

# Keeping Children Safe in Education 2016 Update Information

May 2016

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## Update Information for September 2016

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### About the Author



#### Andrew Hall

Andrew is an experienced education consultant who specialises in safeguarding and child protection. He has extensive headship experience in special schools for children of all ages with autism, social, emotional and behavioural difficulties and complex learning difficulties, including SLD and PMLD. Andrew runs engaging workshops for staff at all levels in schools and colleges.

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## **NEW Keeping children safe in education 2016**

Andrew Hall, Specialist Safeguarding Consultant

### **NEW Keeping children safe comes in to force on 5<sup>th</sup> September 2016**

The latest version of Keeping Children Safe in Education will come into force on the 5th September 2016. These are the changes and the steps you need to take to implement this new version.

### **What's Changed?**

The first thing to say is that there are no massive changes in this safeguarding guidance - in fact, not all of the changes are even new - but this doesn't mean there are only tweaks.

Over the last twelve months the government has developed new guidance and this has been implemented without changing the Keeping Children Safe guidance. This new version actually just makes sure the old document is up to date.

The government has published its response to the consultation about Keeping Children Safe, and you can see how the feedback has filtered into the latest document.

### **All staff should read Part One**

One of the biggest areas for discussion in the consultation was this notion that all staff should 'read and understand' Part One of Keeping Children Safe. Although it sounds sensible that staff should understand what they have read, evidencing this is not always so easy. In the consultation document, the government says it wants to avoid creating a 'Part One testing industry'. In the event, the wording used isn't so simple as 'read and understand', instead it says that schools should ensure that 'mechanisms are in place to assist staff to understand and discharge their role and responsibilities'.

### **Training**

The other issue that raised eyebrows in the draft version was the need for Designated Safeguarding Leads to undertake training every year. This requirement has remained at a two-yearly interval, BUT, in addition they should receive an update at least yearly.

In the 2015 version of Keeping Children Safe, training should be regularly updated, the latest version adds the phrase "at least annually"; this is common practice in any case.

In terms of training, the 2016 version refers to safeguarding topics that might not have been explicit in the past. These topics include:

- Peer-on-Peer Abuse;
- So-called Honour-based Violence; and
- Understanding the additional safeguarding vulnerabilities of learners with SEN and disabilities, and how those barriers can be overcome.

The document says that the safeguarding and child protection policy should 'reflect the different forms that peer-on-peer abuse can take, make clear that abuse is abuse and should never be tolerated or passed off as "banter" or "part of growing up"'.

### **Early Help**

This update to Keeping Children Safe emphasises Early Help and that staff need to be able to identify learners who need this level of support. These are the vulnerable children in school, and not all schools are identifying or monitoring these young people - Keeping Children Safe 2016 makes it clear that they should.

Part of identifying vulnerable learners, is ensuring that staff understand the difference between a safeguarding concern and a child in immediate danger or at significant risk of harm.

Although the words 'Safeguarding' and 'Child Protection' are often used interchangeably, they have different meanings. Safeguarding is what we do for all children, whilst Child Protection refers to the procedures we use for children at risk of significant harm or who have been harmed. I think of Safeguarding as the filing cabinet, and Child Protection as one of the drawers.

### **Safer Recruitment**

Keeping Children Safe in Education 2016 consolidates and clarifies several issues around Safer Recruitment:

Concerns about independent school proprietors should go straight to the local authority Designated Officer - the LADO.

All governors now need an Enhanced DBS check.

The NCTL's Teacher Services system (previously known as the Employer Access Service) now provides restriction information about teachers from the European Economic Area (EEA), and these checks must be recorded for staff from these countries.

and

The Prohibition from teaching check must be completed for everyone engaged in 'teaching work', whether a qualified teacher or not; and recorded on the Single Central Record.

For agency staff, it is now a requirement that schools check that the person presenting at the school, is the same person that the agency has provided the vetting checks for.

