

## **KEEPING CHILDREN SAFE IN EDUCATION – updated statutory guidance published**

All schools need to be aware of **new statutory safeguarding guidance for schools and colleges** published on 3 April 2014 by the Department for Education:

- **Keeping Children Safe in Education**
- and the accompanying 8 page document **Keeping Children Safe in Education: Information for All School and College Staff**

The new guidance can be found at [Keeping children safe in education](#) Effective immediately, it has been sent from the Secretary of State to all schools and colleges and replaces 'Safeguarding children and safer recruitment in education (2006)'. It sets out what schools and colleges must do to safeguard and promote the welfare of children and young people under the age of 18.

**All staff should as a minimum** read the separate 8 page document ***Keeping Children Safe in Education: Information for All School and College Staff*** (which reproduces Part One of the main guidance).

**Keeping Children Safe in Education** provides guidance on:

- safeguarding systems, including schools' child protection policies and the appointment of a designated safeguarding lead
- the checks necessary to carry out recruitment safely
- dealing with allegations of abuse made against staff members

The guidance informs those working in schools and colleges about:

- types of abuse and neglect
- where to find further information about the signs that a child may be being abused
- how to refer a child about whom they have concerns
- signposts them to further, detailed information on specific safeguarding issues including female genital mutilation, child sexual exploitation, cyberbullying, mental health, etc.

The guidance is for:

- governing bodies of maintained schools and colleges
- proprietors of independent schools, academies, free schools and alternative provision academies
- management committees of pupil referral units (PRUs), further education colleges and sixth form colleges
- staff in all schools and colleges.

There are four main sections to the guidance, key points from which are outlined below.

### **Part One: safeguarding information for all staff**

Part one should be read by **all members of staff**. It consists of 8 pages, including:

- definitions of 'safeguarding' and 'children'
- the role of the school or college, including to have a designated safeguarding lead
- the role and responsibilities of school and college staff, what they need to know and what to look out for
- what staff should do if they have concerns about a child

- definitions of types of abuse including neglect (see *Working Together to Safeguard Children 2103*)
- information on specific safeguarding issues

## **Part two: The management of safeguarding**

This sets out the responsibility of governing bodies and proprietors to comply with their duties under legislation and 'have regard to this guidance to ensure that the policies, procedures and training in their schools or colleges are effective and comply with the law at all times.'

It deals with inter-agency working in line with statutory guidance *Working Together to Safeguard Children 2013* and the requirement for safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the Local Safeguarding Children Board (MKSCB).

Section 29 states governing bodies and proprietors should ensure a member of the governing body (usually the chair) is nominated to liaise with the LA and/or partner agencies on child protection issues and in the event of allegations of abuse made against the Headteacher, principal or proprietor.

### **Safeguarding policies**

Section 30 (page 12) states that governing bodies and proprietors should ensure there is an effective child protection policy in place which is followed by all staff, together with a staff behaviour policy (code of conduct). Both policies should be provided to all staff (including temporary staff) and volunteers, on induction.

*'The child protection policy should describe procedures which are in accordance with government guidance and refer to locally agreed inter-agency procedures put in place by the LSCB, be updated annually, and be available publicly either via the school or college website or by other means.'*

### **The designated safeguarding lead**

Sections 32 – 33 specify:

- governing bodies and proprietors should appoint a member of staff of the leadership team to the role and this should be explicit in the role-holder's job description
- the designated lead should have the appropriate authority and be given the time, funding, training, resources and support to provide advice and support to other staff, and to take part in strategy discussions and inter-agency meetings, and to contribute to the assessment of children.
- the designated lead should liaise with the LA and work with other agencies in line with *Working Together to Safeguarding Children 2013*
- Section 34 states: **'If, at any point, there is a risk of immediate serious harm to a child a referral should be made to children's social care immediately. Anybody can make a referral.'**

➤ ***See Annex B for further guidance regarding the broad areas of responsibility of the Designated Lead.***

**LOCAL PRACTICE NOTE**

*It is noted here that, whilst the Designated Lead has the authority to directly refer suspected child protection concerns to Children's Social Care (or the LADO in cases involving a staff member), in Milton Keynes it is considered good practice for staff to refer to the Headteacher, who will liaise with the Designated Lead to agree next steps, including referral. The exception to this is where concerns/allegations are about the Headteacher, in which case staff should refer to the Chair of Governors or equivalent.*

**Designated Lead Training**

Section 35, page 12 stipulates 'The designated safeguarding lead should undergo updated child protection training every two years. The Headteacher and all staff members should undergo child protection training which is updated regularly, in line with advice from the LSCB.'

