual harassment are found to be unsubstantiated, unfounded, false or malicious. The DSL should consider needs of children involved, has it been a cry for help, are there any patterns in behaviour and should the disciplinary policy be used. |  |
| 456 & 460 | The ongoing response to safeguarding and supporting the victim, should include addressing their health needs. The DSL should know how to support those involved and these needs may last for some time after the incident. A list of services and support organisations for the victim has been included. |  |
| 464 | Advice about safeguarding and supporting the alleged perpetrators is also set out in the Sexual violence and sexual harassment guidance. Taking disciplinary action and still providing support, can and should, occur at the same time. This will support prevention of re-offending and address any underlying trauma that may be causing this behaviour. A list of services and support organisations for the alleged perpetrator has been included. |  |
| **Annexes A-G** | | Actions |
| Annex A | Annex A is now a condensed version of Part one of the guidance for governing bodies and proprietors to choose which ‘safeguarding information for staff’ they would like particular staff to read. Annex A can only be used with those not working directly with children where it will be appropriate rather than reading all of Part one. ***Please note, for staff working directly with children they should read Part one and Annex B.*** |  |
| Annex B | Annex B now contains ‘Further information’ and should be read by all leaders and those staff working directly with children. This replaces Annex A from the KCSE 2020 version. This section has added the following issues.   * Child abduction and community safety incidents * Modern Slavery and the National Referral Mechanism * Cyber crime   In addition, information on the following issues has been updated.   * CSE and CCE have been combined in to one section to highlight the crossover of risk and indicators * County lines-this section has a clearer list of indicators and states that children are increasingly being targeted using social media. * Domestic abuse-Information has been added about the new Domestic Abuse Act which now has a statutory definition and includes amongst other updates that children are recognised as victims in their own right. Links to guidance have been added to this section. A point has been added regarding Operation Encompass to highlight that it does not replace statutory safeguarding procedures. * FGM-Further links to guidance have been added. * Channel-An extra paragraph has been added to ensure that children who move schools who are receiving Channel support, continue to do so in their new setting. * Peer on peer/ child on child abuse-Information has been duplicated from the main document to highlight important points so *‘all’* staff understand the forms of behaviour this issue can take. * Sexual violence and sexual harassment between children in schools-The updated additions from Part 5 the of main document and some other important points have been duplicated here to ensure *‘all’* staff access this information. Links to toolkits have been added. * Additional advice and support-Additional links have been added to advice and guidance on abuse, exploitation, honour based abuse and youth violence. Some old guidance links have been removed. |  |
| Annex C | Annex C now outlines the role of the designated safeguarding lead. This used to be Annex B. Wording in italic below shows the recent additions to this section. DSLs should   * be given the additional time, funding, training, resources and support they need to carry out the role *effectively* due to a *significant level of responsibility* * should *support other staff who make referrals*. * use the document *‘When to call the Police’*. Link added * work with multi-agency partners to ensure a *holistic approach to meeting children’s needs.* * *liaise with the senior mental health lead/support team/lead person where safeguarding concerns are linked to mental health* * *engage positively with parents where there are safeguarding/welfare issues including where families may be facing challenging circumstances* * *work with the headteacher and relevant strategic leads, taking lead responsibility for* promoting educational outcomes of children in need, *know who its cohort of children who have or have had a social worker are* and *recognising that when statutory intervention has ended, there is still a lasting impact on children’s educational outcomes* * ensure child protection files are up to date, know how files should be stored, what should be included, who should have access to these and how it should be shared where relevant (*see section on information sharing and managing the child protection file*). * *ensure child protection files are transferred to a new school as soon as possible, and within 5 days for an in-year transfer or within the first 5 days of the start of a new term* as this *will help them put in place the right support to safeguard this child and to help the child thrive in the school* * ensure each member of staff has access to, and understands, the school’s child protection policy and procedures, *especially new and part-time staff* * Undergo training *and develop knowledge and skills* for a holistic approach to CPD. *DSLs should attend training that enables them to identify specific needs that can increase vulnerability and identify specific harm or risks* * *understand the lasting impact that adversity and trauma can have on children and what is needed in responding to this in promoting educational outcomes*. *DSLs should be alert to the needs of those with specific health conditions* * *support and advise staff and help them feel confident on welfare, safeguarding and child protection matters specifically in relation to other staff making referrals and academic and pastoral support to improve educational outcomes* * *encourage a culture of listening to children and taking account of their wishes and feelings, understand the difficulties that children may have in approaching staff about their circumstances and consider how to build trusted relationships which facilitate communication* * understand the *importance of recording, holding, using and sharing information* with all relevant colleagues and partners and *understand relevant data protection legislation and regulations* |  |
| Annex D | Annex D now only includes lists links to support for ‘online safety’. These include support for governing bodies, remote education, parents and children. The previous document outlined more content regarding online safety in Annex C. This information has now been moved to the main body of the document so that online safety is embedded in all aspects of pupil welfare. |  |
| Annex E | Host families - homestay during exchange visits-No changes  The information on ‘boarding schools, residential schools, residential colleges and children’s homes (which used to make up Annex D) has now been moved into Part two of the main document. |  |
| Annex F | Statutory guidance - Regulated activity (children) - Supervision of activity with children which is regulated activity when unsupervised |  |
| Annex G | Table of substantive changes from September 2021 |  |