### **Designated Safeguarding Leads**

For Designated Safeguarding Leads there is an increased emphasis on ensuring that they have a job description, and that the cover arrangements are clear. As we know, DSLs

should be drawn from the senior leadership team in the school, but in many secondary schools, this person may not be carrying out the day-to-day work of safeguarding and child protection. This new version of Keeping Children Safe underlines the fact that the DSL on SLT can not delegate their responsibility to others.

## **Online Safety**

Online safety has now been brought into the overall safeguarding 'fold' in Keeping Children Safe, as it is a key part of safeguarding and because young people don't see the internet as a separate part of their lives.

For IT use in schools, this new revision talks about filtering AND monitoring. Schools do have filtering in place, but not everywhere has a pro-active monitoring regime. This may be particularly important for supporting the safety of vulnerable learners, for example.

Governors are reminded in this document to avoid internet filters that might be 'over-blocking' which may be placing 'unreasonable restrictions on what children can be taught'.

## **Teaching Safeguarding**

There is a greater emphasis that governors 'should ensure' that children are being taught about safeguarding 'as part of providing a broad and balanced curriculum'.

## **Summary**

As a result of the changes to Keeping Children Safe in Education 2016, there are of course a number of actions that DSLs, headteachers and governors will need to take.

So, let's review what needs to be done in order to update what we do in our school. Firstly, the safeguarding and child protection policy needs to be updated. Remember, some of these changes may already be in place, because they were brought in over the last 12 months.

Your policy now needs to include:

- The role of the DSL;
- Training for all staff must be 'at least annually';
- DSL training is every two years, but there must be an update at least annually;
- Description of Early Help - and what this means in your school
- The difference between a 'concern' and 'immediate danger or at risk of harm';
- The NSPCC whistle-blowing helpline number 0800 028 0285;
- Describe peer-on-peer abuse, set out the signs of such abuse, and say what the school will do to minimise the likelihood of this happening;
- Liaison with the Virtual School headteacher and what that person is responsible for;
- Statement that children with SEN and disabilities are more likely to be abused or neglected, and how the school identifies these young people and seeks to keep them safe;

- Information about so-called 'Honour-based Violence'; and in proprietor-led independent schools: concerns about the proprietor should go straight to the LADO (remember to give contact details)
- Lastly, don't forget to change the date of all references to Keeping children safe in education to 2016!

There is an interesting phrase in the new Keeping Children Safe 2016, that says that governing bodies should 'utilise the expertise of their staff when shaping safeguarding policies' and provide opportunities for staff to do this. I'm not sure how this will look, but I think it might be a nod to Ofsted findings that not all governors are fully aware of their safeguarding responsibilities - and should draw greater input from staff.

### **Other actions to take:**

Put 'mechanisms' in place to assist staff to 'understand and discharge their role and responsibilities' as set out in Part One of Keeping children safe - interesting one that - I'd be interested to hear how you're doing it.

Review and monitor your list of vulnerable students on a regular basis, especially those who receive 'early help'.

Review IT systems to ensure they effectively filter the internet, without 'over-blocking'; and there are arrangements to pro-actively monitor online usage. (Further advice on this can be found on the UK Safer Internet Centre website.)

In Safer Recruitment, complete a prohibition check for everyone in 'teaching work', not just QTS-qualified staff; and check that they are not restricted from working as a teacher in another EEA country. Remember to check and record that the agency worker arriving, is the same person you were expecting.

### **What to do next**

To help you to make these changes easily, I've prepared a checklist outlining the changes.