**LOCAL PRACTICE NOTE**

Designated teacher and whole school training is available through MK Council. Details are published in Educ@te or are available on request from the Children & Families Safeguarding Service – contact [Sue.Butler@Milton-Keynes.gov.uk](mailto:Sue.Butler@Milton-Keynes.gov.uk) or ring on 01908 254962.

Designated teacher training should be updated at a minimum of every 2 years.

**Opportunities to teach safeguarding**

Governing bodies and proprietors should consider how children may be taught about safeguarding through teaching and learning opportunities as part of a broad and balanced curriculum.

**Safer Recruitment Training**

Section 38 of the new guidance requires governing bodies and proprietors to prevent people who pose a risk of harm from working with children by:

- adhering to statutory responsibilities to check staff who work with children
- take proportionate decisions on whether to ask for any checks beyond what is required
- ensure that volunteers are appropriately supervised.

Written recruitment and selection policies and procedures should be in place and under school staffing regulations at least one person on any appointment panel should have undertaken safer recruitment training. The footnote on page 13 says: '*School Staffing (England) Regulations 2009, regulation 9: at least one member of a recruitment panel must undertake safer recruitment training which, subject to parliamentary procedure, from September 2014 will no longer need to be provided by a person approved by the Secretary of State. Schools may choose appropriate training and may take advice from their LSCB in doing so. The training should cover, as a minimum, the content of this guidance.*'

**LOCAL PRACTICE NOTE**

Safer Recruitment training is provided both through Milton Keynes Council and also through Milton Keynes Safeguarding Children Board (MKSCB). See the MKSCB training programme at [www.mkscb.org](http://www.mkscb.org)

➤ **See Part 3 for guidance regarding Safer Recruitment processes.**

## **Allegations**

Section 39 states that governing bodies and proprietors should ensure there are procedures in place to handle allegations against members of staff and volunteers. Allegations should be referred to the LADO and there must also be procedures in place to make a referral to the DBS if a person in regulated activity has been dismissed or removed due to safeguarding concerns, or would have been, had they not resigned. **'This is a legal duty and failure to refer when the criteria are met is a criminal offence.'** (Section 39, page 14). There should be procedures in place to handle allegations against other children and again this is the responsibility of the governing body or proprietor.

- ***See Part 4 for guidance regarding allegations of abuse made against teachers and other staff***

## **The child's wishes**

Section 41 addresses the requirement for the setting to have systems in place for seeking and taking into account the child's wishes and feelings when making decisions, taking action and deciding what services to provide to protect individual children.

## **Looked after children**

Section 43 sets out the legal duty of governing bodies to appoint a designated teacher to promote the educational achievement of children who are looked after - and to ensure that this person has appropriate training.

## **Missing children**

Section 45 says that governing bodies and proprietors should put in place appropriate safeguarding responses to children who go missing from education settings.

## **Part three: Safer recruitment**

This 14 page section sets out more detailed guidance on what schools and settings need to do in relation to safer recruitment policy and practice. It includes recruitment, selection and pre-employment vetting, featuring a useful flowchart on p21 regarding regulated activity and Disclosure and Barring Service (DBS) checks

- ***See Annex D Part 4 for additional statutory guidance regarding regulated activity and Annex E regarding DBS checks***

## **Part four: Allegations of abuse made against teachers and other staff**

This 11-page part of the guidance sets out the duties of employers and employees in handling allegations and also in caring for their employees. (It is assumed that this replaces separate 2012 guidance entitled 'Dealing with allegations of abuse against teachers and other staff'.)

Sections cover a range of relevant processes, incorporating **the role of the LADO.**

- duties
- initial considerations
- support for those involved (including confidentiality)
- managing the situation
- record keeping
- resignations

- compromise agreements
- references
- timescales
- oversight and monitoring
- suspension
- information sharing
- specific actions - including malicious and unsubstantiated allegations, and learning lessons.

**The significant change** is the removal of 'unfounded' from the outcomes the guidance tells us to reach following an investigation into an allegation, leaving four possible outcomes: substantiated, malicious, false, unsubstantiated.

Section 147 states '**There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.**'

### Annexes

- A - Reference list of relevant legislation.
- B - Role of the designated safeguarding lead
- C - Special circumstances (including residential accommodation and host families)
- D - Statutory guidance - regulated activity (children) - this includes examples of volunteers and assistants
- E - Disclosure and Barring Service checks: this includes a table of types of check, what they involve and the positions eligible (page 49)

### **UPDATE**

The DfE published ***Childcare disqualification requirements – supplementary advice*** (October 2014), which outlines the requirements placed on schools by childcare legislation.