

The DFE have updated “Keeping Children Safe In Education” (KCSIE).

This updated guidance doesn't come into force until **September 2022** therefore schools and colleges should keep referring to the 2021 guidance until that date.

At the moment this document is for information only as there is still the possibility of some changes before September.

The good news is that there are no major changes. The key things are highlighted in this document along with a table of how SCiES will produce information to address these and the actions for schools.

## Key changes to Keeping Children Safe in Education September 2022

[Keeping children safe in education 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

The document reiterates that ‘college’ includes providers of post 16 Education as set out in the Apprenticeships, Skills, Children and Learning Act 2009 (as amended): 16-19 Academies, Special Post-16 institutions, and Independent Training Providers.

The definition of the terms “victims” and “perpetrators” has been added, and throughout the document the reference to “peer-on-peer abuse” has been replaced with “*child-on-child abuse*”

Reference to Clinical Commissioning Groups has been changed to *Integrated Care Systems*.

Children’s social care has been changed to *Local authority children’s social care*.

### Part One: Safeguarding information for all staff

**Paragraph 19:** A paragraph has been added to ensure staff are aware that “the child(ren) may not feel ready or know how to tell someone they are being abused.”

*19. All staff should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful. For example, children may feel embarrassed, humiliated, or being threatened; this could be due to their vulnerability, disability and/or sexual orientation or language barriers. This should not prevent staff from having a professional curiosity and speaking to the DSL if they have concerns about a child. It is also important that staff determine how best to build trusted relationships with children and young people which facilitate communication.*

**Paragraph 23:** Teenage Relationship Abuse has been added in in relation to the risks children may face.

*23. All staff, but especially the designated safeguarding lead (and deputies) should consider whether children are at risk of abuse or exploitation in situations outside their families. Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms including (but not limited to) sexual abuse (including harassment and exploitation), domestic abuse in their own intimate relationships (teenage relationship abuse), criminal exploitation, serious youth violence, county lines, and radicalisation.*

**Paragraph 26:** new line added into the definition of abuse:

*26. Abuse: a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm or by failing to act to prevent harm. Harm can include ill treatment that is not physical as well as the impact of witnessing ill treatment of others. This can be particularly relevant, for example, in relation to the impact on children of all forms of domestic abuse. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. Children may be abused by an adult or adults or by another child or children*

**Paragraph 43:** New information has been added to explain the impact of domestic abuse. Information has been added to highlight the potential short and long term detrimental impact on children's health, wellbeing and ability to learn of experiencing domestic abuse at home or within their own intimate relationships.

Domestic Abuse

*43. Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. That abuse can be, but is not limited to, psychological, physical, sexual, financial or emotional. Children can be victims of domestic abuse. They may see, hear, or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). All of which can have a detrimental and long-term impact on their health, well-being, development, and ability to learn*

**Page 17 Paragraph 59:** They have clarified referrals to local authority children's social care, removing reference to referring concerns.

*Where a child is suffering, or is likely to suffer from harm, it is important that a referral to local authority children's social care (and if appropriate the police) is made immediately. Referrals should follow the local referral process*

In Cheshire East this isn't a change for us as we already have the difference between ChECS and Early Help Brokerage. It may be a change if you have children from other authorities.

## **Part Two: The Management of Safeguarding**

**Paragraph 81:** The requirements for safeguarding and child protection training for governors and trustees are being tightened. It says that this needs to start at induction and then at regular intervals. It now includes that governor training should equip them with the knowledge to challenge and the strategic responsibilities to test their systems are effective.