## Checklist of Changes to Keeping Children Safe in Education September 2016

Reference (paragraph)	Issue
Page 4	<p>In addition to reading Part One of the guidance, staff working directly with children must also have read Appendix A "Further Information"</p> <p><b>NOTE</b> In the draft of Keeping children safe in education that was published for consultation, the wording here was 'read and understand'. The DfE did not use this phrase in the final guidance because there was concern that this would be difficult to assess. Instead the wording is: <i>'[School leaders] should ensure that mechanisms are in place to assist staff to understand and discharge their role and responsibilities as set out in Part one of this guidance'</i>.</p>
12	All staff must understand the role of the DSL
13	Training must now be 'at least annually' (with regular updates as necessary)
14	All school staff should identify children who would benefit from 'early help'
31	Concerns about the proprietor of an independent school should be taken to the local authority Designated Officer
34	NSPCC Whistleblowing helpline 0800 028 0285
52	The Designated Safeguarding Lead must have this role specified in their job description
54	The DSL's lead responsibility should not be delegated
57	DSL Training Updated training every two years; and in addition, keep up-to-date with safeguarding developments at least annually.

66	<p>Governing Bodies should utilise ‘the experiences and expertise of their staff when shaping safeguarding policies’</p> <p>'Opportunity should therefore be provided for staff to contribute to and shape safeguarding arrangements and child protection policy.'</p>
67	<p>Governing bodies and proprietors should ensure appropriate filters and appropriate monitoring systems are in place.'</p> <p>Schools typically do have filtering systems in place, but not all schools have pro-active steps to monitor internet use, particularly for vulnerable pupils.</p> <p>Note that paragraph 69 reminds governing bodies that 'over-blocking' does not 'lead to unreasonable restrictions as to what children can be taught'.</p> <p><i>For further information search online for 'UK Safer Internet Centre appropriate filtering and monitoring'</i></p>
68	<p>Governing bodies and proprietors should ensure children are taught about safeguarding, including online, through teaching and learning opportunities, as part of providing a broad and balanced curriculum.'</p>
76	<p>In the Keeping children safe in education guidance there is an increased emphasis about Peer-on-Peer abuse.</p> <p>'The [safeguarding and child protection] policy should reflect the different forms peer on peer abuse can take, make clear that abuse is abuse and should never be tolerated or passed off as “banter” or “part of growing up”. In addition, paragraph 78 says, 'Governors and proprietors should ensure the child protection policy reflects the different gender issues that can be prevalent when dealing with peer on peer abuse.'</p> <p><i>Peer-on-peer abuse includes sexting, and further guidance is expected in September 2016 from CEOP.</i></p>
84	<p>Virtual School headteachers are responsible for the progress of children Looked After.</p>
85	<p>Child Protection policy should reflect the additional barriers that exist when recognising the abuse of pupils with SEN-D</p>
91	<p>In independent schools (including academies and free schools), further checks should be undertaken to ensure that the person is not prohibited from engaging in a ‘management role’</p>

91	Prohibition check undertake for everyone in 'teaching work', not just those with QTS
114	Checks of the NCTL Teacher Services system for any restrictions imposed by countries in the European Economic Area (EEA)  [Go to <a href="https://teacherservices.education.gov.uk/">https://teacherservices.education.gov.uk/</a> ]
116	Schools must check that an agency worker presenting at the school is the same person on whom the agency has provided checks for
129	All school governors need an Enhanced DBS Check (without barred list, unless they are additional in regulated activity)
Page 53	Inclusion of information on so-called Honour-based Violence  <i>See Keeping children safe in education 2016 'Annex A'</i>
Page 54	Teachers must personally report to the police a disclosure that FGM has been carried out (in addition to liaising with the DSL)

### Action Plan and Slide Deck

To save you hours of work, I've created an update pack including the checklist, a complete, ready-to-use, editable action plan to help you update your policy and procedures as easily as possible, without spending all weekend doing it. And to help you update your colleagues quickly and easily, I've also included a slide deck to support a training session.

The 'Keeping children safe in education 2016' Update pack, with the action plan and slide deck is ready for members to download inside [Safeguarding.Pro](#); and non-members can buy a copy here: [www.kcsie.info](http://www.kcsie.info) .