*81. Governing bodies and proprietors should ensure that all governors and trustees receive appropriate safeguarding and child protection (including online) training at induction. This training should equip them with the knowledge to provide strategic challenge to test and assure themselves that the safeguarding policies and procedures in place in schools and colleges are effective and support the delivery of a robust whole school approach to safeguarding. Their training should be regularly updated*

## **Paragraphs 82-93:** Equality legislation

*The guidance sets out the significance of the Equality Act 2010 to school safeguarding, including that schools and colleges:*

- *must not unlawfully discriminate against pupils because of their protected characteristics*
- *must consider how they are supporting pupils with protected characteristics*
- *must take positive action, where proportionate, to deal with the disadvantages these pupils face. For example, by making reasonable adjustments for disabled children and supporting girls if there is evidence they are being disproportionately subjected to sexual violence or harassment.*

*It also looks at the implications of the Public Sector Equality Duty (PSED) for education settings. This includes a need to be conscious that pupils with protected characteristics may be more at risk of harm and integrate this into safeguarding policies and procedures.*

## **Page 31 paragraph 118:** Consent to share information

*It would be legitimate to share information without consent where: it is not possible to gain consent; it cannot be reasonably expected that a practitioner gains consent; and, if to gain consent would place a child at risk,*

## **Pages 33/34:** Teaching about safeguarding

Some of the things that need to be included have changed: Body confidence and self-esteem is now included as well as HBA, exploitation etc.

- *boundaries and consent*
- *stereotyping, prejudice and equality*
- *body confidence and self-esteem*
- *how to recognise an abusive relationship, including coercive and controlling behaviour*
- *the concepts of, and laws relating to - sexual consent, sexual exploitation, abuse, grooming, coercion, harassment, rape, domestic abuse, so called honour-based violence such as forced marriage and Female Genital Mutilation (FGM), and how to access support, and*
- *what constitutes sexual harassment and sexual violence and why these are always unacceptable.*

## Online Safety

### Paragraph 140: filtering and monitoring

Whilst the guidance already includes the duty that *'governing bodies and proprietors should ensure their school or college has appropriate filters and monitoring systems in place'*, this has been further strengthened with the addition of; *'and regularly review their effectiveness'*.

The guidance says that the school/college *should ensure that the leadership team and relevant staff are:*

- *aware of and understand the systems in place*
- *manage them effectively*
- *know how to escalate concerns when identified.*

*Schools and colleges should use communications with parents and carers to reinforce the importance of children being safe online.*

The guidance says that schools and colleges should be wary of 'over blocking' when implementing filtering and monitoring systems. *'Over-blocking' may place unreasonable restrictions on what children can learn in relation to online safety.*

The guidance introduces the importance of schools and colleges speaking with parents and carers about children's access to online sites when away from their education setting, and that 'parents and carers may find it helpful to understand what systems schools and colleges use to filter and monitor online use'

It says that

*Schools should share information with parents/carers about:*

- *what systems they have in place to filter and monitor online use*
- *what they are asking children to do online, including the sites they will be asked to access*
- *who from the school or college (if anyone) their child is going to be interacting with online.*

Schools also have to *consider languages children may use – does the school's filtering system include this?*

In support of this new obligation, the guidance signposts schools and colleges to the South West Grid for Learning:

*'South West Grid for Learning (swgfl.org.uk) have created a tool to check whether a school or college's filtering provider is signed up to relevant lists (CSA content, Sexual Content, Terrorist content Your Internet Connection Blocks Child Abuse & Terrorist Content)'*.

The guidance also includes the following important additions:

- *Detail and direction to SWGfL's Harmful Sexual Behaviour Support Service - a support service for professionals in tackling harmful sexual behaviours*
- *A link to the Harmful online challenges and online hoaxes guidance related to Harmful sexual behaviour.*

## **Paragraphs 191-196: Virtual school head**

The guidance has been updated to reflect the extension of the role of virtual school head to include a non-statutory responsibility for oversight of the attendance, attainment, and progress of children with a social worker. Virtual school heads should identify and engage with key professionals to help them understand the role they have in improving outcomes for children.

## **Paragraphs 202-204: LGBT children and young people**

Children who are LGBT are more at risk of bullying or harm and the guidance now emphasises the importance of providing them with a safe space for them to speak out or share their concerns with staff

*203. Risks can be compounded where children who are LGBT lack a trusted adult with whom they can be open. It is therefore vital that staff endeavour to reduce the additional barriers faced, and provide a safe space for them to speak out or share their concerns with members of staff*

## **Part Three: Safer recruitment**

### **Applications**

The updated guidance clarifies that *a curriculum vitae (CV) should only be accepted alongside a full application form and is not sufficient on its own to support safer recruitment.*

### **Paragraph 220: Shortlisting**

It has been highlighted that schools are expected to consider carrying out online searches as part of their due diligence checks on short-listed candidates which they may then want to discuss at interview.

*220. In addition, as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview.*

## **Part four: Allegations made against/Concerns raised in relation to teachers, including supply teachers, other staff, volunteers and contractors.**

**Learning lessons:** It emphasises that lessons should be learned from all cases, not just those which are concluded and found to be substantiated.

### **Page 100: Low level concerns**

The document has tried to ensure that there is a clearer process for sharing low-level concerns, stating that *schools and colleges are free to decide how they are reported and who they are reported to.* If low level concerns are shared with the DSL, they should inform the headteacher/principal of the school or college. Ultimately, it is the headteacher/principal who makes the next decision.

Information has been updated to make it clear that *a low-level concerns policy should contain a clear procedure for confidentially sharing concerns. The school can decide whether concerns are initially shared with the Designated Safeguarding Lead (DSL)/nominated person or directly with the headteacher/principal. The headteacher should ultimately be informed of all low-level concerns and make the final decision on how to respond. Where appropriate this can be done in consultation with the DSL.*

It clarifies that *low level concerns which are shared about supply staff and contractors should be notified to their employers; and schools and colleges should consult with their LADO if unsure whether low-level concerns shared about a member of staff meet the harm threshold.*

It is also recommended that governing bodies and proprietors *ensure that there are appropriate processes to handle all safeguarding concerns, regardless of whether they meet the threshold for escalation.*

In the 2021 KCSiE the last bullet under What is a low level of concern? lists under examples of behaviours: *using inappropriate sexualised, intimidating or offensive language,*

**NB** This is not now included as a low- level concern; it has been replaced by:

- *humiliating pupils*

This section emphasises the importance of recording all concerns as without further investigation by the right members of staff then a picture of what is actually happening may be missed or not challenged.

## **Part five: Child-on-child sexual violence and sexual harassment**

The guidance highlights that a *'zero-tolerance' approach to all child-on-child sexual violence and harassment should be implemented in all schools and colleges.*

There has been an addition when considering confidentiality and anonymity on page 112:

*472. The victim may ask the school or college not to tell anyone about the sexual violence or sexual harassment. There are no easy or definitive answers when a victim makes this request. If the victim does not give consent to share information, staff may still lawfully share it, if there is another legal basis under the UK GDPR that applies. For example, the public task basis may apply, where the overall purpose is to perform a public interest task or exercise official authority, and the task or authority has a clear basis in law.*

Regarding anonymity:

*476. Where an allegation of sexual violence or sexual harassment is progressing through the criminal justice system, schools and colleges should be aware of anonymity, witness support, and the criminal process in general so they can offer support and act appropriately. Relevant information can be found in: CPS: Safeguarding Children as Victims and Witnesses.*

477. *As a matter of effective safeguarding practice, schools and colleges should do all they reasonably can to protect the anonymity of any children involved in any report of sexual violence or sexual harassment. Amongst other things, this will mean carefully considering, based on the nature of the report, which staff should know about the report and any support that will be put in place for the children involved.*

478. *Schools and colleges should also consider the potential impact of social media in facilitating the spreading of rumours and exposing victims' identities. The unique challenges regarding social media are discussed at paragraph 466 along with potential support. In addition, the principles described in Childnet's cyberbullying guidance could be helpful.*

There is an additional requirement to risk assess the location of an incident – *risk assessments now need to include the time and location of the incident and action needed to make the location safer.*

**Paragraph 469:** A paragraph has been added to highlight *the importance of ensuring children understand the law on child-on-child abuse is there to protect them rather than criminalise them*

There is a new bullet point which includes the *importance of understanding intra-familial harms and support for siblings where there is intrafamilial harm.*

It also mentions *the need for schools and colleges to be part of discussions with statutory safeguarding partners.* This is something which is part of practice in Cheshire East.

## Annexes

**Annex B:** there is increased emphasis on staff being able to identify the indicators of serious youth violence including reducing attendance, changes in friendship groups and performance concerns. *Education settings are encouraged to reach out to their local violence reduction unit.*

**Annex C:** The role, responsibilities, and tasks of the DSL are fully outlined in Annex C. The importance of the DSL role is emphasised throughout KCSiE 2022. Governors and Trustees are encouraged to read a DSL's areas of responsibility and tasks.

In Annex C, a statement has been added which requires *the DSL to be aware of the role of the appropriate adult.* It refers to the appropriate adult role – there is Home Office practice guidance about the role of the appropriate adult. DSLs need to know when an appropriate adult is needed.

The guidance states that *sole proprietors cannot be the DSL in their setting.*

## New links have been added to KCSiE 2022:

[The Right to Choose: government guidance on forced marriage](#)

[County Lines Toolkit for Professionals](#)

[SWGfI and The Marie Collins Foundation Harmful Sexual Behaviour Support Service](#)

[CSA Centre of Expertise on Child Sexual Abuse](#)

[PACE Code C 2019 – Appropriate Adult](#)

[Undressed \(lgfl.net\)](#)

## Next steps:

Update required	Actions SCiES will take ready for September 2022	Actions schools need to take ready for September 2022 – some actions will need to be done once SCiES have completed their actions
<b>Safeguarding and child protection policy</b>	SCiES will update the safeguarding and child protection policy ready for September 2022 – this will be sent to schools towards the end of August 2022	Update the school policy in September 2022
<b>Sharing updates with staff in schools</b>	SCiES will create a refresher training PowerPoint and resources for the DSLs to deliver in their schools with reference to the updates and changes in KCSiE 2022– this will be sent to schools towards the end of August 2022	Deliver the refresher training
<b>Governor training</b>	Liaise with school governance and inform schools about the training package for governors	Arrange governor training
<b>Appropriate Adults</b>	SCiES will produce a one minute guide re appropriate adult and will include this in the refresher training	Ensure staff understand what this means and that they follow this advice going forward.
<b>Curriculum</b>		Review the PSHE / RSE curriculum to ensure it includes the new guidance of what should be taught
<b>Safer recruitment and shortlisting</b>		In conducting interviews consider carrying out an online search on the shortlisted candidates.



<p><b>Online Safety</b></p>		<p>Establish a timetable of regular reviews of effectiveness in regard to filtering and monitoring</p> <p>Check that the filtering system includes the different languages children may use</p>
<p><b>LGBT children</b></p>		<p>Ensure all children, and particularly LGBT children are told they can speak to staff in a safe place in school and establish those safe places (experience shows that where adults see as a safe space does not feel like that to the children so involve them in identifying those places)</p> <p>Ensure that staff are aware that those children may come to them to speak to them. Ensure they have the relevant guidance to empower them to do this in a positive way.</p>
<p><b>Child on child sexual violence and harassment</b></p>	<p>SCiES will update the one minute guide and guidance relating to HSB</p>	<p>Consider locations of incidents in relation to HSB and ensure there is a risk management plan around these places</p>
<p><b>Child on child sexual violence and harassment</b></p>		<p>Ensure that support for siblings in intrafamilial HSB cases is always considered and put in place as appropriate, even when they are not the direct victim</p>